



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 15 August 2018

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 - 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 Hammond
Member	R Stephens
Member	G Stocks

Staff:

Chief Executive Officer	A Sharpe
Executive Director Development Services	P Camins
Executive Director Infrastructure and Environment	M Thomson
Manager Building, Health and Compliance	S Reitsema
Manager City Reserves	J Freeman
Reserves Officer	C Beck
Meeting Secretary	A Paulley

Apologies:

Member Cr Tracy Sleeman

Leave of Absence:

Member	A Goode JP
Member	R Sutton (Deputy Chair)

4. DISCLOSURES OF INTEREST - Nil

Name	Committee/Report Item Number	Nature of Interest

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

6. PUBLIC QUESTION TIME - Nil

7. PETITIONS AND DEPUTATIONS - Nil

8. CONFIRMATION OF MINUTES

RESOLUTION

MOVED: COUNCILLOR STEPHENS

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 11 July 2018, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 10-0

9. PRESENTATIONS

- Dog Exercise Area Policy – Manager City Reserves Jacqui Freeman and Reserves Officer Carl Beck.
- Campground Strategy – Jacqui Freeman and Carl Beck.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - Nil

DIS113: C18010 PANEL OF SUPPLIERS – EXTRUDED CONCRETE KERBING AND/OR ASPHALT

Proponent / Owner : City of Albany
Report Prepared By : Depot Administration Coordinator (T Rogister)
Responsible Officers: : Executive Director Infrastructure & Environment –
(M Thomson)

Note: A Confidential Briefing Note has been distributed under separate cover in accordance with section 5.23 of the Local Government Act 1995(2)(e)(iii), being a matter that if disclosed, would reveal information about the commercial affairs of a person other than the Local Government.

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:** 3. Clean, Green & Sustainable
- **Objective:** 3.2 To build, maintain and renew city assets sustainably
- **Community Priority:** 3.2.1 Deliver environmentally & financial sustainable long term planning for infrastructure via a forward capital works program that meets the needs of our community

In Brief:

- Council approval is sought to appoint preferred contractors to supply and apply extruded concrete kerbing and/or asphalt.
- Contract to commence on 1 September 2018 or date of award (whichever occurs latest) until 31 August 2020, with a mutually agreed and price negotiated option to extend for a further one (1) year period and then with a further mutually agreed and price negotiated option to extend for a final one (1) year period.

RECOMMENDATION

DIS113: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR DOUGHTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS113: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ACCEPTS the tendered rates for Panel of Suppliers – Extruded Concrete Kerbing and/or Asphalt, Contract C18010 from the following Suppliers:-

Asphalt

- Gordon Walmsley;
- R & L Bitumen; and
- WCP Civil.

Concrete Kerbing

- Gordon Walmsley;
- Jetline Kerbing;
- R & L Bitumen; and
- WCP Civil.

BACKGROUND

2. Previously, this Contract has been awarded to one supplier. A panel of suppliers will give multiple businesses the opportunity of providing the goods and services. In the past, one supplier has been unable to provide all the goods and services.
3. This panel will be the City’s preferred supplier list and requests for supply of goods and services will be directed to members of this Panel before all others. For each item, the highest weighted tenderer will be the default contractor with subsequent tenderers (in order) approached when the default contractor is not available. The City reserves the right to engage other contractors should members of the Panel be unable to deliver. No guarantee will be given as to the amount of work that is required.
4. Tenderers had the option of tendering for either the Asphalt or Concrete Kerbing portions of the Contract, or both portions.

DISCUSSION

5. A total number of sixteen (16) documents were issues by the City of Albany.
6. Tenderers were asked to provide a schedule of rates to allow for prices to suit a range of kerbing requirements and/or for the supply of asphalt.
7. The tenders were evaluated using the weighted attributed method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:-

Criteria	% Weight
Cost	40
Relevant Experience	20
Key Personnel skills and experience	15
Tenderer’s Resources	20
Corporate Social Responsibility	5
Total	100%

8. Six (6) completed tender documents were submitted on or before the stipulated closing date and time. The City intends to appoint up to five (5) Contractors to the Panel of Suppliers.
9. Four (4) contractors have been selected for kerbing with three (3) of those contractors also recommended to supply asphalt services.
10. The following table summarises the tenderers and overall evaluation scores applicable to each category. The rates have not been included in the table as these are “commercial in confidence”, and will not be made publically available.

Tender (Kerbing)	Total Evaluation Score
Tenderer A	661.79
Tenderer B	617.75
Tenderer C	585.13
Tenderer D	579.53

Tender (Asphalt)	Total Evaluation Score
Tenderer A	771.91
Tenderer B	750.00
Tenderer C	703.29

GOVERNMENT & PUBLIC CONSULTATION

11. A request for tender was published in the West Australian on 13 June 2018 and the Albany Weekender on 14 June 2018. The tender closed at 2pm on Wednesday 4 July 2018.

STATUTORY IMPLICATIONS

12. 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 \$150,000.00.
13. 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.
14. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

15. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.
16. The value of this tender is expected to be in excess of \$500,000.00 and therefore Council approval is required as this exceeds the CEO's delegation.

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
Business Operation Non-compliance with contract or business failure resulting in asset failure.	Unlikely	Moderate	Medium	General conditions of contract allow for contract termination on the basis of failure to supply goods and services.
Financial City not obtaining competitive pricing.	Possible	Moderate	Medium	Public tender process ensures competitive pricing.
Operational Opportunity: By offering a panel arrangement, Council gives multiple businesses the opportunity to provide concrete kerbing and asphalt goods and services; setting up construction and maintenance works to succeed in meeting project timeframes by offering alternative suppliers rather than just one contractor.				

FINANCIAL IMPLICATIONS

18. The value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.
19. Tenderers were required to provide a schedule of rates for goods. The supply of extruded concrete kerbing and/or asphalt is budgeted for in the capital works and maintenance budget. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

20. Nil

ENVIRONMENTAL CONSIDERATIONS

21. Nil

ALTERNATE OPTIONS

22. Council may accept or reject tenders as submitted.

CONCLUSION

23. The City has undergone a competitive process in line with the relevant legislation and established policies. All the contractors that submitted tenders have addressed the evaluation criteria and the evaluation team have assessed each of the nominated contractors as suitable to undertake the works.

Consulted References	:	<ul style="list-style-type: none">• Local Government (Functions and General) Regulations 1995• Council Policy – Purchasing Policy (Tenders & Quotes)• Council Policy – Buy Local Policy (Regional Price Preference)
File Number (Name of Ward)	:	C18010
Previous Reference	:	C15007

DIS114: C18011 PANEL OF SUPPLIERS – SUPPLY AND DELIVERY OF DRAINAGE PRODUCTS

Proponent / Owner	: City of Albany
Report Prepared By	: Depot Administration Coordinator (T Rogister)
Responsible Officers:	: Executive Director Infrastructure & Environment – (M Thomson)

Note: A Confidential Briefing Note has been distributed under separate cover in accordance with section 5.23 of the Local Government Act 1995(2)(e)(iii), being a matter that if disclosed, would reveal information about the commercial affairs of a person other than the Local Government.

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:** 3. Clean, Green & Sustainable
- **Objective:** 3.2 To build, maintain and renew city assets sustainably
- **Community Priority:** 3.2.1 Deliver environmentally & financial sustainable long term planning for infrastructure via a forward capital works program that meets the needs of our community

In Brief:

- Council approval is sought to appoint preferred contractors to supply and delivery drainage products.
- Contract to commence on 1 September 2018 or date of award (whichever occurs latest) until 31 August 2020, with mutually agreed and price negotiated options to extend for a further one (1) year period, and then a further one (1) year period, and then a final one (1) year period.

RECOMMENDATION

DIS114: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS114: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ACCEPTS the tendered rates for Panel of Suppliers – Supply and Delivery of Drainage Products, Contract C18011 from the following suppliers:

- Enviro Pipes Pty Ltd
- MJB Industries Pty Ltd
- Newman's Concrete
- Access Icon Pty Ltd t/as Cascada
- Reinforced Concrete Pipes Aust

BACKGROUND

2. Previously, this Contract was a panel which only included concrete drainage products. We have extended the product range for the panel to include Corrugated Plastic Drainage Pipes.

3. This panel will be the City's preferred supplier list and requests for supply of goods will be directed to members of this Panel before all others. For each item the highest weighted tenderer will be the default contractor with subsequent tenderers (in order) approached when the default contractor is not available. The City reserves the right to engage other contractors should members of the Panel be unable to deliver. No guarantee will be given as to the amount of work that is required.
4. Tenderers had the option of tendering for either the concrete or Corrugated Plastic Drainage product portions of the Contract, or both portions.

DISCUSSION

5. A total number of twelve (12) documents were issues by the City of Albany.
6. Tenderers were asked to provide a schedule of rates to allow for prices to suit a range of drainage products.
7. The tenders were evaluated using the weighted attributed method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:-

Criteria	% Weight
Cost	50
Relevant Experience	10
Key Personnel skills and experience	15
Tenderer's Resources	20
Corporate Social Responsibility	5
Total	100%

8. Six (6) completed tender documents were submitted on or before the stipulated closing date and time. The City intends to appoint up to five Contractors to the Panel of Suppliers.
9. The following table summarises the tenderers and overall evaluation scores applicable to each category. The rates have not been included in the table as these are "commercial in confidence", and will not be made publically available.

Tender	Total Evaluation Score
Tenderer A	633.77
Tenderer B	625.16
Tenderer C	599.12
Tenderer D	554.24
Tenderer E	523.06

GOVERNMENT & PUBLIC CONSULTATION

10. A request for tender was published in the West Australian on Wednesday 20 June 2018 and the Albany Weekender on Thursday 21 June 2018. The tender closed at 2pm on Wednesday 11 July 2018.

STATUTORY IMPLICATIONS

11. 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 \$150,000.00.

12. 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.
13. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

14. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.
15. The value of this tender is expected to be in excess of \$500,000.00 and therefore Council approval is required as this exceeds the CEO's delegation.

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
Business Operation <i>Non-compliance with contract or business failure resulting in asset failure</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply goods and services.</i>
Financial <i>City not obtain competitive pricing</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Public tender process ensures competitive pricing.</i>
Operational Opportunity: <i>Increasing the product range to include Corrugated Plastic Drainage products improves efficiencies while covering off the minimum protocol process for procuring these products. Council can also explore further opportunities of using this sustainable product.</i>				

FINANCIAL IMPLICATIONS

17. The value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.
18. Tenderers were required to provide a schedule of rates for goods. The supply of extruded concrete kerbing and/or asphalt is budgeted for in the capital works and maintenance budget. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

19. Nil

ENVIRONMENTAL CONSIDERATIONS

20. Nil

ALTERNATE OPTIONS

21. Council may accept or reject tenders as submitted.

CONCLUSION

22. The City has undergone a competitive process in line with the relevant legislation and established policies. All the contractors that submitted tenders have addressed the evaluation criteria and the evaluation team have assessed each of the nominated contractors as suitable to undertake the works.

Consulted References	:	<ul style="list-style-type: none"> • Local Government (Functions and General) Regulations 1995 • Council Policy – Purchasing Policy (Tenders & Quotes) • Council Policy – Buy Local Policy (Regional Price Preference)
File Number (Name of Ward)	:	C18011
Previous Reference	:	C15009

DIS115: LOCAL STRUCTURE PLAN NO.4 - LOTS 84, 85, 86 AND PORTION OF LOTS 87 & 98 HOME, HARDING & FRENCHMAN BAY ROADS, ROBINSON.

Land Description	:	Lots 84, 85, 86 and a portion of Lots 87 & 98 Home, Harding & Frenchman Bay Roads Robinson.
Proponent Owner	:	Ayton Baesjou Planning A & J Steele G Hunter M Smith P & C Hunter E Denize K Lewis C Bales D Nelson
Business Entity Name	:	Nil
Attachments	:	SSP4 Map Local Structure Plan No.4 Bushfire Management Plan Land Evaluation Assessment Schedule of Submissions
Supplementary Information & Councillor Workstation	:	Nil
Report Prepared By	:	Senior Planning Officer – Strategic Planning (A Nicoll)
Responsible Officers:	:	Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. The application for consideration proposes a structure plan to guide future subdivision of land in the Robinson area.
3. In making a decision on the proposed structure plan, the 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 use of the area for 'Rural Residential' living (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: Subject Site



In Brief:

- Council advertised Structure Plan No.4, which proposes to facilitate the subdivision and development of five (5) existing lots, into fourteen (14) lots, with a minimum lot size of 1 hectare.
- The subject land is zoned 'Rural Residential' and consequently does not conflict with the current moratorium on amendments to rezone agriculture land.
- Council is requested to consider the submissions received, which raised a number of concerns, particularly in respect to bushfire threat.
- It is considered that the proposed modifications to the structure plan manage and mitigate the matters raised during advertising.
- Council is requested to recommend that the Western Australian Planning Commission support the structure plan subject to modifications to address the matters raised in submissions.

RECOMMENDATION

DIS115: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR

SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS115: 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:

- a) Recommend that the Western Australian Planning Commission APPROVE Local Structure Plan No.4, subject to the following modifications:
 - I. It is recommended that the following text is included on the structure plan:
 - a) *At the time of subdivision, a Notification is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a sand extraction and horticulture activity taking place within 500m and such activities may affect rural amenity.*
 - b) *To ensure nutrients are removed from effluent, the Local Government shall require the use of emended soil type effluent disposal systems, such as EcoMax/ATU Systems.*
 - c) *On site stormwater management should be designed in accordance with the 'Decision process for stormwater management in WA (DoW 2009)' and the 'Stormwater Management Manual for Western Australia (DoW 2004–2007)'. The stormwater management system should be to the satisfaction of the Local Government Authority.*
 - II. It is recommended that the proposed Lot 'Residential' (portion of Lot 98) is amalgamated with the proposed Lot '13' and rezoned appropriately. The structure plan boundary should be amended to include all of the existing Lot 98. The 'Total Area' and 'Lot Yield' data recorded in the 'Local Structure Plan Summary Table', at the 'Executive Summary' section of the structure plan document will need amending to reflect the recommendation to amalgamate the proposed Lots '13' and 'Residential'.
 - III. It is recommended that the Bushfire Attack Level Contour Plan is amended to accurately reflect the Bushfire Attack Level ratings of the lots and to apply correct methodology.
 - IV. It is recommended that a 6m all-weather access, with passing bays, is developed between Home Road and Frenchman Bay Road, to provide access to proposed lots 10-13.
 - V. It is recommended that the structure plan map and bushfire management plan are amended to show asset and vegetation protection areas. The following notations on the structure plan need to be deleted to align with this recommendation:
 - a) *Minimum 20m wide Asset Protection Zone to be provided around all dwellings.*
 - b) *Individual lots to be maintained in a Hazard Reduced condition.*
 - VI. It is recommended that the bushfire management plan is amended to detail the upfront and ongoing tasks, responsibility and timeframe for implementation of measures to ensure the effectiveness of the bushfire management plan.

1. 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.
2. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
5. The purpose of the structure plan is to enable the subdivision of five (5) existing lots, into fourteen (14) lots, with a minimum lot size of 1 hectare.
6. The City of Albany advertised the Structure Plan No.4. Issues were raised in respect to the following matters;
 - a) In relation to the proposed Lot shown on the plan as 'Residential' - high groundwater levels and a higher than acceptable bushfire heat exposure rating (portion of existing Lot 98);
 - b) Neighbouring sand extraction and horticulture operational hazards;
 - c) A land evaluation assessment;
 - d) Retention of native vegetation;
 - e) Contribution for Water, Sewerage and Drainage headworks;
 - f) Keeping of animals (horses);
 - g) Stormwater drainage;
 - h) Lot 10 and 13 - on-site sewage disposal; and
 - i) Bushfire threat.
7. A 'Schedule of Submissions' has been prepared to identify the issues raised during the advertising process and to provide recommendations. The schedule is available as an attachment to this report item.
8. The below 'Discussion' section of this report item provides an explanation to the key issues.
9. Council is requested to consider the submissions received and determine whether to recommend that the Commission support the structure plan with modifications.

DISCUSSION

10. The structure plan proposes to act as a supplementary guide to scheme provisions by indicating:
 - a) Appropriate lot configurations;
 - b) Locations of building envelopes considerate of bushfire hazards and the ability to appropriately dispose of household effluent; and
 - c) A vegetated buffer area alongside a neighbouring horticulture activity.

Proposed Lot 'Residential' - Portion of Lot 98

11. Refer to the structure plan, which indicates the proposed lot ('Residential') in the north eastern corner.

12. As per a land evaluation assessment and bushfire management plan produced for the structure plan, the proposed Lot 'Residential' (portion of Lot 98), is constrained due to:
 - a) Poor drainage;
 - b) A deflation basin;
 - c) Seasonally high groundwater levels; and
 - d) A higher than acceptable bushfire heat exposure rating of 40kw/m² (BAL40) and Flame Zone (FZ).
13. City staff undertook a site visit to the subject lot and can confirm that the lot is low lying and subject to water inundation.
14. Considering the constraints associated with the subject area, it is recommended that the proposed Lot 'Residential' (portion of Lot 98) be amalgamated with a proposed Lot '13' and rezoned appropriately.

Sand Extraction and Horticulture Activity

15. The structure plan is proposing additional lots in proximity to horticulture and extractive industry activities.
16. It was commented that the proximity of additional lots may lead to issues associated with noise, dust and road traffic due to neighbouring sand extraction.
17. It was also commented that additional effluent disposal systems may contaminate groundwater, which may ultimately impact the neighbouring horticulture activity. The horticulture activity uses bore water to irrigate crops.
18. It is recommended that the concern relating to the proximity of development to extractive industry be upheld and that the following provision be included on the structure plan map:
 - a) *At the time of subdivision, a Notification is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a sand extraction and horticulture activity taking place within 500m and such activities may affect rural amenity.*
19. It is recommended that the concern relating to the potential for groundwater contamination be upheld in part. Some of the lots (e.g. Lot 10 and 13) proposed adjacent to the horticulture activity are capable of accommodating effluent disposal units due to clearance to groundwater. However, proposed lot 'Residential' is indicated in the land evaluation assessment and bushfire management plan, as being unsuitable for development.
20. Considering the land capability constraints for the proposed Lot 'Residential', the following is recommended:
 - a) The proposed Lot 'Residential' being amalgamated with the proposed Lot '13'.

Land Evaluation Assessment

21. A land evaluation assessment was undertaken in early summer to determine development and effluent capability at the subject land.
22. The Department of Water and Environmental Regulation (DWER) suggested that the land evaluation assessment should have been undertaken in the winter months.
23. For determining approximate depth to water table, Australian Standard 1547 suggests professional observation and interpretation of soil properties, which include changes in soil colour, structure, and degree of mottling within the profile, as well as consideration of site indicators such as hydrophilic vegetation, data from any nearby bores, and anecdotal evidence from landholders on site drainage in the area. This can be done at any time of year. Australian Standard 1547 also states that the duration of a seasonal shallow water table is of much greater importance than its minimum depth at any one time.

24. As per the above explanation, it is considered that the relevant Australian standard in respect to the testing does not provide a specific requirement for the testing to be undertaken in winter. To alleviate any doubt on the matter, it is recommended that specialised effluent disposal systems are used to ensure pollutants do not enter the water table. It is recommended that the following provision is included on the structure plan map:
- a) *To ensure nutrients are removed from effluent, the Local Government shall require the use of emended soil type effluent disposal systems, such as EcoMax/ATU Systems.*

Headworks - Contributions

25. The Water Corporation noted that:
- a) Reticulated water main extensions will be required for the Lots created fronting Home and Harding Roads;
 - b) Contribution for Water, Sewerage and Drainage headworks may be required; and
 - c) Land may need to be ceded free of cost for works.
26. Subdivision and development applications are referred to the Water Corporation for assessment. It is proposed, as a modification to the Scheme Amendment No.27, to incorporate a condition requiring connection to scheme water. It is therefore unnecessary to include a condition on the structure plan to address Water Corporation comments.

Keeping of Animals (horses)

27. It was commented by the Department of Water and Environmental Regulation that a provision should be included to restrict the keeping of animals (horses) due to the potential for effluent to contaminate groundwater.
28. In accordance with the City's Scheme (cl:5.5.13.2.8), the keeping of animals may be considered in the Rural Residential zone. The Department of Primary Industries and Regional Development – Agriculture and Food, govern the amount of livestock permitted on land. It is therefore not necessary to include a condition on the structure plan to address the DWER comment.

Stormwater Management

29. It was commented by the Department of Water and Environmental Regulation that stormwater drainage should not be discharged off-site prior to treatment and detention.
30. Considering the subject land is located in a priority potable water catchment area, it is recommended that the following notation is included on the structure plan:
- a) *On site stormwater management should be designed in accordance with the 'Decision process for stormwater management in WA (DoW 2009)' and the 'Stormwater Management Manual for Western Australia (DoW 2004–2007)'. The stormwater management system should be to the satisfaction of the Local Government Authority.*

Bushfire

31. The Department of Fire and Emergency Services (DFES) provided comment in relation to bushfire threat, in particular, the need to validate the Bushfire Attack Level Contour Map, show asset protection areas and to avoid the use of battle-axe lots.
32. It is recommended that the DFES comments be upheld in part.
33. It is recommended that the Bushfire Attack Level Contour Plan be amended to accurately reflect the Bushfire Attack Level ratings of the lots and to apply the correct methodology.
34. It is also recommended that asset protection areas and vegetation protection areas are shown on the plan. The Department of Biodiversity, Conservation and Attractions requested that retention of mid to upper storey vegetation outside of development and bushfire management areas will assist in maintaining connectivity for the threatened Western

Ringtail Possum. It is recommended that the location of development and asset protection areas should take account of protecting vegetation where possible.

35. It is recommended that the DFES comment pertaining to the creation of battle-axes lots is upheld in part. DFES advised that battle-axe access legs should be avoided in bushfire prone areas and should only be considered where it is demonstrated that no alternative exists. In order to address this matter, it is recommended that a 4m sealed emergency access is developed between Home Road and Frenchman Bay Road, to provide access to proposed lots 8-13. The introduction of this access way will overcome the need to develop battle axes for these lots. It is however recommended that the battle axes to proposed lots 5-6 remain. The alternative to this approach is for long and thin (30m wide) lots fronting Home Road. Lots of this layout would be a poor design alternative leading to development and asset management issues.

GOVERNMENT & PUBLIC CONSULTATION

36. The structure plan was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
37. Submissions were received from government agencies and members of the public and are summarised in the attached Schedule of Submissions.
38. Commentary on the submissions has been provided in this report item and in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

39. Local Structure Plans undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
40. 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.
41. 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.
42. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

43. The following policies are applicable to the assessment of the amendment and structure plan:
- Draft Government Sewerage Policy*
 - State Planning Policy 2 – Environment and Natural Resources Policy (2003)*
 - State Planning Policy No. 2.9 Water Resources (2006)*
 - State Planning Policy No. 3 – Urban Growth and Settlement (2006)*
 - State Planning Policy 3.7 Planning in Bushfire Prone Areas (2015)*

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.	Possible	Minor	Low	If the Structure Plan is not supported by the WAPC the City may be required to make modifications.
Opportunity: Increase opportunity for additional rural residential within infill areas.				

FINANCIAL IMPLICATIONS

45. If the local government does not provide a report on the structure plan, 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

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

ENVIRONMENTAL CONSIDERATIONS

47. There are no environmental implications anticipated as a result of the Local Structure Plan No.4. The structure plan is proposing to locate building envelopes in areas away from poor drainage areas (depression areas susceptible to water inundation). It has been recommended that development consider protecting as much vegetation as possible, subject to complying with bushfire standards.
48. The minimum 1 hectare lot size proposed by the amendment and structure plan is consistent with the South Coast Groundwater Reserve Priority 3 coding and the Draft Government Sewerage Policy.

ALTERNATE OPTIONS

49. Council may consider alternate options in relation to the structure plan, including;
- a) Recommending that the Western Australian Planning Commission not approve the proposed structure plan; or
 - b) Recommending to the Western Australian Planning Commission approves the proposed structure plan subject to additional modifications.

CONCLUSION

50. A structure plan application for lots in the locality of Robinson has been submitted to the City of Albany. The structure plan proposes to facilitate the subdivision and development of five (5) existing lots, into fourteen (14) lots, with a minimum lot size of 1 hectare.
51. During the advertising process a number of issues were raised in submissions. Consideration has been given to these submissions and a number of modifications are proposed in order to address the issues raised.
52. Council is requested to consider submissions and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Planning Scheme No. 1</i> • <i>Draft Government Sewerage Policy</i> • <i>State Planning Policy 2 – Environment and Natural Resources Policy (2003)</i> • <i>State Planning Policy No. 2.9 Water Resources (2006)</i> • <i>State Planning Policy No. 3 – Urban Growth and Settlement (2006)</i> • <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas (2015)</i>
File Number (Name of Ward)	:	LSP4 (Vancouver Ward)
Previous Reference	:	OCM – 26/04/2017 - DIS021

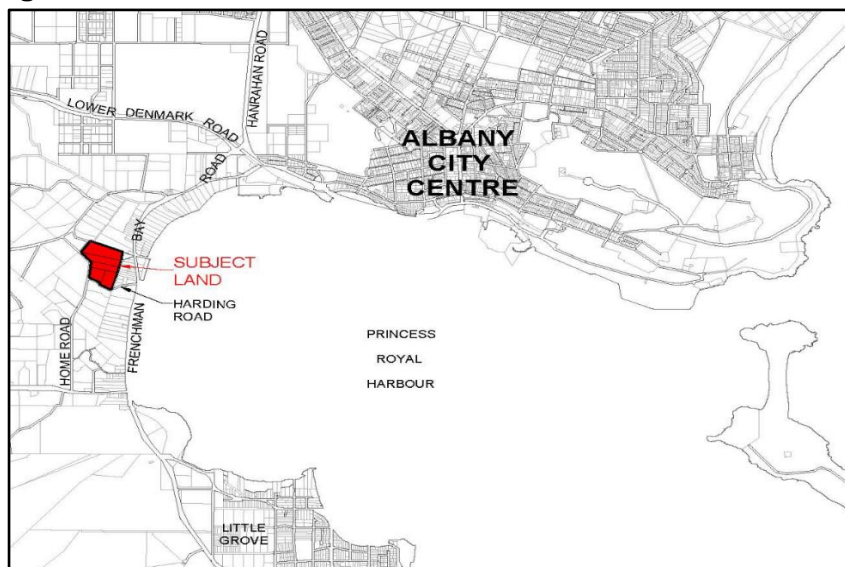
DIS116: LOCAL PLANNING SCHEME AMENDMENT NO. 27 - LOTS 84, 85, 86 AND PORTION OF LOTS 87 & 98 HOME, HARDING & FRENCHMAN BAY ROADS, ROBINSON.

Land Description	: Lots 84, 85, 86 and portion of Lots 87 & 98 Home, Harding & Frenchman Bay Roads Robinson
Proponent	: Ayton Baesjou Planning
Owner	: D Nelson C Bales E Denize & K Lewis P & C Hunter J & A Steele, G Hunter & M Smith
Attachments	: Local Planning Scheme Amendment No. 27 Report Document
Report Prepared by Responsible Officer	: Senior Planning Officer – Strategic Planning (A Nicoll) Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. The application for consideration proposes an amendment to the City's *Local Planning Scheme No. 1* to facilitate the subdivision and development of land in Robinson for 'Rural Residential' use.
3. In making a decision on the proposed scheme amendment, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*. The amendment complies with strategic planning for the following reasons:
 - a. The Albany Local Planning Strategy (2010) seeks to encourage the use of the area for 'Rural Residential' living (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



In Brief:

- Council previously initiated and advertised local planning scheme Amendment No.27, which proposes to;
 - Consolidate lots within the Rural Residential No.29 zone with the Rural Residential No.43 zone;
 - Introduce additional provisions to the Rural Residential No.43 zone; and
 - Make reference within the scheme, to a Structure Plan, endorsed to guide subdivision and development within the Rural Residential No.43 zone.
- The subject land is zoned Rural Residential and therefore does not conflict with the current moratorium on amendments to rezone agriculture land.
- The proposed amendment is consistent with the objectives identified in the *Local Planning Scheme No.1* for the Rural Residential zone and the strategic direction set in the Albany Local Planning Strategy.
- Council is requested to consider submissions and support the amendment subject to modifications.

RECOMMENDATION

DIS116: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS116: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to:

1. SUPPORT, with modifications, Amendment No. 27 to amend *City of Albany Local Planning Scheme No. 1* by:
 - a) Rezoning Lots 84, 85, 86 and portion of Lots 87 & 98 Home, Harding & Frenchman Bay Roads Robinson from Rural Residential Zone 29 within Schedule 14 to Rural Residential Zone 43;
 - b) Modify existing and introduce new Special Provisions and reference the Frenchman Bay, Harding & Home Roads Local Structure Plan within Schedule 14 Rural Residential Zone 43. and
 - c) Amending the Scheme Map accordingly.

Note: The amendment is a Standard Amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- It is an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- It is an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;

- It is an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- It is an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

2. The following modifications are recommended:

- i. Transferring Lots 84, 85 & 86 and portion of Lots 87 & 98 from Schedule 14 Rural Residential Zone Area No.29 **and Residential zone**, to Rural Residential Zone Area No. 43.

- ii. Replacing Provision 9 of Schedule 14 Rural Residential Zone Area No. 43 with the following:

~~“For the Lots applicable to a Local Structure Plan and which a reticulated water supply is provided, all dwellings shall be required to provide a rainwater tank of not less than 50,000 litres capacity to harvest rainwater for household and garden use. In other circumstances, clause 5.6.9 of the Scheme shall apply.”~~

“At the time of subdivision of Lot 84 Harding Road, Lots 85 & 86 Home Road & Lots 87 & 98 Frenchman Bay Road, the developer shall connect to a reticulated water supply from a licensed water provider. For all other lots, and if reticulated water is not available; each dwelling shall be provided with a sustainable potable water supply with a minimum capacity of 50,000 litres.”

- iii. Replacing Provision 17 of Schedule 14 Rural Residential Zone Area No. 43 with the following:

~~“The Local Government may require the subdivider to make arrangements satisfactory to the Local Government to ensure prospective purchasers are advised that a Bushfire Management Plan may apply to the land and that prospective purchasers are advised of the potential for nuisance impacts of odour, noise, dust and spray drift from agricultural activities undertaken in the locality.”~~ *the existence of sand extraction and horticulture activity taking place within 500m and such activity may affect rural amenity.”*

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
5. The Council resolved in April 2017, to advertise Amendment No. 27, which proposes to:
- a) Consolidate lots within the Rural Residential No.29 zone with the Rural Residential No.43 zone;
 - b) Introduce additional provisions to the Rural Residential No.43 zone; and
 - c) Make reference within the scheme, to a Structure Plan, endorsed to guide subdivision and development within the Rural Residential No.43 zone.
6. Prior to advertising, the amendment was referred to the Environmental Protection Authority (EPA). The EPA has no environmental concerns in relation to the proposed scheme amendment.
7. Following notice from the EPA, the amendment was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. At the close of advertising, two (2) submissions were received.
8. A ‘Schedule of Submissions’ has been developed to identify issues raised during the advertising process and to provide recommendations going forward. The schedule is available as an attachment to this report item.

DISCUSSION

9. The subject land is located 5.5km south west of the Albany City Centre and is accessed via Princess Royal Drive and Frenchman Bay Road.
10. The subject land is zoned Rural Residential and therefore does not conflict with the current moratorium on amendments to rezone agriculture land.
11. The purpose of the amendment is:
 - a) To enable the subdivision of 5 existing lots, into 14 lots, with a minimum lot size of 1 hectare; and
 - b) To consistently reflect land use compatibility within the Priority 3 water source protection area.
12. Water Source Protection areas exist within Albany to establish compatible land uses. Three priority water protection areas exist as follows:
 - a) The Priority 1 area exists to generally not permit development;
 - b) The Priority 2 area exists to support development subject to limitations; and
 - c) The Priority 3 area exists over land where water supply sources need to co-exist with other land uses such as residential and commercial.
13. Priority 2 and 3 areas exist over land within the Rural Residential No. 29 *Local Planning Scheme No. 1* zone. The Rural Residential No. 43 zone is located within the Priority 3 area.
14. To consistently reflect land use compatibility within the City's *Local Planning Scheme No. 1*, it was suggested that the land zoned Rural Residential No. 29 be transferred to the Rural Residential No. 43 zone.
15. In accordance with the *Draft Government Sewerage Policy*, exemptions to the mandatory requirement for connection to reticulated sewerage may be considered for subdivision proposals which create lots greater than one hectare in Priority 3 public drinking water source areas in rural residential/rural living zones.
16. The amendment also proposes to introduce provisions to ensure:
 - a) Appropriate setbacks to a neighbouring horticulture activity;
 - b) Protection of property and life from bushfire hazards; and
 - c) The provision of potable water.
17. A separate process in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* is being undertaken concurrently to deal with the structure planning for the area. This process is also being used to inform the scheme amendment process. The structure plan, acting as a supplementary guide to scheme provisions, indicates:
 - a) Appropriate lot configurations;
 - b) Locations of building envelopes considerate of bushfire hazards;
 - c) A vegetated buffer area alongside a neighbouring horticulture activity; and
 - d) Effluent exclusion areas.

18. The following provides an explanation of key issues raised during the advertising process.

Reticulated Water

19. The Water Corporation provided comment advising that reticulation water main extensions will be required for the lots created fronting Home and Harding Roads.
20. In response to the comment received from the Water Corporation, it is recommended that the proposed scheme provision 'iv' is replaced as follows:

~~iv “For the Lots applicable to a Local Structure Plan and which a reticulated water supply is provided, all dwellings shall be required to provide a rainwater tank of not less than 50,000 litres capacity to harvest rainwater for household and garden use. In other circumstances, clause 5.6.9 of the Scheme shall apply.”~~

“At the time of subdivision of Lot 84 Harding Road, Lots 85 & 86 Home Road & Lots 87 & 98 Frenchman Bay Road, the developer shall connect to a reticulated water supply from a licensed water provider. For all other lots, and if reticulated water is not available; each dwelling shall be provided with a sustainable potable water supply with a minimum capacity of 50,000 litres.”

Land Evaluation Assessment

21. The Department of Water and Environmental Regulation (DWER) advised that it is concerned that onsite sewage disposal and other uses may have cumulative adverse impact on groundwater and Princess Royal Harbour.
22. In response to the comment received from the DWER, City staff analysed a land evaluation assessment completed for the amendment and also undertook a site visit. Subsequently, it is considered that the proposed Lot ‘Residential’ is not suitable for development. The subject lot is low lying with evidence of water logging.
23. It is recommended that the proposed Lot ‘Residential’ is amalgamated with the proposed Lot ‘13’ to form one large lot. Areas within the proposed Lot 13 are located on higher ground and are therefore capable of supporting development and effluent disposal systems.
24. It is recommended that the proposed scheme provision ‘i’, is modified to conform with the above recommendation, as follows:

*Transferring Lots 84, 85 & 86 and portion of Lots 87 & 98 from Schedule 14 Rural Residential Zone Area No.29 **and Residential zone**, to Rural Residential Zone Area No. 43.*

Groundwater Testing

25. The Department of Water and Environmental Regulation (DWER) noted that groundwater testing was undertaken during December. The DWER recommended that the testing should be repeated during the winter months.
26. It is considered that this recommendation from the DWER can be addressed by the following reasons:
 - a) For determining approximate depth to water table, The Australian Standard 1547 suggests professional observation and interpretation of soil properties, which include changes in soil colour, structure, and degree of mottling within the profile, as well as consideration of site indicators such as hydrophilic vegetation, data from any nearby bores, and anecdotal evidence from landholders on site drainage in the area. This can be done at any time of year. AS/NZS 1547 also states that the duration of a seasonal shallow water table is of much greater importance than its minimum depth at any one time.
 - b) Amended soil type effluent disposal systems, such as EcoMax/ATU Systems are required to be developed within the Rural Residential Area No.43. Effluent is therefore not expected to pollute groundwater due to the treatment and disinfection process of these systems.

Stormwater Management

27. The DWER also advised that a Local Water Management Strategy to support the amendment is not required due to the lots being large enough to accommodate stormwater on-site.
28. The DWER also advised that on site stormwater management should be designed in accordance with relevant standards.
29. It has been recommended as part of the structure planning process for this area that the following notation is included on the structure plan:
 - a) *On site stormwater management should be designed in accordance with the 'Decision process for stormwater management in WA (DoW 2009)' and the 'Stormwater Management Manual for Western Australia (DoW 2004–2007)'. The stormwater management system should be to the satisfaction of the Local Government Authority.*

GOVERNMENT & PUBLIC CONSULTATION

30. The local planning scheme amendment was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
31. In accordance with *Planning and Development Regulations 2015* Division 3, s.50 (2), the City of Albany must consider all submissions in relation to the amendment and support the amendment with or without modifications or not support the amendment.
32. Submissions are considered in a schedule available as an attachment to this report and deliberated in the 'Discussion' section of this report item.

STATUTORY IMPLICATIONS

33. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
34. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.
35. Regulation 53(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a standard amendment, with or without modification.
36. After passing a resolution under regulation 50(3) the local government must provide the advertised amendment to the Commission together with the following:
 - a) A schedule of submissions made on the amendment;
 - b) The response of the local government in respect of the submissions;
 - c) Particulars of each modification to the amendment proposed by the local government in response to the submissions;
 - d) If any proposed modification to the amendment was advertised:
 - i. an explanation of the reasons for advertising the modification; and
 - ii. particulars of how the modification was advertised; and
 - iii. a schedule of submissions made on the proposed modifications; and
 - iv. the recommendation of the local government.
37. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

38. Relevant Policy documents include:
- a) *State Planning Policy 2 – Environment and Natural Resources Policy (2003)*
 - b) *State Planning Policy No. 2.9 Water Resources (2006)*
 - c) *State Planning Policy No. 3 – Urban Growth and Settlement (2006)*
 - d) *State Planning Policy 3.7 Planning in Bushfire Prone Areas (2015)*
39. Future subdivision and development of the area is considered in accordance with the scheme zone and associated scheme and policy provisions, which include:
- a) Protecting property and life from bushfire by means of:
 - Siting of design;
 - Suitable access (an additional outlet onto Lower King Road may be necessary); and
 - Asset protection areas; and
 - b) Stormwater and effluent management.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation <i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.</i>
Opportunity: <i>Increase opportunity for additional rural residential lots within existing areas.</i>				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

43. The minimum 1 hectare lot size proposed by the amendment and supplementary structure plan is consistent with the South Coast Groundwater Reserve Priority 3 coding and the Draft Government Sewerage Policy.
44. The Draft Government Sewerage Policy defines the subject land as being within a 'sewerage sensitive area', which includes areas within 2 kilometres of Princess Royal Harbour. The Draft Government Sewerage Policy states: *Consideration may be given to an exemption from the provision of reticulated sewerage...for the creation of lots greater than...one hectare in sewerage sensitive areas.*
45. The Amendment No.27 was referred to the EPA. The EPA supports the amendment, which proposes to introduce scheme provisions to ensure appropriate setbacks to horticultural activity and the retention of vegetation where possible.

ALTERNATE OPTIONS

46. Council may consider alternate options in relation to this item, such as:

- a) To resolve to support the scheme amendment with additional modification; or
- b) To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

SUMMARY CONCLUSION

- 47. During the public consultation period, two (2) submissions were received commenting on reticulated water and sewer, a land evaluation assessment, groundwater testing and stormwater management.
- 48. Modifications to the amendment proposal have been recommended to address issues raised.
- 49. The City recommends that Council support, with modifications, Local Planning Scheme Amendment No. 27.

Consulted References	:	<ul style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>State Planning Policy 2 – Environment and Natural Resources Policy (2003)</i> 5. <i>State Planning Policy No. 2.9 Water Resources (2006)</i> 6. <i>State Planning Policy No. 3 – Urban Growth and Settlement (2006)</i> 7. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas (2015)</i>
File Number (Name of Ward)	:	LAMD27 (Vancouver Ward)
Previous Reference	:	DIS021 17 April 2017

**DIS117: LOCAL PLANNING SCHEME AMENDMENT NO.33 – LOT 1
FRENCHMAN BAY ROAD, LITTLE GROVE.**

Land Description	: Lot 1 Frenchman Bay Road, Little Grove
Proponent / Owner	: Ayton Baesjou
Business Entity Name	: C Wallrodt
Attachments	: Local Planning Scheme Amendment No. 33 Document
Report Prepared by	: Senior Planning Officer – Strategic Planning (A Nicoll)
Responsible Officer	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. The application for consideration proposes an amendment to the City's *Local Planning Scheme No.1*. The amendment proposes to enable the development of grouped and multiple housing at a portion of Lot 1 Frenchman Bay Road, Little Grove (vacant land adjacent to local shop).
3. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010*, *Activities Centre Planning Strategy (2010)* and *Community Strategic Plan – Albany 2030*. The amendment complies with strategic planning for the following reasons:
 - a) The *Albany Local Planning Strategy 2010* recommends development of the subject land as a local centre. Shops, offices and residential development is encouraged in local centres to serve the local community; and
 - b) The *Activities Centre Planning Strategy (2010)*, encourages the development of local-serving uses at an appropriate scale within local activity centres. Such uses could include local offices and residential development.
 - c) 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:



In Brief:

- The subject land is zoned ‘Local Centre’ under *Local Planning Scheme No.1*.
- A request has been submitted for Council to adopt the Local Planning Scheme Amendment No.33 to:
 - Designate a portion of Lot 1 as an ‘Additional Use’ site; and
 - Provide the ability to apply for group and multiple dwellings, in addition to the currently permitted commercial land uses.
- City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy and Activities Centre Planning Strategy (2010)*.
- Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

RECOMMENDATION

DIS117: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS

SECONDED: COUNCILLOR DOUGHTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS117: RESPONSIBLE OFFICER RECOMMENDATION

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

1. ADOPT Amendment No. 33 to amend City of Albany *Local Planning Scheme No. 1* by:
 - a) Incorporating portion of Lot 1, Frenchman Bay Road within ‘Additional Uses’ site no. 33;
 - b) Amending Schedule 2 – Additional Uses (CL 4.5) by including Lot 1 within the second column under ‘Description of Land’;
 - c) Amending Condition II within the fourth column by replacing the R 30 code with the R 40 code; and
 - d) Amending the Scheme Maps accordingly.

Note: The amendment is a ‘Standard’ amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

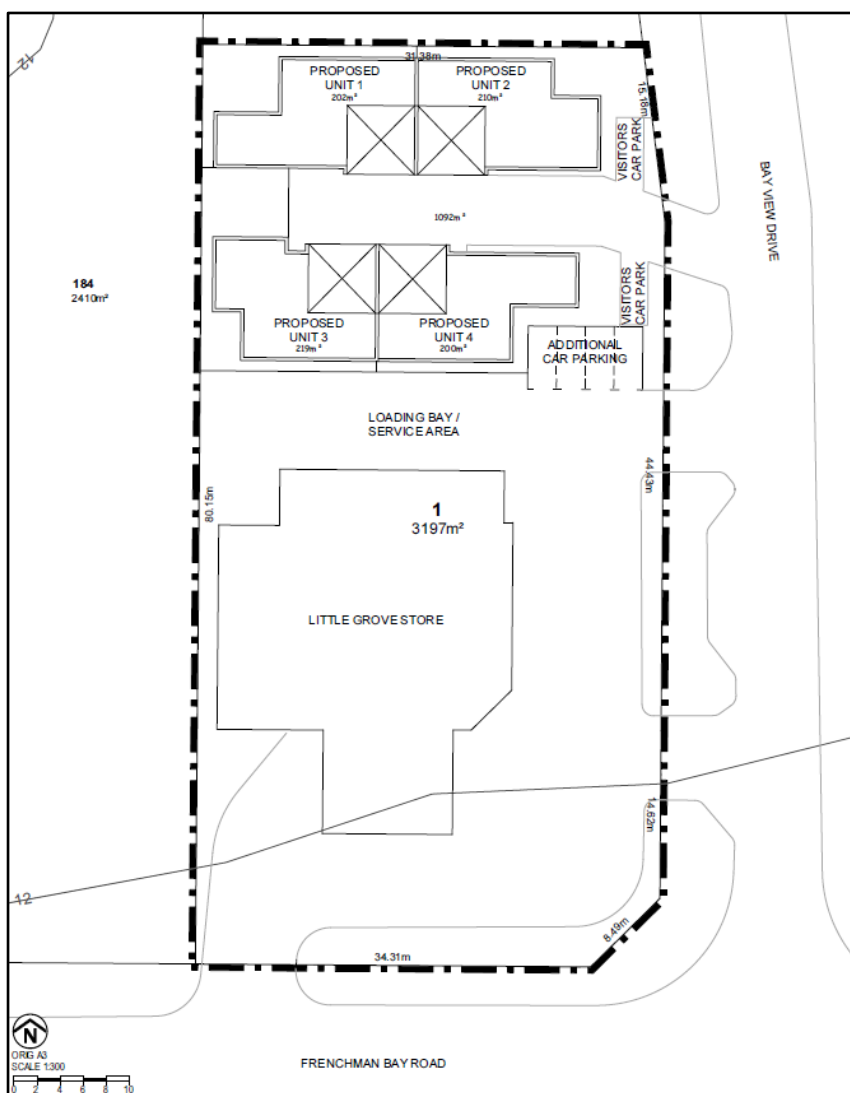
- The amendment is consistent with the Albany Local Planning Strategy, which sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity;
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - The amendment does not result in any significant environmental, social, economic or governance impact on land in the scheme area.
2. ADVERTISE the amendment in accordance with Part 5, s.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
5. Lot 1 Frenchman Bay Road, Little Grove is zoned 'Local Centre' under *Local Planning Scheme No. 1*.
6. Lot 1 is 3,197m² in area and approximately 2,065m² or 65% of the site has been developed with a service station, convenience and liquor store, associated office space, storage, car parking and loading/service area. The balance of the site is 1,132m² and is currently vacant. The owner of the property requests the flexibility to develop residential units and/or mixed uses on the site.
7. A scheme amendment has recently been initiated to designate the adjacent Lot 312 for 'Additional Uses' in order to allow for the option of developing residential and mixed use development. The owner of Lot 1 now wishes to extend the 'Additional Uses' designation over the vacant portion of the property in order to also allow for the option of residential/mixed use development.

DISCUSSION

8. The City's planning Staff support the proposed local planning scheme amendment, as it is consistent with the *Activity Centres Planning Strategy (2010)* and will facilitate the development of the land, while also retaining the ability for commercial land uses to be developed as demand requires.
9. In order to provide for the flexibility to develop residential and mixed use development on the vacant portion of Lot 1, it is proposed to incorporate the lot within the 'Additional Uses' site which is currently the subject of a Scheme Amendment relating to Lot 312 to the north.
10. The 'Additional Uses' will allow 'Grouped Housing', Multiple Housing' and 'Mixed Use' to become discretionary when advertised ('A') uses. This will allow for the flexibility for a number of development options ranging from commercial, residential or mixed use within the vacant land.
11. The proponent's preference at this stage is to develop up to four residential units on the site, which would also have potential to incorporate suitable commercial use such as a small scale office.
12. While the 'Additional Uses' conditions associated with Lot 312 immediately to the north, designate an R30 density code, it is recommended that an R40 density code apply to both sites in order to allow greater scope for the possibility of mixed use development.
13. An Indicative Concept Plan has been prepared (refer to below figure) which illustrates how four units can be developed on the site with two visitor parking bays and an additional four car parking bays which are integrated with the local centre site. These bays could be used both for the local centre and possible commercial use(s) associated with the residential units.



GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

17. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
18. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
19. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

20. There are no policy implications relating to the proposed amendment. While not specifically applicable to this proposal, the amendment is attentive to the *State Planning Policy 4.2, Activity Centres for Perth and Peel*. This policy states:

Activity centres are community focal points. They include activities such as commercial, retail, higher density housing, entertainment, tourism, civic/community, higher education, and medical services.

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
Reputation. <i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If not supported by the WAPC or Minister, the amendment will not be progressed and the City may be required to make modifications.</i>
Opportunity: <i>Increase opportunity for development and ultimately an active local centre.</i>				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

24. The referral of Amendment No.33 to the EPA will clarify if environmental implications apply.

ALTERNATE OPTIONS

25. Council may consider alternate options in relation to this item, such as resolving:
- To adopt the amendment subject to modifications; and
 - Not to adopt the amendment to the local planning scheme.

CONCLUSION

26. This scheme amendment proposes to extend the 'Additional Uses' designation applying to Lot 312, within the Little Grove Local Centre zone, to the vacant portion of Lot 1, which is also zoned 'Local Centre'.
27. The proposal provides an opportunity to develop medium density housing in close proximity to the Local centre and meets Council's objective to encourage provision of a greater range of housing in an area, which is still predominantly large lot single residential.
28. An R40 density code is recommended which will also provide greater scope for mixed use development.
29. The proposed Amendment No. 33 is consistent with the current strategic direction set within the *Albany Local Planning Strategy (2010)*, the *Activity Centres Planning Strategy (2010)* and objectives for activity centres identified in the *State Planning Policy 4.2, Activity Centres for Perth and Peel*.
30. Council is requested to agree to adopt the Amendment No.33.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2010)</i> 3. <i>Activity Centres Planning Strategy (2010)</i> 4. <i>State Planning Policy 4.2, Activity Centres for Perth and Peel</i>
File Number (Name of Ward)	:	LAMD33 (Vancouver Ward)
Previous Reference	:	Nil

DIS118: 2017/2018 INFORMATION REPORT - ENVIRONMENTAL HEALTH

Report Prepared By : Manager Building, Health and Compliance (S Reitsema)
Responsible Officers: : Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Community Strategic Plan:
 - **Theme:** 5 - A Connected and Safe Built Environment
 - **Objective:** 5.3 - To develop and support a healthy inclusive and accessible community
 - **Community Priority:** 5.3.2 - Deliver programs and advocate for specialist services that improve public health and wellbeing in line with the Public Health Act 2016 and growing community expectations

In Brief:

- This report provides a summary of the duties undertaken by the City's Environmental Health team and provides explanation of various legislative requirements, with the aim of providing Elected Members with background information and an understanding of the work undertaken.
- Statistical information is included in this report to quantify the amount and variety of work undertaken by the City's Environmental Health team.

RECOMMENDATION

DIS118: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS118: RESPONSIBLE OFFICER RECOMMENDATION

THAT the 2017/2018 Information Report - Environmental Health be RECEIVED.

BACKGROUND

2. The City of Albany employs a team of 4 Environmental Health Officers (EHO's).
3. The role of an EHO addresses many aspects of human health, including quality of life determinants such as physical, chemical, biological, social and psychosocial factors in the environment. Environmental Health also refers to the theory and practice of assessing, correcting, controlling and preventing those factors in the environment that can potentially adversely affect the health of present and future generations.
4. To assist in undertaking this role, an EHO is responsible for the administration of numerous health and environmental legislations and policies; some of which are addressed later in this report.
5. In comparison to similar Local Government Authorities (LGA's), the City of Albany has a notably smaller Environmental Health team per capita. Service delivery levels continue to increase with a growing and ageing population, development growth, rising numbers of local businesses requiring inspections or compliance work, and continual cost shifting from State and Federal Government.

6. In 2008, the *Food Act 2008* was introduced and this resulted in changes to the food business regulation and management within WA. The main change was the requirement for all businesses involved in the sales, handling and/or storage of food to be registered with and inspected (at frequencies determined by their risk classification) by their local authority.
7. Under the *Food Act* there are a number of registration exemptions available, such as for registered charities or a food business not involving potentially hazardous food (foods which require temperature control to minimise growth of pathogenic microorganisms). These businesses are still required to comply with the remaining requirements of the *Food Act 2008* and *Australia New Zealand Food Standards Code*. In particular food handlers should have sufficient skills and knowledge to ensure only safe and suitable food is provided.
8. Prior to registration as a food business under the *Food Act*, it is important that the relevant planning and building approvals are also granted. Operation of a business in a zone that is not approved for that use, will most likely lead to complaints and would typically involve other compliance issues. Some low risk food businesses may be permitted to operate from home (e.g. chutneys and jams, biscuits, etc.), however the risk of operating a catering business from home (dealing with potentially hazardous foods) would not be appropriate.
9. Inspections of a food business are undertaken at a frequency determined by its risk classification. The presence of potentially hazardous foods, processing small-goods or serving to vulnerable populations (young children, aged care, etc.) are a number of reasons which would make a business high risk, whereas selling pre-packaged foods with minimal food handling may result in a business being classified as low risk.
10. Typical compliance issues identified when undertaking a food business inspection include: lack of temperature control of potentially hazardous foods, cross contamination of food (e.g. uncovered raw meats stored with ready-to-eat food), contaminants found in food, inadequate cleaning practices, poor maintenance of the premises and staff who have limited or no knowledge of food safety practices.
11. The risk associated with poor hygiene practices is significant and can have catastrophic impacts. Recent cases highlighted in the media have shown how breaches of food safety regulations can lead to disease outbreaks which can result in hospitalisations and potentially the loss of life.
12. The *Food Act* and its subsidiary regulation, the *Food Regulations 2009* both provide robust mechanisms for dealing with matters of non-compliance. This includes infringements and prosecutions, which are enforced based on the inherent risks and overall performance of the food business. Premises operators found in breach of the *Food Act* may also be publicly listed on the Health Department website for two years after their conviction.
13. City staff work on the sometimes protracted practice of education before enforcement, with some premises only receiving improvement notices as the harshest penalty.
14. On 28 June 2016 Council adopted the City of Albany Public Health Plan (PHP) 2016-2020.
15. The PHP is consistent with the aims and objectives of the City's Community Strategic Plan 2023, and provides the mechanism to satisfy Council's legislative obligations, whilst also protecting, improving and protecting public health and wellbeing amongst all residents in the City of Albany.
16. The outdated *Health Act 1911* was replaced by the *Public Health Act 2016* in a 5 stage roll-out process commencing September 2016. The new Act aims to provide a modern, flexible and proactive risk based framework for the regulation of public health in Western Australia.
17. The *Health Act 1911* will continue in an amended form, known as the *Health (Miscellaneous Provision) Act 1911*. Most regulations made under the *Health Act 1911* will be repealed, however, some will be retained or transitioned into the new Act.
18. At the Development and Infrastructure Services (DIS) committee meeting 14 June 2017, Council supported the adoption of a Regulatory Compliance Policy with the purpose of

establishing principles and guidelines for compliance and enforcement activities. The aim of this policy is to provide education before enforcement.

19. Environmental Health activities are not limited to legislative matters (inspections, complaint resolution, etc.), also involved are a significant amount of public health education. Education occurs through regular customer interactions and also through programmes such as the “*I’m Alert*” and “*Food Safe*” food safety training and the “*Fight the Bite*” Mosquito education program.
20. At the DIS committee meeting 11 April 2018, Council supported the proposal to employ an additional EHO to service the hours required for the health team to provide a service to the Shires of Jerramungup, Plantagenet and Ravensthorpe. This in turn gave an opportunity to increase the service levels provided by the City of Albany.
21. During the 2017-2018 financial year the EHO’s provided a total of 53 days of service to the Shires of Jerramungup and Plantagenet.

DISCUSSION

22. The core tasks undertaken by EHO’s include: inspections, complaint investigation and resolution, development application assessment, wastewater system approvals, food and water sampling, event applications assessment, health promotion / public health planning, notifiable disease investigation and dealing with customer enquiries / administration.
23. A brief summary of the tasks listed in point 15 undertaken during the 2017-2018 financial year are provided below:

Health Inspections

558 inspections undertaken, including inspections of food businesses, caravan parks, public building, miscellaneous health premises (hair dressers, beauty therapy, tattoo parlours, etc.) and accommodation sources such as Bed and Breakfasts and Lodging Houses.

Complaint Investigation and Resolution

158 formal complaints were investigated. A breakdown of the types of complaint is provided below. Numerous other informal complaints were also received and resolved by providing advice to the complainant or contacting the other parties involved. Due to the nature of these complaints not all are recorded.

Total Formally-Captured Complaints for 2017/2018 Financial Year

Noise	53
Environmental pollution (Air quality, smoke & sand drift, oil spills)	41
Food (food poisoning, foreign object contamination, etc.)	8
Living in a shed/caravan	7
Waste water management (septics, sewage, drain pollution, etc.)	5
Dampness & mould	5
Littering (including overflowing bins, bins with no lids, smelly skip bins, etc.)	5
Private rentals (maintenance)	5
Insect / Vector Control (mosquitos, midges, bees, etc.)	4
Public and private ablutions	4
Poultry	4
Unkempt land	4
Animals (health nuisance related)	2
Food premises (maintenance, cleanliness, etc.)	2
Accommodation (hotels, caravan parks, etc.)	2
Miscellaneous health (hairdressers, beauty therapy, skin penetration, etc.)	2

Pest Control (rats, mice, etc.)	2
Drinking water	2
Food vendors (unauthorised use of location for mobile trading)	1
	Total: 158

Development Application Assessment

463 development applications (planning and building applications) which were determined as having a potential impact on public health were assessed and conditioned. This process includes assessing compliance with various regulations including the *Health (Public Building) Regulations 1992*, *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*, *Food Regulations 2009*, *Health (Asbestos) Regulations 1992* and *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.

Wastewater System Approvals

97 approvals to install an apparatus for the treatment of sewage issues. This involves the approval of standard septic systems, alternative treatment units and greywater systems which need to be in compliance with the Draft Country Sewage Policy and *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

Food Sampling

Routine sampling of locally produced food is part of a State-wide food sampling program coordinated by the Local Health Authorities Analytical Committee (LHAAC). The program targets food which are a health concern to verify compliance with the *Australia New Zealand Food Standards Code*. Examples of food that has been sampled includes primary produce, jams & chutneys and wine.

Water Sampling

Non-scheme potable water for public consumption and public swimming pools needs to be sampled and analysed to ensure compliance with the *Health (Aquatic Facilities) Regulations 2007* and the Australian Drinking Water Guidelines. 16 public spas and pools are sampled each month for chemical and bacterial analysis, requiring a total of 192 samples per annum. 51 potable water supplies are sampled every 3 months, requiring a total of 204 samples per annum.

Event Applications

Around 120 event applications were assessed and conditioned to ensure compliance with relevant regulations. The main health conditions on event approvals are in regards to the *Health (Public Building) Regulations 1992* (crowd safety, overcrowding, fire safety, etc.), *Food Regulations 2009* (registered food business/stall-holders, food preparation risk, etc.), *Environmental Protection (Noise) Regulations 1997* (noise nuisance for neighbouring properties, etc.) and other regulations subject to the nature of the event. Inspections of the events are also regularly undertaken to ensure compliance with the conditions and to mitigate risk.

Health Promotion / Public Health Planning

Since developing the City of Albany Public Health Plan (PHP) 2016-2020, the Health team has continued to play a vital role in the 'Healthy Albany' program and also as a regional representative on WALGA's Public Health Advisory Group.

Notifiable Disease Investigation

Notifiable infectious diseases such as gastroenteritis, legionellosis or Ross River virus which pose a serious public health risk to the wider community are legally required to be reported to the Western Australian Department of Health (DoH). The City's Environmental Health team provide support to the DoH by assisting with investigations and taking action to ensure there is no further spread of disease.

Customer Enquiries / Administration

The majority of the health's team time is spent dealing with enquiries from internal and external customers, including many other LGA's. With continually changing regulations, policies and guidelines, a lot of effort from staff to keep up to date and provide relevant advice to our customers.

24. Matters of non-compliance identified through complaints or during routine inspections are in most circumstances dealt with and resolved, with customers recognising the potential impact their actions may have on public health and also the insurance implications which may result.
25. The most common customer concerns which are escalated include:
 - Being required to cease running a commercial business from home (particularly higher risk food business, beauty therapists, hairdresser, etc.) which are often not only a health issue but also breach other legislation such as building and planning, or
 - Business operators feeling 'targeted' when required to resolve compliance matters such as unhygienic food businesses, etc.
26. The City's Environmental Health team provide a contemporary and proactive service to our customers and appreciate the ongoing support of the City's Executive team and Elected Members.

GOVERNMENT & PUBLIC CONSULTATION

27. N/A

STATUTORY IMPLICATIONS

28. Regulation 16 of the *Public Health Act 2016* outlines the functions that a Local Government has to carry out in relation to the administration of the Act.
29. Regulation 17 of the *Public Health Act 2016* requires the Local Governments are to appoint a suitably qualified EHO to carry out these functions.
30. The *Food Act 2008* empowers the local government to undertake the provisions of the Act and Regulations, and also to set fees.
31. The *Caravan Park and Camping Grounds Act 1995* empowers and obligates the local government to undertake the provisions of the Act and Regulations.
32. The *Local Government Act 1995* empowers and obligates the local government to undertake the provisions of the Act, Regulations and various Local Laws.
33. The *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997* empower authorised officers to deal with noise issues.

POLICY IMPLICATIONS

34. Both the 'Regulatory Compliance Policy' and 'Dealing with Difficult Customers Policy' relate to this item.

RISK IDENTIFICATION & MITIGATION

35. It is acknowledged that it is vital that the City provides an Environmental Health Service to its community.
36. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: <i>Inconsistent application of compliance and enforcement may result in loss of community confidence.</i>	<i>Almost Certain</i>	<i>Moderate</i>	<i>High</i>	<i>Regulatory Compliance Policy position and operational guidelines will reduce the likelihood of inappropriate practices.</i>
Opportunity: <i>Continue to provide a high quality technical service to the community.</i>				

FINANCIAL IMPLICATIONS

37. N/A

LEGAL IMPLICATIONS

38. N/A

CONCLUSION

39. It is recommended that Council note and receive this report.

Consulted References	:	<i>Public Health Act 2016</i>
File Number (Name of Ward)	:	N/A
Previous Reference	:	N/A

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN - Nil

12. MEETING CLOSED TO THE PUBLIC - 6.49pm

13. CLOSURE - 6.49PM

(UNCONFIRMED)

Councillor John Shanhun
Chairman