



AGENDA

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 5 December 2018

6.00pm

City of Albany Council Chambers

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

VISION

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

VALUES

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

Focused: on community outcomes

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

United: by working and learning together

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

Accountable: for our actions

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

Proud: of our people and our community

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

TERMS OF REFERENCE

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

Development Services:

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

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

Infrastructure Services:

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

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

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

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

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

(4) **Meeting Schedule:** Monthly

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

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

(7) **Delegated Authority:** None

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Mayor D Wellington

Councillors:

| | |
|--------|--------------------|
| Member | P Terry |
| Member | J Shanahun (Chair) |
| Member | S Smith |
| Member | A Moir |
| Member | B Hollingworth |
| Member | E Doughty |
| Member | R Hammond |
| Member | R Stephens |
| Member | A Goode JP |
| Member | T Sleeman |
| Member | G Stocks |

Staff:

| | |
|---|-----------|
| Chief Executive Officer | A Sharpe |
| Executive Director Development Services | P Camins |
| Executive Director Infrastructure and Environment | M Thomson |
| Reserves Officer | C Beck |
| Meeting Secretary | A Paulley |

Apologies:

Member R Sutton (Deputy Chair)

4. DISCLOSURES OF INTEREST

| Name | Committee/Report Item Number | Nature of Interest |
|-------------|---|---------------------------|
| | | |

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

6. PUBLIC QUESTION TIME

7. PETITIONS AND DEPUTATIONS

8. CONFIRMATION OF MINUTES

RESOLUTION

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 7 November 2018, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

DIS137: NATURE-BASED CAMPING STRATEGY AND ACTION PLAN

| | |
|------------------------------|--|
| Land Description | : Various COA Reserves |
| Proponent / Owner | : City of Albany |
| Attachments | : Nature Based Camping Strategy Community Engagement Report (Attachment A) Draft Nature Based Camping Strategy & Action Plan 2018-2022 (Attachment B) |
| Report Prepared By | : Manager City Reserves (<i>J Freeman</i>) |
| Responsible Officers: | : Executive Director Infrastructure and Environment (<i>M Thomson</i>) |

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Community Health & Participation
 - **Objective:** To develop and support a healthy inclusive and accessible community.
 - **Community Priority:** Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages.

- **Theme:** Clean, Green and Sustainable
- **Objective:** To protect and enhance our natural and built environment in a changing climate
- **Community Priority:** Sustainably protect and enhance our iconic coastline, reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves.

In Brief:

- The City of Albany's Nature Based Camping Strategy and Action Plan is a five year strategic plan designed to provide a framework for the management of nature based camping in City managed reserves.
- The plan identifies key strategies and actions to continue to provide and further enhance the camping experience available to residents and visitors, while also protecting the environmental values of our reserves. The long term goal is to increase the number of people able to experience camping in the region while enhancing the overall condition of the environment in surrounding areas.
- The Plan is an integral part of the City's Natural Reserves Strategy and is important to informing the Community Strategic Plan, Albany 2030 and a range of other related plans.

RECOMMENDATION

DIS137: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Nature Based Camping Strategy & Action Plan 2018-2022 be ADOPTED.

BACKGROUND

2. In 2014, a Camping Ground Working Group was established made up of industry and community representatives, City of Albany councillors and staff.
3. There continues to be an increasing strong demand for low cost nature-based camping opportunities.

4. During 2015-2017, the City of Albany completed some basic modifications and improvements to the City-managed campsites including installation of toilets and site definition.
5. The need for the development of a Nature-Based Camping Strategy was identified through community consultation during the development of the City's Natural Reserves Strategy in 2017.
6. In 2017, a consultant developed a background paper which helped in identifying a range of issues and opportunities that have guided the development of the Nature-Based Camping Strategy.
7. The draft Strategy has been advertised for public comment and modified where appropriate as a result of community comment after further review by internal stakeholders.

DISCUSSION

8. The City of Albany currently manages a large number of reserves and public open spaces which the community uses for a variety of purposes including camping.
9. Human interaction with the natural environment can provide a wide range of positive benefits (physical & mental health, etc.) but can also result in a range of negative issues if not managed appropriately.
10. The City of Albany's Nature-Based Camping Strategy and Action Plan is a 5-year strategic plan designed to provide a framework for the management of nature-based camping in City-managed reserves.
11. The plan identifies key strategies and actions to continue to provide and further enhance the camping experience available to residents and visitors, while also protecting the environmental values of our reserves. The long term goal is to increase the number of people able to experience camping in the region while enhancing the overall condition of the environment in surrounding areas.
12. The Plan is an integral part of the City's Natural Reserves Strategy and is important for informing the Community Strategic Plan, Albany 2030 and a range of other related plans.

GOVERNMENT & PUBLIC CONSULTATION

13. See attached Community Engagement Report (Attachment B).

STATUTORY IMPLICATIONS

14. There is a range of Western Australian legislation applicable to the Strategy including the items listed below.

Table 1: Western Australian legislation applicable to the Strategy

| Legislation | Administrator | Intent of document |
|--|---|---|
| <i>Caravan Parks and Camping Grounds Act 1995</i> | Government of WA, local government | To improve and promote caravanning and camping ensuring design and layouts conform to statutory requirements. |
| <i>Environmental Protection Act 1986</i> | Department of Water and Environmental Regulation | States guiding regulatory instrument for compliance on environmental provisions. |
| <i>Land Administration Act 1997</i> | Department of Planning, Lands and Heritage (DPLH) | Provides for disposition and management of State land. |
| <i>Planning and Development Act 2005</i> | DPLH, local government | Provides for a system of land use planning and development. |
| <i>Health Act 1911</i> | Department of Health | Protect and promote health in the State. |
| <i>Wildlife Conservation Act 1950</i> | DBCA | Protection of threatened species. |
| <i>Caravan Parks and Camping Grounds Regulations 1997</i> | Government of WA, local government | Regulates caravan parks and camping grounds. |
| <i>Planning and Development (Local Planning Schemes) Regulations 2015 (2015)</i> | DPLH, local government | Regulates the planning process. |
| <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> | Department of Water and Environmental Regulation | Regulates the clearing of native vegetation. |
| <i>Health Local Law 2001</i> | CoA | Regulates local public and environmental health. |
| <i>Fire and Emergency Services (Bush Fire Prone Areas) Order 2015</i> | Department of Fire and Emergency Services | The areas of the state described in the Bushfire Prone Areas dataset are designated as bush fire prone areas. |

POLICY IMPLICATIONS

15. There are no policy implications relating to this report.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|---|-------------|---------------|--|
| Community: The Nature-Based Camping Strategy and Action Plan raises community expectations and actions are not delivered as per the Plan. | Possible | Moderate | Medium | If adopted, Council allocates resources to accommodate actions identified in the Plan in a timely manner. |
| Reputation: There is a risk that by not establishing a clear strategy for the management of Nature-Based Camping, there will be continued confusion in the community and criticism of Council. | Likely | Moderate | High | Adopt the Plan and continue ongoing communication with the public and relevant stakeholders as to progress of actions within the Plan. If the proposed Strategy is not endorsed, staff will review and address areas of concern while informal management of the campsites will continue. |
| Environment: Continued degradation of vegetation if campsites are not designed and managed for increased use. | Almost Certain | Moderate | High | Adopt the Plan and undertake design and implementation of campsites to manage impact of users. |
| Opportunity: | Campsites are better managed within the City of Albany. | | | |

FINANCIAL IMPLICATIONS

17. Ongoing costs for the maintenance and renewal of assets will be the responsibility of the City of Albany. The Nature-Based Camping Strategy will require linking to the Long Term Financial Plan for some of the proposed actions to be achieved. Allocations to achieve specific actions will be considered as part of the annual budget and review processes.
18. The Strategy will support the City in applying for external funding to undertake some of the larger capital works activities should suitable funding opportunities arise.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

20. The Strategy is designed to help address the key issues of environmental protection and sustainable management associated with nature-based camping.
21. The Strategy reflects current environmental best practice. However, specific environmental impact assessments will be undertaken for all new actions/works prior to implementation, and any necessary environmental conditions will be implemented at this stage.

ALTERNATE OPTIONS

22. Council may choose not to adopt this Strategy. However, this is not recommended as Albany continues to see a steady growth in visitors seeking nature-based camping experiences and is part of only two identified unique biodiversity hotspots in Australia. As such, there is an expectation that the City will manage camping in a way that will ensure we preserve and protect the unique environmental biodiversity values within our natural reserves.
23. Council may wish to modify the Strategy.

CONCLUSION

29. The City’s nature-based campsites are a significant asset for the City in terms of access by residents and visitors to natural areas, as well as generating economic, and health and wellbeing benefits for the City and broader community.
30. The need for the development of a Nature-Based Camping Strategy was identified through community consultation during the development of the City’s Natural Reserves Strategy in 2017.
31. The Nature-Based Camping Strategy and Action Plan is a 5-year strategic plan designed to provide a framework for the management of nature-based camping in City-managed reserves.
32. It identifies key strategies and actions to provide access for the community and protection of the environmental values of the campsites and surrounding areas.
33. Specific concept plans for each site will be developed and all appropriate environmental checks and approvals completed in due course and prior to any significant on-ground works being undertaken.
34. This report recommends that the Nature-Based Camping Strategy and Action Plan 2018-2022 be adopted.

| | | |
|-----------------------------------|---|--|
| Consulted References | : | Natural Reserves Strategy and Action Plan 2017-2021 |
| File Number (Name of Ward) | : | PR.PLA.4 Parks and Reserves – Planning – Camping (West and Kalgan Wards) |
| Previous Reference | : | Presentation to DIS Committee July 2018 |

**DIS138: LOCAL STRUCTURE PLAN NO.7 – LOT 9000
LANCASTER ROAD, MCKAIL**

| | |
|---|---|
| Land Description | : Lot 9000 Lancaster Road McKail |
| Proponent | : Harley Dykstra |
| Business Entity Name | : J Belfield, K Belfield, B Lucas, A Lucas & J Lucas |
| Attachments | : 1. Local Structure Plan 7 Document 2. Local Structure Plan 7 Map 3. Original Subdivision Guide Plan 4. Schedule of Submissions and Recommendations |
| Supplementary Information & Councillor Workstation | |
| Report Prepared By | : Senior Planning Officer – Strategic Planning (A Nicoll) |
| Responsible Officers: | : Executive Director Development Services (P Camins) |

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. The application for consideration proposes a structure plan to guide future subdivision and development of land in the McKail area.
3. In making a decision on the proposed structure plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*. The structure plan complies with strategic planning for the following reasons:
 - a) The Albany Local Planning Strategy (2010) seeks to encourage the development of the Structure Plan area for 'Rural Residential' (Min 1ha lots).
 - b) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

In Brief:

- The subject land is zoned 'Rural Residential'. A 'Subdivision Guide Plan' has already been adopted to guide subdivision of the land into 18 lots.
- A new plan (Structure Plan) has been submitted requesting changes including:
 - Adjusting the lot layout and number of lots from 18 to 14;
 - Realigning internal road design; and
 - Including bushfire management criteria.
- Council is requested to consider submissions received on the Local Structure Plan No.7 and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

Maps and Diagrams: Subject Site – Lot 1000 Lancaster Road, McKail.



RECOMMENDATION

DIS138: RESPONSIBLE OFFICER RECOMMENDATION

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

1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No.7 subject to the following modifications:
 - a) It is recommended that the following conditions are included on the structure plan map:
 - i. *At the time of subdivision/development of lots 6, 7, 8, 9, 13 and/or 14, a land capability assessment is undertaken in late winter to confirm that a min 0.5m separation distance between ground level and ground water can be achieved.*
 - ii. *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

“This lot is in close proximity to existing agriculture activities and may be adversely affected by virtue of odour, noise, dust and/or light emissions from that land use.”

- iii. **Habitable buildings are to be surrounded by an asset protection zone, with a size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m². The APZ is to be managed in accordance with the requirements of ‘Standards for Asset Protection Zones’.**
 - iv. **The development of Battle-axes is to comply with standards in Table 4, column 3 (vehicle access technical requirements) of the Guidelines for Planning in Bushfire Prone Areas.**
 - v. **Habitable development proposed within the ‘MRWA Noise Line (50db)’ area is to undertake a detailed acoustic assessment and determination of appropriate mitigation treatments as per the State Planning Policy 5.4 – Road and Rail Transport Noise and freight Considerations in Land Use Planning.**
 - vi. **A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) 8, 9, 110, 15, 16 and 17. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:**

“The lot(s) are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.”
 - vii. **A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lots 1, 2, 10 and 11 advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:**

“The land may be subject to temporary high noise levels from activities conducted at the Attwell Park Speedway.”
- b) **In accordance with the land evaluation assessment, it is recommended that the structure plan is amended to illustrate an additional building exclusion area to the western boundary.**
 - c) **It is recommended that the wording in the bushfire assessment is revised to avoid any confusion with ‘vegetation exclusions’, as follows:**

Class G Grassland has intentionally been omitted from the calculation of the BAL ratings within the BAL Contour Map. To ensure the potential radiant heat impact of a bushfire to a habitable dwelling does not exceed 29kW/m², an asset protection zone around habitable dwellings is to be developed and managed in accordance with the requirements of ‘Standards for Asset Protection Zones’.
2. **Forward structure plan documentation and submissions to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan (with modifications).**
 3. **Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.**

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes.
5. A new proposed Local Structure Plan No.7 has been submitted seeking to modify the lot design and road layout of an approved Subdivision Guide Plan.
6. The City of Albany advertised the proposed Local Structure Plan No.7 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
7. At the close of advertising, the City of Albany received seven (7) submissions commenting on the proposed structure plan.
8. Council is requested to consider the submissions received and determine whether to recommend that the Commission support the structure plan with modifications.

DISCUSSION

9. The property is located approximately 7km north-west of the Albany town centre.
10. The subject site is currently zoned Rural Residential Area No.34 (RR34) in accordance with the City of Albany *Local Planning Scheme No. 1*. The RR34 standards currently allow for the subdivision of Rural Residential lots down to a minimum size of 1 hectare, based upon land capability, service availability and an existing approved Subdivision Guide Plan.
11. There are no significant topographical features located on the site including watercourses, wetlands, flood plains or dams.
12. The property is predominantly cleared of vegetation with a small cluster of trees located midway along the eastern portion of the site. The amended Structure Plan seeks to retain all existing vegetation where possible. The Structure Plan seeks to include revegetation to improve privacy and amenity, without increasing bushfire risk.
13. The new modified Structure Plan No.7 has been submitted to propose changes including:
 - a) Larger lot sizes and improved shape to address market feedback and current bushfire practices.
 - b) Realigning the future road reserve to provide vehicle access and street frontage to all lots.
 - c) Adjusting revegetation areas to align with the revised lot layout;
 - d) Inclusion of an emergency access way to ensure two points of access and egress in the event of a bushfire, and to comply with the requirements of SPP 3.7 – Planning in Bushfire Prone Areas.
14. The structure plan denotes noise contours associated with the future development of Link Road as a heavy vehicle transport route and the speedway located on Reddale Road, McKail.
15. Access to the subject land is to occur via a single access road, joining to Lancaster Road, which will connect to an east-west connection at the southern portion of the subject site. The structure plan proposes the development of a temporary 6m wide emergency access way to allow emergency and other vehicles to move through the subject land easily and safely at all times.
16. A Bushfire Management Plan has been prepared outlining various measures that enable the structure plan to comply with State Planning Policy 3.7, including maintaining low fuel areas, constructing driveways to enable emergency egress and constructing a temporary 6m wide emergency access way.
17. Reticulated sewerage is not available within the locality, which means development needs to connect to on-site septic systems with leach drains in accordance with the draft

Government Sewerage Policy 2016. A land capability assessment was prepared over the land confirming suitable clearances from the ground surface to ground water levels.

18. As part of the advertising process, the following key comments were received:
 - a) There is a low lying area on the south-western boundary that should be identified as a 'Building Exclusion Zone';
 - b) The land evaluation assessment should have been conducted in a winter month and not March;
 - c) Concern about existing and potential agricultural activities on surrounding land and the possible resultant spray drift from chemical applications.
 - d) It is unclear what enforceable mechanism exists to ensure existing dwellings will be protected from bushfire threat.
 - e) The structure plan should be designed to show two access routes to two different destinations.
 - f) The creation of battle-axe lots should be avoided in bushfire prone areas.

Building Exclusion Zone

19. The Department of Health commented that a low lying area on the south-western boundary should be identified as a Building Exclusion Zone.
20. In relation to Department of Health comment, it is recommended that Council agree to advise the Western Australian Planning Commission that the structure plan should be amended to show a Building Exclusion Zone on the south-western boundary.

Land Evaluation assessment

21. The Department of Health suggested that the land evaluation assessment undertaken to determine groundwater depth should have been undertaken in winter months and not March.
22. In relation to Department of Health comment, it is recommended that Council agree to advise the Western Australian Planning Commission that in this instance, an additional winter land evaluation assessment is not necessary for the following reasons:
 - a) The results from the hydrological logs show that ground water was not intersected in any of the test holes (which went to depths of up to 1380mm deep). This gives the City confidence that the proposed lots will be able to achieve the min 0.5m separation distance to groundwater.
 - b) The decreased lot yield and increased lot size of almost all the proposed lots is a benefit in regards to onsite effluent disposal.
23. For assurance, it is recommended that the following condition is included on the structure plan map, applicable to the lower lying lots 6, 7, 8, 9, 13 and 14:

At the time of subdivision/development of lots 6, 7, 8, 9, 13 and/or 14, a land capability assessment is undertaken in late winter to confirm that a min 0.5m separation distance between ground level and ground water can be achieved.

Agricultural Activities

24. The Department of Health expressed concern about existing and potential agricultural activities on surrounding land and the possible resultant spray drift from chemical applications.
25. In relation to Department of Health comment, it is recommended that Council agree to advise the Western Australian Planning Commission that the following condition is placed on the structure plan map:
26. A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard

or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“This lot is in close proximity to existing agriculture activities and may be adversely affected by virtue of odour, noise, dust and/or light emissions from that land use.”

Asset Protection Zones

27. The Department of Fire and Emergency Services questioned what mechanism is proposed to ensure existing dwellings will be protected from bushfire threat.
28. In relation to Department of Fire and Emergency Services comment, it is recommended that Council agree to advise the Western Australian Planning Commission that the following condition is included on the structure plan map:

Habitable buildings are to be surrounded by an asset protection zone, with a size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m². The APZ is to be managed in accordance with the requirements of ‘Standards for Asset Protection Zones’.

Access

29. The Department of Fire and Emergency Services commented that the structure plan should be designed to show two access routes to two different destinations.
30. It is recommended that Council agree to advise the Western Australian Planning Commission that the intent to provide two access routes to two different destinations has been complied with in accordance with the Commissions Guidelines for Planning in Bushfire Prone Areas, ‘Performance Principle (P3)’.
31. The ‘Performance Principle (P3)’ states:
The internal layout, design and construction of public and private vehicular access and egress in the subdivision/development allow emergency and other vehicles to move through it easily and safely at all times.
32. The structure plan shows a public road and a 6m wide emergency access way to allow emergency and other vehicles to move through the subject land easily and safely at all times.

Battle-axe lots

33. The Department of Fire and Emergency Services commented that the creation of battle-axe lots should be avoided in bushfire prone areas.
34. In relation to Department of Fire and Emergency Services comment, it is recommended that Council agree to advise the Western Australian Planning Commission that the intent for subdivision design to include battle-axe lots complies with the Commissions ‘Acceptable Solution A3.4’.
35. The ‘Acceptable Solution A3.4’ states:
 - a) Battle-axe access leg should be avoided in bushfire prone areas. Where no alternative exists, (this will need to be demonstrated by the proponent) all of the following requirements are to be achieved:
 - Requirements in Table 4, Column 3;
 - Maximum length: 600 metres; and
 - Minimum width: six metres.
36. Battle-axe legs shown on the structure plan do not exceed 600m and are a minimum 6m in width.
37. It is recommended that the following condition is included on the structure plan map to ensure compliance with Table 4, Column 3 of the Commissions Guidelines for Planning In Bushfire Prone Areas:

The development of Battle-axes is to comply with standards in Table 4, column 3 (vehicle access technical requirements) of the Guidelines for Planning in Bushfire Prone Areas.

38. Table 4, Column 3 of the Commissions Guidelines for Planning In Bushfire Prone Areas states:

| TECHNICAL REQUIREMENTS | 3 Private driveway |
|---------------------------------|--------------------|
| Minimum trafficable surface (m) | 4 |
| Horizontal clearance (m) | 6 |
| Vertical clearance (m) | 4.5 |
| Maximum grade <50 metres | 1 in 10 |
| Minimum weight capacity (t) | 15 |
| Maximum cross fall | 1 in 33 |
| Curves minimum inner radius (m) | 8.5 |

39. Council is requested to consider comments and staff recommendations pertaining to the Local Structure Plan No.7, and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

GOVERNMENT & PUBLIC CONSULTATION

40. The Structure Plan No.7 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
41. Submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors as an original and as summarised in the attached Schedule of Submissions.
42. Commentary on the submissions has been provided in this report item and in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

43. Local Structure Plans undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
44. Schedule 2, Part 4, clause 19 requires the local government to consider the submissions made within the period specified in the notice advertising the structure plan.
45. Schedule 2, Part 4, clause 20 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed structure plan should be approved by the Commission.
46. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

47. The following applicable policies have been considered during the assessment of the structure plan:
- a) *Draft Government Sewerage Policy; and*
 - b) *State Planning Policy 3.7 Planning in Bushfire Prone Areas;*

Draft Government Sewerage Policy

48. This policy requires all subdivision and development to be connected to reticulated sewerage unless exemptions of the policy apply.
49. As the subject land is zoned 'Rural Residential' with a minimum lot size of 1ha, an exemption applies in accordance with provision 6.2 (1).

State Planning Policy 3.7 Planning in Bushfire Prone Areas

50. The publicly released Bushfire Prone Area Mapping (DFES, 2017) shows that the subject land is located within a Bushfire Prone Area (situated within 100m of >1 ha of bushfire prone vegetation).
51. An assessment of bushfire criteria, submitted as an appendix to the structure plan, confirms that subdivision and development may occur in accordance with the Commission’s Guidelines for Planning in Bushfire Prone Areas.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|------------|-------------|---------------|--|
| Reputation. The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning. | Possible | Minor | Low | If the Structure Plan is not supported by the WAPC the City may be required to make modifications. |
| <i>Opportunity: Increase opportunity for servicing and development.</i> | | | | |

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

55. Measures have been recommended to:
 - a) Exclude development from environmentally sensitive areas;
 - b) Protect existing vegetation; and
 - c) Plant trees for screening.

ALTERNATE OPTIONS

56. Council may consider alternate options in relation to the structure plan, including;
 - a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed structure plan; or
 - b) Recommend that the Western Australian Planning Commission approve the proposed structure plan without modification; or
 - c) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to additional modifications.

CONCLUSION

57. The structure plan proposes Rural Residential lots with a minimum lot size of 1ha.
58. The structure plan was advertised and provisions have subsequently been recommended to address issues raised.

59. Council is requested to agree to recommend that the Western Australian Planning Commission approve the structure plan subject to modifications.

| | | |
|-----------------------------------|---|--|
| Consulted References | : | 1. <i>Local Planning Scheme No.1: Albany Speedway Noise Special Control Area.</i> 2. <i>Local Planning Strategy 2010;</i> 3. <i>Draft Government Sewerage Policy;</i> 4. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas.</i> |
| File Number (Name of Ward) | : | LSP7 (Vancouver Ward) |
| Previous Reference | : | Nil |

DIS139: COUNCIL POLICY - MAINTENANCE OF WATERCOURSES AND DRAINAGE CHANNELS

| | |
|------------------------------|---|
| Land Description | : City of Albany |
| Proponent / Owner | : City of Albany |
| Attachments | : Draft Council Policy - Maintenance of Watercourses and Drainage |
| Report Prepared By | : Manager City Engineering (D King) |
| Responsible Officers: | : Executive Director Infrastructure & Environment (M Thomson) |

STRATEGIC IMPLICATIONS

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

In Brief:

- This policy recognises that watercourses, drainage channels and their associated vegetation should be left as undisturbed as possible, unless extraordinary circumstances apply.
- The City recognises that there are instances in which the condition of watercourses may deteriorate as a result of erosion and/or sedimentation, overgrowth with weeds or dumping or accumulation of rubbish. In such cases, it is recognised that maintenance and/or rehabilitation of these waterways may be required.

DIS139: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Policy for Maintenance of Watercourse and Drainage Channels Version 1.1 be ADOPTED.

BACKGROUND

2. Albany townsite was developed over a number of decades when open drainage was accepted as suitable infrastructure. As community expectations change, some areas of Albany have been upgraded with kerb and pipe drainage systems.
3. However, there are a number of instances where drainage channels exist. Sometimes these channels exist as open drains alongside a roadway but more significantly, larger capacity trunk drains exist to convey stormwater to a natural watercourse.
4. The City of Albany has a number of natural watercourses, the most significant example of this is the Yakamia Creek. The definition of a watercourse is 'A stream of water whether perennial or intermittent, flowing in a depression of a natural channel or a natural channel artificially improved or in an artificial channel, which has changed the course of the stream.'
5. Although a number of the above drains and channels sit within City of Albany-controlled land, there are many instances where they sit in private ownership.
6. There is no current policy to guide officers in the decision-making on maintenance of drainage channels and watercourse in private or City ownership.

DISCUSSION

7. The objective of the policy is to define Council’s obligations and policy regarding the maintenance, improvements and rehabilitation of watercourses including drainage reserves and channels.
8. The policy makes statements on maintenance and improvement issues regarding drainage easements and natural watercourses.

GOVERNMENT & PUBLIC CONSULTATION

9. Formal advertising of the proposed policy via newspapers has been undertaken from 12 July 2018 giving details of:-
 - Where the draft policy can be inspected;
 - The subject and nature of the draft policy; and
 - In what form and during what period (30 days which exceeds the 21 minimum requirement).
10. Four (4) submissions were received and the key points have been tabled below and include a response. Full submissions will be made available to Council under separate cover.

| Comment | Officers Response |
|--|---|
| <i>Drainage maintenance request on a City of Albany owned waterway on an annual basis.</i> | <i>The City of Albany maintenance teams conduct both periodic and reactionary drain maintenance. Specific annual attention falls outside of the scheduled maintenance service level at this time. Customer advised to submit a Customer Service Request when the drain requires clearing and this will be attended to on an as required basis.</i> |
| <i>Incoming easements to private property should be extended and maintained to the creek line</i> | <i>The City of Albany draft policy states that the City will maintains drains and watercourses within easements. Where easements are not connected to a natural low/soak/watercourse or pond the City would seek to take an easement. In this instance, the easement connects to a natural soak/pond and does the not contribute any additional stormwater runoff to that soak. As such the City would not seek to obtain an easement to drain the private soak/pond</i> |
| <i>Development of Yakamia creek to incorporate staggered silt ponds or the similar prior to Lower King Bridge</i> | <i>Yakamia creek runs through primarily private land that is zoned agricultural. Development of Yakamia creek through the Private property is cost prohibitive at this time and not appropriate or aligned with the current level of urban development along the creek.</i> |
| <i>Multiple Comments with regards to set policy around environmental considerations to maintains of drains and natural waterways</i> | <i>This draft policy seeks to provide guidance on <u>when</u> the City of Albany should consider use of funds to carry out works. It does not seek to identify <u>how</u> or set guidelines on education of private landowners. Identification of maintenance policies shall be addressed in the City of Albany’s Environmental Code of Conduct and State department guidelines.</i> |
| <i>Recommendation to include DWER guidelines and policy’s as associated documents</i> | <i>Accepted and included as Amended version 0.2</i> |

STATUTORY IMPLICATIONS

11. There are no statutory implications relating to resolving to advertise the proposed Policy.

POLICY IMPLICATIONS

12. The proposed policy aims to provide officers with guidance on decision-making with regard to maintenance and improvements of drainage channels and natural watercourses.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|-----------------|-----------------|---------------|--|
| <p>Reputation <i>Risk: Policy position may have an impact on property owners that have private drainage channels or watercourses.</i></p> | <i>Possible</i> | <i>Moderate</i> | <i>Medium</i> | <i>Advertising the proposed policy, has been undertaken to manage expectation.</i> |
| Opportunity: <i>Increase consistency and equity with regard to decision-making</i> | | | | |

FINANCIAL IMPLICATIONS

14. Minimal advertising costs already budgeted.

LEGAL IMPLICATIONS

15. There are no legal implications relating to resolving to advertise the proposed Policy.

ENVIRONMENTAL CONSIDERATIONS

16. Nil

ALTERNATE OPTIONS

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

- Not to proceed with adopting the policy.
- Adopt previous version 1.0 of the policy

CONCLUSION

18. The proposed policy seeks to provide guidance and clarification on the application of City funds to maintain and improve drainage channels and natural watercourses.

| | | |
|-----------------------------------|---|----------------------------------|
| Consulted References | : | <i>Local Government Act 1995</i> |
| File Number (Name of Ward) | : | <i>EM.PLA.26 (All Wards)</i> |
| Previous Reference | : | <i>DIS099 (OCM June 2018)</i> |

DIS140: COUNCIL POLICY – ADVERTISING AND GUIDANCE SIGNAGE ON PUBLIC LAND AND ROAD RESERVE

| | |
|------------------------------|--|
| Land Description | : City of Albany |
| Proponent / Owner | : City of Albany |
| Attachments | : 1. Draft Council Policy – Advertising and Guidance Signage on Public Land and Road Reserve Version 0.3 2. Service Information and Tourist Signs Policy Version 3.0 3. Signs on Public Land Information Sheet |
| Report Prepared By | : Manager City Engineering (D King) |
| Responsible Officers: | : Executive Director Infrastructure & Environment (M Thomson) |

STRATEGIC IMPLICATIONS

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

In Brief:

- This policy seeks to provide guidance to the public (in particular the visiting public) in locating community services and commercial tourism-related facilities within the City of Albany through clear and uniform information.
- The policy enables authorised people to undertake compliance and enforcement functions under local laws and legislation in a manner that is consistent with this signage policy.

DIS140: RESPONSIBLE OFFICER RECOMMENDATION

THAT the proposed Advertising and Guidance Signage on Public Land and Road Reserves Policy be ADOPTED, and the current Services *Information and Tourist Signs Policy* be RESCINDED.

BACKGROUND

2. Current related policy and associated information sheets refer only to Tourist Signs (brown background and white lettering) and Service Signs (blue background and white lettering).
3. There is no current policy to guide officers in the decision making of approval of advertising and guidance signage on public land or road reserves, which includes numerous other types over and above the Tourist and Service signage.

DISCUSSION

4. The draft policy proposes alterations to the current guidelines for Service Signage. The draft policy identifies service facilities which are applicable for Service Signage. The list has been made finite which reduces ambiguity as to the suitability of a Service facility.
5. Service signage across the City of Albany urban areas has unintentionally become a form of advertising, with numerous accommodation facilities utilising business names. This is leading to a growing issue of signage clutter, particularly in accommodation-rich areas.

6. For urban areas, it is considered that visitors staying at general accommodation facilities will have pre-booked and should use modern guidance technologies, as well as more traditional methods of wayfinding.
7. To address point 5 and 6 above, for urban areas, the policy does not allow for general accommodation signage and prohibits the display of business naming on the sign.
8. It is considered that for existing signage, the City of Albany will leave it in place until such time as the signs require maintenance and or become unsightly with vandalism or wear and tear.
9. Under section 3 of The *Activities on Thoroughfare Public Places Trading Local Law 2011* the Local Government may permit certain signage. The draft policy provides guidance to officers of the types of signage permitted within the provision of this law.
10. Permitted portable signs under the policy include:-
 - a. Temporary Community Advertising Signs
 - b. Service Club Signs
 - c. Commercial Temporary Signage (e.g. Sandwich Boards Signage)
 - d. Open House and Garage Sale Signs
11. Permitted advertising signs under the policy include:-
 - a. Land Estate Development Signs
 - b. Commercial and Industrial Estate Signs
 - c. Bus Shelter Advertising and Roadside Seat Advertising.

GOVERNMENT & PUBLIC CONSULTATION

12. Formal advertising of the proposed policy via newspapers has been undertaken from 11 October 2018, giving details of:-
 - Where the draft policy can be inspected;
 - The subject and nature of the draft policy; and
 - In what form and during what period (30 days which exceeds the 21 minimum requirement).
13. One (1) submission was received and the key points have been tabled below and include a response. A full copy of the submissions will be made available to Council under separate cover.

| Comment | Officers Response |
|---|---|
| <p><i>Request for developments such as health precincts to be included in the signage policy.</i></p> | <p><i>Service signage is aimed as visitors and not the local public. Government facilities such as Hospitals are included in the permitted list for advertising signage. This is because Government Hospitals have emergency departments that would be frequently used by visitors (ie. non local).</i></p> <p><i>It is the officer position that other types of health precincts, and in particular private operations, would not attract a significant portion of visitors.</i></p> |

STATUTORY IMPLICATIONS

14. Nil.

POLICY IMPLICATIONS

15. The proposed policy aims to provide officers with guidance on decision-making with regard to advertising and guidance signage on public land and road reserves.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|------------|-------------|---------------|--|
| <p>Reputation <i>Risk: Policy position may have an impact on businesses which are using signage that does not conform to the policy.</i></p> | Possible | Moderate | Medium | <p>Advertising the proposed policy, has been undertaken to manage expectation.</p> <p>Where existing signage that is non-conforming exists in a permanent state, it is proposed that this signage is not removed until it requires replacement or deemed to require maintenance.</p> |
| <p><i>Risk: Not removing non-conforming permanent signage (such as service signage for accommodation that includes business name) may cause unrest to other business owners that otherwise would have had similar signage installed.</i></p> | Possible | Moderate | Medium | <p>Advertising the proposed policy, has been undertaken to manage expectation.</p> |
| <p>Opportunity: Increase consistency and equity with regard to decision-making.</p> | | | | |

FINANCIAL IMPLICATIONS

17. Nil.

LEGAL IMPLICATIONS

18. Nil.

ENVIRONMENTAL CONSIDERATIONS

19. Nil.

ALTERNATE OPTIONS

20. Council has the following alternate options in relation to this item, which are:-
- Not to proceed with adopting the policy.
 - Proceed with the policy and direct officers to regulate all existing signage to conform to the new policy.

CONCLUSION

21. The proposed policy seeks to provide guidance to the public (in particular the visiting public) in locating community services and commercial tourism-related facilities within the City of Albany through clear and uniform information.

| | | |
|-----------------------------------|---|--|
| Consulted References | : | <ul style="list-style-type: none"> • Local Government Act 1995 • Activities on Thoroughfares and Public Places and Trading Local Law 2011 • Signs Local Law 2006 (As Amended) |
| File Number (Name of Ward) | : | EM.PLA.26 (All Wards) |
| Previous Reference | : | Nil |

**DIS141: LOCAL PLANNING SCHEME AMENDMENT NO.33 – LOT 1
FRENCHMAN BAY ROAD, LITTLE GROVE.**

| | |
|-----------------------------|---|
| Land Description | : Lot 1 Frenchman Bay Road, Little Grove |
| Proponent / Owner | : Ayton Baesjou |
| Business Entity Name | : C Wallrod |
| Attachments | : 1. Local Planning Scheme Amendment No. 33 2. Schedule of Submissions |
| Report Prepared by | : Senior Planning Officer – Strategic Planning (A Nicoll) |
| Responsible Officer | : Executive Director Development Services (P Camins) |

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. The application for consideration proposes an amendment to the City's *Local Planning Scheme No.1*. The amendment proposes to enable the development of grouped and multiple housing at a portion of Lot 1 Frenchman Bay Road, Little Grove (vacant land adjacent to local shop).
3. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010*, *Activities Centre Planning Strategy (2010)* and *Community Strategic Plan – Albany 2030*. The amendment complies with strategic planning for the following reasons:
 - a) The *Albany Local Planning Strategy 2010* recommends development of the subject land as a local centre. Shops, offices and residential development is encouraged in local centres to serve the local community.
 - b) The *Activities Centre Planning Strategy (2010)* encourages the development of local-serving uses at an appropriate scale within local activity centres. Such uses could include local offices and residential development.
 - c) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

Maps and Diagrams:



In Brief:

- The subject land is zoned 'Local Centre' under *Local Planning Scheme No.1*.
- Council previously initiated and then advertised the scheme amendment. A total of four submissions were received. No major issues were raised as a result of submissions.
- Council is requested to finally adopt the Scheme Amendment No. 33, which proposes to:
 - Designate a portion of Lot 1 as an 'Additional Use' site; and
 - Provide the ability to apply for group and multiple dwellings, in addition to currently permitted commercial land uses.
- City planning staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the Albany Local Planning Strategy 2010, Activities Centre Planning Strategy (2010) and Albany Community Strategic Plan – Albany 2030.
- Council is requested to consider submissions and to recommend that the Western Australian Planning Commission support the amendment without any modifications.

RECOMMENDATION

DIS141: COMMITTEE RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, s.35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

- 1. SUPPORT Amendment No. 33 to amend City of Albany *Local Planning Scheme No. 1* by:
 - a) Incorporating portion of Lot 1, Frenchman Bay Road within 'Additional Use' site no. 33;**
 - b) Amending 'Schedule 2 – Additional Uses (CL 4.5) No. AU 33' by including Lot 1 within the second column under 'Description of Land';**
 - c) Amending 'Schedule 2 – Additional Uses (CL 4.5) No. AU 33' Condition II within the fourth column under 'Conditions' by replacing the R 30 code with the R 40 code; and**
 - d) Amending the Scheme Maps accordingly.****
- 2. Forward amendment documentation and submissions to the Western Australian Planning Commission with a request that the Hon. Minister for Planning grant approval to the amendment and its gazettal - without modifications.**
- 3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.**

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

- **The amendment is consistent with the Albany Local Planning Strategy, which sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity;**
- **The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and**
- **The amendment does not result in any significant environmental, social, economic or governance impact on land in the scheme area.**

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
5. Lot 1 Frenchman Bay Road, Little Grove is zoned 'Local Centre' under *Local Planning Scheme No. 1*.
6. The subject Lot is 3,197m² in area and approximately 2,065m² or 65% of the site has been developed with a service station, convenience and liquor store, associated office space, storage, car parking and loading/service area.
7. The balance of the site is 1,132m² and is currently vacant. The owner of the property requests the flexibility to develop residential units and/or a mixture of residential and commercial/office on the site.
8. A scheme amendment has recently been adopted to designate the adjacent Lot 312 as an 'Additional Uses' site, to allow for the option of developing residential and/or commercial development. The owner of Lot 1 wishes to extend the 'Additional Uses' site over the vacant portion of their property, in order to also allow for the option of residential/commercial development.
9. The Council resolved in August 2018 to advertise Amendment No.33. Prior to advertising, the amendment was referred to the Environmental Protection Authority, where it was determined that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act.
10. Following notice from the EPA, the amendment was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. At the close of advertising, four submissions were received. No vital issues were raised as a result of the submissions received.

DISCUSSION

11. In order to provide for the flexibility to develop residential and/or commercial development on the vacant portion of Lot 1, it is proposed to incorporate the lot with an 'Additional Uses' site classification.
12. This means that the site can be developed for commercial uses in accordance with the underlying 'Local Centre' zone and residential uses under the 'Additional Use' provisions.
13. The proponent's preference at this stage is to develop up to four residential units on the site, which would also have potential to incorporate suitable commercial use such as a small scale office.
14. It is recommended that an R40 density code apply in order to allow greater scope for the possibility of commercial and residential development.
15. The City's planning Staff support the proposed local planning scheme amendment, as it is consistent with the *Activity Centres Planning Strategy (2010)* and will facilitate the development of the land, while also retaining the ability for commercial land uses to be developed as demand requires.

GOVERNMENT & PUBLIC CONSULTATION

16. The Amendment No.33 was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
17. Four submissions were received from agencies. A ‘Schedule of Submissions’ has been developed to summarize comments. A copy of each submission is also available (see attachments). No modifications are recommended to address comments.

STATUTORY IMPLICATIONS

18. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
19. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.
20. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a standard amendment, with or without modification.
21. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

22. There are no policy implications relating to the proposed amendment. While not specifically applicable to this proposal, the amendment is attentive to the *State Planning Policy 4.2, Activity Centres for Perth and Peel*. This policy states:
Activity centres are community focal points. They include activities such as commercial, retail, higher density housing, entertainment, tourism, civic/community, higher education, and medical services.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|-----------------|--------------|---------------|---|
| Reputation. <i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i> | <i>Possible</i> | <i>Minor</i> | <i>Low</i> | <i>If not supported by the WAPC or Minister, the amendment will not be progressed and the City may be required to make modifications.</i> |
| Opportunity: <i>Increase opportunity for development and ultimately an active local centre.</i> | | | | |

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

27. As per Section 48(A) of the *Environmental Protection Act 1986*, the proposal was referred to the Environmental Protection Authority and environmental assessment was not deemed necessary.

ALTERNATE OPTIONS

28. Council may consider alternate options in relation to this item, such as:
- To resolve to support the scheme amendment with modification(s); or
 - To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

CONCLUSION

29. This scheme amendment proposes to extend the ‘Additional Use’ designation applying to Lot 312, within the Little Grove Local Centre zone, to the vacant portion of Lot 1, which is also zoned ‘Local Centre’.
30. The proposal provides an opportunity to develop medium density housing in close proximity to a Local Centre.
31. An R40 density code is recommended to provide greater scope for mixed use development (commercial and residential).
32. The proposed Amendment No. 33 is consistent with the current strategic direction set within the *Albany Local Planning Strategy (2010)*, the *Activity Centres Planning Strategy (2010)* and objectives for activity centres identified in the *State Planning Policy 4.2, Activity Centres for Perth and Peel*.
33. The amendment was advertised, with no vital issues raised.
34. It is recommended that Council adopt Local Planning Scheme Amendment No. 33, without modification.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2010)</i> 3. <i>Activity Centres Planning Strategy (2010)</i> 4. <i>State Planning Policy 4.2, Activity Centres for Perth and Peel</i> |
| File Number (Name of Ward) | : | LAMD33 (Vancouver Ward) |
| Previous Reference | : | DIS117 - 28 August 2018 |

DIS142: AWARD OF TENDER C18015 FOR ALAC RE-ROOF OF COURT BUILDING

Proponent / Owner : City of Albany
Report Prepared By : Team Leader Asset Management (B Aris)
Responsible Officers: : Executive Director Infrastructure & Environment –
(M Thomson)

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

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** 3. Clean, Green & Sustainable
 - **Objective:** 3.2 To build, maintain and renew city assets sustainably
 - **Community Priority:** 3.2.1 Deliver environmentally & financial sustainable long term planning for infrastructure via a forward capital works program that meets the needs of our community

In Brief:

- Council approval is sought to appoint preferred contractors to replace the roof on the old sport stadium at the Albany Leisure and Aquatic Centre.
- Contract to commence on the date of award. With scaffolding to be completed prior to the Christmas break with the commencement of roof from Monday 7 January 2019. Project completion Friday 22 February 2019.

RECOMMENDATION

DIS142: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. **ACCEPT** the tender from Smith Constructions and award Contract C18015 ALAC Re-Roof of Court Building excluding south elevation eaves replacement.
2. **AUTHORISE** over budget expenditure as described in the confidential report and address in the mid-year budget review.

BACKGROUND

2. The old sport stadium roof has localised defects, compromising the structural integrity and has reached the end of its life. Maintenance expenditure is increasing and the level of service to the community will decline if the roof is not replaced at this time.
3. The proposed works shall include replacing the roof cladding, capping and flashings. Replace gutter and deteriorating purlin on box gutter elevations. Install roof safety access system and removal of waste to Hanrahan Waste Facility.

DISCUSSION

4. A total number of eighteen (18) documents were issued by the City of Albany.
5. Seven (7) completed tender documents were submitted on or before the stipulated closing date and time.

6. The tenders were evaluated using the weighted attributed methodology. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:-

| Criteria | % Weight |
|---------------------------------|-----------------|
| Cost | 50 |
| Relevant Experience | 20 |
| Demonstrated Understanding | 25 |
| Corporate Social Responsibility | 5 |
| Total | 100% |

7. The following table summarises the tenderers and overall evaluation score.

| Tender | Total Evaluation Score |
|---------------------|-------------------------------|
| Smith Constructions | 816.69 |
| Tenderer B | 812.50 |
| Tenderer C | 779.67 |
| Tenderer D | 735.63 |
| Tenderer E | 726.72 |
| Tenderer F | 363.67 |
| Tenderer G | 277.50 |

GOVERNMENT & PUBLIC CONSULTATION

8. A request for tender was published in the West Australian on 17 October 2018 and the Albany Weekender on 18 October 2018. The tender closed at 2pm on Wednesday 7 November 2018.

STATUTORY IMPLICATIONS

9. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$150,000.00.
10. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
11. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|-----------------|-----------------|---------------|--|
| People Health & Safety <i>Roof failure causes injury to person or property</i> | <i>Unlikely</i> | <i>Severe</i> | <i>High</i> | <i>Appropriate condition intervention in capital works planning</i> |
| Reputation <i>Roof leaks cause interruption to the community</i> | <i>Likely</i> | <i>Moderate</i> | <i>High</i> | <i>Roof replacement will provide a safe environment for users</i> |
| Finance <i>Non-compliance with contract</i> | <i>Unlikely</i> | <i>Moderate</i> | <i>Medium</i> | <i>Standard general conditions of contract protect the City by allowing for contractual remedies on the basis of failure to execute works in accordance with contract.</i> |
| Opportunity <i>By replacing the roof it has provided an opportunity to include translucent sheeting like on the design of the new stadium roof. This will reduce the need for lighting at times during the day, further reducing the energy costs of the building.</i> | | | | |

FINANCIAL IMPLICATIONS

14. The value of this tender is in excess of the allocated budget and therefore the approval is referred to Council for consideration of budget review.
15. The preferred tender price exceeds the budget as per the confidential report.
16. The shortfall will be addressed in the mid-year budget review.

LEGAL IMPLICATIONS

17. Nil

ENVIRONMENTAL CONSIDERATIONS

18. Nil

ALTERNATE OPTIONS

19. Council may accept or reject tenders as submitted.

CONCLUSION

20. On reviewing the submissions, the evaluation team assessed Smith Constructions as being the most suitable tenderer across the evaluation criteria. Smith Construction is recommended to be awarded the ALAC Re-Roof of Court Building.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | <ul style="list-style-type: none"> Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing Policy (Tenders & Quotes) Council Policy – Buy Local Policy (Regional Price Preference) |
| File Number (Name of Ward) | : | C18015 (Frederickstown Ward) |
| Previous Reference | : | Not Applicable |

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