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# AGENDA

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

**Monday 14 October 2024**

7.00pm

Council Chambers

The Five Strategic Pillars



**Development & Infrastructure Services Committee**  
**Terms of Reference**

**Functions:**

This Committee is responsible for:

- Sustainable management of natural areas, balancing conservation with responsible access and enjoyment.
- Shared responsibility for climate action.
- Responsible growth, development, and urban renewal.
- Creating interesting, vibrant, and welcoming places.
- Valuing and preserving local history, heritage, and character.
- Ensuring a safe, sustainable, and efficient transport network.

It accomplishes this by:

- Developing policies and strategies.
- Creating progress measurement methods.
- Receiving progress reports.
- Considering officer advice.
- Debating current issues.
- Offering advice on effective community engagement and progress reporting.
- Making recommendations to Council.

**Membership:** Open to all elected members.

**Meeting Schedule:** Monthly Meeting

**Location:** Council Chambers

**Executive Officers:**

- Executive Director Infrastructure, Development & Environment Services
- Manager Development Services
- Manager Engineering & Sustainability

**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 G Stocks

**Councillors:**

Deputy Mayor Councillor	P Terry
Councillor	R Sutton
Councillor	T Brough
Councillor	D Baesjou
Councillor	S Grimmer
Councillor	M Traill (Deputy Chair)
Councillor	L MacLaren
Councillor	C McKinley
Councillor	M Lionetti

**Staff:**

Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development & Environment	P Camins
Manager Development Services	J van der Mescht
Meeting Secretary	P Ruggera

**Apologies:**

Councillor	A Cruse (Leave of Absence)
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**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**

**Conduct of Persons at Meetings:** Members of the public attending meetings must be respectful of the Presiding Member, Council and City Officers to ensure the meeting runs efficiently.

**Prevention of Disturbance:**

- Members of the public are admitted to meetings with the understanding that no expressions of dissent, approval, conversations or other interruptions will take place during proceedings.
- Attendees must:
  - Refrain from interrupting the meeting through approval, dissent or conversation.
  - Conduct themselves appropriately and follow directions if asked to leave.
  - Avoid obstructing access to the meeting or causing disturbances.

**Public Question Time.** In accordance with clause 4.2 (Procedures for public question time) and clause 8.3 (Where this local law does not apply or is silent) of the *City of Albany Standing Orders Local Law 2014 (as amended)*:

- Public Question Time is limited to 30 minutes, extendable at the discretion of the Presiding Member.
- The Presiding Member may decline to respond to a question if:
  - The same or a similar question was asked at a previous meeting.
  - The question or statement is offensive, unlawful or defamatory. The Presiding Member may request that it be rephrased to ensure that it is appropriate.

**Contents of Minutes** As per the *Local Government (Administration) Regulations 1996*, regulation 11:

- The minutes of the meeting will include a summary of questions raised during Public Question Time and a summary of the response.

**Documents Tabled at Meetings.** Documents tabled during Public Question Time or Reports of Members will not be included in the minutes. The minutes will note who tabled the document and will provide a document reference number.

**7. PETITIONS AND DEPUTATIONS**

**8. CONFIRMATION OF MINUTES**

**DRAFT MOTION**

**THAT the minutes of the Development and Infrastructure Services Committee meeting held on 11 September 2024 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**9. PRESENTATIONS**

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

## DIS415: C24017 LOCKYER EAST WEST PATH LINK – CLIFTON STREET TO MENZIES STREET

<b>Land Description</b>	: Road reserves including Clifton Street, Admiral Street, Banks Street, Lambert Street and Menzies Street.
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: City of Albany
<b>Attachments</b>	: <b>Commercial in Confidence - Confidential Briefing Note under separate cover.</b>
<b>Report Prepared By</b>	: Team Leader Civil Infrastructure
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development & Environment

### CONFIDENTIAL ATTACHMENT

*It is recommended that if discussion is required regarding details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.*

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** 3. Place
  - **Outcomes:** 3.4: A safe, sustainable and efficient transport network.
2. This item also relates to the City of Albany *Cycle City Albany Strategy 2014-2019*:
  - **Objective 1:** The cycling Network
  - **Strategies: 1.1:** Plan and build a cycling network that is connected and encourages shared use between vehicle users, cyclists and pedestrians.

### In Brief:

- Tender award for the Lockyer East West Path Link – Clifton Street to Menzies Street.
- Two complying tenders were received, with Tenderer B being the recommended contractor.
- Construction is expected to commence in November 2024 with completion in early February 2025. These dates have been chosen to coincide with the summer school holidays to reduce the impact to nearby schools.

### RECOMMENDATION

#### DIS415: AUTHORISING OFFICER RECOMMENDATION

That Council **AWARD** Contract C24017 - Lockyer East West Path Link – Clifton Street to Menzies Street to the tenderer recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached.

## BACKGROUND

3. The Lockyer East West Link project aims to enhance pedestrian safety and connectivity by constructing a concrete and asphalt path from Clifton Street to Menzies Street, covering Admiral Street, Banks Street and Lambert Street.
4. Additionally, the project will include the replacement of the open drains on Banks Street with a closed pipe network, improving both functionality and aesthetics.
5. This project is a crucial investment in Lockyer's infrastructure, providing significant benefits in safety, accessibility and ultimately enhancing the quality of life for all residents.
6. The proposed works involve upgrading the existing open drains along Banks Street to new piped drainage and construction of a new 2.5 metre wide concrete path.
7. This path will commence at Humphreys Street along Clifton Street, Admiral Street, Banks Street and Lambert Street with the final link along Menzies Street to Hanrahan Road being a 2.5 metre wide red asphalt shared path.
8. Tenders were open from Wednesday 28th August 2024 to Tuesday 17<sup>th</sup> September 2024 for a total of 3 (three) weeks.

## DISCUSSION

9. A total of eight (8) tender documents were issued by City of Albany.
10. Two (2) completed tender documents were submitted on or before the stipulated closing date and time.
11. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below:

Criteria	% Weighting
Relevant Experience	20%
Tenderer's Resources	20%
Demonstrated Understanding	30%
Corporate Social Responsibility	5%
Cost	25%
<b>Total</b>	<b>100%</b>

12. The following table summarises the tenderers and their weighted scores:

Tenderer	Weighted Score
Tenderer A	521.99
Tenderer B	682.96

## GOVERNMENT & PUBLIC CONSULTATION

13. SWALSC (Wagyl Kaip) and Main Roads WA have been consulted during the design stages of this project.
14. The Public Transport Authority, Police, Main Roads WA, Water Corporation, Lockyer Primary School, Parklands School and Lockyer Community Kindergarten will be consulted with prior to and during the construction stage.



15. Affected residents and the general public will be notified via letter drop, social media, print media and variable message boards.
16. A Community Engagement Plan has been created to address the above.
17. A request for tenders was published in the West Australian on Wednesday 28<sup>th</sup> August 2024 and the Albany Advertiser Extra on Friday 30<sup>th</sup> August 2024.

### STATUTORY IMPLICATIONS

18. Regulation 11 of the *Local Government (Functions and General) Regulations 1996 (Regulations)* requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$150,000.
19. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
20. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

### POLICY IMPLICATIONS

21. Council's *Purchasing Policy (Tenders & Quotes)* and *Buy Local Policy (Regional Price Preference)* are applicable to this item.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>People Health and Safety</b> <i>A pedestrian or cyclist accident occurs due to lack of designated pathways</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Continue upgrading path infrastructure and connectivity as funding is available.</i>
<b>Community</b> <i>Lack of consultation may cause frustration with traffic delays.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Develop and implement community engagement plan to manage community expectations.</i>
<b>Finance</b> <i>Non-compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Standard general conditions of contract protect the City by allowing for contract termination on the basis of failure to supply goods and services.</i>
<b>People Health and Safety</b> <i>Public or workers injured during construction</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Implement project safety management plan and adhere to WHS requirements</i>
<b>Opportunity:</b> <i>By providing new infrastructure within the allocated budget, we provide the community with a safer, more efficient network that maximises its lifespan and cost-effectiveness.</i>				

### FINANCIAL IMPLICATIONS

23. The value of this tender is in excess of \$500,000 and therefore approval is referred to Council for consideration.
24. More detailed information regarding the financial implications are contained in the Confidential Briefing Note.
25. Funding for this project has been received from Western Australian Bicycle Network Funds, and municipal funds allocated in the 2024-2025 budget.

### LEGAL IMPLICATIONS

26. There are no legal implications associated with this item.

**ENVIRONMENTAL CONSIDERATIONS**

27. Existing trees and vegetation lining the verge will remain and will only be pruned to allow for the construction of the path.

**ALTERNATE OPTIONS**

28. The options are:
- a) Council may elect to accept the recommended tender; or
  - b) Not approve any tender.

**CONCLUSION**

29. It is recommended, based on the evaluation scoring, clarification and financial check processes that the tender be awarded to Tenderer B.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Local Government (Functions and General) Regulations 1995</i></li><li>• <i>Council Policy – Purchasing (Tenders &amp; Quotes)</i></li><li>• <i>Council Policy – Buy Local (Regional Price Preference)</i></li></ul>
<b>File Number</b>	:	C24017
<b>Previous Reference</b>	:	N/A

## DIS416: MILL AND FILL PROFILING AND ASPHALT WORKS

<b>Land Description</b>	: Road reserves including Collingwood Road, North Road, Campbell Road, Wansborough Road, Angove Road and Barnesby Road.
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: City of Albany
<b>Attachments</b>	: <b>Commercial in Confidence - Confidential Briefing Note under separate cover.</b>
<b>Report Prepared By</b>	: Team Leader Civil Infrastructure
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development & Environment

### CONFIDENTIAL ATTACHMENT

*It is recommended that if discussion is required regarding details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.*

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Place
  - **Outcome:** 10: A safe, sustainable and efficient transport network.

#### In Brief:

- Tender award for Mill and Fill Profiling and Asphalt Works.
- Three (3) complying tenders were received, With Tenderer C being the recommended contractor.
- Construction will not commence until the completion of Water Corporation sewer works on Ulster Road and North Road to reduce the impact on road users.
- A completion date has been set for 2<sup>nd</sup> May 2025 to provide flexibility regarding the above works and for the Contractor to potentially time the works in with other projects.

### RECOMMENDATION

#### DIS416: AUTHORISING OFFICER RECOMMENDATION

**THAT Council AWARD Contract P24016 Mill and Fill Profiling and Asphalt Works to the tenderer recommended by the evaluation panel as detailed in the Confidential Briefing Note.**

## BACKGROUND

2. Mill and Fill Profiling works have been a consistent part of the City's capital works road maintenance program over a number of years.
3. This type of maintenance is required to replace existing asphalt surfaces that have reached the end of their service life and are showing substantial signs of failure.
4. The project consists of the following locations:
  - Collingwood Road \_SLK 0.45-1.03
  - Collingwood Road \_SLK 1.65-2.11
  - Angove/Campbell/Wansborough roundabout
  - North Road Barnesby Road roundabout
  - North Road westbound \_SLK 0.88-1.54
  - North Road westbound \_SLK 1.78-2.03
  - North Road eastbound \_SLK 1.80-1.93
5. Tenders were open from 14 August 2025 to Thursday 5 September 2025 for a total of 3 (three) weeks.

## DISCUSSION

6. A total of twelve (12) tender documents were issued by City of Albany.
7. Three (3) complete tender documents were submitted on or before the stipulated closing date and time.
8. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below:

Criteria	% Weighting
Relevant Experience	10%
Demonstrated Safety Plan	10%
Demonstrated Ability to Meet Timeframe	30%
Corporate Social Responsibility	10%
Cost	40%
<b>Total</b>	<b>100%</b>

9. The following table summarises the tenderers and their weighted scores:

Tenderer	Weighted Score
Tenderer A	451.65
Tenderer B	362.95
Tenderer C	668.28

## GOVERNMENT & PUBLIC CONSULTATION

10. The Public Transport Authority, Police, FESA, St Johns Ambulance will be consulted with prior to and during the construction stage.
11. Affected residents, businesses and the general public will be notified via letter drop, social media, print media and variable message boards.
12. A Community Engagement Plan has been created to address the above.

## STATUTORY IMPLICATIONS

13. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$150,000.
14. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
15. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

## POLICY IMPLICATIONS

16. Council's *Purchasing Policy (Tenders & Quotes)* and *Buy Local Policy (Regional Price Preference)* are applicable to this item.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>People Health and Safety</b> A vehicle accident occurs due to poor road condition	Possible	Major	High	Continue annual maintenance and capital works on road infrastructure.
<b>Service delivery Interruption</b> Lack of maintenance causes road failure and disruption to road users..	Unlikely	Moderate	Medium	Identify maintenance intervention level of road and act accordingly.
<b>Legal and compliance</b> Damage to vehicles from poorly maintained roads could result in legal claims against the City.	Unlikely	Moderate	Medium	Continue annual maintenance and capital works on road infrastructure. Identify maintenance intervention level of road and act accordingly
<b>Community</b> Lack of consultation may cause frustrations and delays.	Possible	Minor	Medium	Complete and instigate community engagement plan
<b>Finance</b> Non-compliance with contract or business failure	Unlikely	Moderate	Medium	Standard general conditions of contract protect the City by allowing for contract termination on the basis of failure to supply goods and services.
<b>Opportunity:</b> By maintaining our infrastructure, we provide the community with a safer, more efficient network that maximises its lifespan and cost-effectiveness.				

## FINANCIAL IMPLICATIONS

18. The value of this tender is in excess of \$500,000 and therefore approval is referred to Council for consideration.
19. More detailed information regarding the financial implications are contained in the Confidential Briefing Note.
20. Funding for this project has been received from Roads to Recovery, Roads Project Grants and municipal funds allocated in the 2024-2025 budget.

**LEGAL IMPLICATIONS**

21. There are no legal implications associated with this item.

**ENVIRONMENTAL CONSIDERATIONS**

22. Asphalt removed during the profiling works will be recycled and used as road base for other City projects.

**ALTERNATE OPTIONS**

23. The options are:
- a) Council may elect to accept the recommended tender; or
  - b) Not approve any tender.

**CONCLUSION**

24. It is recommended, based on the evaluation scoring, clarification and financial check processes that the e-quote be awarded to Tenderer C.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Local Government (Functions and General) Regulations 1995</i></li><li>• <i>Council Policy – Purchasing (Tenders &amp; Quotes)</i></li><li>• <i>Council Policy – Buy Local (Regional Price Preference)</i></li></ul>
<b>File Number</b>	:	P24016
<b>Previous Reference</b>	:	N/A

**DIS417: INITIATION TO ADOPT AMENDMENT NO. 3 TO LOCAL PLANNING SCHEME NO. 2 FOR ADVERTISING**

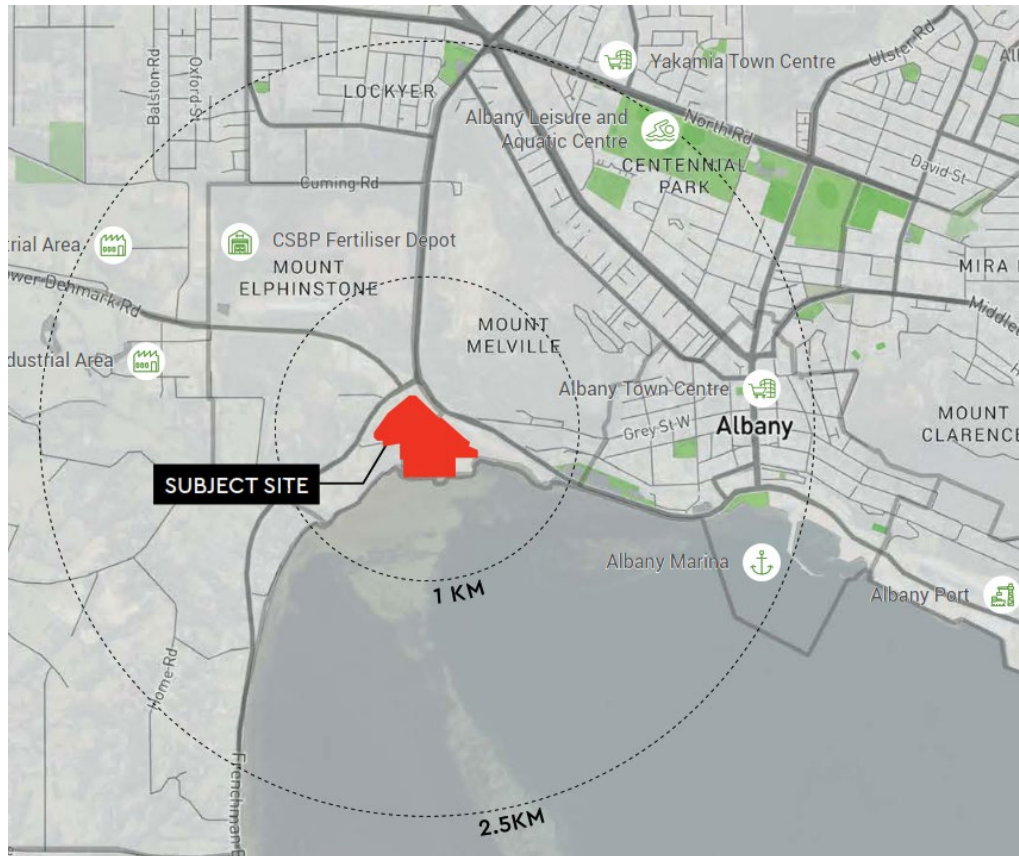
<b>Land Description</b>	:	<table><tr><th>Lots</th><th>Landowner</th></tr><tr><td>895, 1104, 1209, 1156, 1157, 142, 141</td><td>Rural Logistics (WA) Pty Ltd</td></tr><tr><td>530, 1350, 44, 529, PIN 583843</td><td>State of Western Australia</td></tr><tr><td>111</td><td>Commissioner of Main Roads</td></tr></table>	Lots	Landowner	895, 1104, 1209, 1156, 1157, 142, 141	Rural Logistics (WA) Pty Ltd	530, 1350, 44, 529, PIN 583843	State of Western Australia	111	Commissioner of Main Roads
Lots	Landowner									
895, 1104, 1209, 1156, 1157, 142, 141	Rural Logistics (WA) Pty Ltd									
530, 1350, 44, 529, PIN 583843	State of Western Australia									
111	Commissioner of Main Roads									
<b>Proponent / Owner</b>	:	See above								
<b>Business Entity Name</b>	:	Rural Logistics (WA) Pty Ltd Key Principal being Mark Terence Dyson.								
<b>Attachments</b>	:	<div>1. Amendment No.3 – Document</div> <div>2. Engineering Servicing Report</div> <div>3. Preliminary Site Investigation</div> <div>4. Sampling and Analysis Quality Plan</div> <div>5. Environmental Assessment Report</div> <div>6. Ecological Assessment</div> <div>7. Ecological Survey</div>								
<b>Supplementary Information &amp; Councillor Workstation</b>	:	Nil								
<b>Report Prepared By</b>	:	Senior Planning Officer – Strategic Planning								
<b>Authorising Officer:</b>	:	Executive Director Infrastructure, Development & Environment								

**STRATEGIC IMPLICATIONS**

- This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Place
  - **Outcome:**
    - Responsible growth, development and urban renewal.
    - Interesting, vibrant and welcoming places.
    - Local history, heritage and character is valued and preserved.
    - A safe, sustainable and efficient transport network.
  - **Pillar:** Planet
  - **Outcome:**
    - Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.
    - A resilient community that can withstand, adapt to, and recover from natural disasters.
  - **Pillar:** Prosperity
  - **Outcome:**
    - A strong, diverse and resilient economy with work opportunities for everyone.
    - A highly sought-after tourist destination.
  - **Pillar:** Leadership
  - **Outcome:**
    - Grow awareness, understanding and engagement in City projects, activities and decisions.

2. The *Albany Local Planning Strategy 2019* (the Planning Strategy) is the local planning strategy that sets out the long-term planning directions for the Scheme area. The Local Planning Scheme Amendment No. 3 aligns with the strategic objectives and actions identified under the Planning Strategy. The Planning Strategy recommends that the subject site is considered for a mixture of uses. The Amendment No.2 is proposing to zone the subject land to enable residential and commercial development.

#### Maps and Diagrams:



#### In Brief:

- The City received a request seeking to transfer the land zoning at the old Woolstores site, from the 'Rural Smallholdings' and 'Light Industry' zones, and 'Local Road' reserve to the 'Urban Development' zone.
- The 'Urban Development' zone provides an intention of future land use and a basis of structure planning, to provide for a range of residential and commercial uses and to protect the land from noncompatible subdivision or development.
- The proposed zoning aligns with structure planning for the site which recommends subdivision and development to support a shopping centre precinct and a mixed-use precinct to include housing, offices, showrooms, amusement centres, eating establishments and appropriate light industrial activities.
- Council is requested to initiate the proposed amendment for advertising.



**RECOMMENDATION**

**DIS417: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council:**

1. Pursuant to sections 75 of the *Planning and Development Act 2005*, RESOLVES to adopt Scheme Amendment No. 3, to amend Local Planning Scheme No. 2 as follows:
  - a) Rezone Lots 895 and 1209 Woolstores Place, Mount Melville, Lot 1104 on Deposited Plan 165964, Lots 1156 and 1157 on Deposited Plan 171141 from 'Light Industry' to 'Urban Development';
  - b) Rezone Lot 111 on Deposited Plan 416232, Lot 141 Woolstores Place, Mount Elphinstone, Lot 142 on Deposited Plan 416233, Lot 44 on Deposited Plan 171141 and Pin 583843 from 'Rural Smallholdings' to 'Urban Development';
  - c) Rezone a 3,787m<sup>2</sup> portion of Lot 530 on Deposited Plan 408474 and Lot 529 Deposited Plan 408473 from 'Local Road' (Woolstores Place) to 'Urban Development', as notated on the Scheme Map;
  - d) Rezone Lot 1350 on Deposited Plan 184224 from 'Drainage/Waterway' reserve to 'Urban Development';
  - e) Deleting RU8 from Schedule 3, Table 10.
  - f) Insert new row item No. 69 to Schedule 7, Table 17, as follows:

No.	Description of Affected Lands	Standards
69	<p>Lots 895 and 1209 Woolstores Place, Mount Melville</p> <p>Lot 141 Woolstores Place, Mount Elphinstone</p> <p>Lot 1104 on Deposited Plan 165964</p> <p>Lot 111 on Deposited Plan 416232</p> <p>Lot 142 on Deposited Plan 416233</p> <p>Lots 44, 1156 and 1157 on Deposited Plan 171141</p> <p>Lot 1350 on Deposited Plan 184224</p> <p>Lot 530 on Deposited Plan 408474</p> <p>A portion of Lot 529 Deposited Plan 408473</p> <p>Pin 583843</p> <p>(Refer to Figure 12, No. 92)</p>	<p>Prior to subdivision and development, a structure plan is to be prepared to address the following:</p> <ul style="list-style-type: none"> <li>• A mixed use development, with a focus on tourism, optimising its waterfront location.</li> <li>• Ensuring a minimum residential density is applied to lots adjacent the waterfront.</li> <li>• Visual/landscape protection.</li> <li>• Interface with future Albany Ring Road.</li> <li>• Potential impacts of noise and vibration from the railway line and associated environmental buffer requirements.</li> <li>• Coastal planning considerations.</li> <li>• Potential site contamination.</li> <li>• Development to be connected to reticulated sewer.</li> </ul>

- g) Deleting Special Control Area 15 – Princess Royal Harbour Inundation Area from the amendment area, as specified within the Scheme Map.
2. Pursuant to r. 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES that the amendment is ‘standard’ in accordance with regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as it satisfies the following criteria:
- (b) The amendments are consistent with the City of Albany Local Planning Strategy 2019, that has been endorsed by the Western Australian Planning Commission;
  - (g) It is not considered a complex or basic amendment.
3. REFERS Scheme Amendment No. 3 to the Environmental Protection Authority (EPA), pursuant to s. 81 of the *Planning and Development Act 2005*, by giving to the EPA written notice of this resolution and such written information to enable the EPA to comply with s. 48A of the *Environmental Protection Act 1986*;
4. Pursuant to r. 46A of the *Planning and Development (Local Planning Schemes) 2015*, AUTHORISES the Chief Executive Officer to forward a copy of the amendment to the Western Australian Planning Commission to seek approval from the Minister to advertise the proposed standard amendment in accordance with section 83A of the *Planning and Development Act 2005*;
5. Pursuant to r. 46C of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to:
- a) Undertake modifications Amendment No. 3 as required by the Minister, in accordance with s. 83A (2)(b) of the *Planning and Development Act 2005*;
  - b) Undertake any further referrals of modified Amendment No. 3 to the EPA, if required, in accordance with s. 83A(3) and s. 81 and s. 82 of the *Planning and Development Act 2005*; and
  - c) Resubmit the modified amendment to the Minister for approval, in accordance with s. 83A (1) of the *Planning and Development Act 2005*.
6. In accordance with the requirements of r. 47 (1) and (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to ADVERTISE Amendment No. 3 to Local Planning Scheme No. 2, as soon as reasonably practicable after the Minister grants approval in accordance with s. 83A(2)(a) of the *Planning and Development Act 2005*.

**Note:**

- Advertisement of Amendment No. 3 including publication of a notice to be undertaken in accordance with Part 5 Division 3 r. 47 and Schedule 2 Deemed Provisions Part 12 cl. 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in a form approved by the Western Australian Planning Commission.
- In accordance with Part 5 Division 1 r.35A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, when the proposed amendment takes effect, the approval of any structure plans is not affected.

## **BACKGROUND**

3. In February 2024, the Council agreed to recommend that the Commission endorse a Structure Plan for the subject area.
4. The structure plan was prepared to guide future subdivision and redevelopment coordination across the site, that includes proposed hotel, commercial, retail, permanent residential and short-term tourist accommodation uses, in conjunction with the delivery of public open space and associated infrastructure.
5. Since the review of the structure plan for the area, the City received a Scheme Amendment No.3 application, seeking to transfer the subject land from the 'Rural Smallholdings' and 'Light Industry' zones, and 'Local Road' reserve to the 'Urban Development' zone.
6. The 'Urban Development' zone provides an intention of future land use and a basis of structure planning, to provide for a range of residential and commercial and to protect the land from noncompatible subdivision or development.

## **DISCUSSION**

7. The Amendment No.3 seeks to rezone the land at the old Woolstores site to the 'Urban Development' zone. The new proposed zoning allows for urban infill development, to foster responsible waterfront development, while managing risk associated with climate change (sea level rise).
8. The amendment proposal includes technical reports including: a Preliminary Site Investigation, an Engineering Servicing Report, a Sampling and Analysis Quality Plan, an Environmental Assessment, an Ecological Assessment and an Ecological Survey.
9. As per the technical reporting:
  - (a) Most of the site was found to be comprised of cleared/bituminised areas devoid of vegetation.
  - (b) Potential impacts to Flora and Vegetation resulting from the development of the site are likely to be limited due to the degraded condition of the vegetation, and the existing infrastructure that currently exists on the site.
  - (c) A Threatened Ecological Community (Subtropical and Temperate Coastal Saltmarsh) was identified outside of the land proposed for rezoning. Potential impacts to the Threatened Ecological Community, resulting from seawall upgrades and drainage will require management in the future.
  - (d) Fauna habitats were identified within the site. The most significant fauna habitat identified within the site was Western Ringtail Possum habitat. It is likely a trapping and relocation program may be recommended to mitigate impacts to the Western Ringtail Possum and Quenda.
  - (e) Asbestos containing material was identified on site. This material will need to be removed and disposed of off-site during subdivision and development.
  - (f) Stormwater runoff can be managed and treated at the subdivision stage via small, distributed biofiltration structures (swales and basins) prior to discharge into the Princess Royal Harbour.
10. The proposed amendment is consistent with a draft Local Structure Plan and the regional framework to facilitate a mixture of uses.
11. Council is requested to initiate the proposed amendment for referral to the Environmental Protection Authority and advertising.

## GOVERNMENT & PUBLIC CONSULTATION

12. It's proposed that the Amendment No.3 is advertised to government agencies and to adjacent landholders.

## STATUTORY IMPLICATIONS

13. A local planning scheme is a statutory document that defines the way land can be used and developed. A local planning scheme amendment proposes to modify the scheme text and/or map.
14. The local government may resolve to proceed to modify the proposed amendment and to seek the approval of the Commission to advertise the modified proposed amendment under section 83A of the Act; or the local government may resolve not to proceed with the proposed amendment; and provide a copy of the resolution to the Commission.
15. If the Minister under section 83A(2)(b) of the Act requires the local government to modify a proposed standard amendment submitted for approval to advertise, the local government must:
- modify the proposed amendment as required; and
  - resubmit the modified proposed amendment to the Minister in accordance with section 83A of the Act.
16. As soon as reasonably practicable after the Minister under section 83A(2)(a) of the Act approves a proposed standard amendment to a local planning scheme for advertising, the local government must prepare a notice in a form approved by the Commission advertise the proposed standard amendment to a local planning scheme.
17. The key elements of the statutory environment in relation to the proposed Scheme Amendments are set out in the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The proposed scheme amendment has been prepared having regard to the Act, the Regulations and Model Scheme Text and Deemed Provisions contained therein.
18. The *Planning and Development (Local Planning Schemes) Regulations 2015* identifies three different levels of amendments – basic, standard and complex. The Amendment No.3 is a standard amendment as it aligns with the City's Planning Strategy.

## POLICY IMPLICATIONS

19. There are no policy implications relating to the proposed Amendment No.3.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Operational:</b> <i>The amendment is not adopted.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>City officers will work with Council to address concerns and re-present the report to Council for adoption.</i>
<b>Opportunity:</b> <i>Facilitate coherent regulatory outcomes.</i>				

## **FINANCIAL IMPLICATIONS**

21. There are no financial implications relating to the adoption the scheme amendment.

## **LEGAL IMPLICATIONS**

22. There are no legal implications relating to adopting the scheme amendment.

## **ENVIRONMENTAL CONSIDERATIONS**

23. The subject land is likely to contain asbestos contamination and Western Ringtail Possum Habitat and therefore it is recommended that the Amendment No.3 is referred to the Environmental Protection Amendment.

## **ALTERNATE OPTIONS**

24. Council may choose to support the amendment subject to modifications or not to support the adoption of the amendment for reasons.

## **CONCLUSION**

25. The City received a request seeking to transfer the land at the old Woolstores, from the 'Rural Smallholdings' and 'Light Industry' zones, and 'Local Road' reserve to the 'Urban Development' zone.
26. The 'Urban Development' zone provides an intention of future land use and a basis of structure planning, to provide for a range of residential and commercial uses and to protect the land from noncompatible subdivision or development.
27. The proposed zoning aligns with the structure planning for the site which recommends subdivision and development to support a shopping centre precinct and a mixed-use precinct to include housing, offices, showrooms, amusement centres, eating establishments and appropriate light industrial activities.
28. Council is requested to initiate the proposed amendment for referral to the Environmental Protection Authority and for advertising.

<b>Consulted References</b>	<ul style="list-style-type: none"><li>• <i>Local Planning Scheme No.2</i></li><li>• <i>Planning and Development Act 2005</i></li><li>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li><li>• <i>Environmental Protection Amendment Regulations 2024</i></li></ul>
<b>File Number</b>	Synergy File Number – AMD3 (LPS2)
<b>Previous Reference</b>	OCM 27/02/24 Resolution DIS382

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