

Development Services

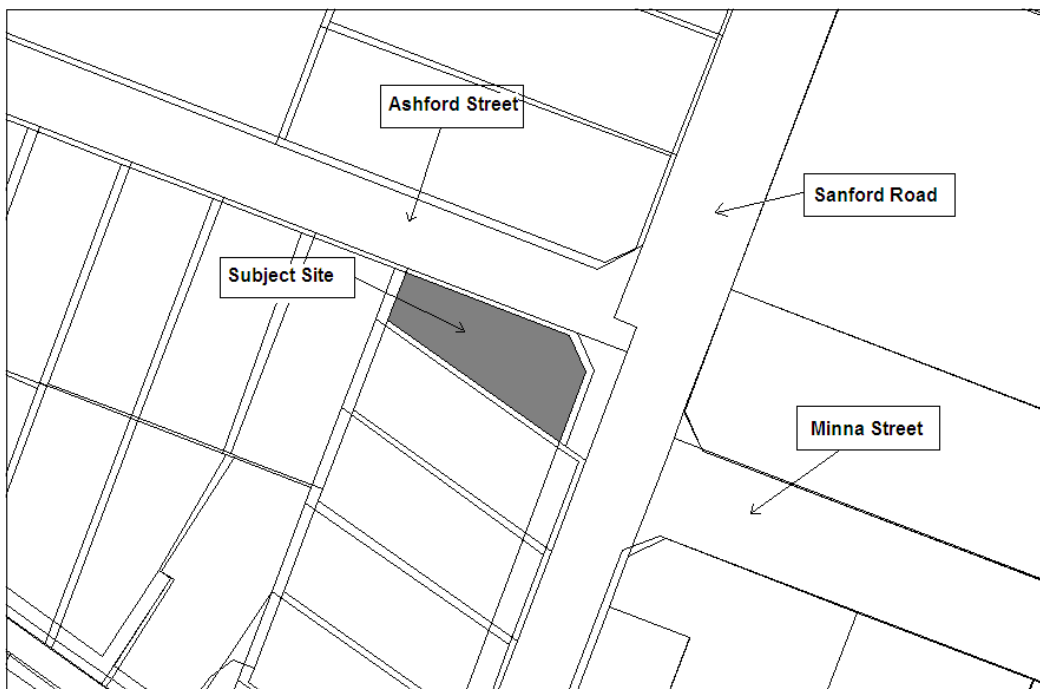
REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development Application- Service Industry - 37 Sanford Road, Centennial Park

File/Ward	:	A159108 (Frederickstown Ward)
Proposal/Issue	:	Proposal to change land use to allow the sale of beer brewed on the premises and request for a Section 40 Certificate for a Producer's License.
Subject Land/Locality	:	37 (Lot 6) Sanford Road, Centennial Park
Proponent	:	T Anderson
Owner	:	T Anderson
Reporting Officer(s)	:	Senior Planning Officer (I Humphrey) / Planning Cadet (T Gunn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Issue a Notice of Planning Scheme Consent and a conditioned Section 40 Certificate
Bulletin Attachment	:	Development Approval P245536
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application has been received for a change of use from “Light Industry” to “Service Industry” to accommodate the retail sale of beer from Albany Ale Works, situated at 37 Sanford Road, Centennial Park. The existing use was approved on 5 January 2005, for a “Light Industry (Brew on Premises)” and a copy of that approval is included in the Elected Members Report / Information Bulletin.
2. The proponent has also requested Council’s support to gain a “Producers Licence” from the Department of Racing, Gaming and Liquor. The Department of Racing, Gaming and Liquor requires the applicant to obtain from the Local Authority a Section 40 Certificate under the *Liquor Licensing Act 1988*. That Certificate provides information to the Registrar on whether or not the selling of liquor is in accordance with a planning approval issued by Council.

STATUTORY REQUIREMENTS

3. The subject site is located within Town Planning Scheme 1A (TPS 1A) and the proposed land use has been classified as “Service Industry” which is defined in TPS 1A as follows;

“Means a light industry carried on upon land and in buildings having a retail shop front and in which goods are manufactured only for sale on the premises, or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced”

4. The “Service Industry” use under TPS 1A in an “Industrial” zone is a discretionary land use (‘AA’ use). The use is not permitted unless planning consent is granted by the Council.
5. There are a range of different liquor licenses that can be obtained through the Department of Racing, Gaming and Liquor. In this case, the proponent has requested Council support for a “Producers Licence”. Under the *Liquor Licensing Act 1988* a;

“Producer’s licence authorises the sale of a type of liquor that is produced by the licensee.

A producer’s licence can only be granted to an applicant who is a producer of liquor, or has the intention of becoming a genuine producer of liquor”

6. An example of the type of liquor that can be supplied under a producer’s license is *“Beer in sealed containers for consumption off the premises”*

POLICY IMPLICATIONS

7. Under Council’s development guidelines, development applications involving the sale of liquor are required to be referred to Council for determination.

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

STRATEGIC IMPLICATIONS

9. This item directly relates to the following elements from the City of Albany 3D Corporate Plan.

“Community Vision:

Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...

- *Diverse and affordable cultural, recreational and sporting opportunities;*

Albany’s community will enjoy economic growth and outstanding opportunities for our youth through:

- *Excellent community infrastructure and services;*
- *Being the regional retailing and services hub;*

Mission Statement:

The City of Albany is committed to ...

- *Delivering excellent community services;*
- *Providing sound governance;*

Priority Projects:

Nil’.

COMMENT/DISCUSSION

10. The Albany Ale Works currently has planning approval for “Light Industry (Brew on Premises)”, which includes the public visiting the site to brew their own liquor and then taking it off site for consumption. This proposal seeks Council approval for Albany Ale Works to brew on-site and to sell the packaged liquor to the public for consumption off the premises. Put simply, the proponent currently provides the ingredients and the premises for individuals to produce their own beer; the proponent wishes to extend the activity to also incorporate bulk micro brewing for general sales.
11. The proponent has stated that the Producer’s Liquor Licence will not allow the business to sell liquor that is produced elsewhere, as it limits the selling of alcohol to that which is produced on site. This would mean that the business will not become a retail bottle shop and the on-site activities remain “Industrial” in nature. A copy of the correspondence received from the proponent follows this report.
12. The proponent has also stated the majority of goods sold would be 50 litre kegs to liquor outlets; home brew products would continue to leave the premises in bottles. The change of use would not bring about the need to amend the current facilities and will be located entirely within the existing structure.
13. Under TPS 1A there is no specific car parking standards detailed for the “Service Industry” use. Council staff, have therefore calculated the car parking requirements under the “Industrial” zone provisions, which require one car parking bay per 100m² of floor area. The existing structure is 373m² in area and therefore the proposal would need a minimum of four car parking spaces. The applicant has provided seven car parking bays and staff believe this will be sufficient to accommodate the current and the proposed use.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

RECOMMENDATION

- (i) THAT Council resolves to issue a Notice of Planning Scheme Consent for a Service Industry (Production and sale of liquor) at 37 Sanford Road, Centennial Park, subject to the following conditions;
 - a) The selling of alcohol from the site shall be restricted to that which is brewed/produced on the premises.
 - b) No packaged alcohol sold from the premises shall be sampled or consumed on the property.
 - c) Conditions C1 to C8 of Planning approval P245536, issued on 5 January 2005, shall continue to apply to the approved land use.
 - d) No activity shall be conducted on-site or function held which would involve the serving of food to customers or invited guests where a commercial return is obtained from that activity.

- (ii) THAT Council issues a Section 40 Certificate under the *Liquor Licensing Act 1988* supporting the granting of a “Producer’s Licence” for the existing premises at 37 Sanford Road, Centennial Park, subject to the liquor licence complementing conditions placed on the Notice of Planning Scheme Consent.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR BUEGGE**

- i) THAT Council resolves to issue a Notice of Planning Scheme Consent for a Service Industry (Production and sale of liquor) at 37 Sanford Road, Centennial Park, subject to the following conditions;**
 - a) The selling of alcohol from the site shall be restricted to that which is brewed/produced on the premises.**
 - b) No packaged alcohol sold from the premises shall be sampled or consumed on the property.**
 - c) Conditions C1 to C8 of Planning approval P245536, issued on 5 January 2005, shall continue to apply to the approved land use.**
 - d) No activity shall be conducted on-site or function held which would involve the serving of food to customers or invited guests where a commercial return is obtained from that activity.**

- ii) THAT Council issues a Section 40 Certificate under the *Liquor Licensing Act 1988* supporting the granting of a “Producer’s Licence” for the existing premises at 37 Sanford Road, Centennial Park, subject to the liquor licence complementing conditions placed on the Notice of Planning Scheme Consent.**

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

Use Proposal Detail

Albany Ale Works, of 37 Sanford Road ABN.38 383 260 195, is the holder of License No.3526 for the manufacturing of excisable goods.

Thomas Anderson is a nationally accredited Licensee, holder of certificate No. LL/6539.

The business currently operates as a "Brew on Premise", whereby the public is able to use equipment and raw ingredients provided on premise to brew their own beer.

This proposal is to amend the current use to include the manufacture of excisable goods by the Ale Works for sale, to both businesses and the public.

The Ale Works would seek a "Producers" license from the Department of Racing, Gaming and Liquor. This license would allow the business to sell excisable goods that have been produced on the premise. It does not allow the business to sell excisable goods produced elsewhere, i.e. it would not allow the business to become a retail bottle shop.

The vast majority of excisable goods sold would be 50lt kegs to liquor outlets, as we do not have the facilities for a bottling line.

The infrastructure is already in place and no additional structures need be erected or modified.

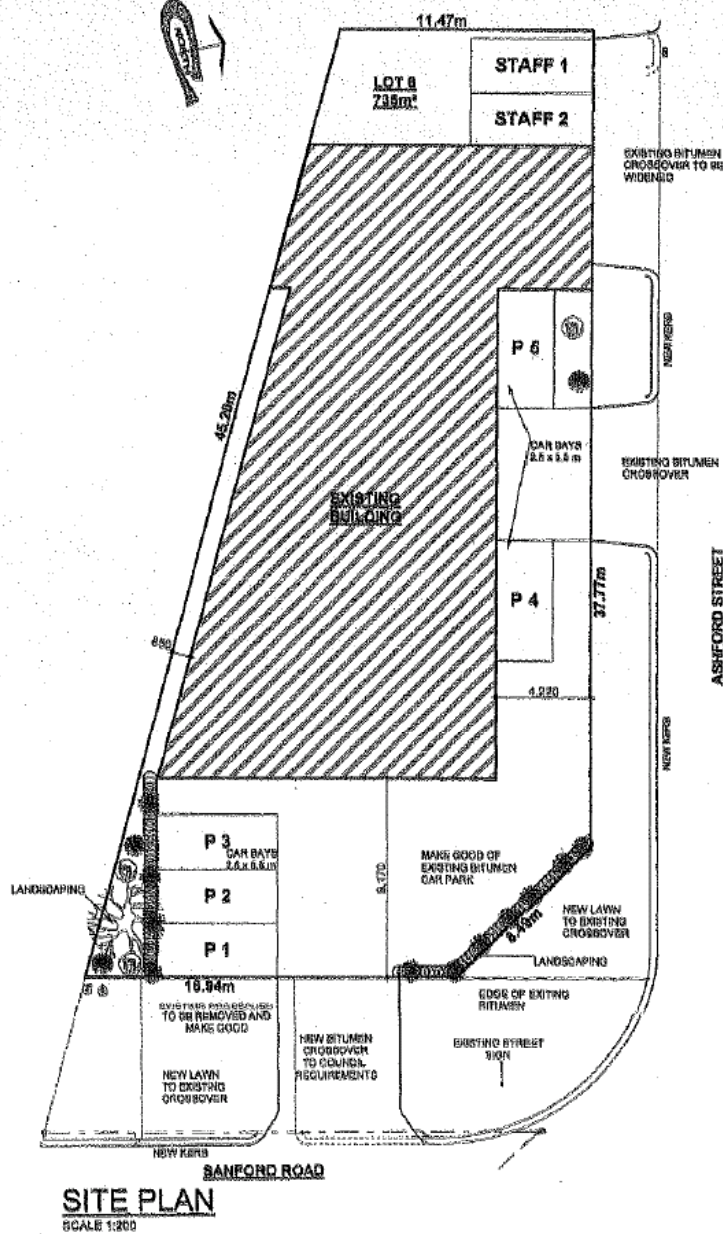
The hours of operation would remain the same, as both operations may occur simultaneously.

The total amount of beer the business can produce in one year is limited by the equipment. The Ale Works operates a 500lt brew house, which at full capacity is able to produce 125,000lt per year; however, the rest of the brewery infrastructure would limit yearly production to no more than 30,000lt.

The Ale Works believes this is in keeping with the spirit of the new alcohol laws, giving people more choices and alternatives. Furthermore, it would provide locally produced beer to the region, and the Ale Works believes a further draw card to a growing tourist destination.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

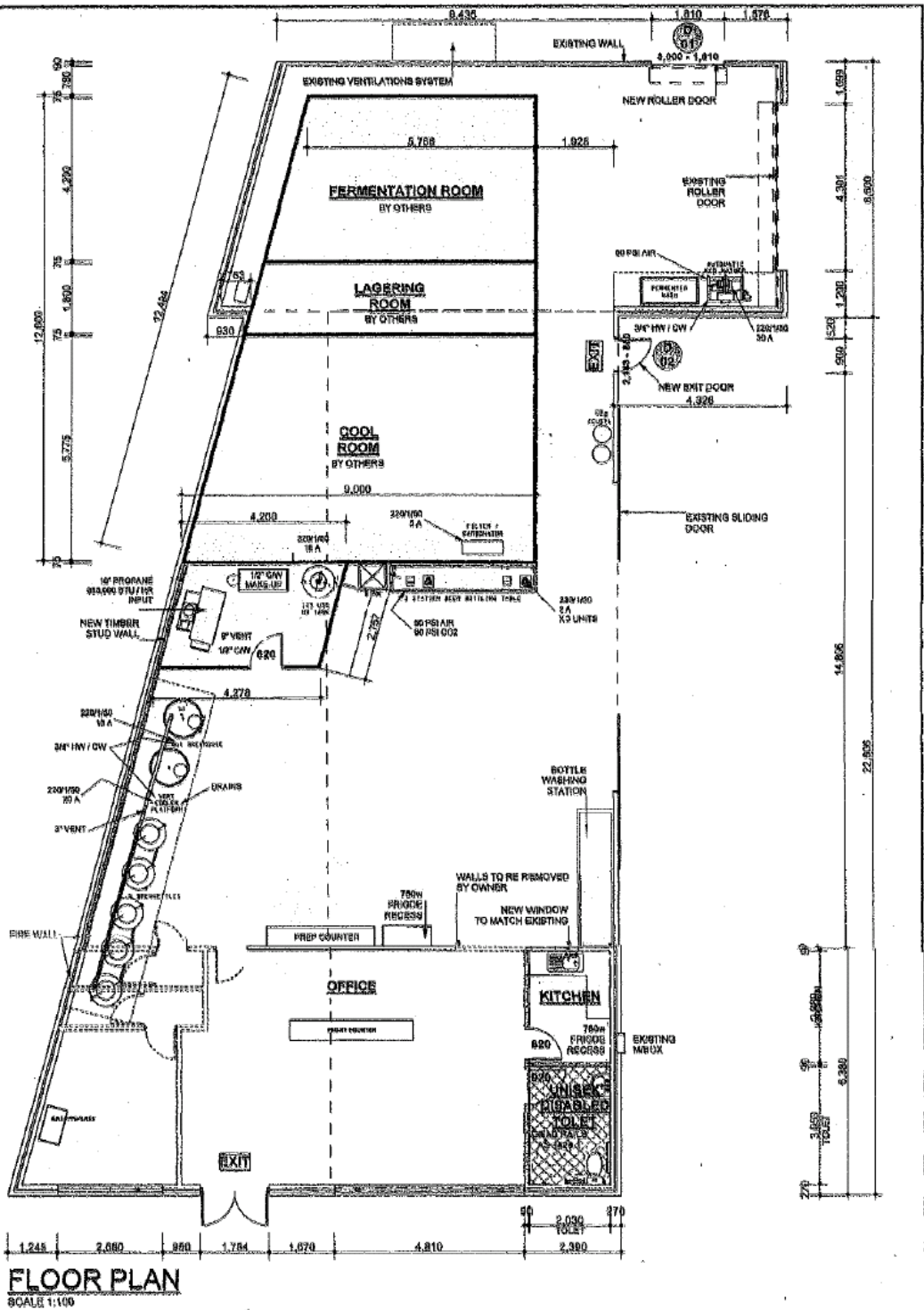


SITE PLAN
SCALE 1:200

38 Middleton Road Jbany VA 6330 PH: 8842 1187 FAX: 8842 8157 admin@cbdd.com.au	TITLE: ALTERATION & ADDITION	REV No. DESCRIPTION OWN-DATE A WORKING DRAWING KLL JAN 08 B WORKING DRAWING KLL MAR 08 C WORKING DRAWING KLL MAR 08	CLIENT: TOM & TRUDI ANDERSON	INNOVATION IN COMMERCIAL & RESIDENTIAL DESIGN CONCEPT BUILDING DESIGN & DRAFTING
	DESIGNED: <i>Design Building Design & Drafting</i> DRAWN: KLL DATE: 21-MAR-08 GAD REF: C-818-04-WD-C,1bk PROJECT No: C-818-04 REVISION No: C DRAWING No: WD - 1 / 5 - C	PROJECT: LOT 08 SANFORD RD ALBANY	SCALE: AS SHOWN	

ORDINARY COUNCIL MEETING MINUTES – 15/04/08
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued



98 Middleton Road Albany PH: 9542 1157 FAX: 9542 5157 VA 6930 admin@cbdd.com.au		TITLE: ALTERATION & ADDITION DESIGNED BY: Concept Building Design & Drafting DRAWN: K.L.L. DATE: 21-MAR-05 QAD REF: C-818-04-WD-C.15K PROJECT No: C-818-04 REVISION No: C DRAWING No: WD - 2 / 5 - C		REV No. DESCRIPTION DWN-DATR A WORKING DRAWING K.L.L. JAL.05 B WORKING DRAWING K.L.L. MAR.05 C WORKING DRAWING K.L.L. MAR.05		CLIENT: TOM & TRUDI ANDERSON PROJECT: LOT 06 SANFORD RD ALBANY SCALE: AS SHOWN		INNOVATION IN COMMERCIAL & RESIDENTIAL DESIGN CONCEPT BUILDING DESIGN & DRAFTING	
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DEVELOPMENT SERVICES REPORTS

11.2 HEALTH, BUILDING & RANGERS

Item 11.2.1 withdrawn from the agenda.

11.2.1 City of Albany Noise Management and Compliance Strategy

File/Ward	:	SER007 (All Wards)
Proposal/Issue	:	Consider the adoption of the City of Albany Noise Management and Compliance Strategy
Subject Land/Locality	:	City of Albany
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Manager Building & Health Services (K Barnett)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 17.04.07 - Item 19.1
Summary Recommendation:		That the City of Albany Noise Management and Compliance Strategy be adopted.
Bulletin Attachment	:	Draft Noise Management and Compliance Strategy
Locality Plan	:	N/A

BACKGROUND

1. At the April 2007 meeting of Council, a resolution was passed which contained the following component:
 - “v) *Direct staff to prepare a Noise Management and Compliance Strategy for subsequent consideration and adoption by Council that incorporates specified processes and procedures for dealing with noise complaints and also identifies the resources required both internally and externally that will deliver the strategy’s objectives effectively.*”
2. The draft Noise Management and Compliance Strategy has been included in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

3. There are no statutory requirements in relation to this item, other than observance of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1979.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

POLICY IMPLICATIONS

4. The City of Albany Noise Management and Compliance Strategy provides future policy direction for the effective and efficient resolution of noise complaints.

FINANCIAL IMPLICATIONS

5. Any costs associated with the resolution of noise complaints will be funded through the Environmental Health operating budget.

STRATEGIC IMPLICATIONS

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan.

“Community Vision:

Nil.

Mission Statement

The City of Albany is committed to ...

- *Delivering Excellent Community Services and Providing Sound Governance.*

Priority Projects

Nil.”

COMMENT/DISCUSSION

7. The procedures outlined in the Strategy will provide the Environmental Health team with clear direction to resolve noise pollution complaints in an effective and efficient manner.
8. The document will also ensure compliance with the legislative requirements of both the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997.

RECOMMENDATION

THAT the City of Albany Noise Management and Compliance Strategy be adopted.

Voting Requirement Simple Majority

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Item 11.2.1 withdrawn from the agenda.

DEVELOPMENT SERVICES REPORTS

11.2.2 Casual Rangers 2008/09

File/Ward	:	SER127 (Hassall Ward)
Proposal/Issue	:	To consider whether to continue with the casual ranger scheme
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owners	:	N/A
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/06/07 - Item 11.2.1 OCM 21/11/06 - Item 11.2.1
Summary Recommendation	:	Continue with employment of casual rangers in 2008/09
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. At its meeting dated 19 June 2007 Council resolved the following:

“THAT Council seek the allocation of \$28,000 net cost in its 2007/08 budget towards the continued employment of two casual rangers for all of the financial year. They would be on duty weekends, public holidays and school holiday periods to regulate activities such as off road vehicle usage, litter and illegal camping within the city of Albany.”

2. In accordance with the above motion, two casual rangers have been employed during the 2007/08 financial year regularly patrolling reserves on weekends, public holidays and school holidays.
3. The casual rangers have issued 79 infringements since 1 July 2007. The net cost of the Scheme so far this financial year is approximately \$24,000, based on salary payments of around \$32,000, and an income stream of \$8,000 being generated from infringements.
4. The Casual Ranger Scheme has seen a decrease in off-road activity on beaches within the City, with the Rangers reporting positive feedback from the local community. It is interesting to note that Councils to the east of the City of Albany have reported a significant increase in the amount of off-road activity on their beaches, bearing testament to the success of the increased patrols on City of Albany beaches and reserves.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

5. The purpose of this report is to allow Council to debate whether it wishes to cease the scheme or to continue it on in the 2008/09 financial year.

STATUTORY REQUIREMENTS

6. There are no Statutory Implications relating to this item.

POLICY IMPLICATIONS

7. There are no Policy Implications relating to this item.

FINANCIAL IMPLICATIONS

8. Should Council support the continued employment of the casual Rangers in the 2008/09 financial year, the level of expenditure will be approximately \$30,000, based on \$40,000 in wages and \$10,000 in income generated by infringements.
9. Should Council support Option 2, as contained in the Comment/Discussion section of this report, the level of expenditure could be reduced to \$15,000.

STRATEGIC IMPLICATIONS

10. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through:

- *Excellent community infrastructure and services.*

Mission Statement

The City of Albany is committed to ...

- *Providing sound governance*

Priority Projects

Nil.”

COMMENT/DISCUSSION

11. Each weekend, one full-time Ranger is on duty between the hours of 8:00am to 5:00pm. Depending on the time of the year, the Ranger’s ability to regularly patrol coastal reserves can be affected.
12. During summer weekends and over the Christmas School Holiday period, the Rangers are attending to a variety of issues such as:
 - Illegal camping;
 - Fire control;
 - Increased recreational activity and subsequently more dog control issues; and
 - Off-road vehicle usage.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

13. During winter periods, when the range of duties is lessened, there is an increased capacity for the on-duty Ranger to attend to a variety of duties; this is also the period when Rangers are encouraged to take annual leave, to undertake training and to do strategic planning for the following year's activities.
14. If Council wishes to maintain a regular presence in reserves during high usage periods (summer weekends / school holidays etc) it can only be achieved using casual Rangers. Council is otherwise reliant on the full-time Ranger undertaking occasional patrols.
15. Should Council wish to continue with the Scheme, staff believe there are two resourcing options available. Option 1 would be to continue with year round coverage (as per the 19 June 2007 Council resolution) to ensure that there is a constant presence in the coastal reserve areas, or Option 2 would be to employ casual rangers during summer periods only. Although Option 2 would reduce the costs involved and address the majority of non-compliance issues, there are three potential problems. Firstly, there may be unrealistic expectations from the local community on the full time Ranger's ability to respond to ongoing issues in the winter months, secondly, those involved in the riding of off-road vehicles may become aware of a lesser compliance regime in winter months and exploit that situation and thirdly, there may be a higher turn-over and subsequent need for increased training of casual staff as they would be employed for only a portion of the year.
16. It is recommended that the existing Scheme, with year round coverage be continued to maintain a regular presence in coastal reserves to ensure these assets are protected for the enjoyment of all members of the community.

RECOMMENDATION

THAT Council consider the allocation of \$30,000 net cost in its 2008/09 budget towards the continued employment of two casual Rangers for all of the financial year, with the Rangers being on duty weekends, public holidays and school holiday periods to regulate activities such as off road vehicle usage, litter and illegal camping within the City of Albany.

Voting Requirement Simple Majority

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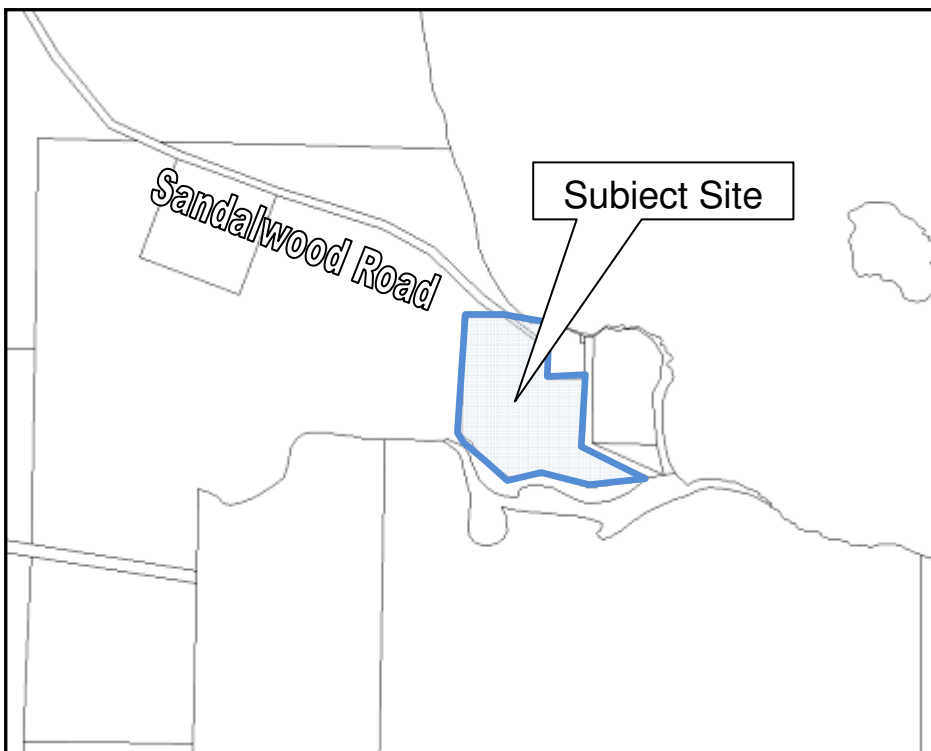
<p>MOVED COUNCILLOR WOLFE SECONDED COUNCILLOR WILLIAMS</p> <p>THAT Council consider the allocation of \$30,000 net cost in its 2008/09 budget towards the continued employment of two casual Rangers for all of the financial year, with the Rangers being on duty weekends, public holidays and school holiday periods to regulate activities such as off road vehicle usage, litter and illegal camping within the City of Albany.</p> <p style="text-align: right;">MOTION CARRIED 10-0</p>

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Local Planning Policy - Location 1181 Sandalwood Road, Wellstead

File/Ward	:	A848 / (Hassel Ward)
Proposal/Issue	:	Scheme Policy - Special provisions for Special Rural Area No 1C
Subject Land/Locality	:	Location 1181 Sandalwood Road, Wellstead
Proponent	:	Harley Survey Group
Owner	:	MK Moir
Reporting Officer(s)	:	Planning Officer (J van der Mescht)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Adopt a local Planning Policy that will introduce special provisions for Special Rural Area No 1C
Bulletin Attachment	:	Proposed Local Planning Policy
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. The purpose of this report is to submit a Draft Local Planning Policy for Council's consideration and to obtain Council's agreement to advertise the draft policy.
2. The subject site was rezoned in the 1970's without a set of associated development provisions.
3. An application for subdivision was supported by the City of Albany and approved by the WAPC on the 15th of November 2006.
4. As a condition of subdivisional approval the developer is required to prepare a Local Planning Policy that addresses the following issues:
 - Land use;
 - Fire Management;
 - Building envelopes;
 - Water Supply;
 - Building design, height, materials and colours;
 - Preclusion of livestock and the keeping of cats;
 - Conservation area (covenanted area);
 - Weed Management; and
 - Effluent disposal.

STATUTORY REQUIREMENTS

5. Clause 6.9.1 of Town Planning Scheme (TPS) No 3 gives Council the power to make a Policy;

"In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the Control of Development."

6. Clause 6.9.2 of TPS No.3 requires the following procedure to be undertaken to make a Local Planning Policy operative.

"(A) The Council having prepared and having resolved to adopt a draft Local Planning Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.

(B) The Council shall review its Draft Local Planning Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.

(C) Following final adoption of a Local Planning Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours."

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

POLICY IMPLICATIONS

7. This Policy will be a new Local Planning Policy adopted by Council under the provisions of Clause 6.9 of Town Planning Scheme 3.

FINANCIAL IMPLICATIONS

8. Council is required to advertise the policy in the local newspaper at its own cost for two consecutive weeks.

STRATEGIC IMPLICATIONS

9. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...

- *Excellent community infrastructure and services; and*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

10. The proposed policy will introduce special provisions to a Special Rural area that has no clear development controls.
11. The policy will control the development of the area in a manner that will ensure that it :
- Minimises adverse impacts on and protects the natural resources of the site including the native flora and fauna and nearby water bodies;
 - Is sympathetic to the picturesque landscape of the Cape Riche locality;
 - Ensures adequate protection of life and property from bush fires; and
 - Capitalises on the visual and other physical attributes of the site.
12. The proposed policy addresses subdivision condition 15 of the subdivision approval WAPC 131333, and therefore the policy is supported.

RECOMMENDATIONS

THAT Council adopts the Policy titled “Special Rural No 1C - Special Provisions” as a draft policy and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

ALTERNATE MOTION BY COUNCILLOR STANTON

THAT Council adopts the Policy titled “Special Rural No 1C - Special Provisions” as a draft policy, subject to clause 3.4.3 of the draft policy being deleted and in clause 3.7.1 delete dot point 3 and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3.

Voting Requirement Simple Majority

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Reason:

The remote location of the subject land and information supplied by City staff indicate that the conditions imposed by proposed clause 3.4.3 would be totally impractical to enforce and the retention of dead trees (clause 3.7.1) upon lots will provide refuge and breeding places for a range of small animals.

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR MATLA**

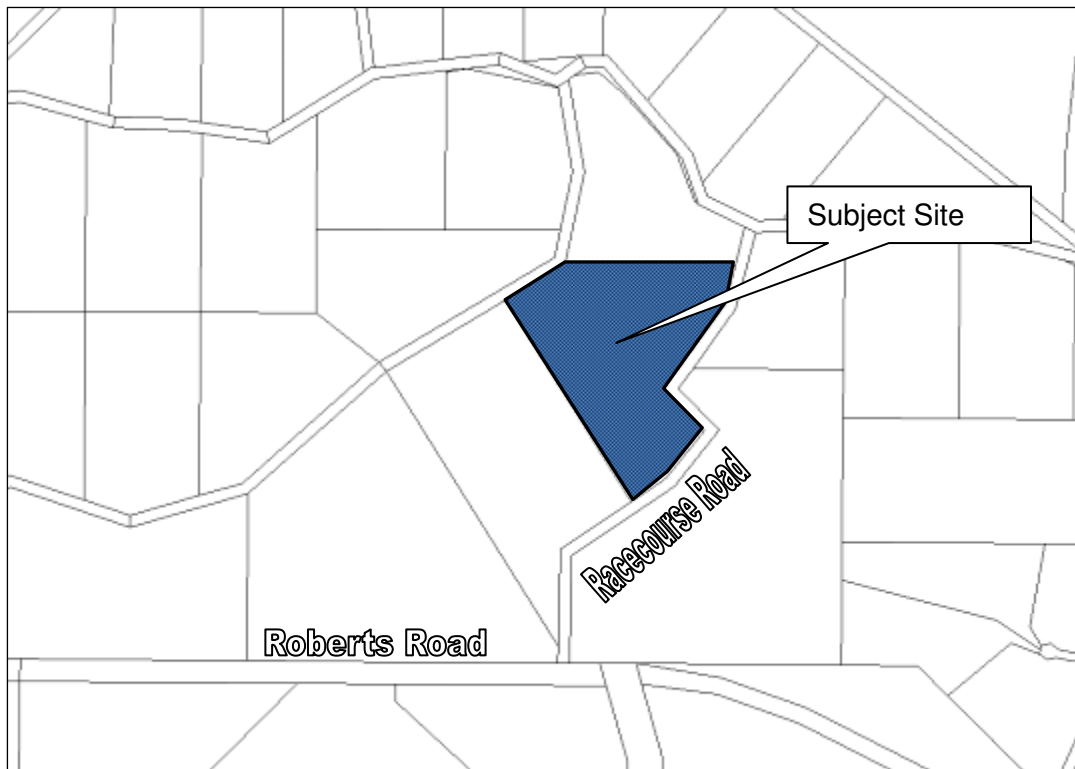
THAT Council adopts the Policy titled “Special Rural No 1C - Special Provisions” as a draft policy, subject to clause 3.4.3 of the draft policy being deleted and in clause 3.7.1 delete dot point 3 and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3.

**MOTION TIED 5-5
MAYOR EXERCISED CASTING VOTE
MOTION CARRIED**

DEVELOPMENT SERVICES REPORTS

11.3.2 Final Approval of Scheme Amendment - Lot 5 Racecourse Road, Robinson

File/Ward	:	AMD 268 (West Ward)
Proposal/Issue	:	Final adoption of Amendment 268 to re-zone Lot 5 Racecourse Road, Robinson from “Rural” to “Special Rural”
Subject Land/Locality	:	Lot 5 Racecourse Road, Robinson
Proponent	:	Harley Survey Group
Owner	:	M Paynter & M Bennet
Reporting Officer(s)	:	Planning Officer (J van der Mescht) and Gray & Lewis Land Use Planners
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21/08/07 - Item 11.3.6
Summary Recommendation	:	Adopt the amendment for final approval
Bulletin Attachment	:	Amendment document and copy of submissions lodged
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. Council initiated Amendment 268 (with modifications) at its Ordinary Meeting held on 21 August 2007.
2. The Amendment was advertised from 10 January 2008 to 21 February 2008. As advertising is complete therefore the matter is referred back to Council to consider final adoption of the amendment.

STATUTORY REQUIREMENTS

3. All Scheme Amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* including referral to the Environmental Protection Authority, 42 day public advertising, and endorsement by the WA Planning Commission and Minister for Planning.

POLICY IMPLICATIONS

4. There are no Policy Implications associated with the amendment.

FINANCIAL IMPLICATIONS

5. There are no Financial Implications associated with this amendment.

STRATEGIC IMPLICATIONS

6. The amendment has been assessed having regard for the requirements of the Draft Albany Local Planning Strategy. The amendment is consistent with the strategy as;
 - The lot has been earmarked for “Rural Residential” development.
 - The applicant has submitted a detailed subdivision guide plan identifying vegetation corridors to be protected, fire breaks etc.

COMMENT/DISCUSSION

Application Details

7. The application proposes as follows;
 - a. Re-zone Lot 5 Racecourse Road, Robinson from “Rural” to “Special Rural”.
 - b. Include Lot 5 in the existing ‘Special Rural Area 29’.
8. There are existing Scheme provisions controlling land use and development within Special Rural Area 29 which will apply to Lot 5.

Advertising / Consultation

9. A total of 3 submissions were received as summarised in the Attachment.
10. No modifications to the Amendment are recommended as the matters listed in the submissions can be adequately addressed through the subdivision guide plan and at subdivision/development stage.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

Subdivision Guide Plan

11. The Proponent has included the former sand extraction areas in ‘building exclusion areas’ on the subdivision guide plan, however they also need to amend the guide plan to clearly show that the extraction areas will be revegetated.

Conclusion

12. The proposed “Special Rural” zoning for Lot 5 is consistent with the existing Special Rural Area 29 zone in the surrounding area and the Albany Local Planning Strategy. The existing Scheme provisions for Special Area 29 will apply to Lot 5 and have comprehensive controls for development, setbacks, rehabilitation etc.
13. The proposed amendment is supported subject to a minor modification to extend the proposed revegetation areas to include the old sand extraction areas.

RECOMMENDATION

THAT Council:

- (i) In pursuance of Section 75 of the *Planning and Development Act 2005*, resolves to amend the City of Albany’s Town Planning Scheme No. 3 by:
- (a) Re-zoning Lot 5 Racecourse Road, Robinson from “Rural” to “Special Rural”.
 - (b) Amending ‘Schedule 1 – Special Rural Zones’ to include Lot 5 Racecourse Road, Robinson in Special Rural Area No 29.
 - (c) Amend the “(a) Specified Area of Locality” to include reference to “Lot 5 Racecourse Road, Robinson”.
 - (d) Amend Clause 1.1(b) to replace Clause 1.1(b) with the following:
 - (1) “1.1 (b) the Plan for Lot 3 Roberts Road and Lots 4 and 5 Racecourse Road, reference 14214-01D, dated 26/09/07.”
 - (2) Amending Schedule 1 – Special Rural Zones’ Special Rural Area No 29 point 8.2 “Department of Environment and Conservation” with “Responsible Department”.
 - (e) Amending the Scheme Maps accordingly.
- (ii) Advise the Proponent and WAPC that the Subdivision Guide Plan is supported subject to a minor modification to extend the proposed revegetation areas to include the old sand extraction areas.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BUEGGE**

THAT Council:

- i) In pursuance of Section 75 of the *Planning and Development Act 2005*, resolves to amend the City of Albany’s Town Planning Scheme No. 3 by:
 - (a) Re-zoning Lot 5 Racecourse Road, Robinson from “Rural” to “Special Rural”.**
 - (b) Amending ‘Schedule 1 – Special Rural Zones’ to include Lot 5 Racecourse Road, Robinson in Special Rural Area No 29.**
 - (c) Amend the “(a) Specified Area of Locality” to include reference to “Lot 5 Racecourse Road, Robinson”.**
 - (d) Amend Clause 1.1(b) to replace Clause 1.1(b) with the following:
 - (1) “1.1 (b) the Plan for Lot 3 Roberts Road and Lots 4 and 5 Racecourse Road, reference 14214-01D, dated 26/09/07.”**
 - (2) Amending Schedule 1 – Special Rural Zones’ Special Rural Area No 29 point 8.2 “Department of Environment and Conservation” with “Responsible Department”.****
 - (e) Amending the Scheme Maps accordingly.****
- ii) Advise the Proponent and WAPC that the Subdivision Guide Plan is supported subject to a minor modification to extend the proposed revegetation areas to include the old sand extraction areas.**

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

City of Albany

Town Planning Scheme No. 3
Amendment No. 268

Schedule of Submissions

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY OF SUBMISSION	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
1.	Department of Water South Coast Region		<ul style="list-style-type: none"> The subject site is located within a Priority 2 Public Drinking Water Source Area. A minimum lot size of 2 ha for Special Rural development is conditional in a Priority 2 area. Arrangements be made to ensure all prospective purchasers are advised in writing that lots are within the Albany Groundwater Area whereby groundwater allocation is managed by the DoW and a licence is required before construction of a bore, well or soak and before abstraction of any ground water. Alternative Treatment Units to be used as opposed to conventional septic tank systems. Clearing of vegetation will be subject to a permit, with vegetation loss to be avoided. The applicant will be required to revegetate & rehabilitate the former sand extraction areas 	<p>It is recommended that revegetation of the former sand extraction areas be reflected on the Subdivision Guide Plan</p> <p>Point 8.2 of schedule 1 of Special area no 29 covers this point. Responsible Department has changed from Department of Environment and Conservation to Department of Water.</p> <p>Schedule 1 of special rural area 29 covers effluent disposal units currently, ATU's should be requested at the time of development</p> <p>Refer to schedule 1 of special rural area 29.</p>	<p>It is recommended that revegetation of the former sand extraction areas be reflected on the Subdivision Guide Plan</p> <p>That point 8.2 of schedule 1 of special rural area 29 is amended to be amended by replacing "Department of Environment and Conservation" with "Responsible Department".</p> <p>No modification to the amendment is required.</p> <p>No modification to the amendment is required.</p> <p>Modification of subdivision guide plan recommended</p>	

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

2.	Western Power Locked Bag 2511 PERTH WA 6001		No objection. Refer to One Call Service and Work Safe Requirements.	The submission be noted. The One Call System and Work Safe requirements relate to future development of the land.	No modification to the amendment is required.	
3.	FESA Great Southern Region 5 Hercules Crescent ALBANY WA 6330		<p>The following issues need to be included as part of the approval for any development as a result of the proposed rezoning:</p> <ul style="list-style-type: none"> • Safe access and egress for both residents and fire services from the subdivision and individual houses. • Fire hydrants installed every 400 metres or water tanks for fire fighting water supplies. • There must be a physical separation between development and any extreme bush fire hazards as well as low fuel areas around any buildings. <p>It is recommended that fire management requirements be applied to all existing or future developments.</p>	Noted. Conditions relating to Fire Management can be imposed at subdivision stage.	No modification to the amendment is required.	
4.	Water Corporation Great Southern Regional Office PO Box 915 ALBANY WA 6330		<p>Connection to the Corporation's water and wastewater reticulation networks are not available to any of the proposed lots subject of this application. The water Corporation has no objection to this rezoning application proceeding.</p>	Noted.	No modification to the amendment is required.	

DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

Nil

11.5 EMERGENCY MANAGEMENT

Nil

DEVELOPMENT SERVICES REPORTS

11.6 DEVELOPMENT SERVICE COMMITTEES

11.6.1 Bushcarers Advisory Committee Meeting Minutes - 29 February 2008

File/Ward	:	MAN121 / All Wards
Proposal/Issue	:	Committee Item for Council Consideration
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Summary Recommendation	:	That the minutes of the Bushcarers Advisory Committee meeting held on 29 February 2008 be received
Bulletin Attachment	:	Minutes of the Bushcarers Advisory Committee meeting held on 29 February 2008

RECOMMENDATION

THAT the minutes of the Bushcarers Advisory Committee meeting held on 29 February 2008 be received (A copy of the minutes is included in the Elected Members Report / Information Bulletin) and the following recommendations be adopted:

- i) Item 2.1 Election of Chairperson
THAT Kim Stanton be appointed the Chairperson of the Bushcarers Advisory Committee.
- ii) Item 2.2 Review of the Terms of Reference for the Committee
THAT the Terms of Reference for the Bushcarers Advisory Committee be amended at Clause 7 to read:
“The Committee shall comprise the following:
 - 1 Councillor
 - 1 representative from the Department of Agriculture and Food
 - 1 representative from the Department of Environment and Conservation
 - 1 representative from South Coast Natural Resource Management
 - 2 community representativesAnd that the committee be provided with administrative support from the City of Albany Reserves Officer (Bush and Coastal) and the Reserves Supervisor be invited to attend meetings as an observer.”
- iii) Item 3.0 Confirmation of Minutes dated 10th August 2007
THAT the minutes of the meeting of the 10th August 2007 be confirmed as a true and accurate record of proceedings.
- iv) Item 5.1 Meeting of 25 May 2007
THAT the Bushcarers Group be requested to prepare a list of weeds that should be appended to a potential City of Albany Local Law.

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

- v) Item 6.1 Gorse control and movement of seed
THAT City of Albany staff report back to the next meeting of the Bushcarers Advisory Committee on the transport of seed and contaminants in soil throughout the City of Albany.

Voting Requirement Simple Majority

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR MATLA**

THAT the minutes of the Bushcarers Advisory Committee meeting held on 29 February 2008 be received (A copy of the minutes is included in the Elected Members Report / Information Bulletin) and the following recommendations be adopted:

- i) Item 2.1 Election of Chairperson**

THAT Kim Stanton be appointed the Chairperson of the Bushcarers Advisory Committee.

- ii) Item 2.2 Review of the Terms of Reference for the Committee**

THAT the Terms of Reference for the Bushcarers Advisory Committee be amended at Clause 7 to read:

“The Committee shall comprise the following:

- 1 Councillor**
- 1 representative from the Department of Agriculture and Food**
- 1 representative from the Department of Environment and Conservation**
- 1 representative from South Coast Natural Resource Management**
- 2 community representatives**

And that the committee be provided with administrative support from the City of Albany Reserves Officer (Bush and Coastal) and the Reserves Supervisor be invited to attend meetings as an observer.”

- iii) Item 3.0 Confirmation of Minutes dated 10th August 2007**

THAT the minutes of the meeting of the 10th August 2007 be confirmed as a true and accurate record of proceedings.

- iv) Item 5.1 Meeting of 25 May 2007**

THAT the Bushcarers Group be requested to prepare a list of weeds that should be appended to a potential City of Albany Local Law.

- v) Item 6.1 Gorse control and movement of seed**

THAT City of Albany staff report back to the next meeting of the Bushcarers Advisory Committee on the transport of seed and contaminants in soil throughout the City of Albany.

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

11.6.2 Planning and Environment Strategy and Policy Committee Meeting – 19 March 2008

File/Ward	:	MAN235 / All Wards
Proposal/Issue	:	Committee Item for Council Consideration
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Summary Recommendation	:	That the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 19 March 2008 be received
Bulletin Attachment	:	Minutes of the Planning and Environment Strategy and Policy Committee meeting held on 19 March 2008

RECOMMENDATION

THAT the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 19 March 2008 be received (A copy of the minutes follows this report) and the following recommendations be adopted:

- i) Item 6.3 City Tourism Strategy - Discuss Potential Planning Implications
THAT staff prepare the draft tourism site evaluation sheets and distribute to Councillors before the next Planning and Environment Strategy and Policy Committee Meeting for discussion.
- ii) Item 7.2 Public Open Space Provision / Cash in Lieu Payments - Policy Objectives
THAT staff draft a policy for the taking of cash-in-lieu payments for Public Open Space where a residential subdivision involves less than six (6) lots and that the policy address the following objectives;
 - a) Provide a set of guidelines as to when Council will request the provision of POS, whether through land acquisition or a cash-in-lieu contribution, for subdivisions creating between 3 and 5 lots.
 - b) Provide guidance and direction to the development industry and the community in relation to POS contributions for subdivisions creating between 3 and 5 lots.

AND

THAT the draft policy be presented to the Planning and Environment Strategy and Policy Committee for review prior to it being presented to Council for adoption.

- iii) Item 8.0 Matter for Consideration at Next Committee Meeting
THAT staff, as a matter of urgency, prepare a position paper for the Committee to review parking within the City of Albany.

Voting Requirement Simple Majority

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Item 11.6.2 continued

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PAVER**

THAT the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 19 March 2008 be received (A copy of the minutes follows this report) and the following recommendations be adopted:

i) Item 6.3 City Tourism Strategy - Discuss Potential Planning Implications

THAT staff prepare the draft tourism site evaluation sheets and distribute to Councillors before the next Planning and Environment Strategy and Policy Committee Meeting for discussion.

ii) Item 7.2 Public Open Space Provision / Cash in Lieu Payments - Policy Objectives

THAT staff draft a policy for the taking of cash-in-lieu payments for Public Open Space where a residential subdivision involves less than six (6) lots and that the policy address the following objectives;

a) Provide a set of guidelines as to when Council will request the provision of POS, whether through land acquisition or a cash-in-lieu contribution, for subdivisions creating between 3 and 5 lots.

b) Provide guidance and direction to the development industry and the community in relation to POS contributions for subdivisions creating between 3 and 5 lots.

AND

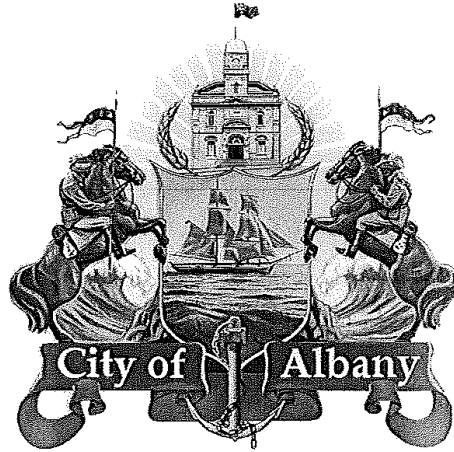
THAT the draft policy be presented to the Planning and Environment Strategy and Policy Committee for review prior to it being presented to Council for adoption.

iii) Item 8.0 Matter for Consideration at Next Committee Meeting

THAT staff, as a matter of urgency, prepare a position paper for the Committee to review parking within the City of Albany.

MOTION CARRIED 10-0

Item 11.6.2 continued



MINUTES

PLANNING AND ENVIRONMENT STRATEGY AND POLICY COMMITTEE

**Held on
Tuesday, 19th March 2008
12.00pm**

City of Albany Margaret Coates Boardroom

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

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DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES – 19/03/2008

** REFER DISCLAIMER **

1.0 DECLARATION OF OPENING

The Chairperson, Joy Matla, declared the meeting open at 12.05pm.

2.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Attendances:

Mayor -	MJ Evans, JP
Councillors -	C Morris
	J Matla
	K Stanton
	N Williams
Executive Director Development Services	R Fenn
Manager Planning & Ranger Services	G Bride
Strategic Planning Officer	A Nicoll
Personal Assistant to EDDS	M Bosworth

Observers:

Councillor	D Price
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3.0 APOLOGIES

Apologies were received from Councillors Buegge and Bostock.

4.0 DECLARATION OF INTEREST

Nil

5.0 INFORMATION SESSION (MAXIMUM 30 MINUTES) – CITY INFRASTRUCTURE

The Executive Director and other staff members provided the meeting with an overview of current infrastructure planning relating to:

- Road network;
- Water and sewerage infrastructure;
- Energy distribution;
- Gas supply; and
- Protection of essential services and major activities.

6.0 CITY TOURISM STRATEGY

6.1 Develop and Understand Objectives

The EDDS provided the meeting with an overview of the issues confronting Tourism Planning and distributed copies of:

- (a) Summary of "Tourism Planning Taskforce Report" (January 2006) and highlighted page 6 of that summary;
- (b) "Strata Titled Tourist Accommodation Developments – Attributes for Success" (June 2006); and
- (c) WAPC Planning Bulletin 83: Planning for Tourism.

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES – 19/03/2008

** REFER DISCLAIMER **

6.2 Review Report Methodology

The EDDS explained the methodology proposed to be used in the preparation of the City Tourism Strategy and advised that the analysis of demand and supply of tourism bed nights had previously been undertaken by PRACSYS.

6.3 Discuss Potential Planning Implications

The Strategic Planner had commenced the process of undertaking independent site analysis of current and possible tourism sites within the District. An example of the evaluation was provided and it was noted that the analysis cannot be undertaken using a weighted matrix solution. Each site is assessed using subjective evaluation criteria and the determination of what will become strategic and non strategic sites will be equally subjective. The EDDS highlighted that some sites may be identified in the Strategy as having high tourism potential, but may not be zoned accordingly if compensation issues arise.

**MOVED MAYOR EVANS
SECONDED COUNCILLOR WILLIAMS**

THAT staff prepare the draft tourism site evaluation sheets and distribute to Councillors before the next Planning and Environment Strategy and Policy Committee Meeting for discussion.

MOTION CARRIED 4-0

7.0 PUBLIC OPEN SPACE PROVISION / CASH IN LIEU PAYMENTS

7.1 Statutory Framework

The MPRS provided a copy of WAPC Policy DC2.3 "Public Open Space in Residential Areas" and explained the need to introduce a Council policy to deal with subdivision involving 3 to 5 lots.

7.2 Policy Objectives

A position paper on the taking of POS was tabled and the MPRS explained the content of that paper.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR STANTON**

THAT staff draft a policy for the taking of cash-in-lieu payments for Public Open Space where a residential subdivision involved less than six (6) lots and that the policy address the following objectives;

- a) **Provide a set of guidelines as to when Council will request the provision of POS, whether through land acquisition or a cash-in-lieu contribution, for subdivisions creating between 3 and 5 lots.**
- b) **Provide guidance and direction to the development industry and the community in relation to POS contributions for subdivisions creating between 3 and 5 lots.**

AND

THAT the draft policy be presented to the PESP Committee for review prior to it being presented to Council for adoption.

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES – 19/03/2008

** REFER DISCLAIMER **

MOTION CARRIED 4-0

8.0 MATTER FOR CONSIDERATION AT NEXT COMMITTEE MEETING

Councillor Stanton raised the issue of car parking in York Street and how the City's Car Parking Policy relates to the York Street area. Mr Fenn advised that car parking is an issue that is covered in the York Street Masterplan and that Patric de Villiers would be attending the next meeting to provide a briefing on the Masterplan.

**MOVED COUNCILLOR STANTON
SECONDED MAYOR EVANS**

THAT staff, as a matter of urgency, prepare a position paper for the Committee to review parking within the City of Albany.

MOTION CARRIED 4-0

9.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 1.58pm.