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# AGENDA

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

**Wednesday 11 March 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 both past and present”.*

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

Mayor D Wellington

**Councillors:**

Member	P Terry
Member	J Shanhun
Member	S Smith
Member	M Benson-Lidholm JP
Member	C Thomson
Member	R Hammond
Member	E Doughty
Member	R Sutton
Member	R Stephens
Member	A Goode JP
Member	T Sleeman
Member	G Stocks

**Staff:**

Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development and Environment	P Camins
Acting Manager Planning and Building Services	Alex Bott
Meeting Secretary	Jenny Cobbold

**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 12 February 2020 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**9. PRESENTATIONS**

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

## DIS200: LOCAL PLANNING POLICY - END OF TRIP FACILITIES

<b>Land Description</b>	: All
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: Not Applicable
<b>Attachments</b>	: Draft End of Trip Facilities Policy
<b>Report Prepared By</b>	: Coordinator Planning Services (A Bott)
<b>Responsible Officers:</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 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).
  - b. The adopted *Albany Local Planning Strategy 2019* and *Community Strategic Plan – Albany 2030*.

### In Brief:

- The City of Albany has prepared a local planning policy to guide the assessment and application of end of trip facilities as part of development proposals.
- End of trip facilities support the use of bicycle transport by allowing cyclists the opportunity to shower and change at the beginning and end of their journey to and from work. End of Trip facilities include change rooms, showers, lockers and secure bike storage.
- The preparation of the policy is a recommendation of the *Cycle City Albany Strategy 2014 to 2019*. A significant number of Local Governments now have similar policies.
- End of trip facilities provide employees with the necessary facilities to cycle commute to work and generally include bike storage areas, lockers and showers.
- It is proposed that the policy only apply to larger scale developments where there are a more significant number of employees. Further to this, it is proposed to have a level of discretion on the application of the policy as it relates to different locations and land uses. It is noted that due to their nature or location, some land uses will not be suitable for end of trip facilities.
- Council is requested to endorse the draft End of Trip Facilities Policy for the purpose of advertising.

### RECOMMENDATION

#### DIS200: RESPONSIBLE OFFICER RECOMMENDATION

1. That Council in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to **MAKE** the End of Trip Facilities Policy (as set out as an attachment to this item).
2. **APPROVES** giving notice through the placement of a notice of the proposed policy in a newspaper circulating in the Scheme area, in order to seek public comment.

## BACKGROUND

3. As the level of cycling infrastructure and awareness increases in Albany, it is likely that there will be an increased level of cycle commuters.
4. The City of Albany has prepared a local planning policy to guide the assessment and application of end of trip facilities as part of development proposals.
5. The preparation of the policy is a recommendation of the Cycle City Albany Strategy 2014 to 2019. It is noted that a large number of Local Governments now have similar policies.
6. The draft policy aims to be pragmatic in its application, with the ability to apply discretion dependent on the size, location and nature of the use.
7. It is considered that increasing and implementing end of trip facilities within appropriate private developments will in facilitate higher numbers of cycling commuters.
8. It is recommended that the draft policy be endorsed for public advertising.

## DISCUSSION

9. The role of the proposed local planning policy is to guide the application of the requirement to provide end of trip facilities for commuters. The City of Albany does not currently have a policy position on the matter.
10. End of trip facilities support the use of bicycle transport by allowing cyclists the opportunity to shower and change at the beginning and end of their journey to and from work. End of Trip facilities include change rooms, showers, lockers and secure bike storage.
11. The preparation of the policy is a recommendation of the *Local Planning Strategy 2019* and the *Cycle City Albany Strategy 2014 to 2019*. It is noted that a large number of Local Governments now have similar policies to guide the requirement for end of trip facilities.
12. Generally it is expected that there will be a limited number of developments a year that may be subject to the policy. This statement is made the basis that that the policy is directed at larger developments which have 20 or more staff and are appropriately located to practically benefit from end of trip facilities.
13. The provision of end of trip facilities is a now common local government planning policy position and can be seen as a necessary measure to provide the necessary facilities within developments to the increase of cycling as a viable commuting option.
14. The proposed policy has been developed to afford discretion where appropriate. For example, in some circumstances it may not be appropriate for a major development to include end-of-trip facilities, such as where the development is a significant distance from a population centre or where road conditions would be hazardous to cyclists.
15. It is recommended that Council resolve to advertise the draft End of Trip Facilities Policy.

## GOVERNMENT & PUBLIC CONSULTATION

16. If the Council resolves to support the Draft End of Trip Facilities Policy for formal advertising:
17. A notice of the proposed policy is to be placed in a newspaper circulating in the area, giving details of:
  - Where the draft policy can be inspected;
  - The subject and nature of the draft policy; and
  - In what form and during what period (being not less than 21 days from the day that the first notice is published) submissions may be made.



18. After expiry of the period within which submissions may be made, the Local Government is 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

19. There are no statutory implications relating to endorsing the amended holiday accommodation policy.

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

### POLICY IMPLICATIONS

21. The proposed policy aims to establish a policy position for the City of Albany to outline the circumstances when end of trip facilities will be requested during the development application process.

22. The proposed Local Planning Policy has been prepared by the City of Albany under the deemed provisions of *Local Planning Scheme No.1*. whilst it is not part of the Scheme and does not bind the City of Albany in respect of any application for Development Approval, the City will be required is to have due regard to the provisions of the policy and the objectives which the Policy is designed to achieve.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Business Operation,</b> <i>Policy position may have an impact on business operations.</i></p> <p><b>Reputation.</b> <i>Advertising the proposed policy, could give rise to objectionable comments from developers</i></p>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<p><i>Policy can be amended once feedback is assessed; this is the purpose of advertising prior to final adoption.</i></p> <p><i>Provisions within the Policy have been included to address amenity issues.</i></p>
<p><b>Opportunity:</b> <i>Increase sustainability measures within the private development sphere by enacting the recommendations of the Local Planning Strategy 2019 and the Cycle City Albany Strategy 2014 to 2019.</i></p>				

### FINANCIAL IMPLICATIONS

24. There are no financial implications relating to resolving to prepare a Local Planning Policy.

### LEGAL IMPLICATIONS

25. There are no legal implications relating to resolving to prepare a Local Planning Policy.

### ENVIRONMENTAL CONSIDERATIONS

26. There are no environmental considerations relating to resolving to amend a Local Planning Policy

### ALTERNATE OPTIONS

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

- To resolve that the draft amended policy is unacceptable and refuse adoption for advertising; or
- To resolve to amend the proposed policy prior to advertising.

**CONCLUSION**

28. The proposed policy aims to establish a policy position for the City of Albany to outline the circumstances when end of trip facilities will be requested during the development application process.
29. The proposed policy is a result of recommendations contained within the *Local Planning Strategy 2019* and the *Cycle City Albany Strategy 2014 to 2019*.
30. The provision of end of trip facilities is a now common local government planning policy position and can be seen as a necessary measure to provide the necessary facilities within developments to the increase of cycling as a viable commuting option.
31. The policy affords suitable discretion that can be applied pragmatically to allow for a realistic assessment of the appropriateness of end of trip facilities taking into account the nature and location of the use.
32. It is requested that Council resolve to advertise the draft End of Trip Facilities Policy.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i> 3. <i>Cycle City Albany Strategy 2014 to 2019</i>
<b>File Number (Name of Ward)</b>	:	All
<b>Previous Reference</b>	:	NIL

**DIS201: RESCINDING LOCAL PLANNING POLICY – ANCILLARY  
ACCOMMODATION LOCAL PLANNING POLICY**

<b>Land Description</b>	: All
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: Not Applicable
<b>Attachments</b>	: NIL
<b>Report Prepared By</b>	: Coordinator Planning Services (A Bott)
<b>Responsible Officers:</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 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).
  - b. The adopted *Albany Local Planning Strategy 2019* and *Community Strategic Plan – Albany 2030*.

**In Brief:**

- The City of Albany has been undertaking a review of its local planning policies.
- As part of this review, it has become apparent that the Ancillary Accommodation Local Planning Policy has become reductant, as the relevant provisions are now contained within *Local Planning Scheme No.1*.
- Council is requested to endorse rescinding the Ancillary Accommodation Local Planning Policy.

**RECOMMENDATION**

**DIS201: RESPONSIBLE OFFICER RECOMMENDATION**

1. That Council in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to rescind the Ancillary Accommodation Policy (as set out as an attachment to this item).
2. **APPROVES** giving notice through the placement of a notice of the rescinded policy in a newspaper circulating in the Scheme area.

**BACKGROUND**

3. The City of Albany has been undertaking a review of the suite of local planning policies.
4. While a number of policies will be refined and updated, it has become apparent that the controls contained within the ancillary accommodation policy are now redundant, as they are covered within *Local Planning Scheme No.1*.
5. It is now recommended that the policy be rescinded.

**DISCUSSION**

6. The role of the policy is to guide the assessment and determination of applications for ancillary accommodation.
7. Since the gazettal of *Local Planning Scheme No.1* in 2014, the provisions for ancillary accommodation from the policy have been incorporated into scheme.

8. While the provisions contained within the scheme largely reflect those within the policy, both documents have been reviewed to ensure that the removal will not lead to any unintended consequences.
9. The City of Albany does has the ability to vary the scheme provision for ancillary accommodation if required and will not be losing the flexibility to apply the provisions pragmatically if required. Variations would go through the standard scheme variation process.
10. On the basis of the above it is considered that the policy ca be removed as it essentially a duplication of the scheme provisions and is no longer required.
11. It is recommended that Council resolve to rescind the Ancillary Accommodation Local Planning Policy.

**GOVERNMENT & PUBLIC CONSULTATION**

12. If the Council resolves to rescind the Ancillary Accommodation Local Planning Policy a notice will be required to be published in a local paper giving notice.

**STATUTORY IMPLICATIONS**

13. There are no statutory implications relating to rescinding the Ancillary Accommodation Local Planning Policy.
14. Voting requirement for this item is **SIMPLE MAJORITY**.

**POLICY IMPLICATIONS**

15. The relevant policy provisions of the policy are now contained within Local Planning Scheme No.1. As such there will be no changes in how ancillary accommodation is dealt with and assessed.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation.</b> <i>Advertising the removal of the policy, could give rise to objectionable comments from developers</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Communicate that the provisions within the policy have are included within the planning scheme and still exist.</i>
<b>Opportunity:</b> <i>Consolidate the City of Albany’s suite of local planning policies.</i>				

**FINANCIAL IMPLICATIONS**

17. There are no financial implications relating to resolving rescind Local Planning Policy.

**LEGAL IMPLICATIONS**

18. There are no legal implications relating to resolving to rescind a Local Planning Policy.

**ENVIRONMENTAL CONSIDERATIONS**

19. There are no environmental considerations relating to resolving to rescind a Local Planning Policy

### ALTERNATE OPTIONS

20. Council has the following alternate option in relation to this item, which is:

- To resolve that the Ancillary Accommodation Local Planning Policy is required and be retained as a local planning policy.

### CONCLUSION

21. The City of Albany has begun reviewing its suite of local planning policies.
22. Part of this process involves reviewing the potential of consolidating the number of policies and determining if their scope is covered elsewhere or duplicated.
23. The ancillary accommodation policy provisions have now been moved into the Local Planning Scheme No.1, as such the Ancillary Accommodation Local Planning Policy is now a redundant duplicate and can be removed.
24. It is requested that Council resolve to rescind the Ancillary Accommodation Local Planning Policy.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i>
<b>File Number (Name of Ward)</b>	:	All
<b>Previous Reference</b>	:	NIL

## DIS202: DOG EXERCISE AREA - EMU POINT WESTERN SWIMMING BEACH

<b>Land Description</b>	: Reserve R22698
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Nil
<b>Report Prepared By</b>	: Manager City Reserves ( <i>J Freeman</i> )
<b>Responsible Officers:</b>	: Executive Director Infrastructure Development and Environment ( <i>P Camins</i> )

### STRATEGIC IMPLICATIONS

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

#### In Brief:

- The *Dog Exercise, Prohibited and Rural Leashing Areas Policy* (the Policy) was adopted by Council in November 2018.
- Emu Point Western Swimming Beach was a new dog exercise area included in this Policy identified as a result of previous requests from residents to include it, with the signage changed over in December 2019.
- Following the installation of the new signage there has been a petition tabled at the February 2020 OCM requesting the removal of the section of beach from the Policy.

### RECOMMENDATION

#### DIS202: RESPONSIBLE OFFICER RECOMMENDATION

##### That Council:

- (1) **ACKNOWLEDGES** the petition received requesting Council review the current Dog Exercise, Prohibited and Rural Leashing Areas Policy, specifically that the section of Emu Point Western Swimming Beach adjacent to Cunningham Street no longer be designated as a Dog Exercise Area.
- (2) **REQUEST** City Officers to review the current policy position to evaluate the following management strategies:
  - Removing the area from the Policy (effectively allowing the area as a dog-on-leash area); or
  - Changing the designation to a Dog Prohibited area; or
  - Restricted use based on season and times; and/or
  - Installing a barrier between the two beaches to deter dogs moving between the current dog exercise and dog prohibited areas.

**(3) REQUEST the Chief Executive Officer to prepare an Officer Report and Recommendation for Council Committee review by no later than June 2020, post seeking public comment.**

## BACKGROUND

2. The Dog Exercise, Prohibited and Rural Leashing Areas Policy (item DIS132) was adopted by Council in November 2018.
3. In December 2019 there was an additional sign placed at Emu Point to make users aware of the existing policy and updated changes to the exercise areas.
4. The change at Emu Point Western Swimming Beach is in response to many requests over the last few years from residents and beach users to have a dog exercise beach that is family friendly for families to take their dog to a beach where the children can swim in a sheltered area. There are beaches around Emu Point that remain prohibited for dogs for those users that would prefer to be away from dogs.
5. Ranger presence has been increased during the months following the change in signage and spike in complaints. Rangers are visiting the area daily to educate users of the changes and appropriate dog management behaviour.

## DISCUSSION

6. The City of Albany currently manages a large number of reserves and public open spaces that the community uses for a variety of purposes including the exercise of dogs.
7. Human interaction with dogs can provide a wide range of positive benefits (physical & mental health etc.) but can also result in a range of negative issues if not managed appropriately.
8. The purpose of the Policy is to identify areas within the City's municipal boundary under the following categories:
  - **Prohibited areas** – areas where dogs are prohibited at all times.
  - **Dog Exercise Areas** – areas where dogs may be exercised off leash (but still under control) at all times.
  - **Rural Leashing Areas** – areas outside of town sites (as gazetted) where dogs must be exercised on a lead.
  - All other areas within a gazetted town site not detailed in the Policy default to requiring a dog to be restrained on a leash or under control at all times.
9. The areas designated in each category in the policy are based on historical area use and consultation with internal stakeholders such as the Recreation Management, Reserve Management and Ranger Teams and feedback received from the community during the community comment period.
10. Emu Point Western Swimming Beach Area was a new dog exercise area included in the Policy which was identified as a result of previous requests from the community. The requests focussed on the inclusion of a sheltered beach particularly suitable for less mobile residents who find it difficult to move through deep sand, as well as families with small children.
11. The fact that the community is using the beach with their dogs, suggests that there is a counter-position to the petition.

## GOVERNMENT & PUBLIC CONSULTATION

12. See Community Engagement Report attached to DIS132, from OCM November 2018.

## STATUTORY IMPLICATIONS

- 13. Dog Act 1976
- 14. City of Albany's Dog Local Law 2017

## POLICY IMPLICATIONS

15. Nil until future recommendation.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: Risk: Noting this policy position attracted significant levels of community comment, some members of the public may not be happy if there are any changes.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>If the proposed policy is altered, staff will address as required and provide further information and education.</i>
<i>Opportunity: To classify dog prohibited, exercise and rural leashing areas within the City of Albany boundaries.</i>				

## FINANCIAL IMPLICATIONS

17. Funds within the current operational budget will be utilised.

## LEGAL IMPLICATIONS

18. Nil

## ENVIRONMENTAL CONSIDERATIONS

19. It is acknowledged that dogs have the potential to impact on environmental values especially where they are not controlled or on leash.

## ALTERNATE OPTIONS

- 20. Without further consultation, Council could choose to remove the Emu Point Western Swimming Beach Dog Exercise Area from the Policy.
- 21. Council could choose to leave the Policy as is with no further action from Officers.



**CONCLUSION**

22. The Policy continues to attract community comment demonstrating the high level of community interest in this subject. The comments have been diverse and often directly opposed to each other, demonstrating the difficulty faced in developing a policy that would be acceptable to all community members.
- 23.

<b>Consulted References</b>	:	See consultation report from DIS132, OCM November 2018
<b>File Number</b>	:	CR.COC.54 – Community Relations, Community Consultation Dog Exercise Area Policy

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