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# AGENDA

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

**Wednesday 10 June 2020**

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 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

R Hammond

Member

P Terry

Member

R Stephens

Member

G Stocks (Deputy Mayor)

Member

M Benson-Lidholm JP

Member

T Sleeman

Member

J Shanhun

Member

S Smith

Member

A Goode JP

Member

C Thomson

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Infrastructure, Development and Environment

P Camins

Manager City Reserves

J Freeman

Manager Planning and Building Services

J Van Der Mescht

Meeting Secretary

A Paulley

**Apologies:**

**4. DISCLOSURES OF INTEREST**

Name	Committee/Report Item Number	Nature of Interest

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

**6. PUBLIC QUESTION TIME**

**7. PETITIONS AND DEPUTATIONS**

**8. CONFIRMATION OF MINUTES**

**DRAFT MOTION**

**THAT the minutes of the Development and Infrastructure Services Committee meeting held on 13 May 2020 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**9. PRESENTATIONS**

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

## DIS212: LAKE MULLOCULLUP - POST GAZETTAL ENVIRONMENTAL MONITORING

<b>Land Description</b>	: Lake Mullocullup - Reserve 16367 (NR083).
<b>Proponent / Owner</b>	: City of Albany (Land vested in the care and control of the City of Albany).
<b>Attachment</b>	: Lake Mullocullup , Reserve 16367, Post-gazettal Environmental Monitoring Report (May 2020)
<b>Report Prepared By</b>	: Reserves Officer (Y Caruso) and Manager City Reserves (J Freeman)
<b>Responsible Officers:</b>	: 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 2030 and Corporate Business Plan 2018 - 2022:
  - **Themes:**
    - 1 – Leadership.
    - 3 – Clean, Green & Sustainable.
  - **Objectives:**
    - 1.3 - To engage effectively with our community.
    - 3.1 - To protect and enhance our natural and built environment in a changing climate.
  - **Community Priority:**
    - 3.1.2 – Sustainably protect and enhance our iconic coastline and reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves.

### Maps and Diagrams:



Lake Mullocullup – Warriup Road



Signage installed at Lake Mullocullup

**In Brief:**

- Reference is made to Council resolution items DIS035 - August 2017, DIS092 - May 2018 and DIS123 – October 2018.
- The purpose of this report is to update Council on the progress of conditions set by the resolution contained in DIS035.
- Following the gazettal of Lake Mullocullup for water skiing in March 2019, City staff commenced an annual monitoring program as per recommendations in agenda item DIS035 from August 2017.
- Field site assessments and traffic data logging has been undertaken to determine the usage and any requirements for a permit system.
- Environmental monitoring has been undertaken with the assistance from UWA and Albany Bird Group, and has included water quality monitoring, bird surveys and observations of any algal blooms.
- The results of the monitoring program pre and post gazettal indicates no significant increased activity, change or adverse environmental impacts as per the attached report.
- Since the gazettal of the lake by Department of Transport in March 2019, the City has received little feedback from the community, although the Department of Transport has received some complaints regarding jet-ski use on the lake.

**COVID-19 IMPACT**

- No identified implications.

**RECOMMENDATION**

**DIS212: RESPONSIBLE OFFICER RECOMMENDATION**

**1. THAT Council NOTES:**

- a. The Lake Mullocullup Post-gazettal Environmental Monitoring Report (April 2020) attached;**
- b. The conditions specified in Resolution DIS035 (OCM August 2017) have been completed; and**
- c. Ongoing annual environmental and usage monitoring of Lake Mullocullup will continue until June 2021 with a further report provided to Council.**

**2. THAT Council RESOLVES not to implement a permit system based on the results of the completed monitoring.**



**BACKGROUND**

2. On 22 August 2017, item DIS035, Council resolved:

*“THAT Council SUPPORT the gazettal of Lake Mullocullup by the Department of Transport for the purpose of allowing the operation of speed boats, excluding jet skis, subject to the following:*

- 1) *That the City monitor the use of the lake and review the requirement for a permit system twelve months after gazettal;*
- 2) *That City staff consult with the local Noongar Community and adequately address any concerns raised concerning the use of the lake;*
- 3) *An annual environmental monitoring program be developed by the City. The results of the monitoring shall be reviewed every two (2) years;*
- 4) *That Council temporarily permit the use of Speed Boats (excluding jet skis) pending the Department of Transport gazettal process being undertaken.”*

3. On 22 May 2018, item DIS092, Council noted:

- 1) *The consultant’s report around Noongar Consultation, and*
- 2) *That a further report will be presented to Council pending the outcome of the assessment by the Department of Lands and Heritage in relation to the registration of Aboriginal sites at Lake Mullocullup.*

4. On 23 October 2018, item DIS123, Council Resolved:

*THAT Council, in accordance with the Resolution DIS035, August 2017, NOTE that the conditions specified in Resolution DIS035 have been progressed and officers will notify the Department of Transport to PROCEED with the gazettal process.*

**DISCUSSION**

5. Update on Items from Council determination DIS035 on 22 August 2017:

<b>ITEM</b>	<b>ACTION</b>	<b>STATUS</b>
1)	<i>The City monitor the use of the lake and review the requirement for a permit system twelve (12) months after gazettal</i>	Completed as per attached report.
2)	<i>That City staff consult with the local Noongar Community and adequately address any concerns raised concerning the use of the lake</i>	Completed as per DIS092, 22 May 2018. Interpretative signage installed as per Noongar Consultation Report and attached monitoring report.
3)	<i>An annual environmental monitoring program be developed by the City. The results of the monitoring shall be reviewed every two (2) years</i>	Annual environmental monitoring – completed for one year post-gazettal.
4)	<i>That Council temporarily permit the use of speed boats (excluding jet skis) pending the Department of Transport gazettal process being undertaken.</i>	Signage installed by Department of Transport notifying ski areas denoted and use of powered motor craft prohibited.

6. The monitoring report attached goes into detail about the monitoring that has been undertaken prior to gazettal to gain baseline data and for the year following gazettal.

7. No increased water skiing activity was observed within the year following gazettal or evidence of any significant impacts on the environmental or cultural values of the lake. Given this, a permit system would not be required to manage use at this time.
8. Increased activity was observed around Christmas time and following harvest, although from information provided from the community, this has been the case for over 20 years.
9. Details of all the monitoring is provided in the attached report.

#### GOVERNMENT & PUBLIC CONSULTATION

10. Further Noongar consultation was undertaken to develop interpretative signage for the site.

#### STATUTORY IMPLICATIONS

11. Nil

#### POLICY IMPLICATIONS

12. Nil

#### 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
<b>Reputation</b> <i>Continuation of gazetted water skiing without a permit system may be perceived by the community as not protecting the values.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Continue to undertake monitoring to collect data to ensure significant values are not being impacted.</i>
<b>Environment</b> <i>If monitoring not continued, any impacts to the values may not identified or mitigated.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Continue to undertake monitoring to collect data to ensure significant values are not being impacted.</i>

#### FINANCIAL IMPLICATIONS

14. Annual costs associated with collection for environmental and usage monitoring are as follows:

Type	Cost (ex GST)	Budget Allocation
Water quality Monitoring (UWA)	\$12,000	Strategic Planning from Reserves Operational Budget
Field Site Assessments (undertaken by staff)	\$2,500	
Avian surveys (Consultant)	\$600	
Shoreline vegetation monitoring (UWA)	\$3,400	
<b>TOTAL</b>	<b>\$18,500</b>	

#### LEGAL IMPLICATIONS

15. Nil

**ENVIRONMENTAL CONSIDERATIONS**

16. The City of Albany recognises that an inland freshwater wetland body such as Lake Mullocullup has significant environmental value and the importance of protecting it for future generations.

**ALTERNATE OPTIONS**

- 17. Council could choose to implement a permit system.
- 18. Council could choose not to continue the annual environmental monitoring program.

**CONCLUSION**

19. The results of the usage and environmental monitoring indicates no significant increased activity, change or adverse environmental impacts sustained at Lake Mullocullup since the gazettal allowing recreational speed-boating activities in October 2018.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Avian Fauna Survey at Mullocullup Nature Reserve (February 2019)</i> by Anne Bondin</li> <li>• <i>Lake Mullocullup Water Ski Zone Monitoring Report: Summary of Results from Baseline Monitoring in November 2018</i> by Justin Benson</li> <li>• <i>Lake Mullocullup Water Ski Zone Monitoring Report: Summary of Results from Monitoring in March 2020</i> by Justin Benson</li> <li>• <i>Results of Noongar Community Consultation Regarding Recreational Use at Lake Mullocullup (Warriup Swamp) (February 2018)</i> by Dr Myles B. Mitchell</li> </ul>
<b>File Number (Name of Ward)</b>	:	EM.MON.10 and EM.PLA.34 (Kalgan Ward)
<b>Previous Reference</b>	:	DIS035 – OCM 22/08/2017 DIS092 – OCM 22/05/2018 DIS123 – OCM 23/10/2018

**DIS213: AMENDING ‘TRADING IN PUBLIC PLACES POLICY’**

<b>Land Description</b>	: City of Albany
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Attachments</b>	: Draft Trading in Public Places Policy
<b>Report Prepared by</b>	: Manager Planning and Building Services (J van der Mescht)
<b>Responsible Officer</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed Policy, the Council is obliged to draw conclusions from its adopted *Albany Local Planning Strategy 2019* and *Community Strategic Plan – Albany 2030*.
3. 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 current City of Albany Public Places Policy has been in place since 2009, with minor reviews undertaken in 2010 and 2017.
- A number of trading permits have been issued in accordance with the existing policy.
- There are a number of key matters which are consistently raised regarding this policy which will benefit from clarification and refinement in the form of a revised policy. In February 2020, Council, subject to a number of amendments approved the policy for advertising. The policy was advertised in a local newspaper and on the City’s website from 19 March 2020 until 10 April 2020. Existing operators were also directly contacted to ensure that they have had an opportunity to comment.
- No formal comments were received on the draft policy.
- Consultation with members of the public, current operators and additional internal staff members has resulted in proposed minor changes to the advertised version of the policy.
- Council is requested to resolve to finally adopt the policy.

**COVID-19 IMPACT**

- No Identified implications

**RECOMMENDATION**

**DIS213: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council ADOPT the Trading in Public Places Policy.**

**BACKGROUND**

4. The Trading in Public Places Policy is prepared as a Council Policy in accordance with the *Local Government Act 1995*.
5. The Trading in Public Places Policy provides direction to City staff in the processing of enquiries and permit applications for trading in public places under the “*Activities on Thoroughfares and Public Places and Trading Local Law 2011*”. The policy also provides a clear set of controls for operators to trade under.

6. The City of Albany deals with a number of enquiries in relation to, or applications for trading permits each year. These enquiries most often relate to requests for new fixed location trading areas.
7. Staff also from time to time receive comments and / or complaints from formal “brick and mortar” business owners about these traders. These comments or complaints normally relate to breaches of policy provisions or are competition/equity related.
8. The current City of Albany Public Places Policy has been in place since 2009. Minor reviews were completed in 2010 and 2017.
9. The existing policy is proposed to be superseded by a revised *Trading in Public Places Policy*.
10. The revised policy has been prepared with a view of specifically addressing the following:
  - Request for more fixed location sites and opportunities;
  - Concerns or complaints which are consistently raised;
  - Introducing additional fixed location areas; and
  - The policy also improves the operational requirements of other activities in public spaces e.g. alfresco dining.
11. The most pertinent changes to the draft policy include;
  - Providing a number of additional proposed fixed location trader locations at:
    - Nanarup Beach;
    - Lake Weerlara Park;
    - Foundation Park;
    - Goode Beach; and
    - Surfers Beach car park.
  - Allowing mobile food vehicles to stay for a set amount of hours in a location as opposed to having to move on immediately once they have served all the customers in an area. Time limits proposed include being able to stay for:
    - 2 hours if they set up a distance greater 2 km away from the CBD; and
    - 4 hours if they set up in an area greater than 10 km away from the CBD.
12. The policy also proposes to introduce a special permit that can be obtained which will allow mobile food vehicles to trade no closer than 150 m from any shop open for business that generally offers the same type of goods for sale in the following areas:
  - On Stirling Terrace on Friday nights between 10pm and 2am and Saturday nights between 10pm and 12am.
  - In the CBD Between the following hours:
    - Saturdays between: 1 pm to dusk and
    - Sundays: All Day during daylight hours.
13. In February 2020, Council approved the policy for advertising subject to a number of amendments.
14. The policy was advertised in one of the local newspapers and on the City’s website from 19 March 2020 until 10 April 2020.
15. Existing operators were also directly contacted to ensure that they had an opportunity to comment.

16. Staff had discussions with the public, current operators and internal staff members about the policy and their associated comments and or concerns during the advertising period.
17. No submissions were received on the policy at the conclusion of the advertising period.

**DISCUSSION**

18. The consultation that officers had with members of the public, current operators and additional internal staff members highlighted a few areas for improvement within the advertised policy.
19. The proposed improvements will provide greater clarity and remove superfluous parts in some clauses.
20. The majority of the proposed changes were made in the section that relates to the Fixed Location Traders and the associated Annexure A. The most pertinent of the changes is in relation to the validity period of the licenses.
21. The current licenses were issued for a fixed term of 5 years in accordance with the previous policy.
22. A change in the policy is proposed that will result in the license periods being different for historic sites and newly introduced sites.
23. In considering the history of the existing sites and the fact that they function well as fixed location sites, a change in the license period for these sites would not be of value.
24. The license period for the three historic sites that are currently in use are therefore proposed to remain the same at 5 years.
25. Given the number of new sites that have not been tested it would be more appropriate to issue new licenses initially on a three month trial basis and eventually on a 1 year basis.
26. The proposed policy also now includes a desirability rating for each site. These ratings are mostly based on attraction and potential passing trade. The desirability rating can be used to determine the site rental fees in a more equitable way.

**GOVERNMENT & PUBLIC CONSULTATION**

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Newspaper and website	19 March 2020 until 10 April 2020	No submissions	Yes

27. After expiry of the period within which submissions may be made, the City of Albany will be required to:
  - Review the policy in light of any submissions made; and
  - Resolve to adopt the policy with or without modification, or not to proceed with the policy.

**STATUTORY IMPLICATIONS**

28. There are no statutory implications relating to the final approval of the Draft Trading in Public Places Policy.
29. Voting requirement for this item is **SIMPLE MAJORITY**.

**POLICY IMPLICATIONS**

30. The proposed policy aims to refine the existing policy and potentially create additional opportunities for traders.

**RISK IDENTIFICATION & MITIGATION**

31. The following indicates the risk to the City in making a decision to support or not support the Policy:

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Reputation.</i> <i>Policy position may have an impact on business operations.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Provisions within the Policy have been drafted to provide a balanced approach to address competition with the City's existing bricks and mortar businesses and amenity concerns.</i>
<b>Opportunity:</b> <i>Increase controls and opportunities for small business.</i>				

**FINANCIAL IMPLICATIONS**

32. The policy clarifies the ability of Council to set fixed location site hire fees annually through the budget process and also to set different fees depending on the location/desirability of the site.

**LEGAL IMPLICATIONS**

33. There are no legal implications relating to the final approval of the Draft Trading in Public Places Policy.

**ENVIRONMENTAL CONSIDERATIONS**

34. There are no environmental implications relating to endorsing the proposed Draft Trading in Public Places Policy for advertising.

**ALTERNATE OPTIONS**

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

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

**CONCLUSION**

36. The City's policy has been amended and refined to better address the common issues which arise from informal trading operations and the implementation of the existing policy.

37. The policy has also been further expanded to provide a framework to providing more sites and the ability to trade in the central area when bricks and mortar offerings are closed.

38. Council is now requested to resolve to proceed with the policy.

<b>Consulted References</b>	:	1. <i>Local Government Act 1995</i> 2. <i>Activities on Thoroughfares</i> 3. <i>Public Places and Trading Local Law 2011</i>
<b>File Number (Name of Ward)</b>	:	CM.STD.7 (All Wards)
<b>Previous Reference</b>	:	OCM 25/02/2020 - Resolution DIS195

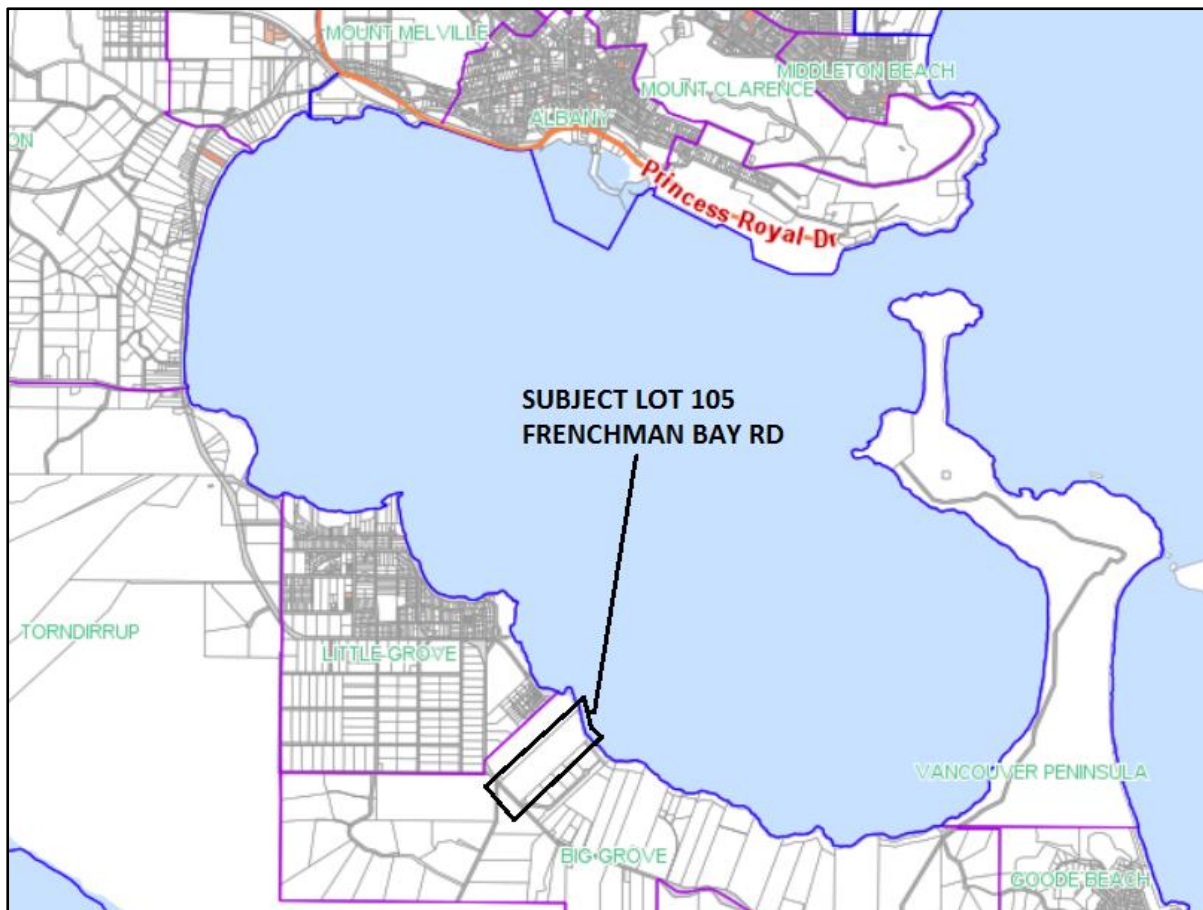
**DIS214: LOCAL PLANNING SCHEME AMENDMENT NO.34 – LOT 105  
FRENCHMAN BAY ROAD, BIG GROVE**

<b>Land Description</b>	: Lot 105, Frenchman Bay Road, Big Grove
<b>Proponent / Owner</b>	: ABLE Planning & Project Management
<b>Business Entity Name</b>	: Roman Catholic Bishop of Bunbury
<b>Attachments</b>	: 1. LAMD34, Part A, Document. 2. LAMD34, Part B, Document.
<b>Report Prepared by</b>	: Senior Planning Officer – Strategic Planning (A Nicoll)
<b>Responsible Officer</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed scheme amendment, the Council is obliged to draw conclusion from:
  - a. 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).
3. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy (2019)*. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy (2019)* which shows the subject lot as being suitable for 'Urban Growth'.

**Maps and Diagrams:**





**In Brief:**

- A request has been submitted for Council to adopt Local Planning Scheme Amendment No.34 to rezone Lot 105 Frenchman Bay Road, Big Grove by:
  - Rezoning portion of Lot 105 on Deposited Plan 230421, House 795 Frenchman Bay Road, Big Grove from 'Public Use' to 'Future Urban'.
  - Rezoning portion of Lot 105 on Deposited Plan 230421, House 795 Frenchman Bay Road, Big Grove from 'Public Use' to 'Parks and Recreation; and
  - Amending the Local Planning Scheme map accordingly.
- The subject site is privately owned and is not intended for public use. The long-term intention of the owner of the site has been to develop the lot for residential living. The proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy (2019)*.
- Council is requested to support the Local Planning Scheme amendment for the purposes of advertising.

**COVID-19 IMPACT**

- No identified implications.

**RECOMMENDATION**

**DIS214: RESPONSIBLE OFFICER RECOMMENDATION**

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

1. **ADOPT** Amendment No. 34 to amend *City of Albany Local Planning Scheme No. 1* by:
  - a) Rezoning portion of Lot 105 on Deposited Plan 230421, House 795 Frenchman Bay Road, Big Grove from 'Public Use' to 'Future Urban'.
  - b) Rezoning portion of Lot 105 on Deposited Plan 230421, House 795 Frenchman Bay Road, Big Grove from 'Public Use' to 'Parks and Recreation; and
  - c) Amending the Local Planning Scheme map accordingly.
2. **NOTE** that the amendment is a 'Standard' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:
  - The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.
3. **ADVERTISE** the amendment in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**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 105 Frenchman Bay Road, Big Grove:
  - a) Is reserved 'Public Use' under *Local Planning Scheme No.1*;
  - b) Predominantly consists of remnant vegetation of varying condition.
  - c) Is approximately 20ha in area and is approximately 10 km from the Albany City centre via road;

- d) Is within a Water Source Protection Area; and
  - e) Is located adjacent to the Princess Royal Harbour.
6. On 15 March 2011, the City of Albany Council resolved that it was prepared to consider a future scheme amendment to rezone Lot 105 to 'Future Urban', subject to the following matters being addressed and/or included as part of that formal amendment application:
- a) Studies on the biodiversity and conservation values of the land being provided;
  - b) The identification of an appropriate foreshore reserve in accordance with the Western Australian Planning Commission Statement of Planning Policy 2.6 (Coastal Planning Policy);
  - c) The protection of the South Coast Water Reserve and the existing well-head on Reserve 931;
  - d) Land required for vegetation protection, water resource protection, foreshore reserve and fauna habitat and corridor protection;
  - e) The inclusion of a Local Water Management Strategy; and
  - f) The addressing of infrastructure provision and servicing requirements and inclusive of any associated buffers and easements.
7. The previous resolution from 2011 in respect to the consideration of a future scheme amendment is non-binding to Council. However, notwithstanding this, the proposal is consistent with the *Albany Local Planning Strategy (2019)* and that the technical studies necessary to consider the amendment have been undertaken.

## DISCUSSION

8. The following reports have been completed to accompany the scheme amendment:
- a) An Environmental Opportunities and Constraints Analysis showing land suitable for vegetation protection, water resource protection and fauna habitat and corridor protection (Technical Appendix 1 of Amendment Report);
  - b) A Bushfire Management Plan (Appendix 6 of Amendment Report);
  - c) A Local Water Management Strategy (Technical Appendix 2 of Amendment Report);
  - d) An Infrastructure Servicing Report (Technical Appendix 3 of Amendment Report);
  - e) A Coastal Process Allowance assessment (Appendix 11 of Amendment Report).
9. An Opportunities and Constraints Map has been provided (Appendix 5 of Amendment Report) to illustrate potential areas for future protection or development, considerate of the above planning matters.
10. Details of the abovementioned reports are discussed in greater detail below under the relevant headings.

### Environmental Opportunities and Constraints Analysis

11. The Environmental Opportunities and Constraints report analysed flora and fauna at the subject site.
12. The analysis recommends that remnant vegetation is protected within the following areas of the site:
- a) A water source protection area located on the southern portion of the Lot 105;
  - b) An area adjacent to the Princess Royal Harbour (foreshore area); and
  - c) Corridors across the site to provide connectivity between the foreshore, adjacent lots and a water source protection area.
13. The analysis also identified species of vegetation classified as being within a 'Priority' list. Priority vegetation generally refers to vegetation that may be under imminent threat and therefore should be monitored. The analysis recommended that prior to any clearing of

the 'Priority' vegetation, local plant material (seed, cuttings and transplants) should be collected within Lot 105 for propagation and revegetation within the site.

14. Should the Council adopt the Amendment No.34 for advertising, the amendment, including the Environmental Opportunities and Constraints Analysis, will be referred to the Environmental Protection Authority for assessment. The Environmental Protection Authority may refuse the proposal, which involves the clearing of vegetation, or approve the proposal subject to environmental conditions on any future development of the subject land.

#### Bushfire

15. The land is within a designated bushfire prone area. Consequently, a Bushfire Management Plan has been prepared in accordance with *State Planning Policy No. 3.7: Planning in Bushfire Prone Areas* and the associated *Guidelines for Planning in Bushfire Prone Areas*.
16. The Bushfire Management Plan states:
  - a) The assessed bushfire risk is considered to be manageable;
  - b) As required for strategic planning proposals, the indicative BAL ratings of BAL-29 or less can be achieved;
  - c) A reticulated water supply is available in the area ;and
  - d) The subject Lot is located adjacent to Frenchman Bay Road, which provides options to travel in different directions in case of a bushfire. A concern may however still be raised about the effectiveness of such a route because the land is part of a Peninsula and Frenchman Bay Road is the only main access route in this area.
17. Should the Council adopt Amendment No.34 for advertising, the Bushfire Management Plan will be referred to the Department of Fire and Emergency Services, for review and comment.

#### Local Water Management Strategy

18. A Local Water Management Strategy has been prepared to support development of Lot 105 Frenchman Bay Road, Big Grove.
19. The Local Water Management Strategy assessed the pre-development environmental characteristics, water use sustainability initiatives and stormwater and groundwater management.
20. Stormwater management for the subject site is proposed to be designed using the following key principles and objectives:
  - a) All lots infiltrate or retain stormwater on-site either through infiltration and/or through the collection of rainwater in tanks;
  - b) All roads will be designed to provide a flood route for events greater than 1-in-1 year ARI and up to 1-in-100 year ARI event;
  - c) Roads incorporate the following treatments depending on the road reserve width and slope of the area in question:
    - Flush kerbing and swales; or
    - Mountable kerbing and collection (side entry) pits.
  - d) POS areas are used for drainage for events where the collection pits cannot retain and infiltrate the entire event (i.e. 1-in-100 year events); and
  - e) Piping and similar infrastructure is to be minimised within the subject site.
21. If the amendment is initiated for advertising, the Local Water Management Strategy will be referred to the Department of Water and Environmental Regulation for review and comment.

### Infrastructure Servicing

#### Roads

22. Frenchman Bay Road provides access to the localities of Robinson, Little Grove, Big Grove and Goode Beach.
23. The eventual development of the subject land will contribute to an increased use of Frenchmans Bay Road and the intersection of Hanrahan Road / Princess Royal Dr / Frenchman Bay Rd.
24. A Traffic Impact Assessment, which will have to detail the potential impact and the associated upgrade requirements will be required at a future structure planning stage.
25. A future structure plan should also include a plan for contributions/upgrading Frenchman Bay Road and the Hanrahan Road / Princess Royal Drive intersection (if required).

#### Stormwater

Due to the expected sandy nature of soils within the site, good drainage through soak wells within subdivided lots should be available. As Lot 105 forms part of a slope towards the foreshore, stormwater drainage collected in the road reserves will be likely graded naturally towards the foreshore where it will be detained, treated and slowly released into the groundwater system.

#### Sewer

26. A new Little Grove Pump Station will be required that will pump via a pressure main to an existing gravity sewer. This is a headworks item that would need to be scheduled by the Water Corporation once developer intentions were quantified. Should funds not be available when required by development, prefunding may be an option.

#### Water

The area is supplied from the Albany Mt Melville Tank to Little Grove. This supply is likely to be inadequate for the development of Lot 105. It is planned to augment supply via additional infrastructure. These works have not yet been scheduled, and will be constructed in stages based on development demand. All reticulation size mains are to be funded by the developer.

#### Power

27. There are existing high-voltage (22 kV), three-phase Western Power overhead aerials along the northeast side of Frenchman Bay Road which provide services to surrounding areas from the Albany substation in north McKail. As these aerials are on the same side of Frenchman Bay Road to Lot 105, there may be a requirement to remove and relocate underground if Lot 105 were subdivided.

### Coastal Process Allowance

28. Allowances for coastal processes have been assessed following guidance in the State Coastal Planning Policy No. 2.6 by determining:
  - Allowance for the Current Risk of Storm Erosion;
  - Allowance for Historic Shoreline Movement Trends;
  - Allowance for Erosion Caused by Future Sea Level Rise; and
  - Allowance for Current Risk of Storm Surge Inundation.
29. The total allowance for coastal processes at Lot 105 Frenchmans Bay Road, has been determined at 135m from the Horizontal Setback Datum (HSD). The HSD was defined as the 1m Australian Height Datum contour based on the peak water level of the design storm, and represents the toe of the primary dune rather than the coastal vegetation line.

30. A Foreshore Management Area, in addition to the coastal processes allowance area, is to be determined at the Structure Planning stage.

### Conclusion

31. The proposed scheme amendment is consistent with the strategic direction set in the *Albany Local Planning Strategy (2019)* which shows the subject lot as being suitable for 'Urban Growth'.
32. Positive strategic outcomes of zoning Lot 105 for Future Urban, include:
- a) Extending services into the Big Grove;
  - b) The dedication of land for environmental protection and to deal with coastal processes; and
  - c) An increased level of bushfire protection.
33. If the land is rezoned, before any subdivision approval may be granted, a structure plan will need to be prepared to guide the future subdivision and development of the land.
34. Ideally, the structure plan should conform to the studies completed at the amendment stage and/or any conditions imposed by the Environmental Protection Authority.

### **GOVERNMENT & PUBLIC CONSULTATION**

35. The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment be adopted by a resolution of Council prior to the proposal being advertised for public comment. Consequently, no consultation has been undertaken at this stage.
36. If Council resolves under regulation 35(1) to adopt an amendment to a local planning scheme, the local government must advertise the amendment.
37. Section 81 of the *Planning and Development Act 2005* requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.

### **STATUTORY IMPLICATIONS**

38. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
39. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
40. The proposal is considered to be a standard scheme amendment as it is consistent with the City of Albany Local Planning Strategy.
41. Voting requirement for this item is **SIMPLE MAJORITY**.

### **POLICY IMPLICATIONS**

42. The amendment has been prepared attentive to the following State Planning Policies:
- a) *State Planning Policy No. 2 – Environment and Natural Resources*;
  - b) *State Planning Policy No. 3 – Urban Growth and Settlement*;
  - c) *State Planning Policy No. 2.6 – State Coastal Planning Policy*;
  - d) *State Planning Policy No. 3.7 Planning in Bushfire Prone Areas*;

- e) *Better Urban Water Management Policy*;
  - f) *Government Sewerage Policy*.
43. Each of the above-mentioned State Planning Policies as they apply to the proposal are discussed in detail below.

*State Planning Policy No. 2 – Environment and Natural Resources*

44. State Planning Policy No. 2 – Environment and Natural Resources (SPP 2) broadly defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues.
45. The objectives of the policy are to:
- a) Integrate environment and natural resource management with broader land use planning and decision-making;
  - b) Protect, conserve and enhance the natural environment; and
  - c) Promote and assist in the wise and sustainable use and management of natural resources.
46. The Amendment No.34 conforms to the State Planning Policy No.2 by actively seeking opportunities for improved environmental outcomes including support for development which provides for environmental protection.

*State Planning Policy No. 3 – Urban Growth and Settlement*

47. The scheme amendment is broadly consistent with objectives of the *State Planning Policy No. 3 – Urban Growth and Settlement*, including:
- a) Facilitating serviced land in the right location for housing;
  - b) Enabling housing responsive to housing demand and preferences; and
  - c) Recognising the need to restore and enhance as well as protect biodiversity and to minimise development impacts on land and water, and other natural resources that help sustain urban economies and society.

*State Planning Policy No.2.6 – State Coastal Planning Policy*

48. The Coastal Process Allowance assessment, developed to accompany the Amendment No.34, indicates an area to be set-aside to allow coastal processes to occur. An additional foreshore management area is required between future development and the coastal processes boundary.
49. The assessment to determine coastal processes in accordance with the State Planning Policy 2.6 will be referred to the Department of Transport and the Department of Planning, Lands and Heritage for review.

*State Planning Policy 3.7 Planning in Bushfire Prone Areas*

50. *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) requires fire hazard to be considered in planning decisions to avoid increasing the risk through inappropriately located or designed land use and development.
51. For more strategic proposals such as a local scheme amendment, SPP 3.7 requires:
- a) A bushfire attack level (BAL) contour map to determine the indicative acceptable BAL ratings across the subject site;
  - b) The identification of any bushfire hazard issues arising from the relevant assessment;
  - c) Clear demonstration that compliance with the bushfire protection criteria in the guidelines can be achieved in subsequent planning stages;

52. To meet the requirements of SPP 3.7 and the underlying *Guidelines for Planning in Bushfire Prone Areas* (including appendices) a Bushfire Management Plan for the strategic proposal has been prepared for consideration.
53. The Bushfire Management Plan identifies the bushfire hazard issues arising from the assessment, then demonstrate that compliance with the bushfire protection criteria in the guidelines can be achieved in subsequent planning stages. This includes detailed compliance notes regarding Elements 1 (Location) and 2 (Siting and Design of Development), 3 (Vehicle Access) and 4 (Water).
54. The Bushfire Management Plan will be referred to the Department of Fire and Emergency Services for review.

Better Urban Water Management policy

55. A strategic-level Local Water Management Strategy has been prepared to accompany the rezoning request. The Local Water Management Strategy embodies the water sensitive design principles in accordance with the direction of the *Better Urban Water Management* policy.
56. It is proposed that stormwater runoff generated from the development will be dealt with under best practice stormwater management to avoid adverse environmental impacts. The impact of stormwater runoff will be negated by adopting appropriately sized drainage swales and basins with nutrient-stripping measures in the areas of road and drainage reserves and / or easements. This approach to stormwater management will adequately address drainage issues within the study area.
57. The Local Water Management Strategy will be refined at the structure planning stage to include further technical details. Then beyond this, a detailed Urban Water Management Strategy will be required to be prepared as a condition of approval prior to the subdivision construction stage, consistent with policy and the approach taken with other similar projects.
58. The Local Water Management Strategy will be referred to the Department of Water and Environmental Regulation for review.

Government Sewerage Policy

59. Under the provisions of section 6.1 of the Government Sewerage Policy, development of the subject Lot will be required to connect to reticulated sewerage, as it does not meet any exemptions.
60. The cumulative impact of on-site sewage disposal is deemed likely to have a detrimental impact on the water quality of a public drinking water source area, sewage sensitive area or other waterway or wetland. In this respect the mapping associated with the draft Government Sewerage Policy indicates the land as being within 2 kilometres of a selected estuary / inlet, and with that the risks are considered too great to entertain on-site effluent disposal, notwithstanding the proximity of the site to a Water Corporation bore.
61. Absence of reticulated sewerage may prejudice the ability to provide sewerage to Big Grove generally and jeopardise future land development which is supported by existing strategies and plans.
62. The Water Corporation has prepared a long-term strategy map to service Big Grove with reticulated sewerage and has determined the site can be reasonably connected to reticulated sewerage, in consideration of the most practicable servicing option.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation</b> <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>
<b>Opportunity:</b> <i>Increase opportunity for servicing, development and conservation of environmentally sensitive areas.</i>				

### FINANCIAL IMPLICATIONS

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

### LEGAL IMPLICATIONS

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

### ENVIRONMENTAL CONSIDERATIONS

66. The referral of Amendment No.34 to the Environmental Protection Authority will clarify if environmental implications apply.

### ALTERNATE OPTIONS

67. Council may consider alternate options in relation to this item, such as:
- To resolve to adopt the amendment to the local planning scheme with modifications; or
  - To resolve not to adopt the amendment to the local planning scheme.

### CONCLUSION

68. This scheme amendment proposes to rezone Lot 105 Frenchman Bay Road, Big Grove by:
- a) Rezoning portion of Lot 105 from 'Public Use' to 'Future Urban';
  - b) Rezoning portion of Lot 105 from 'Public Use' to 'Parks and Recreation'.
69. The proposal, if finally endorsed by the Minister, may provide the opportunity for:
- c) Residential development;
  - d) Protection of a Water Corporation water field (bore) in perpetuity;
  - e) Dedication of land adjacent to the Princess Royal Harbour for environmental protection and foreshore management and to deal with coastal processes.
  - f) Provision of roads, car parks and footpaths to provide access to and enjoyment of the foreshore;
  - g) Protection of habitat land for biodiversity and conservation purposes;
  - h) An extension of services into the Big Grove locality, including reticulated sewerage which will assist in reducing nutrient export into Princess Royal Harbour;
  - i) An increased level of fire protection, through the introduction of asset protection zones, hazard separation zones and fire-fighting hydrants (through the provision of reticulated water);
70. City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy 2019*.
71. Council is requested to adopt the amendment for the purpose of referral to the Environmental Protection Authority, public and agency authorities.



<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No. 1</i></li> <li>2. <i>Albany Local Planning Strategy (2010)</i></li> <li>3. <i>State Planning Policy No. 2 – Environment and Natural Resources;</i></li> <li>4. <i>State Planning Policy No. 3 – Urban Growth and Settlement;</i></li> <li>5. <i>State Planning Policy No.2.6 – State Coastal Planning Policy;</i></li> <li>6. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas;</i></li> <li>7. <i>Better Urban Water Management Policy.</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	LAMD34 (Vancouver Ward)
<b>Previous Reference</b>	:	OCM 15/03/2011 – Item 1.2

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