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# MINUTES

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## DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

**Wednesday 13 February 2019**

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** The Chair declared the meeting open at **6.00pm**
- 2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

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

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

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

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

Mayor D Wellington

**Councillors:**

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

**Staff:**

Chief Executive Officer	A Sharpe
Executive Director Development Services	P Camins
Executive Director Infrastructure and Environment	M Thomson
Meeting Secretary	Jenny Cobbold
Executive Director Community Services	Susan Kay
Manager Recreation Services	Samantha Stevens
Manager City Operations	Mike Richardson

**Apologies:**

Member R Sutton (Deputy Chair)

4. **DISCLOSURES OF INTEREST - NIL**
5. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE - NIL**
6. **PUBLIC QUESTION TIME**

**6.01pm**            **Chris Thomson – Spoke against DIS147**

Requested answers to the following questions.

1. Why the residents and electors of inner Albany were not advised of this pernicious engineering fix that, if implemented, will increase traffic through their hitherto peaceful neighbourhood that predates the invention of the motor car?

**Response from the CEO Andrew Sharpe**

The City has consulted all directly affected stakeholders. This is a moderate traffic treatment we expect will ease some of the congestion experienced from time-to-time on York Street by making the city centre more accessible, consistent with the design of Stirling Terrace, and is not expected to have considerable impact on traffic flow along the remainder of Grey Street.

2. Did the owners of the Premier Hotel, either in writing or verbally, request that the City make Grey Street East two way?

**Response from the CEO Andrew Sharpe**

No. the Premier Hotel is not involved in this decision, this treatment was planned when Council undertook modifications to York Street back in 2016 and has been budgeted for accordingly. The demolition of the alfresco area of the Premier Hotel is coincidental but it is timely given the proposed works.

3. Why were the owners of the Premier Hotel, and adjacent businesses, privileged above resident electors in this extremely narrow consultation process?

**Response from the CEO Andrew Sharpe**

The directly affected stakeholders have all been consulted.

4. If the answer to Question 3. is something along the usual lines of 'because we were not required under the Act to do so', does the City recognise it has a duty of care to its electors and residents to go beyond minimum legislated levels of consultation to ensure the best practice implementation of public policy and projects?

**Response from the CEO Andrew Sharpe**

Yes, the City acknowledges its obligation to advise and consult with those in the community who are directly impacted.

Mr Chris Thomson addressed the Committee Members and provided additional explanation to his questions and requested the Elected Members to vote against the Officer Recommendation for item DIS147.

There being no other members of the public present, Public Question Time closed at 6.06pm.

7. **PETITIONS AND DEPUTATIONS - NIL**

**8. CONFIRMATION OF MINUTES**

**COMMITTEE RESOLUTION**

**MOVED: COUNCILLOR HOLLINGWORTH**

**SECONDED: COUNCILLOR GOODE**

**THAT the minutes of the Development and Infrastructure Services Committee meeting held on 5 December 2018, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED: 12-0**

**9. PRESENTATIONS - NIL**

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - NIL**

**DIS145: LOCAL STRUCTURE PLAN NO.13 – LOTS 105 & 106  
NANARUP & KULA ROADS, LOWER KING**

<b>Land Description</b>	: Lots 105 & 106 Nanarup & Kula Roads, Lower King
<b>Proponent</b>	: Ayton Baesjou
<b>Business Entity Name</b>	: GA Clark Nominees Pty Ltd ( George Arthur Clark, Pauleen Margaret Clark )
<b>Attachments</b>	: 1. Local Structure Plan 13 Document 2. Local Structure Plan 13 Map 3. Schedule of Submissions and Recommendations 4. Bushfire Management Plan 5. Land Evaluation Assessment
<b>Report Prepared By</b>	: Senior Planning Officer – Strategic Planning (A Nicoll)
<b>Responsible Officers:</b>	: Executive Director Development Services (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 structure plan, Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*. The structure plan complies with strategic planning for the following reasons:
  - a) The Albany Local Planning Strategy (2010) seeks to encourage the development of the Structure Plan area for 'Rural Residential' (Min 1ha lots).
  - b) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

**Maps and Diagrams:** Lots 105 & 106 Nanarup & Kula Roads, Lower King.





**In Brief:**

- The subject land (Lot 105 and a portion of Lot 106 Nanarup Road, Lower King) is currently zoned 'General Agriculture' under Local Planning Scheme No.1.
- At the September 2015 Ordinary Council Meeting, Council adopted Local Planning Scheme Amendment No.6 to rezone Lot 105 and a portion of Lot 106 Nanarup Road, Lower King from the 'General Agriculture' zone to the 'Special Residential' zone and to reserve a portion of Lot 106 for 'Parks and Recreation'.
- The Amendment No.6 was referred to the Western Australian Planning Commission for endorsement. Prior to endorsement of the Amendment No.6, the Commission required that the City organise the preparation of a structure plan to accompany the rezoning of the land to 'Special Residential'.
- A Structure Plan has subsequently been submitted to provide guidance for the following matters;
  - Potential to subdivide Lots 105 and 106 into a total of 9 lots;
  - Location of building envelopes and location of Asset Protection Areas (low fuel areas around building envelopes);
  - Protection of remnant vegetation adjacent to Oyster Harbour;
  - Extension of Kula Road; and
  - Development of emergency egress.
- It is considered that the structure plan conforms with the surrounding lot density, is considerate of environmental attributes and makes provision for appropriate access.
- Council is requested to consider the submissions received during the advertising of Local Structure Plan No.13 and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

**RECOMMENDATION**

**DIS145: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR STEPHENS  
SECONDED: COUNCILLOR DOHERTY**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED:12-0**

**DIS145: RESPONSIBLE OFFICER RECOMMENDATION**

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

1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No.13 subject to the following modifications:
  - a) It is recommended that the following conditions are included on the structure plan map:
    - i. Secondary treatment systems with nutrient removal are required to service development on all proposed lots.

- ii. To restrict access to emergency situations only, removable bollards are to be constructed at the Kula Road entry to a future emergency access-way and at the Nanarup Road entry to the 'Interim Strategic Fire Break'.
  - iii. The development of Emergency Access Way, Cul-de-sac and battle-axe is to comply with standards in Table 6, columns 2, 3 and 4 (vehicle access technical requirements) of the Guidelines for Planning in Bushfire Prone Areas.
  - iv. Any clearing within the area south of the designated Fire Service Access requires the approval of the Department of Water and Environmental Regulation.
  - v. At the subdivision stage, a stormwater management plan being developed and implemented to the satisfaction of the City of Albany. The stormwater management plan is to consider the following:
    - o Design in accordance with the City of Albany Subdivision and Development Guidelines.
    - o Retention of hydrology as close as possible to pre-development conditions.
    - o Stormwater treatment for minor storm events.
    - o Flood management and erosion control.
    - o The existing drainage basin on Kula Road may not be suitable to accept additional runoff following the extension of Kula Road. As such, if any additional flows are proposed to the existing system, the developer will be required to review the existing and undertake any necessary upgrades.
- b) It is recommended that further evidence is provided in the Bushfire Management Plan, to support vegetation exclusions applied to Plots 4 and 7.
  - c) It is recommended that additional information is provided in the Bushfire Management Plan, to validate the Bushfire Attack Level assessment. The BAL assessment undertaken cannot be validated as all of the inputs (i.e. lots, vegetation classification(s), effective slope, actual separation distance) used to determine the BAL ratings have not been provided.
2. Forward structure plan documentation and submissions to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan (with modifications).
  3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

## BACKGROUND

3. *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.
4. The subject Lots 105 and 106 comprise a total of 6.88ha and are zoned 'General Agriculture'. Both lots are currently used for rural living purposes and are located between land currently zoned 'Special Residential'.
5. In September 2015, the City supported an amendment to Local Planning Scheme No.1 to rezone the subject land from 'General Agriculture' to 'Special Residential'.
6. The City resolution was forwarded to the Commission with a request for Ministerial approval. In response, the Commission has requested that a structure plan is first endorsed to indicate how the land can be developed. The Local Structure Plan No.13 has subsequently been submitted as a supporting document to the rezoning of Lots 105 and 106 Nanarup & Kula Roads, Lower King.

7. The City of Albany advertised the proposed Local Structure Plan No.13 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. At the close of advertising, the City of Albany received eight (8) submissions commenting on the proposed structure plan.
8. Council is requested to consider the submissions received and determine whether to recommend that the Commission support the structure plan with modifications.

## DISCUSSION

9. The Western Australian Planning Commission required the preparation of the Local Structure Plan No.13, to guide future subdivision and development expected with the rezoning of the land from 'General Agriculture' to 'Special Residential'.
10. The structure plan indicates:
  - a) The potential to create a total of nine (9) lots of a size similar to surrounding subdivided and developed land;
  - b) Location of building envelopes and Asset Protection Areas (low fuel areas around building envelopes);
  - c) Access and egress arrangements; and
  - d) Vegetation protection areas.
11. As part of the advertising process, the following key comments were received:
  - a) Secondary effluent treatment systems with nutrient removal will be required due to proximity to the Oyster Harbour;
  - b) Noting current building envelopes and current fire standards, a likely outcome is that significant clearing may be required in these areas, which contains old growth vegetation;
  - c) The boundary of the foreshore reserve should be extended to 60 m in total width across Lot 106 to provide for an appropriate foreshore buffer width and a more uniform increase across the reserve;
  - d) In heavy rain events, a water catchment/drainage soak over flows into 37 Kula Road, making a large wet unusable area. If Kula Road is extended, this drainage issue may be accentuated; and
  - e) The public road system in the bushfire prone area should provide two alternative public access routes to two different destinations. No justification or substantiated evidence has been provided within the BMP to justify why public road access cannot be provided to resolve connections between legacy non-compliant dead end roads for this structure plan.
12. A 'Schedule of Submissions' has been developed to identify the issues raised during the advertising process and to provide associated recommendations. The schedule is available as an attachment to this report item.
13. The primary matters raised during the advertising process are discussed in under the applicable headings below.

### Effluent Treatment

14. The Department of Water and Environmental Regulation and the Department of Health advised that as reticulated sewerage is not available to the lots and because the land is within close proximity to the Oyster Harbour, secondary treatment systems with nutrient removal will be required.

15. In response to comments received in respect to on site effluent disposal, it is recommended that the following condition is included on the structure plan map:
- *Secondary treatment systems with nutrient removal are required to service development on all proposed lots.*

#### Vegetation - Clearing

16. A member of the public commented that significant clearing to reduce bushfire risk will impact old growth vegetation and threatened species such as Carnaby's Cockatoo and Western Ring Tail Possum.
17. In response to clearing to accommodate bushfire risk, it is recommended that Council agree to advise the Western Australian Planning Commission that, although some clearing is required to protect property and people from bushfire, the structure plan seeks to protect one hectare of remnant vegetation on steep land adjacent to Oyster Harbour. In addition to this, the Bushfire Management Plan which accompanies the structure plan requires the developer to engage an appropriately qualified environmental/fauna specialist to retain significant trees in asset protection areas. The following notation has been placed on the structure plan map to ensure assessment officers are aware of the need to protect significant trees:
- *Refer to Bushfire Management Plan for fuel reduction and tree identification requirements for Asset Protection Zones on Lots 7, 8 & 9.*
18. The Commission also needs to be made aware that the original proposal to rezone the land to accommodate development was referred to the Environmental Protection Authority. No objections or issues were raised as a result of the amendment referral process.

#### Foreshore Reserve

19. The structure plan proposes to cede land to the Crown, for the purpose of conservation. The area of land proposed for conservation is located adjacent to the Oyster Harbour foreshore and aligns with land reserved to the west and east.
20. The Department of Water and Environmental Regulation commented that additional land adjacent to the Oyster Harbour foreshore, should be ceded to the City for conservation.
21. It is recommended that the Department of Water and Environmental Regulation comment on this matter not be upheld. The Department of Water and Environmental Regulation proposed extension creates awkward boundaries and places additional management responsibilities on the City of Albany.
22. It is considered unnecessary to require ceding of additional land, for conservation management. The structure plan seeks to protect the subject land in private ownership. For reassurance, it is recommended that the following advice note is included on the structure plan map:
- *Any clearing within the area south of the designated Fire Service Access requires the approval of the Department of Water and Environmental Regulation.*

#### Stormwater Management

23. The subject land slopes toward land that has already been developed. A neighbouring landholder commented that, as a result of extending Kula Road and developing additional lots, drainage issues (water logging) might accentuate on existing properties.
24. It is recommended that the comment pertaining to stormwater management be addressed by including the following condition on the structure plan map:
- *At the subdivision stage, a stormwater management plan being developed and implemented to the satisfaction of the City of Albany. The stormwater management plan is to consider the following:*

- *Design in accordance with the City of Albany Subdivision and Development Guidelines.*
- *Retention of hydrology as close as possible to pre-development conditions.*
- *Stormwater treatment for minor storm events.*
- *Flood management and erosion control.*
- *The existing drainage basin on Kula Road may not be suitable to accept additional runoff following the extension of Kula Road. As such, if any additional flows are proposed to the existing system, the developer will be required to review the existing and undertake any necessary upgrades.*

#### Access

25. It is proposed that the structure plan area be connected to Nanarup Road via one entry/exit. The structure plan seeks to extend Kula Road, which connects onto Morilla Road and then Nanarup Road. In order to enable a secondary escape route, the structure plan proposes an emergency egress to the west of the existing Morilla/Nanarup Road intersection. The structure plan also proposes to utilise connection to some lots via battle-axe access legs.
26. The Department of Fire and Emergency Services (DFES) requested a re-design of the structure plan to remove the battle-axe access legs and to enable two public road connections to Nanarup Road.
27. It is recommended that Council agree to advise the Western Australian Planning Commission to not uphold the DFES comments relating to access. The following reasons apply:
- The intent to provide two access routes to two different destinations has been complied with in accordance with the Commissions Guidelines for Planning in Bushfire Prone Areas, 'Performance Principle (P3)';
  - The internal layout, design and construction of public and private vehicular access and egress in the subdivision/development allows emergency and other vehicles to move through it easily and safely at all times. Emergency access-ways have been designated on the structure plan map for implementation.
  - No alternative to battle-axe access legs exist for the large (7000m<sup>2</sup>) 'Special Residential' lot design.
  - City engineers advised that the section of Nanarup Road fronting the subject land is unsuitable for an additional public road intersection, due to the restricted sight lines from the hilly terrain resulting in unsuitable safe sight stopping distances for the traffic on Nanarup Road. Engineers advised that the existing intersection (Morilla Road) should be maintained as the main entry and exist point for this area.
28. To ensure the movement of emergency and other vehicles occurs easily and safely at all times, it is recommended that the following condition is included on the structure plan:
- *The development of Emergency Access Way, Cul-de-sac and battle-axe is to comply with standards in Table 6, columns 2, 3 and 4 (vehicle access technical requirements) of the Guidelines for Planning in Bushfire Prone Areas.*
29. To ensure that emergency access ways are not utilised for general purpose access to Nanarup Road, it is recommended that the following condition is included on the structure plan map:
- *To restrict access to emergency situations only, removable bollards are to be constructed at the Kula Road entry to a future emergency access-way and at the Nanarup Road entry to the 'Interim Strategic Fire Break'.*

30. Council is requested to consider the submissions received and determine whether to recommend that the Commission support the structure plan with modifications.

### **GOVERNMENT & PUBLIC CONSULTATION**

31. The Structure Plan No.13 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
32. Submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors as an original and as summarised in the attached Schedule of Submissions.
33. Commentary on the submissions has been provided in this report item and in the attached Schedule of Submissions.

### **STATUTORY IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

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

#### Draft Government Sewerage Policy

39. This policy allows on-site sewerage disposal to be considered where each lot is capable of accommodating on-site sewage disposal without endangering public health or the environment.
40. Because the subject land is located within close vicinity of the Oyster Harbour, it has been recommended that secondary treatment systems with nutrient removal are provided to service development on all proposed lots.

#### State Planning Policy 3.7 Planning in Bushfire Prone Areas

41. The publicly released Bushfire Prone Area Mapping (DFES, 2017) shows that the subject land is located within a Bushfire Prone Area.
42. An assessment of bushfire criteria, submitted as an appendix to the structure plan, confirms that subdivision and development may occur in accordance with the Commission's Guidelines for Planning in Bushfire Prone Areas.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. 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 the Structure Plan is not supported by the WAPC the City may be required to make modifications.</i>
<b>Opportunity:</b> <i>Increase opportunity for servicing and development.</i>				

## FINANCIAL IMPLICATIONS

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

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

46. Measures have been recommended to:
- Exclude development from environmentally sensitive areas;
  - Protect existing vegetation; and
  - Plant trees for screening.

## ALTERNATE OPTIONS

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

## CONCLUSION

48. The structure plan proposes Special Residential lots with an average lot size of 5000m<sup>2</sup>.
49. The Structure Plan has been prepared to accompany Amendment No.6 and to guide future development of the area.
50. The structure plan was advertised and provisions have subsequently been recommended to address issues raised.
51. Council is requested to agree to recommend that the Western Australian Planning Commission approve the structure plan subject to modifications.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme No.1;</i> 2. <i>Local Planning Strategy 2010;</i> 3. <i>Draft Government Sewerage Policy;</i> 4. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas.</i>
<b>File Number (Name of Ward)</b>	:	LSP13 (Kalgan Ward)
<b>Previous Reference</b>	:	Nil



**DIS146: SAT APPROVAL INFORMATION - NULLAKI EXTRACTIVE INDUSTRY**

<b>Land Description</b>	: Lot 9005 Eden Road, Nullaki
<b>Proponent</b>	: City of Albany
<b>Business Entity Name</b>	: City of Albany
<b>Attachments</b>	: 1. Letter to Residents 2. SAT Decision 3. SAT Reasons for Decision
<b>Report Prepared By</b>	: Coordinator Planning Services (A Bott)
<b>Responsible Officers:</b>	: Executive Director Development Services (P Camins)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. The Albany Community Strategic Plan – Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community. (Community Priority: 1.1.2).

**In Brief:**

- On January 10, 2019, the State Administrative Tribunal issued an approval for the development of a lime pit on the Nullaki Peninsula.
- The matter was subject to significant public interest, with a large number of objections received through the development application process.
- Council is requested to note the information and actions which have been prepared in response to this approval issued by the State Administrative Tribunal.

**RECOMMENDATION**

**DIS146: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HAMMOND**

**SECONDED: COUNCILLOR MOIR**

**THAT the Responsible Officer recommendation be NOTED:**

**CARRIED: 12-0**

**DIS146: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council NOTE:**

- The matter has been approved by the State Administrative Tribunal.
- The correspondence sent to all relevant residents and submitters.

**BACKGROUND**

3. In September 2017, Council resolved to issue a notice of refusal for the development of a lime pit on the Nullaki Peninsula
4. The applicant subsequently appealed the matter to the State Administrative Tribunal.
5. On January 10, 2019, the State Administrative Tribunal issued an approval for the land use subject to 45 conditions.

6. Given the significant interest in the matter, a number of actions have been undertaken to ensure the matter is communicated to the community in a clear and controlled manner.

### **DISCUSSION**

7. Through the State Administrative process the City of Albany contended the following primary matters;
- That the proposed development was capable of approval (particularly in accordance with Scheme Amendment 29)
  - That the proposed development was consistent with orderly and proper planning (i.e. not consistent with the objectives and provisions of the conservation zone)
8. In addition to the above, the City of Albany also raised amenity and other development issues to consider, however these were ancillary to the primary matters.
9. The proposed omnibus amendment 29 provided certainty around this permissibility and expressly made it a prohibited use.
10. The SAT considered that the proposed development was broadly consistent with the objective to "Protect, enhance and rehabilitate the flora, fauna and landscape qualities of the Nullaki Peninsula" due to the limited size of the excavation (8ha) in the context of a 457ha site and the fact that vegetation would be rehabilitated with no adverse long term impacts.
11. The SAT did not consider significant weight should be given to Amendment 29 as 'harmonisation' of CZ1 provisions within CZ2 and CZ3 (by amending the CZ1 provisions to a similar form) was not in its opinion based on sound town planning principles, given CZ1 has significantly different characteristics (particularly in terms of size and location to the peri-urban fringe) to CZ2 and CZ3. Additionally the Amendment was not signed by the Minister for Planning in time to be given weight to its application.
12. The approval was granted by the SAT with a total of 45 conditions.
13. The main conditions in relation to amenity that the SAT has imposed include:
- The proponent providing an Excavation and Rehabilitation Management Plan as well as a Traffic Risk Management Plan;
  - Significant road upgrades including road sealing (including Browns Road Bridge);
  - Transport limits (including limiting months/days/times, school bus considerations, limitations to total truck numbers per day, extraction limits per annum); and
  - Annual Compliance Reporting.
14. Once the City of Albany was notified of the approval, given the significant interest in the matter, a communications strategy was prepared. The Strategy included a media release and social media.
15. A letter was sent to residents in the area, including those who had made a submission on the matter and also residents on the haulage route. A copy of this correspondence is attached to this item.

### **GOVERNMENT & PUBLIC CONSULTATION**

16. The community has been sent correspondence explaining the matter. The correspondence is attached to this item. The correspondence has been distributed to the following;
- Residents on the haulage route and the Nullaki Peninsula;
  - People or organisations who made submissions;
  - Community Groups (Youngs Siding Community Association, Bornholm-Kronkup Community);

- Association, Wilson Inlet Committee, Torbay Catchment Group, Torbay Hill Ratepayers & Residents Group, Elleker Sport & Recreation Group, Torbay Agricultural Community Hall Inc
  - Elleker General Store
17. Government agencies who provided submissions on the matter were also sent correspondence advising of the outcome.
18. Any further correspondence will accord with the communications strategy pertaining to the matter.

### STATUTORY IMPLICATIONS

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

### POLICY IMPLICATIONS

20. There are no policy implications directly relating to this item.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. Concerns may be raised by the community that the City has not kept them informed.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Continue to keep the community informed of the situation via ongoing consultation as required.</i>
<b>Opportunity:</b> <i>Increased communication engagement with the local community.</i>				

### FINANCIAL IMPLICATIONS

22. There are no financial implications directly relating to this item.

### LEGAL IMPLICATIONS

23. The decision on the matter has been issued by the State Administrative Tribunal as per the appeal rights conferred by the *Planning and Development Act 2005*.

### ENVIRONMENTAL CONSIDERATIONS

24. The applicant is required to fulfil additional environmental obligations in respect to clearing through the clearing permit process. This process is undertaken via the State Government.

### ALTERNATE OPTIONS

25. Council has the alternate option to request additional details regarding information and actions taken in relation to the matter.

### CONCLUSION

26. The extractive industry proposed on the Nullaki Peninsula was approved by the State Administrative Tribunal on 10 January, 2019.
27. Correspondence has been sent to the community and relevant government agencies.
28. In addition to the recent correspondence a communications strategy has been prepared for the matter.
29. Council is requested to note the information attached to this item and the actions undertaken to date on the matter.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme No.1;</i> 2. <i>Planning and Development Act 2005</i>
<b>File Number (Name of Ward)</b>	:	West Ward
<b>Previous Reference</b>	:	DIS047 DIS106

## DIS147: GREY STREET EAST CONCEPT PLAN

<b>Land Description</b>	: Road Reserve.
<b>Proponent / Owner</b>	: City of Albany.
<b>Attachments</b>	: Concept Design and Perspectives
<b>Report Prepared By</b>	: Manager City Engineering (D King)
<b>Responsible Officers:</b>	: Executive Director Infrastructure & Environment (M Thomson)

### STRATEGIC IMPLICATIONS

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

#### In Brief:

- Grey Street East construction is scheduled and budgeted for in the 2018/19 financial year.
- As part of the works the street is proposed to be returned to two way traffic flow.
- Works need to be carried out in conjunction with the Premier Hotel Development to facilitate the new veranda and alfresco dining.

### RECOMMENDATION

#### DIS147: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR SMITH**

**THAT the Responsible Officer Recommendation be ENDORSED**

**CARRIED: 12-0**

#### DIS147: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ENDORSE the Concept Plan for Grey Street East

### BACKGROUND

2. The City of Albany has been progressively updating the CBD streetscape to facilitate alfresco dining as well as providing more provision for pedestrian and cyclist movements. The latest two examples of this are the York Street Upgrade and Stirling Terrace Upgrade.
3. Some of the key themes used in these upgrade works are the use of a higher quality exposed aggregate paver, flush treatments, updated street furniture, suitable street trees, wider paved areas to facilitate breakout space for businesses and reduction in lane widths to reduce speed environment for vehicle traffic.
4. Although information is vague, it is understood that the one way system currently on Grey Street East was implemented to facilitate the extended alfresco area previously occupied by the Premier Hotel.
5. The provision of one way traffic at that time would have also resulted in an increase in parking provision with the ability to install the angled parking that currently exists.

6. As part of the current development the pre-existing leased area of the road reserve have been surrendered, with a view to allowing the proposed new alfresco to be contained within a 3.5m veranda constructed in a style to meet heritage values of the building.
7. Point (6) above, results in the option to return Grey Street to a 2 way traffic flow.
8. The allocation in the budget for the Grey Street East works was done in order to meet the timeframes for the much needed building development.

#### **DISCUSSION**

9. Grey Street West is a major link into the CBD from the West. Travelling West to East through the CBD from Grey Street is simple and the busy York Street can be avoided by use of the current one-way system through Grey Street East to Aberdeen Street.
10. For the same traveller return journey, the one way system results in a limited number of return options which inevitably results in increased congestion at alternate West-East routes such as Peels Place.
11. Ultimately, by reinstating the two way traffic flow, west-east permeability is improved and with it a reduction in congestion.
12. The sacrifice of the two way traffic flow is a reduction in parking spaces as the current angled system would no longer fit and would need to be replaced with parallel parking as seen elsewhere throughout the CBD.
13. The reduction of on-street parking is expected to be 14 bays.
14. To offset this provision the City has been working toward improving access to off street facilities. Two of the recent agreement for formalised public parking include the area behind Icky Finks and the new carpark between Peels Place and Stirling Terrace. This has resulted in a significant increase of formalised bays within the CBD.
15. The City is also working with the developer of the Premier Hotel to secure a lease over the rear portion of the property. This would have the provision of an additional 40 bays once finalised. The proposed term of this lease is 20 years but subject to negotiation with the developer.

#### **GOVERNMENT & PUBLIC CONSULTATION**

16. A letter was sent to adjacent property owners and business on 21 August 2018. The letter requested attendance for a site meeting to discuss the proposed works.
17. A site meeting was held on 4 September 2018 at 5pm.
18. The meeting was attended by three (3) members of the public.
19. The main concern was the reduction in bays but following discussion around point 14 and 15 above, all attendees were comfortable with the proposal.
20. An artist impression accompanied by an explanation of the works will be uploaded to the website and advertised in the paper late January 2019.

#### **STATUTORY IMPLICATIONS**

21. Nil

#### **POLICY IMPLICATIONS**

22. Nil

## 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
<b>Financial:</b> <i>There is a risk that the project will go over budget</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Detailed design and a costs estimate against actual quantities has been undertaken to ensure costs are within budget</i>
<b>Reputation:</b> <i>There is a risk that the public will show concern about the reduction in parking required for 2 way traffic flow</i>	<i>Almost Certain</i>	<i>Moderate</i>	<i>High</i>	<i>Communication to the public around the details of the works including works that the Council are undertaking to provide additional parking in close proximity</i>
<b>Property:</b> <i>There is a risk that property damage could occur to building adjacent to the works.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Dilapidation reports to be carried out prior to works to protect against false claims. Use of low impact machinery where possible.</i>
<b>Community:</b> <i>There is a risk to business disruption during the works</i>	<i>Almost Certain</i>	<i>Minor</i>	<i>High</i>	<i>One way traffic flow will be maintained at all times. Night works will be carried out for components of the construction that interfere directly with retail business access.</i>
<b>Opportunity:</b> <i>The works will provide greater opportunity for alfresco dining along the Southern side of the road. The works will benefit traffic flows in the CBD and reduce congestion on alternative 'cross town routes'. The works will benefit cyclists and pedestrians by providing a wider pathway on the South side.</i>				

## FINANCIAL IMPLICATIONS

24. This project is budgeted for in the approved 2018/19 budget.
25. A Class 2 estimate has been reviewed for the works and it is expected that the works will be within budget.

## LEGAL IMPLICATIONS

26. Nil

## ENVIRONMENTAL CONSIDERATIONS

27. Nil

## ALTERNATE OPTIONS

28. Postpone works until additional car parking is secured.
29. In this instance, moderate temporary works will be required to facilitate the proposed alfresco area of the Premier Hotel.
30. In this instance, there would still be 4 car parking bays affected.
31. CONCLUSION
32. Grey Street East construction is scheduled and budgeted for in the 2018/19 financial year.
33. It is recommended that the Council endorse the plan so that construction can commence.

<b>Consulted References</b>	:	Nil
<b>File Number (Name of Ward)</b>	:	RD.DEC.162 (Frederickstown)
<b>Previous Reference</b>	:	CCS068



**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN - NIL**

**12. MEETING CLOSED TO THE PUBLIC - 6.30pm**

**13. CLOSURE**

There being no further business, the meeting was closed at 6.30pm.