



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

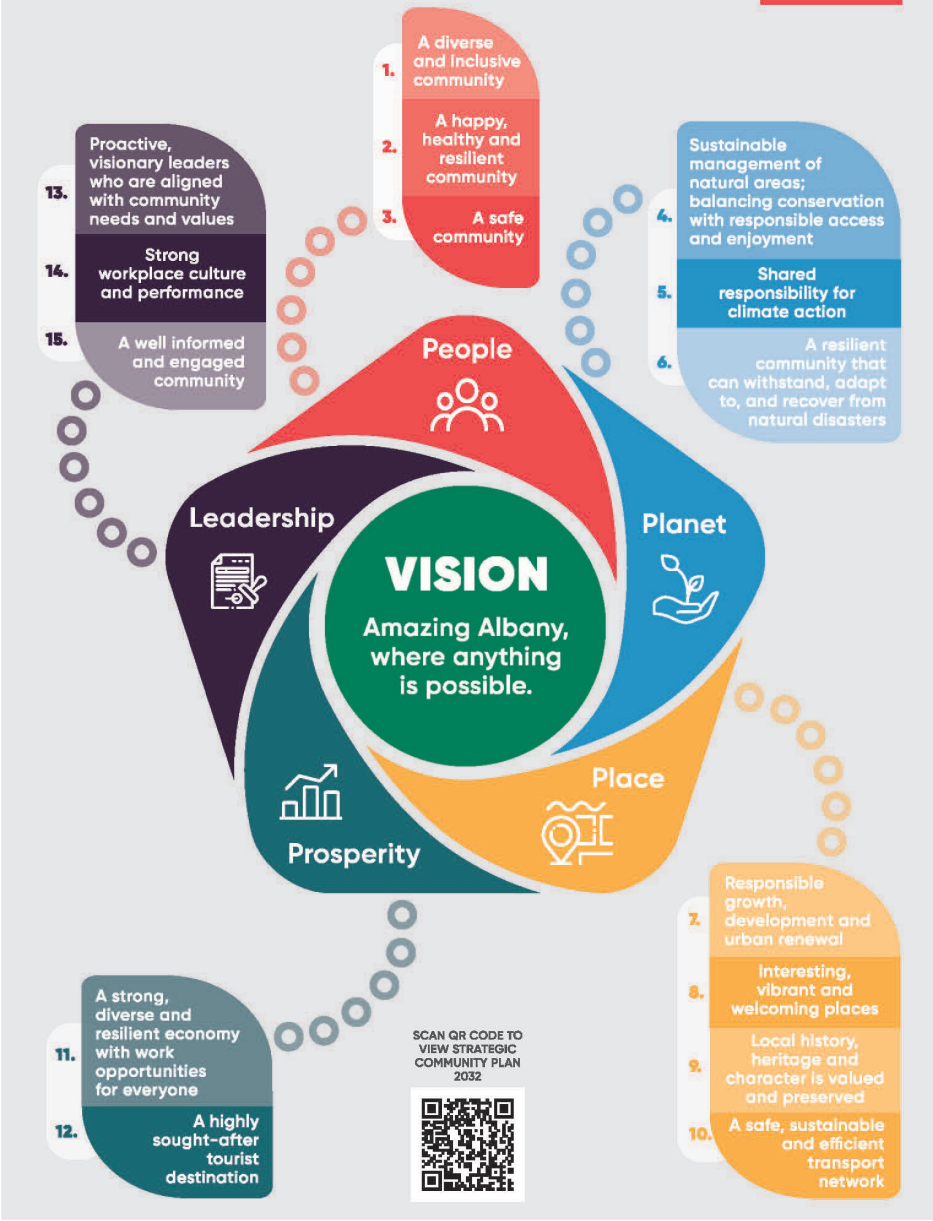
Wednesday 10 August 2022

6.00pm

Council Chambers



STRATEGIC COMMUNITY PLAN 2032



Development & Infrastructure Services Committee
Terms of Reference

Functions: The Committee is responsible for:

The Development and Infrastructure Services Committee is responsible for delivery of the outcomes defined in the Strategic Community Plan 2032 under the **Planet Pillar** and **Place Pillar**:

- Sustainable management of natural areas, balancing conservation with responsible access and enjoyment;
- Shared responsibility for climate action;
- Responsible growth, development and urban renewal;
- Interesting, vibrant and welcoming places;
- Local history, heritage and character is valued and preserved; and
- A safe sustainable and efficient transport network.

It will achieve this by:

- Developing policies and strategies;
- Establishing ways to measure progress;
- Receiving progress reports;
- Considering officer advice;
- Debating topical issues;
- Providing advice on effective ways to engage and report progress to the Community; and
- Making recommendations to Council.

Membership: Open to all elected members.

Meeting Schedule: Monthly

Meeting Location: Council Chambers

Executive Officers: Executive Director Infrastructure, Development & Environment

Delegated Authority: None

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 10/08/2022

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DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 10/08/2022

1. **DECLARATION OF OPENING** The Chair declared the meeting open at 6.01pm

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 past, present and emerging”.

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

Mayor	D Wellington
Councillors:	
Member	C Thomson (Chair)
Member	R Sutton (Deputy Chair)
Member	P Terry
Member	G Stocks
Member	M Traill
Member	T Brough
Member	M Benson-Lidholm JP
Member	J Shanhun
Member	D Baesjou
Member	S Smith
Member	A Cruse
Staff:	
Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development and Environment	P Camins
Manager Engineering and Sustainability	R March
Manager Planning and Building Services	J van der Mescht
Meeting Secretary	P Ruggera
Meeting Secretary	S Herbert
Apologies:	
Member	A Goode JP (Leave of Absence)

One media representative and four members of public were in attendance

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Nil		

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

6. PUBLIC QUESTION TIME

In accordance with City of Albany Standing Orders Local Law 2014 (as amended) the following points apply to Public Question Time:

- Clause 5) The Presiding Member may decide that a public question shall not be responded to where—*
- (a) the same or similar question was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;*
 - (b) the member of the public asks a question or makes a statement that is offensive, unlawful or defamatory in nature, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.*

Mr Peter Holmberg, 401 Piggott-Martin Road, Lowlands
Summary of key points:

Mr Holmberg spoke against the Authorising Officer Recommendation for Report Item DIS312: Recreation – Private (ATV Training)

Mr Phil Morgan, 290 Piggott Martin Road, Lowlands
Summary of key points:

Mr Morgan is the proponent for this item, and spoke in support of the Authorising Officer Recommendation for Report Item DIS312: Recreation – Private (ATV Training)

7. PETITIONS AND DEPUTATIONS Nil

8. CONFIRMATION OF MINUTES

RESOLUTION

MOVED: COUNCILLOR SUTTON
SECONDED: MAYOR WELLINGTON

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 13 July 2022 as previously distributed, be CONFIRMED as a true and accurate record of proceedings

CARRIED 12-0

9. PRESENTATIONS Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

DIS310: BUDGET AMENDMENT REQUEST – LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM

Proponent / Owner : City of Albany
Report Prepared By : Manager Engineering and Sustainability (R March)
Authorising Officer: : Executive Director Infrastructure, Development & Environment (P Camins)

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:
 - **Pillar:** Place
 - **Outcomes:**
 - Responsible growth, development and urban renewal.
 - Interesting, vibrant and welcoming places.
 - Local history, heritage and character is valued and preserved.

In Brief:

- This is an additional review of grant funding allocation (budget) outside the normal budget review process.
- The review covers grant reallocations from both the Drought Communities and Local Roads and Community Infrastructure (LRCI) funding programmes to cover underspends and overspends to maximise grant spending.

RECOMMENDATION

DIS310: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS310: AUTHORISING OFFICER RECOMMENDATION 1

THAT Council amend the Local Roads and Community Infrastructure (LRCI) 2 funding as follows:

1. DECREASE budget for Project CBD Zone E - Construction behind Premier Hotel/redesign and construct Zone E Job Number 2156 from \$119,982 to \$0.
2. INCREASE budget for Project Sanford Road Reconstruct, Seal and Asphalt Job Number 2575 from \$497,744 to \$631,991.
3. DECREASE budget for Project Cockburn Road & Lockyer Avenue Path Job Number 2761 from \$11,590 to \$0.
4. DECREASE budget for Project Grey Street (East & West): Public Realm Enhancement Job number 2780 from \$27,728 to \$0.
5. DECREASE budget for Project Stirling Terrace: Public Realm Enhancement Job Number 2779 \$37,907 to \$20,907.
6. INCREASE budget for Project Alison Hartman Gardens / Student Housing Interface Job Number 2782 from \$0 to \$42,053.

DIS310: COMMITTEE RECOMMENDATION 2

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS310: AUTHORISING OFFICER RECOMMENDATION 2

THAT the Drought funding be AMENDED as follows:

1. DECREASE budget for Project East Bank – New Universal access drop toilet Budget Job Number 2751 from \$40,641 to \$30,641
2. INCREASE budget for Project Redmond Hall Power Upgrade and Child Play Area Job Number 2742 from \$33,990 to \$43,990.

BACKGROUND

2. Federal funding has been made available for local road and community infrastructure projects that involve the construction, maintenance and/or improvements to Local Government owned assets (including natural assets) that are generally accessible to the public. Projects will need to deliver benefits to the community, such as improved accessibility, visual amenity and safety benefits.
3. Through the 2020–21 Budget, the Australian Government announced a \$1 billion extension of the LRCI Program, following strong community and local government support.
4. This program supports local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.
5. City of Albany has been able to access funding of \$1,797,907 through LRCI 2.

DISCUSSION

6. The City of Albany has applied for an extension of time to complete projects from LRCI 2 from 30th June 2021 to 30 December 2022.
7. The City of Albany has applied for an extension of time to complete some projects from Drought Communities Program (\$1million) to 31 March 2023.
8. Some projects have been completed below budget and some require additional funding. This budget amendment requests seeks budget reallocation for both funding types.

Budget Reallocation Requested

9. The full scope of work for the CBD Zone E works could not be completed. The works on the carpark behind the Premier Hotel have been completed. However, the remaining owners of the land would not agree to enter into a lease with the City. It is recommended that the underspend be reallocated to Project 2575 – Sanford Road Reconstruct, Seal and Asphalt so that the remaining footpath to Albany Highway can be completed. This work was not included in the original scope of work.

10. The full scope of works for Project 2780 Grey Street (East and West) Public Realm Enhancement and Project 2779 Stirling Terrace Public Realm Enhancement could not be completed due to complications in underground services and availability of contractors.
11. It is recommended that the underspent funds be reallocation to Project 2782 Alison Hartman Gardens / Student Housing Interface enabling the completion of the reinstallation of the Peace Pole and finishing landscaping components at Alison Hartman Gardens.
12. Project 2761 Cockburn Rd & Lockyer Ave shared path works have been completed. It is recommended that the remaining funds be reallocated to Project 2782 Alison Hartman Gardens / Student Housing Interface to assist completing these works.

Approved LRCI 2 Projects	Budget 2021	Budget July 2022	Allocation	Updated Budget 2022
(Project Name in Approved Work Schedule)				
2156 CBD Zone E - Construction behind Premier Hotel/redesign and construct Zone E	254,229	119,982	-119,982	0
2575 Sanford Road Reconstruct, Seal and Asphalt.	984,309	497,744	+134,247	631,991
2761 Cockburn Rd & Lockyer Ave Path	11,590	11,590	-11,590	0
2779. Stirling Terrace: Public Realm Enhancement	62,857	37,907	-17,000	20,907
2780. Grey Street (East & West): Public Realm Enhancement	40,000	27,728	-27,728	0
2782. Alison Hartman Gardens / Student Housing Interface	25,000	0	+42,053	42,053

13. Project 2751 East Bank – New Universal access drop toilet cannot be completed due to land administration issues and there are surplus funds. Seeking approval to reallocate budget to Project 2742 Redmond Hall Power Upgrade and Child Play Area.

Approved Drought Funded Projects	Budget 21	Budget July 22	Allocation	Updated Budget 2022
(Project Name in Approved Work Schedule)				
2751 East Bank – New Universal access drop toilet	40,641	40,641	-10,000	30,641
2742 Redmond Hall Power Upgrade and Child Play Area	33,990	33,990	+10,000	43,990

GOVERNMENT & PUBLIC CONSULTATION

14. Department of Local Government guidelines were followed in the preparation of this report.
15. City of Albany Executives, Managers and Officers with budget responsibility were consulted in the preparation of the Budget Review.

STATUTORY IMPLICATIONS

16. Under the *Local Government Act 1995* (the Act), section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
- is incurred in a financial year before the adoption of the annual budget by the local government
 - is authorised in advance by a resolution (absolute majority required) or;
 - is authorised in advance by the Mayor in an emergency.
17. The voting requirement of Council is **Absolute Majority**.

POLICY IMPLICATIONS

18. There are no policy implications related to this report.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Operation, Reputation & Financial. Risk: Community perception that savings realised should be used for other purposes</p>	Possible	Moderate	High	Clear communication of City's current financial position, noting that the payment will not impact on the City's ability to adequately service its obligations and achieve its operational and financial objectives this financial year.
Opportunity: To complete projects already in progress				

FINANCIAL IMPLICATIONS

20. All projects must be delivered by 30 December 2022.

LEGAL IMPLICATIONS

21. Nil.

ENVIRONMENTAL CONSIDERATIONS

22. Nil.

ALTERNATE OPTIONS

23. Council may:
- Adopt the amendment as recommended; or
 - Adopt the amendment with alterations (as specified by Council); or
 - Reject the recommendation.

CONCLUSION

24. That the Authorising Officer's Recommendation to adopt the Budget Amendment be supported.

Consulted References	:	Adopted Budget 2022/2023 Local Government Act 1995
File Number (Name of Ward)	:	Frederickstown, Kalgan, West Ward
Previous Reference	:	N/A

DIS311: LED STREET LIGHTING BULK REPLACEMENT

Land Description	: City of Albany
Proponent / Owner	: Western Power and City of Albany
Attachments	: 1. Western Australian Local Government (South Metropolitan and Albany) LED Street Lighting Business Case 2. Smart Enabled LED Streetlight Financial and Emission Reduction Feasibility Analysis for City of Alban – June 2022 3. Peer Review by Sage Consultants 4. Atwell and Spearwood LED Luminaire Streetlight Trial 5. Streetlight Promotional Flyer
Report Prepared By	: Environmental Sustainability Officer (K Outhwaite) and Manager Engineering and Sustainability (R March)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Planet
 - **Outcome:** Shared responsibility for climate action.
 - **Objective:** Work towards net zero greenhouse gas emissions.
2. This item relates to the following strategic objectives of the City of Albany Carbon Reduction Footprint Strategy 2021:
 - a) To promote energy efficiency technologies and energy conservation

In Brief:

- The City of Albany applied for grant funding of \$625,000 to contribute to this project, from the Clean Energy Future Fund (CEFF).
- Bulk replacement of streetlights was previously endorsed by Council for Financial Year 2021/22 budget, subject to successful grant funding application.
- The City of Albany were unsuccessful in their CEFF grant application.
- This report will discuss and propose to seek the replacement of all WP luminaires with Smart Enabled LED Luminaires with the support and backing of WP so as to improve sustainability measures such as reduced CO2 emissions and reduced recurrent outlays.

RECOMMENDATION

DIS311: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR WELLINGTON
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-1

Record of Vote:

Against the Motion: Councillor Terry

DIS311: AUTHORISING OFFICER RECOMMENDATION

THAT:

1. The replacement of Western Power owned Luminaires with Smart Enabled LED Luminaire Streetlights including the Smart *iTron* Streetlight System be APPROVED.
2. The expected cost of the replacement program of \$2,615,000 to be considered as part of the 2023/24 and 2024/25 budgets be NOTED.

BACKGROUND

3. LED and smart-lighting technologies provide many social, environmental and economic benefits to the community.
4. LED Street lighting has been proven to make roads safer, save money by using energy more efficiently, and cut greenhouse gas emissions by more than half.
5. The City of Albany currently has approximately 4,000 unmetered street lights, of which 3,819 consist of old mercury based technology (compact fluorescent, mercury vapour, metal halide, high pressure sodium).
6. All of these streetlights are owned by Western Power, who own and have regulatory control over all aspects of streetlights across the South West Interconnected System (SWIS) grid.
7. The SWIS covers all aspects of electricity delivery from Geraldton to Esperance and west of the line running between these two towns (commonly known as the poles and wires part of bring electricity to the customer).
8. Synergy, the State Governments Gentaier (electricity generator and retailer) provides the monthly invoice comprising a daily tariff (Z-Tariff) for each streetlight. The tariff comprises of two components being electricity consumed (power usage is estimated as streetlights are unmetered) and network charges.
9. Synergy will retain a component of the payment to cover electricity consumed and regulatory return on capital (profit) and remit the balance to Western Power to cover network charges, maintenance, depreciation and regulated return on capital (profit).
10. Western Power released an LED street light product in early 2019. However, transition has been slow as street lights are only replaced when the existing luminaires fail.
11. In an effort to aid the transition to more efficient LED street lighting a group of five councils (Cockburn, Melville, Armadale, Albany and Canning) have come together to propose to replace 47,000 luminaires (streetlight light emitting diode (LED) and surrounding frame) of the 275,000 streetlights across the Western Power controlled SWIS grid.
12. The Group has commissioned a business case to support the luminaire replacement program prepared by consultant Ironbark Sustainability (refer Attachment 1) to demonstrate the technical feasibility of the program.
13. In addition a financial feasibility (Attachment 2) has been prepared with assistance from the City of Cockburn (and reviewed by Ironbark Sustainability) on behalf of the five councils.
14. Additionally a peer review of the business case was also commissioned by City of Albany (refer Attachment 3) which supported the financial outcomes of the Super-Trial.
15. The drivers of the Super-Trial are the modernisation of the streetlight luminaire fleet, the substantial improvement in sustainability of the modern LED network and consequential reductions in power consumption and greenhouse gas emissions and financial benefits of shifting to lower tariffs, which will self-fund the transition.
16. The Super-Trial is the follow-on from two trials undertaken by the City of Melville (smart enabled LED replacement lighting) and the City of Cockburn (standard, nonsmart enabled LED replacement lighting).

17. Both trials have been shown to be successful. A copy of the community engagement for the City of Cockburn is attached.

LED Street Lighting Business Case (Ironbark)

18. The Business Case analyses the costs and savings that can be expected from replacement of all non-LED light types across participating councils.
19. The scope of this report is limited to the management of street lights within the unmetered street lighting network (Western Power infrastructure).
20. Council-owned street lighting has been excluded from Ironbark’s analysis due to limited technical details and decorative street lighting product variations.
21. The business case proposed to replace around 47,000 streetlights, across the participating councils, to more energy efficient and low maintenance LED luminaires.
22. The program will be funded by the participating councils.
23. Table 1 provides a summary of the expected outcomes for the councils from the program and the potential if extrapolated across the entirety of the Western Power-managed SWIS Grid.

Region	Number of lights	Project Cost (incl. interest)	Total Cost Savings (20 years)	Total Energy Savings (MWh, 20 years)	Total Greenhouse savings (tCO ₂ e, 20 years)	Payback (years)
Perth South Metro and Albany	47,000	\$25 to 29m	\$107 to \$123m	300,000 to 370,000	210,000 to 250,000	5.0 to 6.3
All of Western Power SWIS Grid (est.)	276,000	\$150 to \$170m	\$620 to \$720m	1.7m to 2.2m	1.2m to 1.5m	5.0 to 6.3

*Table 1. Ironbark’s summary of results

24. The business case also breaks down financial modelling specific to the City of Albany.
25. The City of Albany currently has around 4,000 unmetered street lights under the control and maintenance of Western Power, with an estimated annual cost to the City of Albany of \$729,000.
26. The LED street light modelling proposed three LED street lighting options which included:
- Option 1. Standard like-for-like replacement.
 - Option 2. Standard like-for-like replacement with contestable energy agreement.
 - Option 3. Western Power approved, smart ready, with contestable agreement.
27. Option 2 and 3 are not available at this time. Option 2 requires the LED lights in place and would require all 5 LGA’s to commence an agreement concurrently. Option 3 is not currently available from Western Power.
28. The estimate for the portion of the works attributable to the City of Albany is \$2.615m with an estimated payback period of 8 years. This is based on an average cost per luminaire of \$690.

LED Street Lighting Business Case Peer Review (SAGE Consulting)

29. SAGE Consulting undertook a peer review of the LED Street Lighting Business Case as per EMT recommendation.
30. The SAGE consulting report supports the recommendations of the LED Street Lighting Business Case, which supported investment in a bulk LED lighting retrofit.
31. The Peer Review also noted some discrepancies in LED luminaire costs, as Ironbark modelled the financial costs on Victorian pricing and not the latest Western Power and Synergy pricing.
32. The peer review supported the following recommendations for the City of Albany:
 - a) allow a capital budget of \$2.1 million for the project;
 - b) prepare a Lighting Policy or Lighting Master Plan;
 - c) engage a lighting designer to undertake independent review of the final lighting designs; and
 - d) consider smart controls at a later date when Western Power and Synergy launch a smart control system and tariff structure.
33. It should be noted that the projected cost of \$2.1 million stated by Sage Consultants excluded internal project management costs and design/structural assessment costs. Total project cost is estimated to be \$2.615 million.

WALGA Power Purchase Agreement (PPA)

34. The City entered into the first stage of the PPA for contestable sites. Although street lighting could have been included as part of the PPA the actual mechanism and costs associated with the proposal was not clear and this option was not taken up for Year 1 of the PPA. This can be amended further down the track when more is understood about the process and costs associated with this option are known.
35. The PPA uses locally sourced renewable energy from different locations across the state, positioning the City to achieve 70% of its target of 100% renewable by 2030. Information on each of these locations are included in the slide below.

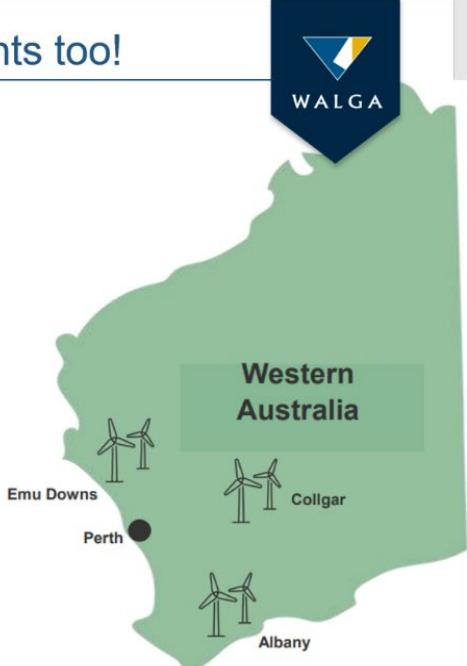
Renewable Message – Yes, for Streetlights too!

Synergy utilises a total of 3 accredited sites to source LGCs for Natural Power

Albany: Synergy's Albany wind farm, a joint venture with Bright Energy Investments, is an accredited energy supplier for the GreenPower program, with 18 wind turbines, with a maximum generating capacity of 35.4 MW of electricity. This wind farm sits 80m above the Southern Ocean. It's in such a prime location that there are only approximately 7 days a year where the wind is not strong enough to turn the turbines.

Collgar Wind Farm: A renewable power project located in the central wheatbelt area of Western Australia. The wind farm situated 25km south east of Merredin is built over a land envelope of 18,000 hectares. With 111 turbines, the wind farm has a total power production capacity of 222 megawatts (MW) and generates between 630-750 gigawatt hours (GWh) each year.

Emu Downs: Located 30 kilometres east of Cervantes and approximately 200 kilometres north of Perth, EDWF generates electricity from wind powered turbine technology. The wind farm has 48 turbines with a capacity to produce 80 megawatts of electricity at peak.



Classification: CONFIDENTIAL

36. Stage 2 of the PPA will include non-contestable sites but it is not clear when this stage will be available. Liaison with WALGA and Synergy will continue.

External Funding

37. Round 2 of the Clean Energy Future Fund (CEFF) was available to local government organisations for clean energy projects in regional and remote Western Australia, which closed 22 April 2021.
38. The maximum proportion of eligible costs for the project that can be contributed by the Fund in a competitive round is 25%. The minimum amount available is \$250,000.
39. The City of Albany submitted a CEFF funding application separately to the Group.
40. One of the Group (City of Cockburn) also applied for the CEFF funding and were unsuccessful.

DISCUSSION

Super Trial

41. It is proposed to undertake a super-trial using the five councils representing 47,000 luminaires.

Council	No of Luminaires
Cockburn	14,118
Melville	8,958
Armadale	11,167
Albany	3,958
Canning	8,809
Total	47,010

*Table 2 – Super Trial Council participants – Numbers of Luminaires

42. The criteria to participate in this Group was a commitment from all five Cities (subject to relevant Council approval) to invest the capital upfront to replace the luminaires whether using municipal/grant/borrowings.
43. This initiative is funded by the savings of the new LED Z-Tariff plus the additional saving of providing the capital as determined by the ERA.
44. This is instead of waiting for the State Government to fund the project as per WALGA's request contained in the submission to the 2021 State Election or waiting the 40 to 50 years for WP's ad-hoc Luminaire Replacement Program to be implemented.

WALGA has endorsed this Super-Trial project.

45. Dual Tariff from State Government (Synergy and WP) similar to Victoria
46. As noted in the Ironbark Business Case, Victoria has a two part tariff, one from the gentailer for electricity consumption and a second from the network provider (owner of the actual streetlight).
47. Both tariffs are regulated. This enables the tariff to be transparent. It also provides for the opportunity to reduce the energy component. This will be done by the provision of accurate data for the provision of KwHrs of actual electricity consumed.
48. Currently the system is unmetered. By metering (using the smart enabled device to accurately measure consumption), the Councils will be able to argue for the streetlight network to be a contestable supply similar to the 11 other contestable sites under the PPA.

49. The aim is to reduce the cost of running the streetlight network by:
- Implementing competition for actual supply of electricity to the 275,000 streetlights on the SWIS grid.
 - Reduce power consumption on appropriate roads during low patronage hours (midnight to 5am).
 - Improvements to LED Network to Australian lighting standards (potential investing part of the cost reduction in improving lighting to meet the relevant lighting standard).
50. As the asset is owned by Western Power, the City does not need to go to tender under Local Government (Functions and General) Regulations.

Current Position

51. The City of Albany was unsuccessful in its grant application from CEFF, as were all other street lighting applications for this grant.
52. Feedback provided by the Department of Water and Environmental Regulation (DWER) is that they would prefer to see a widespread and therefore more efficient adoption on street lighting across all Local Government Areas, rather than a piecemeal adoption.
53. If the City of Albany does not invest in an LED retrofit, Western Power will gradually retrofit LED luminaires as the existing luminaires fail, a process that could take 40 to 50 years. Under this option, the disposal of the luminaires would be difficult to manage and transport costs to the recycler's depot would be high. There is also the risk of fly dumping of hazardous waste.
54. Update from the South West Group of Councils (SWGC) :
- a) All five Local Governments have some form of commitment for the bulk replacement super trial.
 - b) Western Power have agreed to partner with Local Governments in Smart LED Replacement Program Super Trial.
 - c) Western Power have agreed that the RAB costs would be 50% funded by them with the remaining to be funded by the Local Government.
 - d) Western Power have committed to enabling Local Governments to claim carbon emissions reductions as part of their carbon neutral plans.
 - e) Western Power have committed to ensure non-Mercury Vapour luminaires will be re-used so as to meet sustainability measures.
 - f) The Local Governments continue to lobby Federal Governments/Opposition for co-funding opportunities as an election commitment to expedite roll out to meet Western Power LED transition timeframe.
55. As per the advice from Sage Consulting and the information above, the following still needs to happen:
- a) Create the street lighting masterplan (external consultant)
 - b) Undertake street lighting design in accordance with the masterplan (external consultant).
 - c) Negotiate project costs, product selection and future system management models within Western Power.
56. There are a number of options being considered as part of this item, and all have their benefits and drawbacks.
57. It is recommended that Council proceed as planned with the bulk LED street lighting replacement, but commit the full \$2.615m over the next two financial years (2023/24 and 2024/25) and pursue a Purchase Power Agreement through WALGA.

58. This will have the following benefits and drawbacks:
- a) Maximised benefits of bulk replacement with reduced long-term costs and optimised recycling.
 - b) While expensive in the short-term, energy reduction and greenhouse gas emissions will be maximised and commence immediately, with additional reductions to be realised when participating in the PPA for renewable energy when available.
 - c) The City will be reliant on working to WALGA's timeframe for a PPA.
 - d) Progress towards net zero emissions by 2030, in accordance with the Climate Change Action Declaration, to establish the City as a leader in sustainability with a shared responsibility for climate action.
59. Western Power has stated that they need in principle support from all five Local Governments to be able to proceed with their internal business case for smart control for the super trial.

GOVERNMENT & PUBLIC CONSULTATION

60. No public consultation has been undertaken by the City of Albany.
61. Consultation with Western Power and Synergy has been undertaken by the Group and will continue as part of this project.
62. LED Streetlight Trials were undertaken in Cities of Melville and Cockburn
- Cockburn – Changeover of 169 streetlights in Spearwood and Atwell with standard LED luminaires.
 - Melville – Changeover of 100 streetlights in Melville (suburb) with smart enabled LED luminaires with the ability to dim. This was implemented and trialled. The project trial was deemed a success.
63. Community feedback from City of Cockburn trial is included in Attachment 4.
64. A flyer developed by the group is included in Attachment 5.

STATUTORY IMPLICATIONS

65. N/A

POLICY IMPLICATIONS

66. This item relates to the City of Albany Environmental (Climate Change) Policy (2017) and the City of Albany Climate Change Action Declaration.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial. Allocation of funding for the LED street lighting retrofit is not supported.	Possible	Minor	Medium	City staff will continue to apply for suitable funding in order to progress the project.
Environment: Delaying the implementation of the street lighting retrofit will not result in a reduction in greenhouse gas emissions	Possible	Moderate	Medium	Advocate to Western Power to reduce the waiting time for replacement of current street lighting with LED.
Financial: Delaying the installation of LED street lighting may result in an inability to reduce energy costs for the City.	Likely	Moderate	High	City staff to continue to source funding streams in order to progress the retrofit, and continue to advocate for a reduction in waiting time for the Western Power retrofit.
Opportunity: Demonstrate the City's commitment to climate change action, its leadership on environmental sustainability issues and support of energy efficiency measures. Opportunity: To realise significant energy cost savings into the future by installing LED lighting.				

68. A notable risk is the development required from Western Power to facilitate the backend IT system to activate the Smart Enabled LED streetlights. Noting the City of Melville trial was successful, WP are still to commit to creating the IT back-end for Councils to take advantage of the iTron streetlight system.
69. Although the iTron system is a proven system around the world, WP are still yet to commit to delivering it for Council access.
70. The risk then is the upfront capital of installing the Smart Enabled Device at approximately \$175 per luminaire or for the City of Albany \$0.68m plus the recurrent cost to operate the system of 3.42c per day per luminaire. The aim is to have a clause in the contract if WP fail to deliver the access the City will be able to claim back the cost.

FINANCIAL IMPLICATIONS

The Project proposal with costs/funding/payback/benefits

71. The proposal is to fund the replacement of WP's current fleet of streetlight luminaires totalling 3,625 (excluding the already converted LED streetlights of 265 totalling 3,980) with Smart Enabled LED luminaires. As noted above, the luminaire is the frame plus LED lighting equipment and the smart enabled device is the hardware on top of the framework with the smarts to connect to the network.
72. The cost is estimated to be \$2.615m based on a fixed price established by Western Power (see attachment 2). This price includes luminaires, project management, design, traffic management, smart enabled devices, insurance.
73. The City with the other members of the Super-Trial group are negotiating with WP over the base price of the luminaire given it is based on the pricing of WP's ad-hoc replacement program of 2,000 to 3,000 luminaires per annum versus the Super Trial Group of Council's total 47,000 luminaires.
74. The group believes there could be additional savings of between 5% to 10% on the luminaire acquisition program from such bulk purchases.
75. As part of the capital cost, WP wants to charge the City the written down value of the existing luminaires with a cost of \$0.114m. This is known as the RAB or regulated asset base cost (streetlights are a regulated asset service controlled by the Economic Regulation Authority or ERA).

76. The Group disputes the validity of the RAB cost as its imposition supposed to provide WP with compensation for assets taken out of service and hence a loss of income.
77. This is not the case in this instance, in that WP will retain the income from the Z–Tariff and enjoy substantial reductions in operating costs as a result of the Councils investment, let alone not having to provide the capital to replace the luminaires over the short and long term.
78. In addition, the City, by paying the Z–Tariff, has been paying the depreciation on luminaires for the last 50 years. The Group remains in discussion with WP on this issue. It has also been raised with the Minister for Energy by the Group’s lobbying firm.
79. The City of Albany has applied for CEFF funding (\$625,000), but was unsuccessful.
80. The City will continue to seek and apply for relevant funding to reduce the financial dependence of City ratepayers.
81. The changeover to LED lighting will reduce the energy used and therefore will result in a reduction of costs. The business case indicates a payback period of about eight years.
82. After the LED replacement, the City will see the cost of street lighting fall from \$0.719mpa to \$0.44mpa, a saving of \$0.279m pa using the amended Z -Streetlight tariff published by Synergy.
83. This encompasses the reduction in energy, maintenance and replacement costs. It also includes a further discount as the City is providing the capital to fund the replacement program. This latter inclusion is due to the Economic Regulatory Authority mandating the discount.
84. There is also an additional recurrent cost of 3.42c per day per streetlight to fund the WP smart enabled streetlight system.
85. The Group are looking for surety of price as part of the agreement. At this stage it is unclear as to what this will look like but some commitment regarding future pricing is anticipated.

LEGAL IMPLICATIONS

86. The City does not have to go to tender as the City is exempted under Regulation 11(2)(e), of the Local Government (Functions and General) Regulations where the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies.
87. The Streetlights are Western Power assets and the replacement luminaries would remain Western Power assets under this proposal. There will be a requirement for an agreement between the participating Councils and Western Power to underpin the Super Trial project.
88. A draft agreement has been received by the Group and a legal review has been undertaken by Jackson McDonald on behalf of the Group.
89. The Group has stressed the importance of having Local Government representation on any evaluation panel established by Western Power for the selection of tenders for the bulk provision of Smart LED luminaires.

ENVIRONMENTAL CONSIDERATIONS

90. Many of the existing street lighting luminaires contain mercury which will need to be phased out under the International Minimata Convention to limit mercury.
91. The bulk LED street lighting retrofit is estimated to reduce the City of Albany’s greenhouse gas emissions from street lighting by approximately 50%. This reduction will be further increased through the provision of renewable energy through the PPA.
92. Responsible disposal of these luminaires needs consideration, such as transport to a lamp recycling facility in Victoria.

Sustainability

93. The energy demands for LED lamps are 80% less than the current lamps in the street lighting network, with significant greenhouse gas savings. The LED replacement will be the single greatest energy reduction project the City has implemented.
94. The City's 3,980 streetlights use 1.4MkWhrs of electricity annually and at a cost of \$0.729m which is 60% of the City's annual electricity bill for FY21.
95. By changing to LED luminaires, the electricity consumption will fall to 0.592MwHrs of electricity. More importantly, the City emits 969 tonnes of CO2 annually from streetlight electricity. The new LEDs will reduce this to 409 tonnes or 42.2% saving.
96. Even though the asset is owned by WP, the City is accredited with the CO2 emissions.
97. The City will push for the non-mercury luminaires to be recycled back into the SWIS grid, saving WP even more capital expenditure by using the non-mercury luminaires rather than them ending up in landfill.
98. An additional benefit is the reduced emissions from trucks being sent to service broken streetlights. The LEDs proposed to be used have a life expectancy of 20 years (with warranty of 10 years) which will reduce waste to landfill compared to conventional lamps that are replaced more frequently.
99. Benefits of changing to Smart Enabled LED Streetlight Luminaires for the various stakeholders, being the community, Western Power, the State Government and Local Government:

The Community

- Safer driving at night through better lighting.
- Safer communities as endorsed by the WA Police Service.
- Using technology to ensure 100% of the streetlights remain "on" rather than having 5% to 10% being "off" or operating at a level effectively being off but not broken to trigger replacement.

Western Power

- Lower operating costs and improved efficiency. Low or no capital investment required for street lights.
- Public lighting that meets Australian Standards.
- Improved public perception through lower light failure rates and rapid maintenance response through smart control.
- Contribute to electricity network stability through reduced electricity demand in the peak evening and pre-dawn periods.
- Protect against the impact of a ban on manufacture and trade of mercury containing globes.
- Lower transition cost than the alternate replace on failure approach.

State Government

- Contribute to the Western Australia Climate Policy aspirations for net zero emissions (54,000 tonne pa reduction across the SWIS).
- Aligns to the Western Australian Climate Policy themes:
 - Transforming energy generation and use
 - Resilient Cities and regions
 - Government leadership.
 - Create jobs from change-over program.
 - Reduce crime by providing Police with superior night time lighting.
 - Improve night time safety for all road users.
 - Improved tourism opportunities in the region (reduced night light pollution for improved space/star viewing).

Local Government

- Contribute to the City's goals to reduce energy consumption and achieve net zero emissions by 2030.
- Improved quality (colour temperature and light distribution) and reliability of public lighting.
- Lower electricity consumption and greenhouse gas emissions. 560 tonnes annually for the City or approximately 54,000 tonnes for the 113 Councils on the SWIS streetlight network.
- More efficient operating and maintenance costs reflected in reduced tariffs.
- Reduced light spill and light pollution.
- Lower waste to landfill though longer life-cycle.
- Reduced impact of maintenance operations (lane closures).
- Elimination of harmful mercury from the environment, especially landfill.
- Ability to actively manage lighting to meet changing needs and respond to environmental impacts in sensitive locations.

ALTERNATE OPTIONS

100. The following alternative options were considered:

- a) Council may choose to not support this proposal, and continue with the gradual retrofit of street lights with LED luminaires as existing luminaires fail. Most luminaires would be replaced after 8-10 years, but could take up to 40 to 50 years to replace them all. This option does not reduce the City's Greenhouse Gas emissions and could impact the City's ability to achieve net zero by 2030. To date only 6% of fittings have been replaced with LED's.
- b) Enter into a PPA for street lighting. Noting the following risks:
 - Currently there is no certainty of price as it is unclear how the mechanism would work.
 - The PPA process is being managed through WALGA and is therefore outside of City of Albany control. It is not clear when this transition can be initiated.
 - As experienced with the current PPA it is likely that the cost associated with power provision may increase slightly. Economy of scale resulted in a reduction in costs which was counteracted with an additional premium from the power provider to cover the cost of investment in renewable energy.
 - There would be a reduction in greenhouse gas emissions. However, this option does not have the environmental improvements such as replacing Mercury Vapour lights as the current luminaires remain in use.

CONCLUSION

101. LED and smart-lighting technologies provide many social, environmental and economic benefits to the community.

102. The recommended action/s is/are:

- a) APPROVES the replacement of Western Power owned Luminaires with Smart Enabled LED luminaire Streetlights including the smart *iTron* streetlight system
- b) NOTES the net cost of the replacement program of \$2,615,000.
- c) AMENDS the Long Term Financial Plan to include the budget in FY23 and FY24 to include the Smart Enabled LED Streetlight Luminaire Replacement Project.
- d) This option, although the most expensive, has the highest Greenhouse Gas emission reduction, will assist the City of Albany achieving net zero by 2030 and shows that the City of Albany is serious in achieving a significant reduction in greenhouse gas emission.

Consulted References	:	<ul style="list-style-type: none"> • City of Albany Strategic Community Plan 2032 • City of Albany Climate Change Action Declaration 2021 • City of Albany Carbon Footprint Reduction Strategy • City of Albany Environmental (Climate Change) Policy (2017) • DIS262 (June 2021) LED street lighting bulk replacement • SCM023 WALGA Power (Energy) Purchase Agreement • Presentation at Strategic Workshop (16 March 2021)
File Number (Name of Ward)	:	RD.SMG.12 (All Wards)
Previous Reference	:	DIS262

DIS312: RECREATION – PRIVATE (ALL-TERRAIN VEHICLE LESSONS)

Land Description	: 290 (Lot 25) Piggott Martin Road, Lowlands WA 6330
Proponent / Owner	: P Morgan
Attachments	: 1. Copy of the proposal (Site Plan, Operational Management Plan & Bushfire Management Plan) 2. Environmental Acoustic Assessment 3. Schedule of submission
Supplementary Information & Councillor Workstation	: 1. Public submissions (in full) 2. Previous SAT approval
Report Prepared By	: Senior Planning Officer (J Anderson)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted City of Albany *Local Planning Strategy 2019* and City of Albany *Strategic Community Plan 2032*.
3. This item relates to the following elements of the Strategic Community Plan:
 - **Pillar:** People
 - **Outcome:** Plan a compact city with diverse land, housing and development opportunities.
 - **Pillar:** Place
 - **Outcome:** Responsible growth, development and urban renewal.
 - **Pillar:** Leadership.
 - **Outcome:** A well-informed and engaged community.

Maps and Diagrams: 290 (Lot 25) Piggott Martin Road, Lowlands



In Brief:

- Council is asked to consider an application for Recreation – Private (All-Terrain Vehicle Lessons) at No. 290 (Lot 25) Piggott Martin Road, Lowlands.
- Recreation - Private is classified as a 'D' use within the General Agriculture zone, meaning the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.
- The application was advertised to adjoining landowners via two rounds of consultation. A total of 18 submissions were received (across both rounds), all of which were in objection to the proposal. Relevant matters raised during the advertising period have been taken into account as part of the City's assessment.
- The application has been assessed on its merit, with relevant concerns raised during advertising taken into consideration. Staff consider the proposed Recreation-Private use in its current form is consistent with the relevant objectives of the General Agricultural zone, and is not considered to have a detrimental impact on the overarching amenity and desired character of the area.
- The application is presented to Council for determination, due to the concerns raised during advertising. It is recommended that Council approve the application for Recreation-Private (All-Terrain Vehicle Lessons) at 290 (Lot 25) Piggott Martin Road, Lowlands.

RECOMMENDATION

DIS312: COMMITTEE RECOMMENDATION

**Moved: Councillor Sutton
Seconded: Councillor Brough**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS312: AUTHORISING OFFICER RECOMMENDATION

THAT Council resolves to:

ISSUE a notice of determination granting development approval with conditions for the Recreation – Private (All-Terrain Vehicle Lessons) at Lot 25, 290 Piggott Martin Road, Lowlands.

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2190543 and dated XX XXXXX 2022, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
2. The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.
3. Prior to commencement of operations of the development, an updated Operational Management Plan shall be provided incorporating the following detail/changes:
 - All riding associated with the Recreation – Private (All-Terrain Vehicle Lessons) shall be contained onsite within ‘predominate training area’ as indicated on the site plan. No riding associated with the Recreation - Private (All-Terrain Vehicle Lessons) shall be undertaken outside of this area.
 - To limit emissions the ATVs used shall be restricted to a maximum engine capacity of 90cc and the exhaust systems maintained at all times so that the emissions comply with the manufacturers specifications.
 - Complaint response procedure (who to contact and what action to be taken to resolve complaints).
 - Any further amendments to details and information as a result of the requirements of this approval including capacity, site layout such as location of toilet facilities, car parking and vehicle access.
 - The operation of the Recreation – Private (All-Terrain Vehicle Lessons) shall be restricted to the following times and days:
 - Published school holidays 9am to 6pm
 - Saturdays 9am to 6pm
 - Sundays 9am to 5pm
 - No operation on Public Holidays, unless otherwise agreed to in writing by the City of Albany.
 - There will be no operation on public holidays, unless *otherwise agreed to in writing by the City of Albany*.
 - A maximum of 12 ATV's to be used per lesson, which shall predominately be 4-stroke (50cc), with a maximum of 2 machines being 2 stroke (80cc) which will only be ridden by 12 years or older.

Advice:

- Operation times of the use includes customers accessing the site, set up and pack down of lessons and riding times.
 - It is the responsibility of the operator to distribute an approved Operation Management Plan to surrounding landowners/adjoining properties, prior to commencement of operations. The approved management plan shall be implemented and complied with at all times, whilst the approved use is in operation.
4. In accordance with the approved updated Operational Management Plan, the operation of the Recreation – Private (All-Terrain Vehicle Lessons) shall be restricted to the following times and days:
 - Published school holidays 9am to 6pm
 - Saturdays 9am to 6pm
 - Sundays 9am to 5pm
 - No operation on Public Holidays, unless otherwise agreed to in writing by the City of Albany.

5. In accordance with the approved updated Operation Management Plan, all riding associated with the Recreation – Private (All-Terrain Vehicle Lessons) shall be contained onsite within 'predominate training area' as indicated on the site plan. No riding associated with the Recreation - Private (All-Terrain Vehicle Lessons) shall be undertaken outside of this area.
6. The development shall be operated and maintained in accordance with the relevant measures, actions and recommendations as detailed under the approved Operational Management Plan. Prior to occupancy of the development, relevant operational measures, actions and recommendations shall be implemented and maintained in perpetuity to the satisfaction of the City of Albany.
7. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
8. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.
9. The measures and actions identified in the Bushfire Management Plan and Bushfire Emergency Evacuation Plan dated 12 July 2021 prepared by Bio Diverse Solutions shall be implemented and maintained in perpetuity, to the satisfaction of the City of Albany.
10. Firebreaks, firefighting equipment and other appropriate fire protection measures shall be maintained in accordance with the approved Bushfire Management Plan dated 12 July 2021, to the satisfaction of the City of Albany.
11. In accordance with the Bushfire Management Plan, prior to occupation, vehicular access on site shall be designed and constructed, and maintained thereafter in accordance with State Planning Policy 3.7: Planning in Bushfire Prone Areas and to the specifications and satisfaction of the City of Albany.

Advice:

- The driveway is to be maintained at a trafficable standard at all times. The driveway is to have a minimum trafficable surface of 4m, horizontal clearance of 6m and vertical clearance of 4m.
 - Turn-around areas to allow type 3.4 fire appliances within 50m of the dwelling, and at 500m intervals along the driveway will be required.
 - Passing bays should be provided at 200 metre intervals along private driveways to allow two way traffic.
12. Prior to commencement a dedicated static water supply for fire-fighting purposes of at least 10,000 litres with a 75mm male 'camlock' fitting shall be provided and maintained thereafter on site, to the satisfaction of the City of Albany.

Advice:

- Any above-ground tank and associated stand should be constructed of non-combustible material.
- Polycarbonate is not considered a non-combustible material.

General advice:

- No clearing or covering by overburden of any native vegetation is permitted without the prior approval from the Department of Water and Environmental Regulation.
- The approved Operational Management Plan shall be reviewed and updated at the time of any change of ownership or management, in consultation and to the satisfaction of the City of Albany.
- The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.

- Prior to commencement of use a permanent constructed sanitary convenience is to be provided on site, and constructed in accordance with the Building Code of Australia. The number and type of required sanitary facilities shall be as for a Class 9b sporting venue.
- The complaints response procedure shall include current contact details of the business manager/operator.
- The operator shall ensure that the complaints response procedure is updated and maintained when required and made available to current adjoining landowners for the life of the development.
- Consideration to operate on Public Holidays may be considered via the appropriate permit process through the Environmental Health Section where suitable rational has been provided.

BACKGROUND

4. The subject site lies to the northern side of Piggott Martin Road, to the eastern side of Thompson Road, and approximately 33km west of the Albany City centre. The topography of the area is generally undulating, defined by open paddocks that interface with areas of remnant vegetation, lakes and creeks.

5. Site details:

Local Planning Scheme	City of Albany Local Planning Scheme No. 1 (LPS1)
Zone	General Agriculture
LPS1 Use Class & Permissibility (Table 2)	Recreation – Private (All-Terrain Vehicle Lessons) – D
Lot Size:	52ha
Area of use:	Approximately 6ha
Existing Land Use:	Single House and Agriculture-Extensive
Bushfire Prone Area:	Yes

6. The existing house and associated structures on the subject site is situated at the upper end of the slope in the south-eastern area of the site. The ATV lessons are proposed to predominantly be held in a cleared grassland area, located on the downwards slope to the northwest of the house (refer to site plan in Attachment 1).
7. In 2007 Council refused an application for Recreation – Private (Junior Motorcycle and All-Terrain Vehicle Training) at the subject site. The applicant subsequently lodged an appeal of the refusal at the State Administrative Tribunal (SAT), with the refusal being overturned and subsequently approved with conditions, in 2008.
8. The development approval was not enacted upon within the required timeframe, and has therefore lapsed. As the previous approval has lapsed, the subject development application is required to be assessed on its merits, and in accordance with the current planning framework.
9. The supporting documentation lodged with the subject application included the original Environmental Acoustic Assessment and Bushfire Management Plan prepared and considered as part of the development approval granted by SAT in 2008.
10. The proposal including the supporting documentation was initially advertised during February and March 2020 and also referred to state agencies for technical advice. It was identified at that time that further information was required, specifically in relation to an updated Environmental Acoustic Assessment and modifications to the Bushfire Management Plan.
11. The additional information was requested in April 2020, and the application placed on hold. Assessment recommenced in March 2022 following receipt of the outstanding information. As a substantial period of time had lapsed between the first round of advertising, the application was re-advertised during April-May 2022.

12. Eighteen submissions were received during the two rounds of advertising, all of which were in objection to the proposal. Relevant matters raised during the advertising period have been taken into account as part of the City’s assessment.
13. Following conclusion of the second round of advertising, the proponent was invited to provide a response or make further changes to the proposal, however the proponent opted for the proposal to be determined based on its current form.

DISCUSSION

Proposal

14. The proposed Recreation-Private (ATV lessons) involves the following:

When	School holidays, weekends and public holidays only.
Hours of operation	<ul style="list-style-type: none"> • Published school holidays (Monday to Friday) 9am to 6pm • Saturdays 9am to 6pm • Sundays 9am to 5pm • Public holidays • Operation times of the use includes customers accessing the site, set up and pack down of lessons and rising times
Lesson duration	<ul style="list-style-type: none"> • Between 2-3.5 hours, dependent on customer requirements. • Maximum of 2.5 hours riding time • First half hour of each session generally a stationary introduction.
Maximum no. of riders per lesson	<ul style="list-style-type: none"> • 12 (including instructors)
ATV specifications:	<ul style="list-style-type: none"> • Predominately 4-stroke (50cc) • Two larger ATV's are 2-stroke (80cc)
Where:	<ul style="list-style-type: none"> • Lessons will be held predominately within the central area shown on the site plan. • At the end of each training session, a slow supervised ride around other areas of the lot may occur as a reward.

15. The proponent has further clarified the following aspects of the operation management plan:
 - Maximum age of riders will be 14.
 - All riding to be supervised at all times.
 - Speeds of the ATVs will be restricted.
 - Riders will be beginners and unfamiliar with the machines.
 - All ATVs are beginner type units, are not performance orientated, nor high revving types such as motocross bikes.
 - Riders will not be permitted to bring their own machines
 - There will be no racing or competitive riding.
 - Parents will remain on-site during the lessons.
 - Frequency of the lessons operating during the timeframes outlined above will be dictated by customer demand.
 - The two 2-stroke (80cc) ATVs:
 - Will only be ridden by riders 12 years or older.
 - It was anticipated that these wouldn't be used very often.
 - All exhaust systems to be maintained to standard specification.
 - There will be no motorcycle use (i.e. no 2 wheel machines)
16. No additional buildings or permanent structures are proposed as part of the Recreation-Private use. However, formal sanitary facilities would be required to be provided prior to commencement of the use, to satisfy Environmental Health and Building requirements.
17. No additional clearing is proposed to support the proposal.
18. The proponent has indicated that a key aim of the Recreation-Private use is to provide a controlled environment for children to be properly trained in the use of ATVs, so as to reduce the number of injuries or deaths from accidents through early intervention.

Public consultation

19. As outlined elsewhere in the report, the proposal was advertised to adjoining landowners within 650m of the boundary of the subject site, across two rounds of advertising. The second round of advertising also involved re-referral of the proposal with the updated information to previous submitters.
20. A total of 18 submissions were received across both rounds of advertising, all in objection to the proposal.
21. Key concerns raised in the objections received during advertising are listed below, and also under the Schedule of Submissions attached to this report (refer Attachment 3):
 - Impact on amenity, specifically noise
 - Increased traffic and condition of the road
 - Environmental – impact on flora, fauna, livestock and emissions
 - Concerns the use will intensify if approved and ongoing compliance
 - Fire risk
 - Qualifications, Insurance and Safety
 - Property value
 - Unsure of community benefit
 - Amenities

Planning assessment

22. The proposal has been assessed against the relevant provisions contained under LPS1, including the relevant objectives of the General Agricultural zone, as well as matters outlined under cl. 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and relevant concerns raised during advertising. Detailed discussion of the proposal is outlined below.

Amenity

23. When assessing impacts on amenity, it is necessary to determine the level of existing amenity within the immediate area and secondly, within the wider locality.
24. The existing amenity of Piggott Martin Road and the wider area can be classified as being of an agricultural nature, consistent with the predominant General Agricultural zone that is defined by a rural landscape of pastured paddocks for stock grazing, interspersed with areas of dense vegetation, along with dwellings and buildings associated with agricultural uses.
25. The potential detrimental impact on the amenity of the area, particularly in relation to noise, was a concern consistently raised within the submissions against the proposal, specifically:
 - Use is inappropriate within this area as it will affect the amenity
 - Noise will impact rural amenity (peaceful and tranquil), quality of life, tourist accommodation will be impacted.
 - There are insufficient buffers. Noise from motorcycles and ATV's travel multiple km's on windy days.
 - Hours of operation - School holidays, weekends and public holidays are when people want to relax. Hours of operation are too long
 - Are they only using 4-stroke or will 2-stroke still be used?
26. The updated Environmental Acoustic Assessment prepared in October 2021 demonstrates that the proposal in its current form meets the requirements contained under the *Environmental Protection (Noise) Regulations 1997* (the Noise Regulations).
27. The scenario modelling undertaken in the updated Environmental Assessment Report was based on the 'worst case scenario' of noise emissions generated by the equivalent of twelve 2-stroke 80cc ATVs (Suzuki LT80).

28. This was undertaken at the discretion of the noise consultant, in order to apply a level of conservatism and also create a level of consistency with the scenario modelling undertaken for the previous development application.
29. The proposal was referred to the Department of Water and Environmental Regulation's (DWER) Environmental Noise Branch. DWER's consideration of the proposal and the updated Environmental Acoustic Assessment and their technical advice is provided in detail under the Government and Public Consultation section of this report. DWER are the responsible body to ensure compliance with the Noise Regulations.
30. Following consideration of the updated Assessment and revised proposal (to the SAT approval in 2008), DWER indicated that they are satisfied that the proposal will be able to adhere to the Noise Regulations, subject to riding being wholly contained within the designated training area.
31. The distance between the site boundary and dwellings off-site is an average of approximately 200m, with a minimum of 70m (south west) and maximum of 375m (south), when measured from the boundary of the subject lot to the sensitive receptor, and identified in the updated Environmental Acoustic Assessment.
32. When measured from the edge of the designated training area identified on the site plan, the closest dwellings range between approximately 300 metres to 800 metres.
33. The closest approved holiday accommodation use is approximately 700 metres to the southeast, when measured from the subject lot boundary to the closest habitable structure on the site.
34. The proponent clarified that the ATVs to be used for lessons will be primarily 4-stroke 90cc or less, predominately 50cc, however there will be two 2-stroke 80cc ATVs available for lessons. The two 2-stroke 80cc ATVs are not expected to be used often and riders of these will be subject to certain limitations.
35. It should also be noted however that 2-stroke 80cc ATVs are no longer commercially available to purchase new and therefore unlikely that additional 2-stroke 80cc ATVs will be added to the available vehicles for lessons.
36. The proponent has also indicated that speeds of the ATVs will be restricted, and that as the lessons are for children who are beginners and unfamiliar with the use of the vehicles, this will likely result in further reduced noise impacts than what might potentially be expected.
37. It is also recommended that all riding is contained on-site within the training area indicated on the site plan, as per the recommendation of DWER.
38. Further to this, the standard condition in relation to management of environmental impacts (including noise) in order to not prejudicially affect the amenity of the neighbourhood is proposed to be applied as a condition of approval should the proposal be supported.
39. The proposed development is required to operate in accordance to prescribed levels set out under the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
40. This requirement is identified through an advice note applied should the proposal be supported. The legislation is managed through the Department of Water and Environmental Regulation (DWER).
41. Due to the Acoustic Assessment being based on the worst case scenario using the Suzuki 80cc ATV LT80 2-stroke, and demonstrating compliance with the Noise Regulations with this type of ATV, officers do not see any purpose in restricting the use of ATV's to 4-stroke only.
42. Noting this concern, a condition restricting the number of 2-stroke ATV's could be incorporated into the revised OMP, reflecting the applicant's intention, however for the reasons outlined above, this further limitation has not been incorporated into the officer's recommendation.
43. Although the Acoustic Assessment indicates that the Noise Regulations can be met in relation to use of the ATVs being used throughout the site, staff recommend that the updated Operational Management Plan further limit riding of ATVs associated with the lessons be restricted to the designated Training Area only, in order to ensure impacts of noise to nearby adjoining dwellings are sufficiently mitigated.

44. Following this, it is recommended that the implementation and ongoing compliance with the Operational Management Plan be applied as a condition of approval, limiting the operation to Saturdays and Sundays, published school holidays, with no operation generally permitted on Public Holidays, subject to obtaining approval in writing from the City.
45. Mitigation of potential detrimental impacts on amenity from noise to adjoining sensitive receptors has been addressed through operational aspects of the proposal captured under the proposed Operational Management Plan, including the limited duration of the use throughout the year, the distance between the designated Training Area and the dwellings closest to the use (that will also be buffered to a degree by existing dense vegetation to the south and south-west of the training area).
46. In summary, noting the concerns raised during advertising, although it is acknowledged that there will be noise generated on-site from the operation of ATVs, the type of noise generated by the use is not considered to be out of character with the surrounding predominant agricultural setting and functions.
47. Furthermore, as the proposed use will be contained within cleared areas on the site, it is unlikely to impact current or future agricultural activities. The proposal in its current form demonstrates it will meet the requirements outlined under the Noise Regulations, including incorporating a number of changes to further reduce impacts from noise to adjoining properties, as permitted under the previous approval granted by SAT in 2008.
48. Therefore, proposal demonstrates it is consistent with the objectives of the General Agricultural zone in this instance, and is unlikely to have a detrimental impact the amenity of the area.

Impacts on road conditions from increased traffic

49. The increase in traffic and condition of the road was also raised within the submissions against the proposal. Concerns raised in relation to traffic and condition of the road primarily relate to the following and are discussed in detail below:
 - Road is a narrow gravel road and proposal would result in increased traffic
 - Road conditions - is already corrugated and full of pot holes from lack of maintenance
 - Increase in dust
50. Staff acknowledge the concerns raised during advertising regarding potential impacts from the use to the condition of the road. However, due to the scale of the proposal, the proposed use is considered minor in nature and unlikely to generate a large amount of traffic resulting in increased maintenance or dust issues.
51. Furthermore, the City of Albany does not have the statutory authority to restrict vehicles from using a public road which are classified as 'as of right' vehicles by Main Roads WA.
52. To ensure that the proposed use remains small scale, and thus limiting significant increases in traffic volumes of road users, it is recommended that a condition of approval be applied that limits the operation of the use.

Environmental impacts on flora, fauna, livestock and emissions

53. The potential impact on the environment was also raised within the submissions against the proposal. Concerns raised in relation to the impact on the environment primarily relate to the following and are discussed in detail below:
 - The noise from the ATV's will impact the Ringtail Possums, Black Cockatoos, eagles, snakes, livestock and domestic animals within the area.
 - The riding school will encourage unsupervised riders within the nearby reserve, Munda Bididi trail and Bibbulmun track, impacting the flora.
 - The ATV's will result in an increase of emissions. It was questioned how the owners proposed to offset this, and also whether electric ATV's have been considered to reduce emissions (noise and pollution).
54. The proponent has indicated that they investigated electric ATVs and actually purchased one for testing and suitability. The proponent outlined however that unfortunately the build quality, reliability and short life of the battery issues of electric ATVs make them unsuitable in this instance.

55. The proponent indicated that they that are using the smallest motors possible with the lowest possible levels of emissions and on a property where they have retained a large area of natural bush. The proponent further indicated that they have also allowed a large area of former pasture to become overgrown with regrowth as offsetting measures.
56. In order to limit emissions, it is recommended that the ATVs used be restricted to a maximum engine capacity of 90cc, and that the exhaust systems maintained at all times so that the emissions comply with the manufacturers specifications. It is recommended that the OMP be amended to reflect this.
57. Due to the concerns raised in relation to the impact on wildlife, the proposal was referred to the Department of Biodiversity, Conservation and Attractions (DBCA). DBCA have no objections to the proposal.
58. The concerns are noted, however given the small scale of the proposed operation, and that the use is contained within the cleared area, it is unlikely that that there will be an impact on livestock, native or domestic animals.
59. The concerns raised regarding the use encouraging unsupervised riders within the nearby reserve is noted, however this is not considered a relevant planning matter. Unauthorised riding in reserves should be reported to relevant management authority for investigation.

Increased fire risk

60. Concern that the use will increase the risk of fire within the area was raised within the submissions against the proposal. Concerns raised in relation to the increase in fire risk relate to the following and are discussed below:
 - Increased risk of fire within the area due to introduction of machines
 - Insufficient existing firebreaks
61. The subject site is identified as being within a bushfire prone area and the proposed use is considered a vulnerable land use. Subsequently, a Bushfire Management Plan (BMP) was required to be prepared for the use.
62. As outlined under the Government and Public Consultation section, the BMP prepared for the previous approval was submitted as supporting documentation for the subject development, and the proposal referred to the Department of Fire and Emergency Services (DFES) for comment. DFES requested minor modifications to the BMP, with a revised BMP submitted by the proponent to reflect these.
63. DFES advised they did not need to be referred the revised BMP, and indicated that ultimately the local government as the determining authority would need to be satisfied that the revised BMP satisfactorily meets the requirements of *State Planning Policy .7 Planning in Bushfire Prone Areas* (SPP3.7).
64. Following this, staff have reviewed the revised BMP and consider that it satisfactorily meets the requirements of SPP3.7, with some of the requirements outlined under the BMP to be implemented via the application of suitable planning conditions.
65. In relation to concerns raised regarding insufficient firebreaks, it should be noted that firebreaks are dealt with under the annual Firebreak Management Notice, and the management of these are not a relevant planning consideration.

Further intensification of the use

66. Concerns raised in relation to the intensification relate to the following and are discussed below:
 - Concerned that it will become a race track for adults
 - Concerned numbers will increase
 - Who will regulate that it complies with conditions
67. Any intensification outside of the proposal would be subject to a further development application and assessment on its merits.

68. It is considered that applying appropriate planning conditions that limit the use to its current form mitigate concerns raised, including incorporation of a complaints procedure within a revised Operational Management Plan.
69. It is the applicant's responsibility to ensure they are operating in accordance with a current approval at all times. Should the proposal be supported and the City receives a complaint about the operation not operating in accordance with the approval, the City would investigate accordingly.

Other matters

70. The following concerns were raised during advertising, that are not considered relevant planning matters:
- Qualifications, insurance, safety of operations and validity of evidence submitted by the proponent support the proposal
 - Property value
 - Unclear community benefit
 - Provision of amenities
71. It is acknowledged that suitability of the land for development and possible risk to health and safety is a relevant matter for consideration. Compliance in relation to safety of operations, obtaining of relevant qualifications and insurance, fall under separate legislation and requirements, and are not captured under the relevant planning legislation and therefore not a relevant planning matter.
72. However, the applicant has stated that they will investigate what is required and obtain all the necessary approvals.
73. The concerns raised questioning the validity of evidence submitted in support of a proposal, are noted. A proponent has the ability to submit supporting information outlining rationale for their proposal.
74. Development applications are assessed on their merits and informed by relevant matters including supporting information submitted provided by the proponent, consideration of submissions received during advertising, and assessment of the proposal against the objectives of the zone, and other relevant planning matters outlined under cl. 67 of the Planning Regulations.
75. Property values are not within the matters to be considered under clause 67 of the Planning Regulations; and therefore are not a valid planning consideration.
76. Demonstration of community benefit of the proposal was not required to be demonstrated in this instance, and is therefore not a relevant matter for consideration.
77. As outlined under the Government and Public Consultation section of this report, the proposal was referred to Environmental Health and Building who indicated that a properly constructed sanitary convenience is to be provided on site, and constructed in accordance with the Building Code of Australia. The number and type of required sanitary facilities shall be as for a Class 9b sporting venue. A condition of approval is recommended to be applied to reflect this requirement.

GOVERNMENT & PUBLIC CONSULTATION

78. Agency responses, concerns raised during advertising, staff comment and the proponent's justification for the proposal are summarised and discussed above.
79. Recreation-Private is designated as a 'D' use within the General Agriculture zone, with advertising of a proposal at the discretion of the local government.

80. Advertising of the proposal was undertaken in this instance, and undertaken during two rounds, based on further information being required.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail Out to nearby landowners within approximately 650m of the subject site's boundary City website Public Comment page – copy of application made available and online submission form In addition to the above submitters on Round 1 of proposal were also re-referred proposal with updated documentation as part of Round 2 advertising	Round 1 - 21/02/2020– 13/03/2020 Round 2 - 19/04/2022 – 13/05/2022	Total submissions received over both rounds: 18	As outlined above – advertising of the proposal was not mandatory, however the standard process was followed as per the Planning Regulations

81. In addition to the public consultation, the proposal was also referred to DWER, DBCA and DFES. DBCA advised there were no objections to the proposal, with responses from DWER and DFES outlined further detail below and discussed above under Planning Assessment.

DWER

82. The Environmental Acoustic Assessment that was prepared for the previous proposal approved by SAT in 2008 was submitted as part of the original supporting documentation for the subject development application, and referred to DWER for comment (April 2020).
83. At that time DWER advised that the assessment lacked critical information to determine whether noise from the proposed operations would comply with the Noise Regulations. An updated Environmental Acoustic Assessment was received by the City and subsequently re-referred to DWER for comment re-referred to DWER for comment May 2022.
84. A summary of the comments and technical advice provided by DWER's Environmental Noise Branch (ENB) based on the updated Environmental Acoustic Assessment and Operational Management Plan are as follows:
- It was noted that a maximum of 12 ATVs will be used, an increase from what was approved in the 2008 SAT Order, and therefore DWER considered that the increase would not significantly increase the overall noise emission levels, due to several other positive changes in terms of noise emissions.
 - It was acknowledged that one of the key changes involved no motorcycle use (i.e. no two-wheel), with only four-wheel ATVs to be used. DWER noted that the removal of motorcycles and the change to predominantly 4-stroke ATVs would lead to lower noise emission levels, as the 4-wheel ATV is generally considered quieter than the two-wheel motorcycle. The 4-stroke ATV is also considered quieter than the 2-stroke ATV with a similar engine capacity. DWER also noted that the proposal involved all ATVs will be 90cc or less in engine capacity, and most will be less than 50cc. Furthermore, the proposed changes will lead to lower noise emissions than what was approved in the 2008 SAT Order, which restricted the engine capacity to a maximum of 100cc.
 - The use of 'SoundPlan' noise modelling software was considered acceptable commercial computer software by DWER, and the assessed sound power level of 83dB(A) adopted for each of the ATVs (which was the sound power level of a Suzuki 80cc ATV LT80 2-stroke measured as part of the previous proposal) was considered a reasonable approach.
 - DWER however did indicate there was difficulty in assessing the approach of using line noise sources in the noise modelling. The ENB raised concerns that the predicted noise emission levels from the 12 ATVs operating together was potentially too low at the closest neighbouring noise sensitive receivers. ENB further indicated they were not convinced that the predicted levels (Table 5.1 of the Assessment), represented the noise emission levels

of the worst-case scenario, when all 12 ATVs are operating on the property boundary. Further discussion regarding this aspect of the Assessment in relation to the proposed operations of the use, is outlined under the assessment section above.

- However, based on information from the proponent, DWER also noted that the training will occur predominately at the centre of the property, which is clearly delineated as 'Predominate training area' in the map attached to the OMP. DWER further acknowledged that this 'Predominate training area' was generally consistent with the 'Training area' as specified in the 2008 SAT Order for the approved use area of motorcycles.
- Therefore, DWER concluded that as the proposed 'Predominate training area' was farther away from the neighbouring noise sensitive premises, noise emission levels generated by the ATVs operating within this area would be significantly less than what were modelled, in that the closest neighbouring residence is at least 260m away from this 'Predominate training area', but only 70m distance from the property boundary line.
- DWER subsequently confirmed that if the ATV operation was restricted inside the previously proposed SAT-restricted 'Training area', noise from the proposed operation would be able to comply with the assigned noise levels at all neighbouring residences. Furthermore, the potential noise impact on the neighbouring noise sensitive receiver, while likely to be audible (given the generally relatively low ambient levels of rural areas), would also not be significant.
- Subject to the above, it should be noted that a comment in the DWER advice indicated it was assumed that all ATVs to be used in the updated proposal would be 4-stroke engines only, however this is not stated in the Acoustic Assessment or Operational Management Plan. As outlined elsewhere in the report, two 2-stroke 80cc ATVs will be available, however this aspect does not materially change the consideration of the proposal, as the updated Assessment Acoustic Assessment identified the proposal will comply with the Noise Regulations, with the assessment based on the 'worst case scenario' of 12 2-stroke 80cc ATVs.

DFES

85. The Bushfire Management Plan that was prepared for the previous proposal approved by SAT in 2008 was submitted as part of the original supporting documentation for the subject development application, and referred to DFES for comment (in April 2020). At that time DFES requested some minor modifications to the BMP and provided the following technical advice:
- *Given that the proposed development application has the potential to increase the threat of bushfire to people, property and infrastructure, the decision maker should ensure that the bushfire risk and hazard reduction/bushfire protection measures are established and understood before making a determination.*
86. The modifications were undertaken by the bushfire consultant and submitted to the City for review. Staff discussed the requested modifications with DFES at the time, who confirmed that they did not require further referral to view the modified BMP, as the modifications did not affect the design of the proposal.
87. DFES indicated that ultimately the local government would need to be satisfied that proposal adequately addressed the requirements of SPP3.7 and associated guidelines, specifically the matters outlined in their technical advice.

City of Albany Environmental Health & Building Services

88. The proposal was also referred to internal departments for consideration and comment, including Environmental Health and Building.

Provision of sanitary facilities

89. Both Environmental Health and Building Services advised it is a requirement that a properly constructed sanitary convenience is to be provided on site, and constructed in accordance with the *Building Code of Australia*. Building further advised that an Uncertified or Certified Application for a Building Permit is required for sanitary facilities for participants and spectators and that the number and type of required sanitary facilities shall be as for a Class 9b sporting venue.

Operation on public holidays

90. Environmental Health advised that a blanket approval should not be granted as part of the development application for operation on public holidays. In accordance with the Noise Regulations, the proponent should seek approval for operation on individual public holidays via a permit.

STATUTORY IMPLICATIONS

91. The Recreation-Private use is designated as a 'D' use within the General Agriculture zone, meaning the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.
92. The proposal was initially advertised as Recreation–Private (All-Terrain Vehicle Training), however the City’s Environmental Health team recently received advice from Worksafe, that indicated the use of ‘lessons’ was more appropriate term than ‘training’, as the term training should only be used when there is a certain skillset to be gained from undertaking the ‘training’.
93. In this instance, it is considered that change to the description of the type of Recreation-Private use proposed does not materially affect the consideration of the application.
94. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

95. Not applicable

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Risk: A decision that results in the detrimental impacts on amenity may be seen as a misapplication of the provisions of local planning scheme.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Pragmatic decision based on the assessment in accordance with the provisions of the local planning scheme, taking into account the consideration the objectives of the General Agricultural zone and submissions received during advertising.</i>

FINANCIAL IMPLICATIONS

97. All costs associated with the development will be borne by the proponent.
98. However, should the proponents be aggrieved by Council’s decision and seek a review through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

100. The subject lot involves both cleared areas and remnant vegetation. The removal of vegetation is not proposed as part of this proposal.
101. The proposal was referred to DBCA in regards to concerns raised regarding potential impacts on native flora and fauna from the noise emissions of the ATVs. As outlined under the Government and Public Consultation section, DBCA indicated they have no objections to the proposal.
102. Wastewater and on-site effluent disposal will be managed through the provision of appropriate drainage associated with the required on-site facilities.

103. Concerns were raised during advertising emissions from the ATVs, and the potential impacts on the environment and associated offset requirements. These concerns are discussed in further detail under the Planning assessment section of this report.

ALTERNATE OPTIONS

104. As outlined above, were Council to consider that the use or number of the two 2-stroke 80ccs ATVs should be further restricted as part of an approval of the use, this could be reflected by adding this requirement to the proposed existing condition requiring submission of an updated Operational Management Plan.

105. Council has the following alternate options in relation to this item, which are:

- a) To resolve to refuse the proposal subject to reasons; and
- b) To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

CONCLUSION

106. The proposal is considered to be consistent with the Local Planning Scheme No. 1 and the objectives of the zone.

107. The inclusion of an Environmental Acoustic Assessment demonstrating that compliance with the *Environmental Protection (Noise) Regulations 1997* can be achieved has satisfactorily addressed concerns in relation to noise.

108. It is considered that the matters raised in the public submissions can be mitigated through the application of appropriate planning conditions. On this basis, it is considered the proposal can be approved and appropriately managed through ongoing conditions.

109. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	<ul style="list-style-type: none"> • City of Albany Local Planning Strategy 2019 • City of Albany Local Planning Scheme No. 1 • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • State Planning Policy 3.7 • <i>Environmental Protection (Noise) Regulations 1997</i> • SAT Orders and Decision 12/09/2008 (DR 386 2007)
File Number (Name of Ward)	:	A70491 (West Ward)
Previous Reference	:	OCM - 16/10/2007 (Item 11.1.1)

DIS313: DRAFT LOCAL PLANNING POLICY 1.9: WASTE MANAGEMENT

Land Description	:	City of Albany
Proponent	:	City of Albany
Business Entity Name	:	City of Albany
Attachments	:	Draft LPP 1.9: Waste Management
Supplementary Information & Councillor Workstation	:	<ul style="list-style-type: none">• WALGA Model Local Planning Policy: Waste Avoidance & Resource Recovery – Development Applications• WALGA Model Local Planning Policy: Waste Avoidance & Resource Recovery – Development Applications Explanatory Notes• WALGA Commercial and Industrial Waste Management Guidelines• WALGA Multiple Dwelling Development Waste Management Plan Guidelines
Report Prepared By	:	Planning Officer (D Ashboth)
Authorising Officer:	:	Executive Director Infrastructure, Development & Environment (P Camins)

7.22pm: Prior to the consideration of DIS313 Councillor Smith left the Chambers. Councillor Smith did not return to the Chamber for the remainder of the meeting.

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed Local Planning Policy, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (the Planning Strategy) and *Strategic Community Plan – Albany 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
Pillar: Planet
Outcome: Shared responsibility for climate action.
Pillar: Place
Outcome: Responsible growth, development and urban renewal.
4. The item relates to the following objectives and strategic directions of the Planning Strategy.
Objectives:
 - Meet the service infrastructure requirements for settlement growth.**Directions:**
Service Infrastructure:
 - Meet the service infrastructure requirements for Albany's Settlement Growth.

In Brief:

5. City officers have recently commenced a periodic review of the City's existing Local Planning Policy Manual. As part of this review, the City has identified the need for a Waste Management Local Planning Policy, to ensure on-site waste management solutions for specific developments are adequately captured at the application stage.
6. Draft Local Planning Policy 1.9: Waste Management (LPP1.9) has been developed with the intention of addressing issues that arise when waste management is not adequately considered at the development application stage, including:
 - Inappropriate location and space identified for the storage of waste and recycling bins
 - Inconvenient access provided for collection vehicles
 - Impacts of inappropriate waste management on local amenity
 - Increased cost of waste collection for ratepayers
 - Increased risk of accidents due to inappropriate waste collection and storage methods

7. Council is requested to endorse the draft LPP1.9 for advertising.

RECOMMENDATION

DIS313: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS313: AUTHORISING OFFICER RECOMMENDATION

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse draft Local Planning Policy 1.9: Waste Management for the purpose of advertising.

BACKGROUND

8. City officers have recently commenced a periodic review of the City's existing local planning policies. The last in-depth policy review occurred in 2014.
9. Planning Services, in collaboration with the Sustainability and Waste Strategy team have identified the need for a Waste Management local planning policy to ensure incorporation of waste management considerations into development applications.
10. Within development applications, waste management considerations are commonly addressed through the provision of Waste Management Plans (WMPs).
11. The City of Albany generally requests the preparation of WMPs to accompany larger development applications. However, if planning officers have not been given the opportunity to provide comment on applications before lodgement, WMPs may not be provided.
12. As there is no established criteria in place, either under the local or state planning frameworks that outlines when a development application should be accompanied by a WMP, this has resulted in an element of uncertainty and inconsistency when providing advice to applicants.
13. Previously, where a WMP has not been provided as part of the development application, but the type and/or scale of the development warrants preparation of a WMP, the requirement would subsequently be applied as a condition of development approval.
14. The condition would require that the WMP be submitted for approval by the City, prior to the commencement of development. Based on the timeframe outlined in the condition, it is most likely that a WMP would then be submitted at a similar time to the application for a building permit.
15. Following the current process, the preparation of a WMP after development approval has been granted (and also issue of a building permit) is too late. Where onsite waste management considerations haven't been incorporated into a design from the outset, it is likely this would result in a range of issues emerging at the later implementation stages of development, that are difficult to remedy or retrofit during the later stages of design.
16. Retrofitting onsite waste management at such a late stage in the development may require significant amendments to approved plans, or result in reactive ad hoc solutions that may have unintended consequences or significant detrimental impacts to both the development and the adjacent street.

17. To support local government in implementing adequate waste management considerations through the local planning framework, the Western Australian Local Government Authority (WALGA) developed a model Waste Management Local Planning Policy and associated guidelines to assist local governments in incorporating waste management into the planning process.
18. The requirements to incorporate waste management considerations into the planning system is also addressed at the State level, within the State Planning Strategy 2050.
19. The community has also identified sustainability and climate action as a key priority within the City of Albany Strategic Community Plan 2032.
20. As part of this, there is a need to ensure waste facilities and services meet the needs of the environment and community into the future by simultaneously reducing levels of waste generation, and ensure the provision of cost effective and efficient waste management services.

DISCUSSION

21. Draft LPP1.9 has been prepared in order to formalise the instances in which the City will require waste management plans to be submitted with a development application for specific types of development.
22. A WMP outlines how large amounts of waste created by a development will be managed and dealt with, including information on estimates of waste type, storage area requirements, estimated volume and proposed management methods.
23. A local planning policy was considered the appropriate mechanism to address this, to provide clarity and statutory weight for the requirement of a WMP to be provided as part of the assessment of a development application. It was considered that this would not be adequately addressed via a customer information sheet.
24. The importance of including waste management considerations in the development application process has been highlighted by experience with historic development approvals, where inadequate consideration of waste management has resulted in operational issues, such as inefficient and non-compliant outcomes for commercial waste collection vehicles accessing a site, or insufficient, unsafe or inconveniently located onsite storage space for waste and recycling bins.
25. This limits aspects of onsite waste management such as providing recycling opportunities, and for larger scale developments, particularly in established commercial or residential areas, where offsite collection is proposed, insufficient verge space for kerbside collection results in the creation of unsafe pedestrian environments, and has a detrimentally impact on streetscape and local amenity.
26. Insufficient consideration of waste management at the development application stage can also increase the cost of waste collection for ratepayers and raise the risk of accidents due to inappropriate collection and storage methods.
27. Requiring a WMP as part of a planning application and subsequently referencing compliance as a condition of development approval, ensures waste management planning is incorporated into the design and functioning of a development upfront, rather than being something added later as a remedial measure.
28. Draft LPP1.9 identifies criteria for development that would require submission of a WPM as part of a development application. This criteria is generally based on WALGA's Model Local Planning Policy: Waste Avoidance & Resource Recovery – Development Applications (attached), with some amendments.
29. One key change, in line with other local governments and based on recent changes to waste collection, expands the criteria of developments requiring a WMP to a minimum of 4 dwellings proposed, from 10 identified by WALGA.

30. It is noted that this reduction was discussed with the Sustainability and Waste Management Team and it was agreed that the reduced numbers are more appropriate for the City of Albany as this would ensure consideration was given to relevant waste management aspects, including whether sufficient verge area requirements for kerbside collection could be provided.
31. As a worst case scenario this could result in a minimum of 8 bins being placed in the verge during general waste and FOGO collection, and where a WMP has not been submitted, it may not be identified until too late whether suitable space is available for kerbside collection.
32. It is also common for communal waste storage areas to be incorporated in to developments of 4 or more dwellings. Provision of communal waste storage areas are sometimes preferred as they offer an efficient and convenient area for waste storage onsite, and where appropriately located, can allow for easy relocation of bins to the verge for kerbside collection (if available). Or otherwise where bins are not collected using kerbside collection, provide ready access onsite collection by waste vehicles.
33. However, where these areas are not incorporated into the overall design of the development from the outset, these areas have the potential to result in access difficulties for the residents due to their inappropriate location or layout, as well as amenity and operational issues, especially if there is a lack of identified management or maintenance responsibilities. These issues can be addressed at the development application stage via submission of a WMP.
34. Draft LPP1.9 allows the City to request either a Level 1 or Level 2 WMP. The City recommends that preliminary advice should be sought for proposals involving development of the scale outlined in the criteria of LPP1.9.
35. The requirement such as the level of a WMP would be determined during preliminary assessment of a proposal, in consultation with the City of Albany Sustainability and Waste Strategy Team, prior to submission of the application. This will ensure the WMP requirements are not too onerous for developers in these circumstances.
36. WALGA templates for Level 1 and Level 2 WMPs are intended be included as supplementary information to draft LPP1.9. For information, the template for WALGA Level 1 WMPs are included as an appendix to relevant guidelines.
37. For residential development, and in instances where a WMP is required for a development that incorporates between 4 and 10 residential units, it is likely that a Level 1 WMP would be requested by the City.
38. Requirements for a WMP as part of an application for commercial and mixed-use developments are consistent with WALGA's Model Local Planning Policy: Waste Avoidance & Resource Recovery – Development Applications (attached).
39. Draft LPP 1.9 also enables the City to request waste management information as part of a Construction Management Plan, to ensure waste is dealt with appropriately during construction.
40. Once submitted, WMPs are referred to the City of Albany Sustainability and Waste Strategy team for review to ensure compliance with the City's waste management objectives and practices.
41. Should development approval be granted, compliance with the Waste Management Plan will be an ongoing condition to be complied with at all times.

Guidelines for the preparation of WMPs

42. The City of Albany currently has no guidelines addressing waste management considerations or the content of WMPs. Therefore, there was a desire for this local planning policy to be a high-level policy document, with reference to external guidelines containing technical details.
43. Staff considered that the guidelines previously prepared by WALGA adequately outline the preferred content and structure of WMPs for different types of development. Therefore, in the absence of any City guidelines, LPP1.9 states WMPs should generally be prepared in accordance with the relevant WALGA guidelines.

44. However, as there are WALGA guidelines specifically created for ‘grouped dwellings’ or ‘lodging houses’, the policy advises that WMPs for residential uses shall generally be provided in accordance with the WALGA Multiple Dwelling Waste Management Plan Guidelines.
45. Given the content and structure of residential WMPs are similar, the Sustainability and Waste Strategy team has advised this approach is preferred.
46. Waste Management Plans for Commercial, Industrial and Non-Residential Development shall generally be provided in accordance with the WALGA – Commercial and Industrial Waste Management Plan Guidelines.
47. Although not specifically required, LPP1.9 advises that a qualified waste consultant should be engaged to prepare a WMP. This is expected to ensure the quality of the report given some degree of expertise is required to determine waste generation rates and collection procedures.
48. This may also have the benefit streamlining assessment timeframes by minimising the likelihood of design changes.
49. In addition to the information requirements established in the relevant guidelines, draft LPP1.9 requires WMPs to identify measures to ensure waste management activities have no adverse visual, environmental or amenity impacts, either directly on site or indirectly off site.
50. This provision has been deliberately kept open and high level, therefore allowing the City to request a number of measures to improve amenity such as the screening of bin storage area or management of litter emanating from commercial premises.

GOVERNMENT & PUBLIC CONSULTATION

51. Approval is sought to advertise the draft LPP1.9 in accordance with Schedule 2, cl. 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.
52. If the Council resolves to support the draft LPP1.9 for advertising, a notice of the proposed policy will be placed in a newspaper circulating in the LPS1 area for 2 consecutive weeks.
53. The policy will also be published on the City of Albany website for 21 days.
54. Both the newspaper and the website will give details of:
 - Where the draft local planning policy can be inspected;
 - The subject and nature of the draft local planning policy; and
 - In what form and during what period (21 days from the day the notice is published) submissions may be made.
55. A copy of the policy will also be made available for inspection at the City of Albany.
56. After expiry of the period within which submissions may be made, the Local Government is to:
 - Review the draft local planning policy in light of any submissions made; and
 - Resolve to adopt the local planning policy with or without modification, or not to proceed with the local planning policy.

STATUTORY IMPLICATIONS

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

City of Albany local planning policy review

58. The City of Albany has a suite of LPP’s which it uses to augment the provisions contained under LPS1 to guide land use and development across the City, and inform the exercise of discretion when determining applications.
59. The State Administrative Tribunal has previously determined that the age of an LPP has direct relevance to the weight afforded to it. Therefore regular reviews are warranted and necessary, to ensure validity and relevance when used in decision-making.
60. Furthermore, it is critical that local planning policies are maintained to be consistent with the latest legislation and State Planning Policies.

Preparation and adoption of new local planning policies

61. The City of Albany Local Planning Scheme No. 1 (LPS1) is a prescriptive instrument that sets out the statutory provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of development under all circumstances is not always practical.
62. To address this, the Deemed Provisions of the Planning Regulations contains provisions enabling local governments to adopt local planning policies in order to:
 - address specific planning and development matters unique to the local government’s context.
 - amend or augment provisions set out by State Planning Policy, including the application of additional development controls or considerations for specific sites.
63. New or amended local planning policies must be advertised in accordance with Schedule 2, clause 4 of the Planning Regulations prior to their formal adoption.
64. Following completion of advertising and review of submissions, a report must be prepared for council requesting formal adoption of the local planning policy, subject to modifications.

Waste management under the planning framework

65. There are no specific instruments under the planning framework that address waste management considerations for non-residential and industrial developments. However it is acknowledged that onsite waste management considerations for residential development are broadly identified under State Planning Policy 7.3 Residential Design Codes (Volumes 1 and 2).
66. Draft LPP1.9 does not conflict with or vary any provisions relating to waste management considerations as outlined under either volume of SPP7.3.
67. In accordance with cl. 4 (3A) of the Planning Regulations, Council cannot resolve to adopt a local planning policy, where the policy:
 - amends or replaces a deemed-to-comply provision of the R-Codes; or
 - where the Commission’s approval is required for the policy under the R-Codes; and
 - the Commission has not approved the policy.
68. Following the above, additional approval from the Commission is not required in this instance.

POLICY IMPLICATIONS

69. Adoption of proposed LPP1.9 will add an additional LPP to the City of Albany Local Planning Policy Manual.
70. Draft LPP1.9 is based on *WALGA’s Model Local Planning Policy: Waste Avoidance & Resource Recovery – Development Applications* (attached).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation Advertising the proposed policy could give rise to objectionable comments from developers and landowners owners concerned with additional requirements that may apply to them.</p>	Possible	Minor	Low	<p>Policy provisions are consistent with the recommendations of State Government relating to waste management in the planning system.</p> <p>The Policy can be amended once feedback is assessed; this is the purpose of advertising prior to final adoption.</p>
<p>Opportunity: Ensure the provision of high quality, functional waste and resource recovery infrastructure and cost-effective waste collection services.</p>				

FINANCIAL IMPLICATIONS

72. There are no financial implications beyond what will be used for advertising.

LEGAL IMPLICATIONS

73. There are no legal implications relating to endorsing the proposed draft LPP1.9 for advertising.

ENVIRONMENTAL CONSIDERATIONS

74. The implementation of WMPs will contribute to the improved targets of the State's rates of waste diversion from landfill, increase resource recovery and address the challenges associated with servicing larger developments.

75. By developing a waste management plan as part of a Construction Management Plan, proponents have an opportunity to rationalise the use of materials during construction.

76. Furthermore, preparation of waste management plans as part of a proposal will also improve a development's overall sustainability rating, and may assist to inform accreditation processes such as Greenstar, NABERS and Envirodevelopment.

ALTERNATE OPTIONS

77. Council has the following alternate options in relation to this item, which are:

- To resolve to proceed with advertising the policy without modification;
- To resolve to proceed with advertising the policy subject to modification; and
- To resolve not to proceed with advertising the policy.

CONCLUSION

78. The City has identified the need for a Waste Management Local Planning Policy to ensure incorporation of waste management considerations into development applications.

79. Draft LPP1.9: Waste Management seeks to achieve this outcome by establishing circumstances where the City will request a Waste Management Plan to form part of a development application, whilst also outlining WMP content requirements.

80. Council is requested to resolve to endorse draft Local Planning Policy 1.9: Waste Management for advertising.

Consulted References	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 3. <i>WALGA Model Local Planning Policy: Waste Avoidance & Resource Recovery – Development Applications</i> 4. <i>WALGA Model Local Planning Policy: Waste Avoidance & Resource Recovery – Development Applications Explanatory Notes</i> 5. <i>WALGA Commercial and Industrial Waste Management Guidelines</i> 6. <i>WALGA Multiple Dwelling Development Waste Management Plan Guidelines</i>
File Number (Name of Ward)	All
Previous Reference	N/A

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

12. MEETING CLOSED TO THE PUBLIC

13. CLOSURE

There being no further business the Chair declared the meeting closed at **7:24pm**.

(Unconfirmed Minutes)

Councillor Chris Thomson
CHAIR