



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 10 February 2021

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, Development & Environment

(7) **Delegated Authority:** None

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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	E Doughty (Chair)
Member	R Sutton (Deputy Chair)
Member	P Terry
Member	M Benson-Lidholm JP
Member	S Smith
Member	A Goode JP
Member	C Thomson
Member	R Hammond
Member	T Sleeman

Staff:

Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development and Environment	P Camins
Manager Planning & Building Services	J van der Mescht
Coordinator Planning Services	J Waddel-Johnson
Manager Engineering and Sustainability	R March
Meeting Secretary	J Cobbold

Apologies:

Member	R Stephens (Leave of Absence)
Member	G Stocks (Deputy Mayor) (Leave of Absence)
Member	J Shanhun

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Cr Matt Benson-Lidholm	DIS245	Impartiality. The nature of the interest being that his brother Tom as a member of the Albany Street Machine Association has been appointed to the Albany Motorplex Working Group.
Cr Chris Thomas	DIS245	Financial and Impartiality. The nature of the interest being that he has potential financial and impartiality interests due to his employment due to his employment with the Commonwealth Government, which administers the Building Better Regions Fund for which the proponent of the proposed Motorplex that is the subject of this report will be an applicant if the recommendation of item SCM022 at the Special Council Meeting of 10/2/21 is approved by Council.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE - Nil

6. PUBLIC QUESTION TIME

6:06pm - Phillip Hull, 2171 Hunwick Road, Marbelup – Spoke against Item DIS245.

6:10pm –Mandy Arnold– Representing the Torbay Catchment Group – Spoke against DIS245

6:13pm – Pip Tilbrook – Torbay - Spoke against item DIS245

6:17pm – John Brade – The Motorsport Group – Spoke for Item DIS245

6:22pm – Jack Fuller – Ulster Road Yakamia – Albany Motor Cycle Club – Spoke for Item DIS245

6:24pm – Barbara Sugg - Torbay – Spoke for item DIS245

6:26pm - Anthony Thomas – Lot 114 Down South Road – Spoke against item DIS245
Questions were taken on Notice and a response will be supplied to Mr Thomas.

6:29pm – Joseph LaBianca – 11 Princess Ave – Spoke for DIS244

6:31pm – Amos Smith – Spencer Park - Spoke about cats straying on to Kangas Rock Reserve endangering native animals. Tabled

6:36pm – James Lie – President of the Albany Cycling Club – Spoke for Item DIS245 – Tabled

6:39pm – Ray Gerovich – Spoke against item DIS245

6:42pm – Nathan Hadlow – 4A Sussex St Middleton Beach – Albany Classic Club – Spoke for Item DIS245

6:45pm – Mark Sugg – Torbay – Spoke for Item DIS245

6:47pm – Peter Eades – Spoke against Item DIS245

6:50pm – Richard Bunn – Spoke against Item DIS245

6:52pm – Denise Van der Meulen, Marbelup Road – Spoke against Item DIS245

Main comments in relation to DIS245

Summary of key points – Against

Protect the water Catchment
Noise impacts on Humans and Animals
Fencing provided
Risk of bush fires
Location
Dust
Increased Traffic flow
Fire Fighting Foam

Summary of key points – For

To promote development of a family friendly, affordable and a controlled motor sport venue in Albany.
Four Wheel driving training area
Young Drivers Training

There being no further speakers, the Chair declared Public Question Time closed at **6:54pm**

7. PETITIONS AND DEPUTATIONS - Nil

8. CONFIRMATION OF MINUTES

DRAFT MOTION

MOVED: COUNCILLOR GOODE

SECONDED: COUNCILLOR THOMSON

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 2 December 2020 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED: 10:0

9. PRESENTATIONS Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

UNCONFIRMED

**DIS244: LAND DISPOSAL LOT 7333 PRINCESS AVENUE,
TORNDIRRUP**

Land Description	: Lot 7333 Princess Avenue, Torndirrup
Proponent / Owner	: City of Albany & Haynes Robinson on behalf of J & PA La Bianca
Report Prepared By	: Lands Officer (A.Veld)
Responsible Officers:	: Executive Director Development, Infrastructure and 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:
 - **Theme:** Leadership.
 - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
 - **Community Priority:** Provider positive leadership that delivers community outcomes.

Maps and Diagrams:



In Brief:

- Council is requested to consider the disposal of Lot 7333 (Ex Reserve 33476 for Public Recreation previously vested with the City of Albany) to the adjoining owner at Lot 24 No 11 Princess Avenue. The Department of Planning Lands & Heritage undertook divesting of Reserve status on the condition the land would be amalgamated with the adjoining land. Any proceeds from the sale would go into Trust for reallocation into improving and maintaining recreation facilities within the area.

RECOMMENDATION

DIS244: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR THOMSON

THAT the Responsible Officers Recommendation be ADOPTED.

CARRIED: 10:0

DIS244: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RESOLVES to dispose of Lot 7333 Princess Avenue to the adjoining landowners on the condition that this land is amalgamated into Lot 24 Princess Avenue.

BACKGROUND

2. The City received an enquiry from the owner of Lot 24 No 11 Princess Avenue, Torndirrup in July 2012. This landowner had discovered that part of the land contained within the fence line of their property was not in their ownership. They had been actively using this land area as part of their residential garden and advised that they were not aware that it was a Crown Reserve
3. A report was presented to Council on 20 August 2013 and it was resolved to revoke the Management Order over Reserve 33476 (amongst other actions) so that the subject lot could be divested to the City of Albany for sale to the adjoining landowners.
4. Public consultation with regards to divesting of Reserve 33476 was undertaken in September 2013 with no objections received.
5. On 22 October 2013 the City applied to the Department of Planning Lands & to undertake the relevant actions. This was finalised in March 2020 with the Department of Planning Lands & Heritage transferring Lot 7333 in freehold to the City of Albany for sale to the landowner of Lot 24.

DISCUSSION

6. An independent valuation of the land was undertaken in February 2020 and delivered an estimate of \$70,000. This was in line with a previous valuation of \$68,000 undertaken in April 2013 which the landowner agreed to in principle. Both valuations were on the basis that the subject land be amalgamated with the adjoining Lot 24 Princess Avenue as opposed to being sold as an independent freehold lot.
7. The landowner of Lot 24 Princess Avenue gave their preliminary agreement to the purchase of Lot 7333 for the amount of \$70,000 on 11 November 2020.
8. As Lot 7333 is currently in freehold to the City of Albany is a requirement of section 3.58(3) of the *Local Government Act 1995* that the City of Albany advertise its intent to dispose of this land.
9. The proposed disposal was advertised on 19 November, for 2 weeks, as required, with two submissions being received.

GOVERNMENT & PUBLIC CONSULTATION

10. As required under section 3.58(3) of the *Local Government Act 1995* the City of Albany advertised its intent to dispose of lot 7333 to the adjoining landowners of Lot 24 Princess Avenue.
11. Public Submissions

PUBLIC SUBMISSIONS		
Proposal details: Disposal of Lot 7333 to adjoining landowner		
No.	Public summary of submissions	Officer Comment
1.	<p>OBJECTION</p> <p>Questioning the availability of similar lots of this size in close proximity to the water in Albany at this price.</p> <p>Questioning whether the price was determined by an independent valuer.</p>	Objection noted
2.	<p>OTHER</p> <p>Would like to make an offer over the price listed in the public notice.</p>	Interest noted

STATUTORY IMPLICATIONS

12. Under the current Local Planning Scheme, No 1, Lot 7333 has maintained a zoning of Parks and Recreation, which was consistent with the previous tenure as Crown Reserve 33476. As part of the Scheme Review 2021, it is recommended that this lot be rezoned for Residential purposes.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

14. 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.</p> <p>Risk: Under-valuation of the land.</p> <p>Continued unauthorised use of a City Reserve</p>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<p><i>Independent valuation has been obtained prior to public advertising.</i></p> <p><i>Amalgamation of the lots will align with lot sizes in the area and are not inconsistent with the State Government's Sewerage Policy,</i></p> <p><i>Formalise the sale of reserve to adjoining land owners.</i></p>

FINANCIAL IMPLICATIONS

15. Legal costs associated with the sale of Lot 7333 have been allocated from the Lands budget.
16. Funds from the sale of this land will be placed in Trust and reserved for the provision of, or enhancement of, public open space.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

18. Should the lot be sold and not amalgamated with an adjoining property an additional effluent disposal system will have to be provided to service the lot. This is contrary to the objectives of the Government Sewerage Policy 2019 and likely to have a marginal impact on the environment i.e. additional effluent systems in close proximity to the harbour.

ALTERNATE OPTIONS

- a. Pursue the disposal of Lot 7333 by other means, as directed under 3.58(2) of the *Local Government Act 1995*; or
- b. Retain Lot 7333 and ensure that the adjoining landowner ceases using this land for private purposes.

CONCLUSION

19. At the request of the adjoining landowner and after further investigation, the City has proceeded with actions required to allow the owners of Lot 24 No 11 Princess Avenue to purchase Lot 7333 for amalgamation into their property.
20. This involved requesting the Department of Planning Lands and Heritage to remove the Reserve vesting and transfer Lot 7333 in freehold to the City of Albany. This process has taken 8 years to finalise.
21. The City advertised the disposal and two submissions were received, one of which objected to the sale price.
22. Council is now requested to resolve on the final disposal of this land to the adjoining landowners of Lot 24 Princess Avenue or otherwise.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	PR.ACQ.1 (Vancouver)
Previous Reference	:	OCM 20/04/2013

**DIS245: LOCAL PLANNING SCHEME AMENDMENT NO.35 – LOT
5780 DOWN ROAD SOUTH, DROME**

Land Description	: Lot 5780 Down Road South, Drome
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Attachments	: 1. Scheme Amendment Report 2. Appendices to Scheme Amendment Report 3. Agency Comments 4. Guide to Management of Noise 5. Schedule of Submissions and Recommendations 6. Amendment Provisions – Proposed Final
Report Prepared by Responsible Officer	: Senior Planning Officer – Strategic Planning (A Nicoll) : Executive Director Infrastructure, Development and Environment, Planning (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. This item relates to the following elements of the City of Albany *Strategic Community Plan 2030*:
 - Theme:** Smart, Prosperous and Growing
 - Objective:** To strengthen and grow our region's economic base
 - Community Priority:** Work with business and other stakeholders to attract investment, diversify the economy, create jobs and support small business growth.
 - Theme:** A connected and safe built environment.
 - Objective:** To develop vibrant neighbourhoods which retain local character and heritage.
 - Community Priority:** Develop and implement a contemporary Local Planning Strategy that reflects our identity and supports economic growth.
3. When exercising its discretion in relation to planning matters, the pertinent strategic document is the City of Albany *Local Planning Strategy 2019* (the Planning Strategy).

Maps and Diagrams: Lot 5780 Down Road South, Drome



In Brief:

- In 2019, Council resolved to adopt and advertise Scheme Amendment No.35 to Local Planning Scheme No.1 (LPS1).
- Scheme Amendment No. 35 proposes to rezone Lot 5780, Down Road South, Drome, from the 'Priority Agriculture' zone to the 'Special Use' (SU26) zone to enable motorsport activities.
- The proposed scheme amendment is considered a 'complex' scheme amendment in accordance with Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations 2015) for the following reasons:
 - It is not consistent with the endorsed local planning strategy for the scheme;
 - It is of a scale and nature that may have an impact on the amenity of the locality and environs; and
 - It may result in some environmental or social impacts on land within the Scheme area.
- In 2019, the Environmental Protection Authority (EPA), following receipt of the initial proposal, advised that the potential noise levels, associated with the proposed motor-sporting activities, would exceed assigned levels at nearby houses.
- Consequently, Council resolved at its meeting in July 2020 not to proceed with the initial Scheme Amendment No.35 (dated 2019), in order to mitigate the initial concerns raised by the EPA. Instead, Council resolved to prepare and advertise a new Scheme Amendment No.35, that incorporated modifications that sought to:
 - Limit the types of motor sporting activities; and
 - Introduce noise mitigation measures.

- The revised Scheme Amendment No. 35 (the subject of this report) was referred to the EPA in 2020 for comment. The EPA determined that the proposal was not significant to warrant a formal environmental assessment.
- Scheme Amendment No. 35 was advertised for public comment in accordance with s. 38 of the Planning Regulations 2015.
- A total of 59 submissions were received in relation to the proposal, 37 submissions were received in support of the proposal and 22 submissions were received in objection. An additional 333 signatures were received in support of the proposal via a multi-signatured letter.
- Comments in support of the proposal related to:
 - The identified need for a multi-use motorsports facility in the region
 - Positive benefits of the facility for the community
- Comments in objection to the proposal related to the potential for impact to the environment and neighbouring landholders via bushfire, groundwater, noise, odour, dust and visual amenity.
- Scheme Amendment No. 35 includes provisions to ensure the appropriate management of operations to limit impact to neighbouring landholders and the environment.
- The proposed amendment incorporates further modifications to the revised proposal initiated by Council in July 2020, in order to address additional matters raised during public advertising and consultation with state agencies and utility providers.
- It is recommended that Council resolve to support the proposed scheme amendment, subject to modifications and forward the amendment to the Western Australian Planning Commission with the request for the Minister for Planning to grant final consent.

RECOMMENDATION

6:56 Councillor Chris Thomson declared an impartiality interest and left the Chamber and was not present during the discussion and vote for this item. Councillor Chris Thomson returned to the Chamber at **7.21**.

DIS245: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED: 8:1

Record of Vote:

Against the Motion: Councillor Benson-Lidholm

DIS245: RESPONSIBLE OFFICERS RECOMMENDATION

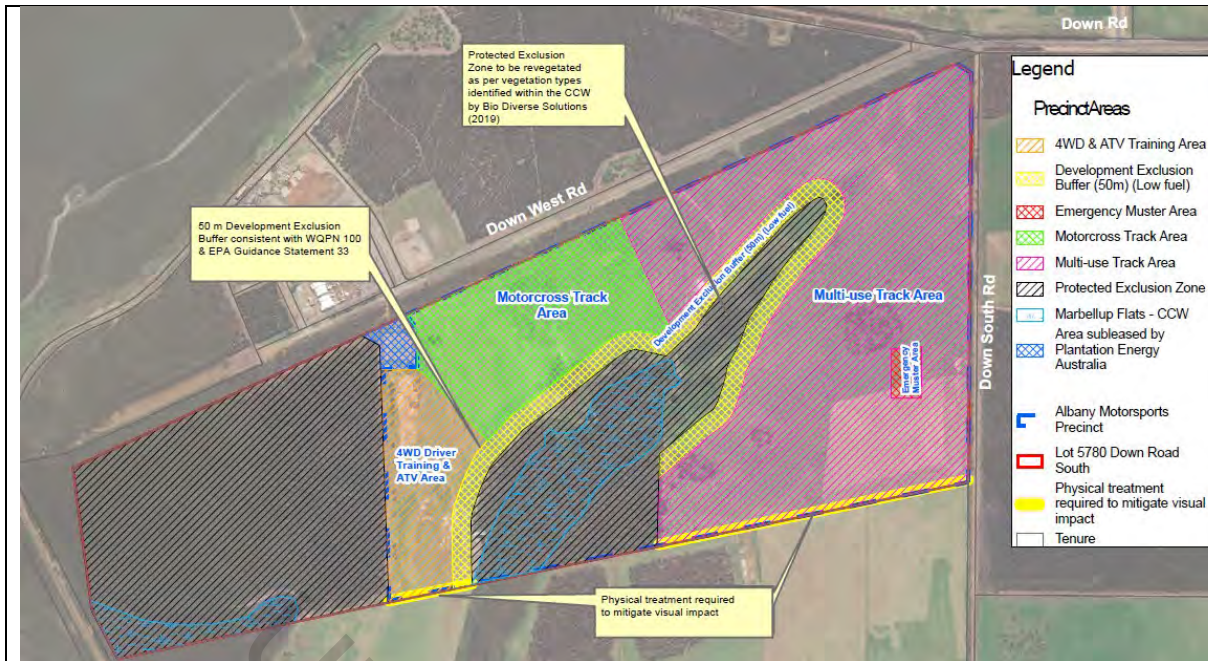
THAT Council, pursuant to Part 5 of the *Planning and Development Act 2005*, resolves to:

1. SUPPORT, with modifications, Scheme Amendment No. 35 to the City of Albany *Local Planning Scheme No. 1* as follows:
 - (i) Rezone Lot 5780, Down Road South, Drome, from 'Priority Agriculture' to 'Special Use' SU26;

(ii) Amending Schedule 4 – Special Use Zones – by introducing Special Use SU26 as follows:

No.	Description of Land	Special Use	Conditions
SU26	Lot 5780 Down Road South, Drome	Recreation – private (motorsport based) Club premises (motorsport based)	<ol style="list-style-type: none"> 1. All development requires the development approval of the local government. 2. Council may consider uses that are incidental to the Special Uses listed. 3. Applications for development approval shall be advertised in accordance with clause 64 of the Deemed Provisions. 4. All use and development is to be in accordance with the Albany Motorsport Park Precinct Plan and approved management plans. 5. Any application for development approval for the site shall be accompanied by management plans to address environmental aspects, including: <ol style="list-style-type: none"> a) A Noise Management Plan for construction and operation of the site, and which includes but is not limited to: <ol style="list-style-type: none"> (i) Limitations on hours of operation as follows: <ul style="list-style-type: none"> • Sundays: 9am - 6pm; • Monday – Saturday: 8am – 6pm. (ii) Events not occurring on both the multi-use track and the motocross track at the same time; (iii) Frequent/ongoing Monitoring and reporting on noise emissions; and (iv) Provide notification of events to stakeholders / landholders. b) A Water Management Plan for construction and operation of the site. c) A Hydrocarbon Management Plan for operation of the site. d) A Waste Management Plan for construction and operation of the site. e) A Dust Management Plan for construction and operation of the site. f) An Acid Sulfate Soils (ASS) Management Plan to manage the risk from ASS during construction and operation of the site. g) A Protected Exclusion Zone Management Plan for construction

				<p>and operation of the site, addressing management responsibilities (e.g. fencing of Protection Exclusion Zone), revegetation, and vegetation condition and wetland water quality monitoring.</p> <p>h) A Decommissioning Plan for operation of the site that identifies actions for rehabilitation, if or when motorsports cease to operate at the Lot 5780.</p> <p>i) A Construction Management Plan.</p> <p>6. Any application for development approval for the site shall be accompanied by a visual impact assessment to determine the appropriate physical treatments to mitigate visual impact to Lot 5781 Down Road South, Drome.</p> <p>7. Development shall be in accordance with an approved Bushfire Management Plan that has been implemented to the satisfaction of the Local Government and Department of Planning, Lands and Heritage.</p> <p>8. Any application for development approval for the site shall be accompanied by a Traffic and Parking Management Plan for construction and operation of the site, including consideration of peak parking and traffic management during larger and special events (i.e. events attracting greater than 500 attendees).</p>
<p>(iii) Adding the Albany Motorsport Park Precinct Plan to Schedule 4 (SU26) as follows:</p>				



(iv) Amending the Scheme Map accordingly.

2. Note the submissions received as detailed in the Schedule of Submissions and Recommendations.
3. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.
4. Notify the applicant and submitters of Council's decision.

BACKGROUND

4. In June 2019, Council resolved to prepare Scheme Amendment No. 35 to enable motorsports activities at Lot 5780, Down Road South, Drome, by rezoning Lot 5780, Down Road South, Drome, from 'Priority Agriculture' to 'Special Use' (SU26) to enable motorsport activities.
5. The scheme amendment was initially referred to the EPA to determine environmental acceptability. The EPA commented that the proposal significantly exceeded assigned noise levels at four residential houses located in the locality.
6. Subsequently, at its meeting in July 2020, the City resolved not to proceed with the initial amendment, and instead considered a revised Scheme Amendment No. 35 (the subject of this report), that incorporated modifications to reduce noise emissions.
7. The modifications as part of the revised Scheme Amendment No. 35 include:
 - Limitations on hours of operation as follows:
 - Sundays: 9am - 6pm;
 - Monday – Saturday: 8am – 6pm.
 - Events not occurring on both the multi-use track and the motocross track at the same time.
 - Frequent/ongoing monitoring and reporting on noise emissions; and
 - Provide notification of events to stakeholders / landholders.

8. The recommended conditions proposed under Schedule 4 (SU26) contain requirements to address the matters identified above, including:
 - All development requiring approval from the local government;
 - Applications for development approval being required to be advertised in accordance with clause 64 of the Deemed Provisions;
 - Applications for development approval to be accompanied by a visual impact assessment;
 - All use and development to be in accordance with the Albany Motorsport Park Precinct Plan and approved management plans, that include:
 - A Noise Management Plan;
 - A Waste Management Plan;
 - A Hydrocarbon Management Plan;
 - Dust Management Plan;
 - Protected Exclusion Zone Management Plan;
 - Decommissioning Plan;
 - Construction Management Plan;
 - Bushfire Management Plan;
 - Traffic and Parking Management Plan.
9. The revised scheme amendment was formally referred back to the EPA. The EPA determined that the proposal was not significant to warrant a formal environmental assessment.
10. Scheme Amendment No. 35 was advertised for public comment in accordance with s. 38 of the Planning Regulations 2015. Advertising was undertaken via direct mail out to surrounding landowners within a 5km radius, a sign on site, newspaper advertisement and a notice posted on the City's website.
11. In addition to public advertising and formal referral to the EPA, Scheme Amendment No. 35 was also referred to relevant state agencies and utility providers for consideration.

DISCUSSION

12. Scheme Amendment No.35 proposes to rezone Lot 5780, Down Road South, Drome, from the 'Priority Agriculture' to 'Special Use' (SU26), to enable motorsport activities.
13. A total of 59 submissions were received in relation to the proposal, 37 submissions were received in support of the proposal and 22 submissions were received in objection. An additional 333 signatures were received in support of the proposal via a multi-signatured letter.
14. Comments in support of the proposal included:
 - The proposal creates a safe, dedicated and governed area for motorsports.
 - The proposal enables family orientated community events that utilise the services of many volunteers associated with each club or organisation.
 - There is currently nowhere for our youth to ride in the Albany area in a controlled environment.
 - This development will be great for the local economy, there is a lot of pre-existing interest in motorsport in Albany so makes sense to create a purpose built venue.
15. Comments in objection to the proposal included:
 - The proposal is not in-keeping with the City's *Local Planning Strategy 2019* and vision for tourism in the region.
 - Natural degradation of the land will occur as parts are bull-dozed and sealed with cement and bitumen.
 - The subject land is excellent food producing land.

- There are many types of oil, chemical and petrol pollutants that will be emitted from the vehicles and will enter the water catchment system.
 - The risk of a bushfire is likely to increase with increased activity.
 - Noise, dust and odour pollution will undoubtedly be an issue to local residents, livestock and flora and fauna.
 - The visual amenity of the area will be substantially modified.
 - Haulage trucks will intermingle with visitors to the motorsport complex and pose a safety risk for families.
16. The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies and has taken into consideration agency and public comments received as a result of advertising and consultation.
17. The following matters have been identified as key considerations for the determination of this application and are discussed in detail below:
- Identified need for a dedicated motorsport facility
 - *Local Planning Strategy 2019* and tourism initiatives
 - Priority Agriculture land
 - Flora and fauna
 - Contamination of groundwater
 - Bushfire Management
 - Noise, odour and dust
 - Visual amenity
 - Traffic impact

Need for a dedicated motorsport facility

18. In Albany and the surrounding areas, motorsport is known to be popular, with several well organised clubs, a national-level venue for speedway, a state-level venue for go-karts and widely recognised events such as the Albany Classic, Show 'n Shine and Race Wars.
19. Participation in motorsports is a popular recreational activity for many Australians.
20. Australian motor sport generates billions of dollars in direct industry output and thousands of jobs.
21. Submissions received in support of the proposal outlined that:
- A dedicated and governed area for motor sporting activities is greatly needed for the Albany region; and
 - Some motorsport disciplines, particularly motocross, lack suitable facilities in the region.

Local Planning Strategy 2019 and tourism

22. Concerns were raised during advertising that the proposal is not in keeping with the intent of the City's *Local Planning Strategy 2019* and tourism initiatives, which seek to protect natural attributes and agriculture integrity.
23. It is noted that Scheme Amendment No. 35 is inconsistent with the City's *Local Planning Strategy 2019* in this regard. Scheme Amendment No. 35 is therefore considered to be a 'complex' amendment in accordance with the Planning Regulations 2015.
24. The scheme amendment report (attached) outlines justification that environmental attributes and agricultural integrity will not be impacted by the proposal. The amendment report confirms that:

- The subject land represents just 0.23% of the total Priority Agriculture zoned land in the City of Albany and therefore no significant effect will occur on agricultural land protection objectives of the region; and
- The proposal to develop the land for motorsport facilities is to occur in accordance with an Environmental Management Plan, which is to ensure development occur such that environmental factors (e.g. groundwater and flora and fauna) are not impacted.

Priority Agriculture land

25. Concerns were raised during advertising that quality food producing land in close proximity to Albany would be lost as a result of the proposed zoning/land-use change.
26. The potential removal of the subject land from the City's Priority Agriculture zone is considered to have no significant effect on Scheme objectives in relation to the protection agricultural land. A land capability study commissioned by the City in 2019, (attached - Scheme Amendment Report – Appendix I) outlined the following:
 - 90% of the site has 'fair' to 'low' capability for grazing;
 - 80% of the site has 'fair to 'low' capability for perennial horticulture; and
 - Approximately 40% of the site is constrained due to remnant vegetation.

Flora and fauna

27. Concerns were raised during advertising of the proposal in relation to the impact of the motorsport proposal development on flora and fauna. The concerns also raised that the documents provided were absent from detailing any specifics in relation to fauna or flora.
28. The Department of Biodiversity, Conservation and Attractions (DBCA) outlined in their feedback (dated 19 March 2019) on the Flora and Fauna report that the report presented a comprehensive assessment of the flora and fauna values associated with the subject site. DBCA noted that the proposed development was unlikely to impact native vegetation, however in regards to fauna aspects, DBCA recommended that further investigation should be undertaken where any areas of possum habitat was likely to be impacted.
29. The EPA determined that the proposal was not significant to warrant a formal environmental assessment.
30. As recommended by the Department of Water and Environmental Regulation (DWER), a requirement for the fencing of a 'Protection Exclusion Zone' is supported to prevent public access. It is recommended that the scheme amendment condition No.4(g), is modified as follows:

5(g) Protected Exclusion Zone Management Plan addressing management responsibilities (e.g. fencing of Protection Exclusion Zone), revegetation, and vegetation condition and wetland water quality monitoring.

Contamination of groundwater

31. Concerns were raised that the subject site is located within a Priority 2 Public Drinking Water Source Area (PDSWA) and that motor sporting activities may contaminate the groundwater.

In 2018, the Minister for Water had previously provided formal advice to the City, stating that while a motorsport facility is incompatible with a Priority 2 PDSWA,

"...there are measures that can be put in place to protect water quality should the City proceed to approve the development".

32. The scheme amendment report includes a Local Water Management Strategy, which has utilised groundwater information collected from the site to develop a satisfactory hydrogeological conceptual model. The Strategy discusses the connectivity between

surface water and groundwater and pathways for contamination. DWER in their response indicated their general support of the actions identified in the Strategy to manage stormwater from vehicle maintenance areas with oil water separators, and the use of bunding and other measures to minimise the impact of fuel and oil spills. DWER's comments are subject to the identified actions and requirements being addressed and implemented in accordance with an approved Environmental Management Plan.

33. Provisions recommended as part of Scheme Amendment No. 35 require the preparation of an Environmental Management Plan, to address matters associated with groundwater, including:
- Water management during construction and operation of the site;
 - Hydrocarbon management during operation of the site;
 - Waste management for construction and operation of the site; and
 - Acid Sulfate Soils management.

Bushfire management

34. A Bushfire Management Plan (BMP) and an Emergency Evacuation Plan (EEP), have been developed to identify measures to mitigate impact to property and life associated with development at the subject Lot 5780 for motorsports.
35. The EEP recommends contingencies such as early closure of the site, off-site evacuation and as a last resort, refuge on site in a suitable building or open space.
36. The BMP recommends the development of secondary emergency access, east through cleared farmland areas, from Down Road South to Albany Highway. The City has received in-principle landholder and Department of Planning, Lands and Heritage support to designate and develop emergency access to the east.
37. Contrary to the BMP, the Department of Fire and Emergency Services (DFES) has recommended the development of a public road, west to Marbelup Road, to provide an alternative escape route in the instance of a bushfire.
38. The recommendation from DFES for the development of a public road west of the site as an alternative escape route is noted. Although not impossible, development of an alternative escape road to the west is considered unsustainable from an environmental standpoint as an extensive amount of remnant vegetation would need to be cleared.
39. It is therefore recommended that the proposal to develop an escape route to the east be supported and that the proposed condition 6 of Scheme Amendment No. 35 modified as follows:

Development shall be in accordance with an approved Bushfire Management Plan that has been implemented to the satisfaction of the Local Government and Department of Planning, Lands and Heritage.

Noise, dust and odour

40. Concerns were raised during advertising that noise, dust and odour created by motorsports will have a negative impact on the current tranquillity of the area and is contrary to the City's Climate Change Action Declaration, which seeks to reduce gas emissions.
41. Proposed conditions for the Special Use zone (SU26) as part of Scheme Amendment No. 35 recommend the development of noise and dust management plans to limit impact to neighbouring livestock, flora and fauna and sensitive premises.
42. Noise and odour impacts are to be limited through management of the types of activities and hours of operation. Proposed limitations on activities include:

- a) Hours of operation is limited to the following:
 - Sundays: 9am - 6pm;
 - Monday – Saturday: 8am – 6pm.
 - b) Events not occurring on both the multi-use track and the motocross track at the same time.
43. A Noise Management Plan required to be prepared will consider aspects such as:
- Scheduled race meetings and practice sessions; and
 - Review of racing activities in response to noise complaint. If complaints are made during a racing activity the occupier will consider reviewing racing activities to reduce noise where practicable for the remainder of that event.
44. A Dust Management Plan is to consider aspects such as:
- Details of management measures to minimise dust during construction and operation (e.g. use of water truck);
 - Ongoing monitoring;
 - Complaint response procedures.
45. It is acknowledged that the proposed motorsport facility conflicts with commitments to reduce greenhouse gas emissions outlined under the City's Climate Change Action Declaration.
46. However, it is noted that there is a balance required, whereby the City also has a duty of care to its community to reduce identified risks to public safety. The City has identified the proposed motorsport facility as an opportunity to create a regulated environment for motorsports activities, in order to reduce unregulated motorsports activities occurring in the locality and therefore reduce the risk to public safety.
47. Reducing the environmental impact from motorsports activities is a significant challenge facing the industry more broadly. It is argued that an industry led response would be the most effective in identifying opportunities to reduce emissions and other environmental impacts from the facility. The City encourages the use of alternative technologies and clean fuels to gain the highest performance with the lowest environmental impact. Opportunities from recent technological advancements for the facility to consider in its operations include:
- Replacing combustible engines with electric ones
 - Establishing a racing category for electric motors
 - Using an alternative fuel for combustible engines
 - Limiting the number of events
 - Reuse of resources (e.g. tyres)

Visual amenity

48. Concerns were raised during advertising of the proposal that development of the subject site will degrade the natural features of the area.
49. These concerns are noted, however it is considered that the development of the site is in keeping with the industrial development (wood chip mill and pellet plant) located on the other side of the Down Road.
50. In order to reduce any visual impact to neighbouring agriculture properties, provisions proposed as part of the scheme amendment require the planting of vegetation along the southern farming boundary of the subject site.
51. It is also noted that vegetation screens already exist on the other site boundaries.

Traffic impact

52. Concerns were raised during advertising that the mixture of heavy haulage trucks and vehicles associated with motorsport events will create a traffic hazard.
53. A traffic investigation study was undertaken as part of the site technical feasibility study undertaken as part of preliminary investigations for the proposed facility. Outcomes from the feasibility study are incorporated into the Scheme Amendment Report and associated Appendices (attached). Recommendations from the traffic investigation study, as outlined in the Scheme Amendment report inform the proposed provisions and development requirements contained under Schedule 4 Special Use (SU26).
54. The provisions proposed as part of the scheme amendment require the preparation and implementation of a Traffic and Parking Management Plan (TPMP). The TPMP is to include considerations such as peak parking and traffic management during larger and special events.
55. Other recommendations identified from the traffic investigation study that are to be implemented as part of a TPMP include the requirement for the construction of a left turn access lane to minimise the impacts on large trucks using Down Road.

GOVERNMENT & PUBLIC CONSULTATION

56. Scheme Amendment No.35 was advertised in accordance with the requirements of the Planning Regulations 2015.
57. In addition to the public consultation, the proposal was also referred to the following state agencies and utility providers:
 - DFES
 - Albany Department of Transport
 - Tourism WA
 - Southern Port – Albany Port
 - Public Transport Authority of WA
 - Department of Mines, Industry Regulation and Safety
 - Department of Health
 - ARC Infrastructure
 - Water Corporation
 - Telstra
 - ATCO Gas
 - DevelopmentWA
 - Department of Local Government, Sport and Cultural Industries
 - Department of Jobs, Tourism, Science and Innovation
 - Department of Biodiversity Conservation and Attractions - South Coast Region
 - Main Roads WA - Great Southern Region
 - Albany Department of Primary Industries and Regional Development
 - Western Power
 - Department of Planning, Lands & Heritage (DPLH) - Aboriginal Heritage Operations
 - DWER - South Coast Region
58. Responses were received from the following agencies and providers, and discussed in detail above:
 - Tourism WA
 - DPLH - Aboriginal Heritage Operations
 - ATCO Gas
 - Main Roads WA
 - Department of Mines, Industry, Regulation and Safety
 - DWER
 - DFES
 - DevelopmentWA

59. A ‘Schedule of Submissions and Recommendations’ has been developed to summarise and respond to issues identified during the public advertising and agency consultation process. A copy of each submission is also available (see attachments).
60. Modifications to the proposed scheme amendment are recommended as a result of the consultation process.

STATUTORY IMPLICATIONS

61. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
62. 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.
63. Regulation 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a complex amendment, with or without modification.
64. Voting requirement for this item is **Simple Majority**.

POLICY IMPLICATIONS

65. The following State Planning Policies are relevant to the assessment of this amendment:
- *State Planning Policy No. 2 – Environment and Natural Resources*
 - *State Planning Policy No. 2.5 – Rural Planning*
 - *State Planning Policy No.2.7 – Public Drinking Water Source*
 - *State Planning Policy No.2.9 – Water Resources*
 - *State Planning Policy 3.7 Planning in Bushfire Prone Areas*
 - *State Planning Policy 4.1 State Industrial Interface*
 - *Government Sewerage Policy 2019*

RISK IDENTIFICATION & MITIGATION

66. 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 attract objections from members of the public or other public authorities.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Conditions are applied to the approval to mitigate concerns.</i>
<i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Options for alternate use of the land would be prepared for consideration by Council.</i>
Opportunity: <i>To establish a long term site for motor sport in the Great Southern Region and in particular establish a permanent home for motor cross activities in the short term.</i>				

FINANCIAL IMPLICATIONS

67. It is noted that the Albany Motorsports Park Project was a 2017 State Election promise with \$5.75 million allocated to the project.
68. The City has been supportive of the project and purchased the current proposed site with the view of recovering part funding from the State Government once the land is rezoned and a development approval obtained.
69. Should the scheme amendment and development not proceed, options for use of the land would be presented to for consideration by Council.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

71. The EPA determined that the proposal is not significant to warrant a formal environmental assessment.
72. The scheme amendment proposal has accounted for various environmental matters, including groundwater, hydrocarbon, visual amenity, waste, dust, noise and acid sulfate soils.

ALTERNATE OPTIONS

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

CONCLUSION

74. This scheme amendment proposes to rezone Lot 5780 Down Road South from the 'Priority Agriculture' to 'Special Use' (SU26).
75. Ultimately, the scheme amendment is designed to enable motorsports activities occurring at the subject land. Provisions are proposed to limit impact to the environment and neighbouring landholders.
76. Some motorsport disciplines, particularly motocross, lack suitable facilities in the region. A dedicated area for motor sporting activities is greatly needed for the Albany region and is expected to contribution to the economy of small business and tourism industries.
77. It is recommended that Council resolve to SUPPORT Scheme Amendment No. 35 to Local Planning Scheme No. 1, with modifications.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2019)</i> 3. <i>State Planning Policy No. 2 – Environment and Natural Resources</i> 4. <i>State Planning Policy No. 3 – Urban Growth and Settlement</i> 5. <i>State Planning Policy No.2.6 – State Coastal Planning Policy</i> 6. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> 7. <i>Better Urban Water Management Policy</i>
File Number (Name of Ward)	:	LAMD35 (Kalgan Ward)
Previous Reference	:	OCM 25/6/2019 - DIS164 OCM 28/7/2020 – DIS221

DIS246: COMMUNITY WASTE PROGRESS REPORT – QUARTER 2

Proponent / Owner	: City of Albany
Attachments	: Community Waste Resource Strategy 2019-2026 Progress Report (Quarter 2)
Report Prepared By	: Manager, Engineering & Sustainability (R March)
Responsible Officers:	: Executive Director Development, Infrastructure and Environment (P Camins)

RECOMMENDATION

DIS246: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SUTTON

THAT Council NOTE the Community Waste Resource Strategy 2019-2026 Progress Report (Quarter 2).

CARRIED: 10:0

DIS247: IMPLEMENTATION OF THE RECYCLE RIGHT APP AS A REPLACEMENT FOR THE ALBANY APP

Business Entity Name	: City of Albany
Report Prepared By	: Manager Waste & Sustainability (R. March) Manager IT (A. Catterall)
Responsible Officers:	: 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:
 - **Theme:** Clean, Green & Sustainable.
 - **Objective:** To identify and deliver improvements in sustainability within the City and wider community
 - **Community Priority:** Integrate and promote effective sustainability through resource conservation, management and education to continuously improve environmental outcomes.
Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

In Brief:

- The City of Albany App for Waste Services no longer provides a good user experience, and the supporting technology is considered to be obsolete.
- A replacement for the app is required in order to provide a cost effective solution which can be used by residents.

RECOMMENDATION

DIS247: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ENDORSED.

CARRIED: 10:0

DIS247: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Responsible Officer Recommendation to replace the current City of Albany App for Waste Services be replaced by the proposed Recycle Right App be ENDORSED.

BACKGROUND

2. In 2016 the City developed a custom mobile app (Albany App), for mobile devices. In addition to providing information on bin days for residents, the App provided links to:
 - The City's 'Report it' function and other City pages
 - A-Z Recycle Guide; and
 - Information on Fossicker's Tip Shop, Waste Centres and Bulk Waste Collection.
3. The Albany App is outdated and requires replacement.

DISCUSSION

4. The Albany App is written in a legacy programming language that is no longer supported. The City has received feedback from users of the app that it is not user friendly, in part due to the outdated database of properties.
5. Due to the database structure of the Albany App, significant resourcing is required to restructure it to cope with the waste service changes with the introduction of FOGO.
6. Southern Metropolitan Regional Council (SMRC) has developed a website and app called Recycle Right, which currently has 35 WA metropolitan and regional local governments subscribed.
7. SMRC is able to offer the City of Albany an Agreement to subscribe to the app and use branding and material from the Recycle Right Program.
8. The underlying objective of this program is to use consistent messages to encourage and assist residents across WA to recycle, reduce their waste and buy recycled products.
9. The intention is that this app would replace the bin day, A-Z look up and waste facility information functions of the current Albany App which would be retired.

GOVERNMENT & PUBLIC CONSULTATION

10. The use of the Recycle Right app has been discussed internally at the Information and Communication Technology (ICT) steering committee.
11. If endorsed by Elected Members an information campaign will be rolled out as part of the communication and education for the FOGO project, allowing residents to transition to the new app.

STATUTORY IMPLICATIONS

12. None.

POLICY IMPLICATIONS

13. IT Cloud Services Policy - Low Cloud Risk Assessment (Only IT Manager Approval required).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Risk: The new app does not provide a good user experience.</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Moderate</i>	<i>Ensure that the Recycle Right App is a suitable replacement for the Albany App.</i>
<i>Opportunity: To provide residents with easy access to information for bin days, waste facilities and recycling centres.</i>				

FINANCIAL IMPLICATIONS

15. There are no significant costs associated with the current Albany App. An indicative costing to replace the current Albany App with a new user friendly custom replacement would be \$30,000 to \$50,000.
16. A subscription to the Recycle Right App is \$4,500 per annum or for a part year there is a six-month pro-rata fee of \$2,225.
17. The SMRC would offer a Tier Two membership to the City of Albany, which is for Local Governments who are not a member of a Regional Council or are a non-metro LGA.
18. The annual membership for the Recycle Right App is based on total population and includes a seat on the Recycle Right Reference Group without voting rights.

19. The annual membership includes access to:

- Recycle Right Logo and brand;
- Recycle Right Website and app;
- Recycle Right branded promotional material (printing at our cost);
- Education material and resources (printing at our cost);
- Library of stock images;
- Videos produced for the purpose of Recycle Right activities; and
- Ancillary services including:
 - Access to the Recycle Right Communication Team (design officer, waste education officer and communications manager)
 - Access to ‘member’ discounted graphic design services
 - Dedicated tours of the SMRC Regional Resource Recovery Centre (RRRC) – two per year.

LEGAL IMPLICATIONS

20. The City would be required to enter into a formal agreement with the SRMC.
21. The agreement is renewed annually, subject to payment of an annual fee, and can be terminated by SMRC with six months’ written notice or immediately if the fee is not paid within 30 days of the annual fee renewal date.
22. The City can cease payment of the annual fee at any time and any unspent funds contributed by the City will remain with the Licensor.

ENVIRONMENTAL CONSIDERATIONS

23. The Recycle Right app will provide residents with a user friendly app that informs them of bin days, which waste goes in which bins and what can be recycled. This will assist in the reduction of waste sent to landfill.

ALTERNATE OPTIONS

24. Continued use of the current app was considered but was discounted as it is very difficult to update the data that supports the app. The app is no longer fit for purpose without significant resourcing, and even then an upgrade may not guarantee a better user experience.
25. A custom app developed for the City would have a significant up front cost, and unknown ongoing costs.

CONCLUSION

26. The Albany app is used by residents to find their bin collection day information.
27. The Albany app is obsolete and is very difficult to keep up to date.
28. With the introduction of FOGO there will be some substantial changes to the bin collection day information that will be difficult to update using the Albany app which could lead to reputational loss and confusion and frustration for residents.
29. SMRC has developed an app used by other Local Government Agencies. This app is off the shelf, can be customised to suit the City of Albany and uses WALGA’s consistent communication for waste.
30. The Recycle Right app will not only provide information on bin day but can provide other waste information and educational messages for residents.

Consulted References	:	Not applicable
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Not applicable

DIS248: UPDATE ON WASTE MANAGEMENT

Business Entity Name	: City of Albany
Attachments	: City of Albany Waste Plan – Parts 1, 2 & 3
Report Prepared By	: Manager, Waste & Sustainability (R. March)
Responsible Officers:	: 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:
 - **Theme:** Clean, Green & Sustainable.
 - **Objective:** To identify and deliver improvements in sustainability within the City and wider community
 - **Community Priority:** Integrate and promote effective sustainability through resource conservation, management and education to continuously improve environmental outcomes.
Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

In Brief:

- Department of Water and Environmental Regulation (DWER) requires the City of Albany to provide a Waste Plan that is endorsed by Council.
- Waste Plans will cover 5+ years and be reported on annually from the 2021-22 financial year.
- The Plan has previously been reviewed by Elected Members at the September 2020 Strategic Workshop.
- Part 1 and Part 2 have been reviewed by DWER. Minor amendments have been incorporated.

RECOMMENDATION

DIS248: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED: 10:0

DIS248: RESPONSIBLE OFFICER RECOMMENDATION

THAT the City of Albany Waste Plan be ADOPTED.

BACKGROUND

2. Currently, Local Governments report to the Department of Water and Environmental Regulation (DWER) via the annual Waste Census. However, from 1 July 2021, the reporting system will change to Waste Plans. This requirement comes under Section 40(4) of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act).

3. The Waste Plan will outline how waste services provided by the City of Albany will be managed to achieve consistency with the State Government's *Waste Avoidance and Resource Recovery Strategy 2030*.
4. The State's Waste Strategy's vision is that Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.
5. Aligning waste services through a Waste Plan which is consistent with the State's Waste Strategy provides a mechanism for Local Governments to contribute to, and achieve the targets and objectives of the Waste Strategy.
6. The objectives of WA's Waste Strategy are to:

AVOID	Generate less waste.
RECOVER	Recover more value and resources from waste.
PROTECT	<p>Protect the environment by managing waste responsibly. The focus is on:</p> <ul style="list-style-type: none"> • Littering and illegal dumping, • Adoption of better practice at all waste facilities, and • Reducing the proportion of waste generated which is disposed to landfill.

7. The waste hierarchy and circular economy are central to the Waste Strategy, and waste management activities included in Waste Plans should be consistent with these principles.
 - The waste hierarchy ranks waste management options in order of their general environmental desirability.
 - A circular economy complements the waste hierarchy by aiming to keep materials and energy circulating in the economy for as long as possible.
8. Waste Plans will cover 5+ years and be reported on annually from the 2021-22 financial year. DWER is developing an online reporting system for this purpose.
9. The Waste Plan consists of three parts and needs to meet the minimum requirements specified in the Self-Assessment checklist:
 - Part 1 – Services and Performance
 - Part 2 – Implementation Plan
 - Part 3 – Self-Assessment Checklist
10. Waste Plans fit within Local Government integrated planning and reporting as an issue-specific informing strategy, and they should be included in Elected Member consultation processes for the Corporate Business Plan, annual budget and informing strategies.

DISCUSSION

11. The City of Albany is included in the phase 1 rollout of Waste Plans for Local Governments and Regional Councils in Perth, Peel and some major regional centres.
12. The Waste Plan will inform and be informed by the City of Albany's Strategic Community Plan and Corporate Business Plan under the *Local Government Act 1995* and will align with the Community Waste Resource Strategy 2019-26.
13. DWER require that the Waste Plan must be endorsed by Council by 31 March 2021 with the first annual report on the implementation of the Waste Plan for the 2021-22 financial year being due on 1 October 2022.

GOVERNMENT & PUBLIC CONSULTATION

14. Extensive public consultation was undertaken as part of the development of the City of Albany's Community Waste Resource Strategy
15. The Waste Plan Part 1 and Part 2 have been reviewed with the Elected Members at the Waste Management Working Group meeting held on 9 July 2020. At this meeting, six (6) key projects from the City of Albany's Community Waste Resource Strategy were chosen to be included in the Waste Plan. These items were chosen as key deliverables for the City that will be reported to DWER as part of the Waste Plan annual review. The other items in the Community Waste Resource Strategy will be included in the City of Albany Implementation Plan and will be delivered in parallel to these other key items.
16. In September 2020 the Waste Plan was presented and endorsed by Elected Members at the Strategic Workshop held 15 September 2020.
17. Late October 2020 the Waste Plan was issued to DWER for feedback.
18. Only minor comments were made by DWER and these comments have been included in Parts one and two of the attachments included in this item.

STATUTORY IMPLICATIONS

19. The endorsement and reporting of the Waste Plan is a mandatory requirement by DWER.

POLICY IMPLICATIONS

20. Section 40(4) of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act).
21. State Government's *Waste Avoidance and Resource Recovery Strategy 2030*.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Operation, Reputation & Financial.</p> <p><i>Risk: There is a risk of prosecution resulting in financial cost and loss of reputation if the Waste Plan is not endorsed by Council in the required timeframes.</i></p>	Likely	Moderate	High	<p><i>Waste Plan was presented to Elected Members at the September Strategic Workshop.</i></p> <p><i>DWER modifications are only minor and have been incorporated in to the Waste Plan</i></p> <p><i>Waste Plan to be endorsed by Elected Members.</i></p>
<p>Opportunity: Leveraging grant funding when available for projects included in the Waste Plan.</p>				

FINANCIAL IMPLICATIONS

23. There are no financial implications as the projects being reported are currently in the Long Term Financial Plan. However, there may be opportunity to leverage funding on projects included in the Waste Plan.

LEGAL IMPLICATIONS

24. It is a mandatory requirement for the City to have an endorsed Waste Plan.

ENVIRONMENTAL CONSIDERATIONS

25. The projects chosen will help the City of Albany move towards the State's Waste Strategy to reduce

ALTERNATE OPTIONS

26. All projects in the City of Albany’s Community Waste Resource Strategy were considered.

CONCLUSION

Consulted References	:	Not applicable
File Number (Name of Ward)	:	All wards
Previous Reference	:	Not applicable

UNCONFIRMED

11. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN - Nil**
12. **MEETING CLOSED TO THE PUBLIC – 7:38pm**
13. **CLOSURE** -There being no further business the Chair declared the meeting closed at **7:38pm**

UNCONFIRMED

To: the Committee
Works and Services
Albany City Council
6pm Wednesday 10th of February

From: Residents from around Kangas Reserve
(four minute address)



Baby Ring Tail rescued in David St 2020

INTRODUCTION

Good evening everyone

Did you know that More than 1.5 billion native animals are killed by Cats each year in Australia

Professor Sarah Legge from the Australian National University explains that Australia has the highest mammal extinction rate in the world-by far. And it has been Cats that are the leading cause of at least two-thirds of our mammal extinctions over the past 200 years.

While urban cats do kill fewer animals on average than feral cats, the density of cats is much higher. The result of this is that per square kilometre in an urban environment many more animals are killed than out in the bush.

Hi my name is Amos I'm here to speak on before of the residents around "Kanga's" Rock Reserve, who are deeply concerned about the impact cats are having on local wildlife both in our backyards and public reserve. We believe local cat regulations need to be reviewed by the City of Albany and the community, in relation to the 2011 State Cat Act in order to try and extend protection to wildlife. Cat owners also need to be supported to achieve containment of their pets.

The local nuisance Cat Regulations are inadequate when it comes to protecting wildlife from predation and we need to prevent decline of our critically endangered animals, in particular the Western Ringtail Possum which is listed as Critically Endangered fauna under the Biodiversity Conservation Act 2016. In the next 20 years it said they will be extinct with currently only 8000 left.

Our nuisance cat laws are not supportive of the 2017 DPAW 10 year recovery plan for the ring tail possum.

Within our gardens we have discovered Ring Tail Possum dreys and regularly see possums.

“Under current state legislation and City of Albany local laws, it is not illegal for cats to stray onto private property.”

This is a key point that needs to be addressed. The deterrent methods suggested by the City of Albany place a huge responsibility on residents to try and find means to deter problem cats and many suggestions may also affect the habits of possums, such as greasing fence tops, putting poles along fence lines and putting strong smelling plants and substances around. The most simple solution is to regulate that all cats be contained 24/7 on owners property. This not only prolongs the life of the cat by keeping them safer, it also reduces the number of people falling ill from cat-dependent diseases (Legge et al 2021).

Also the point made by council that ...

- “You may need to give the deterrent measures a few weeks to take effect.”

This offers little protection to the possums in immediate danger, neither does it offer conclusive outcomes. Doesn't specify what to do if nuisance cat problems persists.

Keep in mind that these possums aren't the only native species coping it

The deterrent methods suggested are impractical to implement in Kangas reserve being a public space.

Who is responsible for cats entering the reserve?

When phoning the City of Albany Rangers its said that“City Rangers are able to trap cats only for the purpose of identifying the cat's owner and checking for compliance with the Cat Act 2011.”

The rangers informed us that they will not place traps for the purpose of preventing harm to wildlife either on our properties or in Kangas reserve. Trapping and impounding is permitted under the Cat Act, so why not? Dog owners must restrain their pets and face fines if picked up by rangers. Not so for Cat owners, despite the overwhelmingly clear statistics that predation by cats are a threat to our biosecurity.

The fact that

“...the City recommends that, if you know where the cat is from, you contact the cat's owner and let them know of your concerns”, this puts all the responsibility on residents to deal with cat owners, which could set up tensions between neighbours. Generally cat owners are identified with their cat's right to roam and hunt, even if they don't particularly like the behaviour. Similarly dog owners often defend their pets behaviour too but they must pay penalties.

Suggestions to explore

- A recent national parliamentary enquiry recommends dusk to dawn curfews. they are not enough but it's a good start
- All cats to be confined in cat runs or fully enclosed backyards at all times. Same rule for Cats as for Dogs

- Better signage about cats to let people know the extent of how much they are effecting our wildlife
- Community education (People might make more of an effort to restrain their cats if they know there are critically endangered species at risk)
- Rangers enabled to trap straying cats on private property and public reserves.
- Neighbourhood forums to unpack the issues.
- Council to consider ways to help cat owners achieve containment.
- Where endangered species are known to be residing, property owners could access registered traps through the council. (Denmark shire has this option).

UNCONFIRMED



Albany Cycling Club



Madam Chair

I thank the committee for the opportunity to comment on the Local Planning Scheme Amendment No35 - regarding Lot 5780 Down Road South, Drome.

I am James Lie, President of the Albany Cycling Club.
We strongly support this scheme amendment.

In recent years, the participation in cycling races in Albany and immediate surrounds have declined significantly due to concerns about safety. The lack of a suitable closed road facility has also made it difficult to attract juniors into road cycling. A Club survey in November 2020 revealed that worrying about safety stops cyclists from participating in events.

A venue like the Albany Motorsport Park will be ideal to run courses in a car-free environment for juniors and new cyclists on how to ride safely and courteously. At present Albany does not have a safe car free environment for junior development in cycling. This venue will also be ideal to host racing events for both junior and senior cyclists without impacting on open road traffic and pedestrians. It will be another attraction to visit the Lower Great Southern Region by senior and junior cyclists from both the Metropolitan and Regional WA.

Cycling events, whether racing, training or social in open venues emit much lower levels of noise than ordinary sustained road traffic noise levels.

Cycling activities have a low environmental impact in respect to air and carbon pollution and are unlikely to contaminate the groundwater.

The British Medical Association conducted a health economics study of the benefits and cost of cycling, finding that the health benefits of cycling outweigh the risks by twenty to one, adding quality life years and reducing healthcare costs.

A facility like the Albany Motorsport Park will be invaluable to not just motorised vehicles but also to human powered vehicles.

Thank you.

Dr James Lie
10 February 2021