

MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 8 June 2022

6.00pm

Council Chambers



Development & Infrastructure Services Committee
Terms of Reference

Functions: The Committee is responsible for:

The Development and Infrastructure Services Committee is responsible for delivery of the outcomes defined in the Strategic Community Plan 2032 under the **Planet Pillar** and **Place Pillar**:

- Sustainable management of natural areas, balancing conservation with responsible access and enjoyment;
- Shared responsibility for climate action;
- Responsible growth, development and urban renewal;
- Interesting, vibrant and welcoming places;
- Local history, heritage and character is valued and preserved; and
- A safe sustainable and efficient transport network.

It will achieve this by:

- Developing policies and strategies;
- Establishing ways to measure progress;
- Receiving progress reports;
- Considering officer advice;
- Debating topical issues;
- Providing advice on effective ways to engage and report progress to the Community; and
- Making recommendations to Council.

Membership: Open to all elected members.

Meeting Schedule: Monthly

Meeting Location: Council Chambers

Executive Officers: Executive Director Infrastructure, Development & Environment

Delegated Authority: None

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 08/06/2022

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DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
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1. **DECLARATION OF OPENING** The Chair declared the meeting open at 6.00pm.

2. **PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

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

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

We would also like to pay respect to Elders past, present and emerging”.

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

Mayor D Wellington

Councillors:

Member	P Terry
Member	A Cruse
Member	M Traill
Member	M Benson-Lidholm JP
Member	J Shanhun
Member	D Baesjou
Member	S Smith
Member	C Thomson (Chair)
Member	R Sutton (Deputy Chair)

Staff:

Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development and Environment	P Camins
Manager Planning & Building	J van der Mescht
Planning Coordinator	J Wardell-Johnson
Meeting Secretary	A James

Apologies:

Member	G Stocks
Member	A Goode JP
Member	T Brough

Public

11 members of the public

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
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4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Councillor Traill	DIS305	Financial: The nature of the interest being that Councillor Traill is a co-host of a short-term accommodation venue in Bornholm. Councillor Traill left the Chamber and was not present during the discussion or vote for this item.
Councillor Smith	DIS305	Financial: The nature of the interest being that Councillor Smith owns a short-term accommodation venue within the Albany region. Councillor Smith left the Chamber and was not present during the discussion or vote for this item.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

6. PUBLIC QUESTION TIME Nil

In accordance with City of Albany Standing Orders Local Law 2014 (as amended) the following points apply to Public Question Time:

- 5) The Presiding Member may decide that a public question shall not be responded to where—*
- (a) the same or similar question was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;*
 - (b) the member of the public asks a question or makes a statement that is offensive, unlawful or defamatory in nature, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.*

7. PETITIONS AND DEPUTATIONS Nil

8. CONFIRMATION OF MINUTES

RESOLUTION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SHANHUN**

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 11 May 2022 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 10-0

9. PRESENTATIONS Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

DIS304: C22008 – PANEL OF SUPPLIERS – CONSTRUCTION PLANT AND EQUIPMENT

Proponent / Owner	: City of Albany
Attachments	: Confidential Attachment Under Separate Cover
Report Prepared By	: Operations Administration Coordinator (T Rogister)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

CONFIDENTIAL ATTACHMENT

It is recommended that if discussion is required in regards to 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 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Place.
 - **Outcomes:** A safe, sustainable and efficient transport network.

In Brief:

- Tender to appoint preferred contractors to “wet” and “dry” hire construction plant and equipment.
- Contract shall be for an initial period from 1st July 2022 to 30th June 2023, with a mutually agreed and price negotiated option for a renewal for a further twelve (12) months, and then a further option of another twelve (12) months.

RECOMMENDATION

DIS304: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

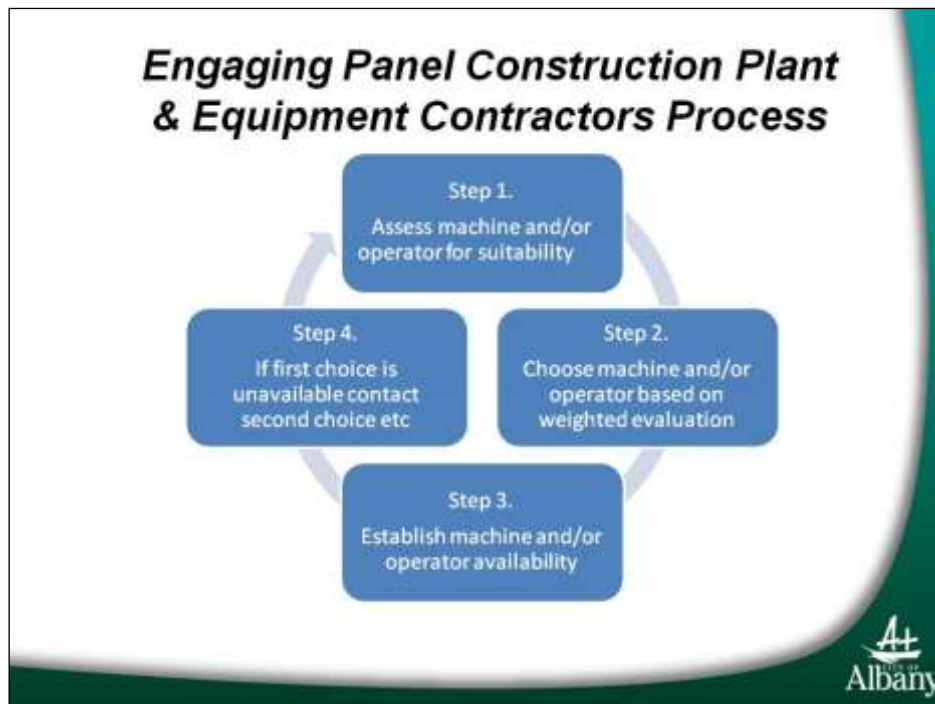
DIS304: AUTHORISING OFFICER RECOMMENDATION

THAT the tendered rates for Panel of Suppliers – Construction Plant & Equipment, Contract C22008 for the tenderers recommended by the evaluation panel and detailed in the Confidential Briefing Note attached to this report, be ACCEPTED.

BACKGROUND

2. The City of Albany is seeking to re-establish a ‘Panel of Suppliers’ for the supply of construction plant and equipment to augment the City of Albany’s current machinery base during peak construction and maintenance periods.
3. This Panel of Suppliers shall consist of Contractors prepared to “wet” and/or “dry” hire construction plant and equipment to the City of Albany. The term “wet” hire refers to the hire of equipment with an operator and “dry” hire refers to hire of equipment without an operator.

4. This Panel shall be Council's preferred suppliers and requests for hire of equipment and operators shall be directed to members of this Panel before all others.
5. Plant will be selected from the Contractor identified from the panel who is likely to be able to offer plant which is fit for purpose for the required works and the Contractor will be engaged by the following methodology.



6. In addition to the process map highlighted above, panel members will be engaged for a project after consideration has been given to job requirement, experience of operator (if known), any additional plant required to complete the works, efficient execution of the job, ability to meet the timeframe for the particular project, and best value for money for the City of Albany.
7. The City requires flexibility in this panel to negotiate and evaluate requirements for individual projects. To provide that flexibility we have asked the contractor to tender day rates.
8. During a wet hire period and in the event the machine hired is not being utilised at the time the operator may be instructed by the City of Albany Representative to work on other tasks. This arrangement would maximise operator use and would only occur by agreement with the Contractor and the City of Albany Representative.

DISCUSSION

9. A total of 20 tender documents were issued.
10. Tenders were asked to provide hire rates for items of plant. These preferred suppliers will be used on an "as and when" required basis with no guarantee of the amount of work required by the City of Albany.
11. In addition, the tenderers were given the opportunity of submitting prices for other plant we had not specified in the tender documents. This list enables us to consider other plant, which may be fit for purpose and available for a given project.
12. The tenderers understand these price submissions do not form part of the evaluation process, as they are not common items.
13. To simplify engagement of the Contractors the mobilisation/demobilisation rates were changed to the "low loader wet hire rate".

14. The tender documents included tender evaluation criteria using the weighted attribute 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	15
Key Personnel Skills and Experience	15
Tenderer's Resources	15
Corporate Social Responsibility	5
Total	100

15. Twelve (12) completed tender documents were submitted on or before the stipulated closing date and time. As per Regulations, the tender documents stated that the City's intention was to appoint up to ten Contractors to the Panel of Suppliers.
16. The following table summarises the recommended tenderers and overall evaluation scores applicable to each category of plant. The hourly rates for the hire, stand by and mobilisation have not been included in the table as these are "commercial in confidence", and will not be made publicly available.
17. Should there be a requirement for other equipment not on the preferred supplier listing, then the normal procedure for quoting out for these services will apply.

GOVERNMENT & PUBLIC CONSULTATION

18. A request for tenders was published in the West Australian on 23rd March 2022 and The Extra on 25th March 2022.

STATUTORY IMPLICATIONS

19. 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 \$250,000.00.
20. 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.
21. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

22. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.
23. 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.

Small Excavator (CCF Class 2/3T)

Tenderer	Weighted Score
Tenderer E	723.35
Tenderer K	675.04
Tenderer I	627.01
Tenderer C	565.47
Tenderer D	560.05
Tenderer J	554.23
Tenderer B	426.44
Tenderer H	345.07

Small/Medium Excavator (CCF Class 6T)

Tenderer	Weighted Score
Tenderer E	707.63
Tenderer K	694.23
Tenderer C	603.65
Tenderer D	594.43
Tenderer J	500.59
Tenderer A	489.63
Tenderer B	476.79
Tenderer H	353.06

Medium Hydraulic Excavator (CCF Class 15T)

Tenderer	Weighted Score
Tenderer E	707.48
Tenderer K	698.71
Tenderer C	619.63
Tenderer J	544.26
Tenderer D	523.1
Tenderer A	494.04
Tenderer B	397.79

Medium Hydraulic Excavator (CCF Class 20)

Tenderer	Weighted Score
Tenderer E	758.35
Tenderer I	695.94
Tenderer K	680.84
Tenderer G	650.99
Tenderer C	645.73
Tenderer J	613.86
Tenderer A	416.46
Tenderer B	408.96
Tenderer F	395.11
Tenderer H	353.75

Long Reach Excavator (19m CCF Class 30)

Tenderer	Weighted Score
Tenderer E	713.84
Tenderer K	659.07
Tenderer B	353.76

Dozer (CCF Class 25)

Tenderer	Weighted Score
Tenderer E	789.75
Tenderer I	747.01
Tenderer F	536.25
Tenderer J	490.68
Tenderer C	486.17
Tenderer B	441.8

Dozer (CCF Class 30)

Tenderer	Weighted Score
Tenderer E	797.28
Tenderer K	680.66
Tenderer J	445.19
Tenderer B	398.53

Dozer (CCF Class 40)

Tenderer	Weighted Score
Tenderer E	780.32
Tenderer K	621.8
Tenderer J	512.24
Tenderer B	407.3

Wheel Loader (CCF Class 3.5 cubic metre bucket capacity)

Tenderer	Weighted Score
Tenderer I	739.96
Tenderer E	638.64
Tenderer C	621.29
Tenderer G	608.06
Tenderer K	572.54
Tenderer J	565.56
Tenderer A	463.38
Tenderer B	405.57

Wheel Loader (CCF Class 4)

Tenderer	Weighted Score
Tenderer I	714.97
Tenderer E	697
Tenderer A	586.28
Tenderer C	552.62
Tenderer J	550.59
Tenderer K	549.52
Tenderer G	531.82
Tenderer H	457.15
Tenderer B	410.06

Wheel Loader (CCF Class 5)

Tenderer	Weighted Score
Tenderer I	755.39
Tenderer E	663.08
Tenderer B	501.41
Tenderer K	485.89
Tenderer F	460.57
Tenderer H	452

Rubber Tyre Backhoe Loader

Tenderer	Weighted Score
Tenderer E	739.47
Tenderer I	720.35
Tenderer J	463.42
Tenderer B	416.75

Grader (CCF Class 15)

Tenderer	Weighted Score
Tenderer I	721.4
Tenderer K	675.9
Tenderer E	671.68
Tenderer J	645.21
Tenderer G	613.51
Tenderer C	598.67
Tenderer B	517.04
Tenderer F	240.7

Self Propelled Vibrating Flat Drum Roller (CCF Class 12.5)

Tenderer	Weighted Score
Tenderer E	734.19
Tenderer I	696.21
Tenderer K	677.88
Tenderer G	631.33
Tenderer A	586.3
Tenderer C	549.23
Tenderer J	533.72
Tenderer B	438.25
Tenderer F	337.9

Self Propelled Pneumatic Tyre Compactor (Gross Weight 12-18T)

Tenderer	Weighted Score
Tenderer E	745.86
Tenderer K	690
Tenderer I	689.42
Tenderer J	574.79
Tenderer C	565.76
Tenderer B	433.54
Tenderer F	360.63

Self Propelled Pad Foot Roller

Tenderer	Weighted Score
Tenderer E	757.91
Tenderer K	702.53
Tenderer C	582.84
Tenderer J	569.16
Tenderer B	476.77
Tenderer F	384.12

Skid Steer Wheeled (CCF Class 600)

Tenderer	Weighted Score
Tenderer I	643.34
Tenderer K	625.01
Tenderer C	577.89
Tenderer B	438.76

Skid Steer Tracked (CCF Class 600)

Tenderer	Weighted Score
Tenderer E	747
Tenderer K	691.19
Tenderer D	580.24
Tenderer G	576.43
Tenderer C	567.38
Tenderer J	552.86
Tenderer B	492.05
Tenderer A	430
Tenderer H	377.86

Low Loader

Tenderer	Weighted Score
Tenderer E	783.58
Tenderer D	656
Tenderer I	625.06
Tenderer G	600.42
Tenderer C	587.09
Tenderer K	558.77
Tenderer B	553.76
Tenderer J	507.5
Tenderer A	460.49
Tenderer F	443.54
Tenderer H	395.46

Semi Tipper

Tenderer	Weighted Score
Tenderer E	721.78
Tenderer I	659.23
Tenderer D	641.7
Tenderer K	622.71
Tenderer G	604.82
Tenderer C	564.75
Tenderer A	530.91
Tenderer J	526.39
Tenderer B	499.33
Tenderer H	435.92
Tenderer F	364.14

Tandem Tipper

Tenderer	Weighted Score
Tenderer E	860
Tenderer I	824.2
Tenderer K	794.52
Tenderer A	676.83
Tenderer J	676.63
Tenderer B	661.15
Tenderer H	496.79
Tenderer C	331.67

Water Truck

Tenderer	Weighted Score
Tenderer E	703.22
Tenderer I	683.99
Tenderer K	676.12
Tenderer C	652.1
Tenderer A	544.4
Tenderer G	540.3
Tenderer J	540.3
Tenderer B	514.18
Tenderer F	330.4

Stone Crusher

Tenderer	Weighted Score
Tenderer B	548.33

Mobile Jaw Crusher

Tenderer	Weighted Score
Tenderer E	860
Tenderer K	794.28
Tenderer I	788.64
Tenderer B	456.53
Tenderer J	345

Mobile Screener

Tenderer	Weighted Score
Tenderer G	699.51
Tenderer K	672.84
Tenderer E	591.58
Tenderer I	579.12
Tenderer J	563.29
Tenderer B	396.99

Mobile Impact Crusher

Tenderer	Weighted Score
Tenderer E	747.22
Tenderer K	683.95
Tenderer J	558.41
Tenderer B	332.08

Crawler Mulcher

Tenderer	Weighted Score
Tenderer B	687.02
Tenderer G	553.03
Tenderer J	498.28

Reach Mulcher (Excavator Mounted)

Tenderer	Weighted Score
Tenderer B	798.33
Tenderer K	468.68
Tenderer G	421.92
Tenderer D	301.67

Road Widener

Tenderer	Weighted Score
Tenderer J	845
Tenderer G	836
Tenderer B	298.33

Road Train (Side Tippers)

Tenderer	Weighted Score
Tenderer K	662.04
Tenderer C	611.89
Tenderer J	588.4
Tenderer B	545.54
Tenderer F	455.47

Dump Truck

Tenderer	Weighted Score
Tenderer G	749.54
Tenderer E	659.63
Tenderer K	603.07
Tenderer C	558.25
Tenderer J	493.65
Tenderer B	434.19

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operations. Panel of suppliers not being approved may result in delays in achieving the capital works and maintenance programmes.	Unlikely	Major	High	Provide further information as required for a decision of Council to approve the Panel of Suppliers.
Legal & Compliance. Non compliance with Contract or business failure	Unlikely	Moderate	Medium	General conditions of contract allow for contract termination for failure to supply goods and services.
Opportunity: To support and work collaboratively on projects with our local community to provide best possible outcomes for project delivery.				

FINANCIAL IMPLICATIONS

25. The value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.
26. Tenderers were required to provide a schedule of rates for their services. The supply of hire of construction equipment is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

27. Nil

ENVIRONMENTAL CONSIDERATIONS

28. Nil

ALTERNATE OPTIONS

29. Council can accept or reject the tenders as submitted.

CONCLUSION

30. The City has undergone a competitive process in line with the relevant legislation and established policies.

Consulted References	:	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	C22008
Previous Reference	:	C19007

DIS305: DRAFT LOCAL PLANNING POLICY 1.6: SHORT-TERM ACCOMMODATION

Land Description	: City of Albany
Proponent	: City of Albany
Business Entity Name	: City of Albany
Attachments	: Draft LPP 1.6: Short-term Accommodation Policy
Supplementary Information & Councillor Workstation	: DPLH documents: State Planning Policy 3.7 Planning in Bushfire Prone Areas (Dec 2015) Guidelines for Planning in Bushfire Prone Areas V1.4 (Dec 2021) Draft Position Statement: Planning for Tourism (Dec 2021) Draft Planning for Tourism Guidelines (Dec 2021) Planning Bulletin 99 – Holiday Homes Guidelines (Sept 2009) Planning Guidelines – (Holiday Homes) Short Stay Use of Residential Dwellings (Sept 2009)
Report Prepared By	: Planning Officer (D Ashboth)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

6.06pm Councillor Smith and Councillor Traill left the Chamber after declaring a Financial Interest in this item.

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (the Planning Strategy) and *Strategic Community Plan – Albany 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:

Pillar: People

Outcome: A safe community.

Pillar: Planet

Outcome: A resilient community that can withstand, adapt to, and recover from natural disasters.

Pillar: Place

Outcome: Responsible growth, development and urban renewal.

Pillar: Prosperity

Outcome: A highly sought-after tourist destination.

4. The item relates to the following objectives and strategic directions of the Planning Strategy.

Objectives:

- Facilitate the diversification of the City's competitive advantages in agriculture and tourism.
- Build on the existing strengths of the regional centre, Middleton Beach and Albany Waterfront.

Directions:

Population and Settlement:

- Deliver a diverse and affordable housing market.

Economy and employment:

- Enable tourist growth and diversification through land use planning mechanisms.
- Support a network of activity centres characterised by their diversity, intensity and vibrancy of activity....to fulfil the range of needs of residents, workers and visitors.

Environment:

- Build resilience to bushfire risk through appropriate planning and building mechanisms.

In Brief:

5. The City has recently reviewed the existing *Holiday Accommodation* and *Bed and Breakfast* local planning policies (LPPs).
6. The City has also identified a number of key matters relating to short-term accommodation which will benefit from clarification and refinement, in the form of the proposed draft Local Planning Policy 1.6: Short-term Rental Accommodation (LPP1.6). Following this, draft LPP1.6 is proposed to consolidate and replace these policies and aims to:
 - a) Consolidates and updates relevant provisions from the existing *Holiday Accommodation* and *Bed and Breakfast* LPPs, with these policies to be revoked following formal adoption of LPP1.6.
 - b) Aims to respond to recent strategic direction and policy changes from the State Government when considering short-term accommodation proposals, specifically in relation to regulatory and operational matters, and determining proposals in bushfire prone areas.
 - c) Aims to provide guidance when addressing relevant planning matters that are consistently raised during the advertising process for these land uses.
7. Council is requested to endorse the draft LPP1.6 for advertising.

RECOMMENDATION

DIS305: COMMITTEE RECOMMENDATION (AMENDMENT BY COUNCILLOR TERRY)

**MOVED: COUNCILLOR TERRY
SECONDED: MAYOR WELLINGTON**

THAT Council in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse draft Local Planning Policy 1.6: Short-term Accommodation for the purpose of advertising, subject to the following modifications to clauses 12 and 13 being made prior to advertising:

- **Clause 12. - delete 'and' and replace with 'or', to read '...purpose, ~~and~~ or proof of strata body...'**
- **Clause 13. - delete 'and be capable of attending the site within two hours' under dot point one, to read '...drive from the site ~~and be capable of attending the site within two hours.~~ For hosted accommodation,...'**

CARRIED 7-1

Record of Vote:

Against the Motion: Councillor Sutton

DIS305: AMENDMENT BY COUNCILLOR TERRY

**MOVED: COUNCILLOR TERRY
SECONDED: MAYOR WELLINGTON**

THAT the Local Planning Policy 1.6: Short-term Accommodation be AMENDED as follows:

- **Clause 12. - delete 'and' and replace with 'or', to read '...purpose, ~~and~~ or proof of strata body...'**
- **Clause 13. - delete 'and be capable of attending the site within two hours' under dot point one, to read '...drive from the site ~~and be capable of attending the site within two hours.~~ For hosted accommodation,...'**

CARRIED 7-1

Record of Vote:

Against the Motion: Councillor Sutton

Councillor Reason:

Councillor Terry agrees that the update of the Local Policy should happen to align with changes to State Policy. The changing of the 'and' to an 'or' in Clause 12 allows for instances where a strata body allows the owner of an apartment/unit to have a short-stay facility, regardless of whether the strata is intended for that purpose or not. This provides greater equity of economic opportunity between apartment owners and owners of detached dwellings. The modification of Clause 13 is to remove a repetition in the clause.

DIS305: AUTHORISING OFFICER RECOMMENDATION

MOVED: COUNCILLOR TERRY
SECONDED: MAYOR WELLINGTON

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse draft Local Planning Policy 1.6: Short-term Accommodation for the purpose of advertising.

DIS305: AUTHORISING OFFICER RECOMMENDATION

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse draft Local Planning Policy 1.6: Short-term Accommodation for the purpose of advertising.

BACKGROUND

8. City officers have recently commenced a periodic review of the City's existing LPPs. The last in-depth policy review occurred in 2014.
9. A review of the City's existing LPPs found they are no longer fit for purpose for the assessment of short-term accommodation proposals, requiring substantial updates, specifically in response to recent strategic guidance from State Government and changes to State Planning Policy.
10. As part of this review, staff identified a number of key matters relating to short-term accommodation uses, which will benefit from clarification and refinement, in the form of the proposed draft Local Planning Policy 1.6: Short-term Accommodation (LPP1.6).
11. The review has resulted in consolidating the provisions of the existing *Holiday Accommodation* and *Bed and Breakfast* LPPs in to proposed draft LPP1.6.
12. Short-term accommodation is also subject to assessment against other State Planning Policies, including *SPP3.7 Planning in Bushfire Prone Areas* (SPP3.7). Version 1.4 of the Guidelines associated with SPP3.7 was published in December 2021, and contains substantial amendments for the consideration of proposed hosted and unhosted short-term accommodation in bushfire prone areas.
13. These changes have created conflict and inconsistency with the City's policies, and therefore amendments are required to address this.
14. The State Government also recently released the draft *Position Statement: Planning for Tourism* (draft position statement) and associated guidelines for consultation, to provide guidance in the regulation of short-term accommodation offerings.
15. In addition to addressing changes to the SPP3.7 Guidelines, draft LPP1.6 also incorporates the strategic direction proposed by State Government as outlined in the draft position statement.
16. As the position statement is yet to be formally adopted by State Government, the approaches incorporated into draft LPP1.6 are proposed as an interim measure to ensure the provisions in the policy are contemporary and relevant.

17. Any amendments to strategic direction set out under the position statement when it is formally adopted, would be incorporated into LPP1.6.
18. The State Government is also working towards implementation of a central registration scheme for hosted (Bed and Breakfast) and unhosted (Holiday House) short-term accommodation.
19. Draft LPP1.6 does not incorporate provisions in relation to this process, as it is a separate operational matter to be considered by the City. The City's involvement in a registration scheme would be implemented through a more appropriate mechanism, and not through provisions of a local planning policy.

DISCUSSION

20. Substantial growth of the informal tourist accommodation sector, primarily facilitated through online booking platforms has resulted in an uncertain regulatory and legislative environment, that potentially results in issues of inequity with other service providers, land use conflict and places further pressure on rental markets and housing affordability.
21. The review of the Holiday Accommodation and Bed and Breakfast LPPs, informed by changes to State government direction and policy, has resulted in the recommendation to combine and consolidate these policies, to ensure delivery of consistent advice to proponents and the community.
22. In combining the two policies, areas preferred for short-term accommodation (to be changed to the 'Short-Term Accommodation Area') are now proposed to apply to all informal short-term accommodation land uses defined under LPS1, either hosted or unhosted, being 'holiday house, 'holiday accommodation' and 'bed and breakfast'.
23. This is considered appropriate given the benefits of locating all forms of short-term accommodation in high amenity, centrally located areas in close proximity to tourism attractions.
24. The zoning permissibility for these land uses remain applicable under LPS1 – draft LPP1.6 has been prepared to provide guidance in ensuring short-term accommodation uses are appropriately located and provisions previously mitigate potential detrimental impacts on adjoining properties.
25. Existing provisions relating specifically to bed and breakfasts, such as car parking and the requirement for a host to reside on-site at all times will be retained in draft LPP1.6.
26. The review also found a number of inconsistencies in provisions between the policies. For example, the requirements for preparation and submission of a management plan, guest register and capacity limits as set out under the holiday accommodation policy, were also applicable to bed and breakfast proposals however these requirements were not specifically mentioned in that policy.
27. Draft LPP1.6 incorporates the following key changes to the current policy framework, which are discussed in further detail below:
 - a) Update to the criteria and subsequent change in use of terminology from 'Preferred Areas for Holiday Accommodation' to 'Short-Term Accommodation Area', the removal of Goode Beach and Little Grove from the designated short-term accommodation area (due to bushfire considerations), and creation of performance criteria for the assessment of proposals outside of the designated area.
 - b) Providing guidance for the consideration of short-term accommodation proposals in bushfire prone areas, in accordance with SPP3.7 and associated Guidelines.
 - c) Additional guidance and information requirements in relation to management plans.
 - d) Guidance on consideration of short-term accommodation proposals where located grouped dwellings, multiple dwellings or on strata lots, if the complex or development is established for this purpose and the use is agreed to by the strata company or community corporation
 - e) Incorporation of proposed terminology consistent with what has been proposed within the draft position statement and also consistency with definitions under the local planning scheme.
28. As part of the consolidation of the provisions of the existing Holiday Accommodation and Bed and Breakfast LPPs, the 'short-term accommodation' terminology has been used in order to more

broadly capture these land uses, and to pre-empt upcoming formal changes to the local planning framework in the consideration of these land uses.

29. Draft LPP1.6 does not cover other forms of formal tourist accommodation such as Hotels, Motels, Caravan Parks or Tourist Developments, nor dwellings that used as a holiday house for owners for their own personal use.
30. Existing approved short-term accommodation uses will not be impacted by the proposed changes as part of draft LPP1.6, subject to a proposed amendment to an approval.

Changes to designated area for short-term accommodation to address bushfire risk and other matters

31. Planning proposals where State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) applies are assessed against the provisions contained within the Guidelines.
32. Short-term accommodation land uses, such as ‘holiday house’, ‘holiday accommodation’ and ‘bed and breakfast’, were previously addressed separately under the Bushfire Guidelines, with less stringent bushfire requirements applied to Bed and Breakfasts, in the belief that the host would be able to aid guests to safety in a bushfire event.
33. The same criteria now applies to both of these land uses under version V1.4 of the Bushfire Guidelines.
34. The latest version of the Guidelines also replaces the now superseded *Tourism Land Uses within Bushfire Prone Areas Position Statement*, which contained additional considerations for the assessment of tourism land uses in bushfire prone areas, including short-term accommodation proposals.
35. Assessment criteria for tourism land uses in bushfire prone areas is now consolidated under SPP3.7 and the associated Guidelines.
36. Hosted and unhosted short-term accommodation land uses are no longer differentiated under the Guidelines. Assessment of short-term accommodation is now based upon whether a proposal is located within a ‘residential built out area’ or not.
37. In accordance with the Guidelines, a ‘residential built out area’ is defined as:
“A locality serviced with reticulated water and is within or contiguous with an urban area or town (or similar), which incorporates a suitable destination.”
38. A Suitable Destination is defined as:
“An area that is not classified as bushfire prone on the Map of Bush Fire Prone Areas, or is greater than 100 metres from classified vegetation as per AS 3959 and can provide shelter during a bushfire event.”
39. Assessment criteria under the Guidelines for short-term accommodation proposal also require public road access in two different directions to at least two different ‘Suitable Destinations’.
40. Under the existing *Holiday Accommodation* policy, the ‘Preferred Areas for Holiday Accommodation’ include both Little Grove and Goode Beach. Little Grove and Goode Beach are not considered to meet the definition of residential built out areas and therefore more stringent bushfire requirements to consideration of short-term accommodation uses in these areas now apply.
41. These changes to the Guidelines have resulted in significant amendments required to the provisions of the City’s LPP, to ensure that the local planning framework is relevant, that it prioritises the safety of the community, and also removes any conflict with state planning policy.
42. To address this and other matters identified as a result of the review, draft LPP1.6 incorporates additional criteria to determine the designation of the ‘Short-Term Accommodation Area’.
43. Central Albany is the only area that meets the assessment criteria of the Guidelines as a ‘residential built out area’. Goode Beach and Little Grove are subsequently removed from the ‘preferred areas’ as outlined under the previous policy, as they do not meet the criteria, including only being accessed in one direction along Frenchman Bay Road.
44. Applications for short-term accommodation may still be considered in areas that do not meet the bushfire requirements, as the Guidelines contain performance solutions, including the use of fire

bunkers, the requirement for the preparation of a Bushfire Management Plan (BMP) by a Level 3 accredited bushfire consultant and referral to the Department of Fire and Emergency Services (DFES) for advice.

45. It should be noted that another key change under V1.4 of the Bushfire Guidelines, is that DFES no longer endorse BMP's or emergency evacuation plans, providing technical advice only, with the local government being the determining authority in endorsing a BMP.
46. Given that the City is not the subject matter expert on bushfire, it is unlikely the City would deviate from any advice provided by DFES, and furthermore will adopt a conservative approach in determining an acceptable level of bushfire risk and the whether mitigation methods proposed are adequate when considering an application for short-term accommodation.
47. This position is reflected in the policy by providing further guidance to the applicant on bushfire information requirements, and clarifying circumstances in which short-term accommodation is unlikely to be supported due to unacceptable bushfire risk and where the intensification of risk cannot not adequately mitigated, based on the application of the precautionary principle.
48. In addition to addressing changes to the bushfire requirements, further clarification has also been included in draft LPP1.6, outlining the parameters for the appropriate location of short-term accommodation - being areas of high amenity, in close proximity to tourism areas and centrally located.
49. The central area of Albany meets these parameters, as shown in Figure 1 'Short-term Accommodation Area' contained under draft LPP1.6. This area has been carried over from the existing Holiday Accommodation policy, with no proposed changes to the boundaries at this stage.

Criteria for the assessment of proposals outside of the Short-term Accommodation Area

50. The current Holiday Accommodation LPP establishes 'Preferred Areas for Holiday Accommodation', however it does not contain supporting performance criteria for the assessment of proposals outside of these preferred areas.
51. As a result, the City's ability to adequately consider proposals outside of these areas is limited, with the preferred areas currently having little to no enforcement impact.
52. To address this, criteria is now proposed under draft LPP1.6 to guide the assessment of short-term accommodation outside these areas.
53. Additional provisions also places the onus on the proponent to demonstrate the proposed location of their short-term accommodation offering meets this criterion.
54. The criteria is intended to provide clear guidance and direction to proponents and the community in relation to proposals:
 - a) That are suitably located, would not have a significant impact on residential amenity, where natural hazards such as bushfire risk can be adequately mitigated. These include proposals such as a farmstay in an agricultural environment that would benefit from the tourist experience and/or are close to tourist attractions.
 - b) That are unsuitable for short-term accommodation uses, such as areas at risk of natural hazards or in areas inappropriate for accommodating tourists, such as suburban areas preserved primarily for residential purposes. Short-term accommodation in these areas would be likely to have greater detrimental impact on the amenity of adjoining properties.
55. The additional criteria also aims to address potential impacts created by informal short-term accommodation on housing affordability, including availability of rental properties.

Additional management requirements

56. In most instances, applications for short-term accommodation are referred to adjoining landowners for comment. The City consistently receives objections to short-term accommodation offerings as a result of this advertising process, with concerns over noise and unruly behaviour frequently raised.
57. In order to help mitigate concerns of adjoining landowners raised through the advertising process, additional information requirements for the management plan are proposed, including a mitigation plan to identify how noise, conflict or anti-social behaviour will be controlled.
58. It is also proposed that the City shall require the applicant submit details of nominated property manager residing no greater than a 30 minutes' drive from the site and be capable of attending the site within two hours to respond to serious issues impacting on the amenity of the area.
59. Landowners living greater than 30 minutes from site will be able to engage a property management company to undertake management duties on their behalf.
60. The policy also proposes the requirement for the name of the short-term accommodation and contact details of the property manager to be displayed on a name plate visible from the nearest street frontage.
61. This nameplate, with a maximum area of up to 0.2m² is proposed to be made exempt from requirement to obtain development approval.
62. This approach is consistent with a number of other local governments and will also benefit the landowner by acting as a subtle form of advertising for the short-term accommodation.
63. It is hoped these additional management requirements will encourage more professional short-term accommodation offerings and ensure that operators are held accountable for the behaviour of guests.

Short-term accommodation in grouped dwellings, multiple dwellings and strata lots

64. Through interpretation of existing land use definitions, the City has long held the position that short-term accommodation would not be supported in grouped dwellings, multiple dwellings and strata lots. This position was supported by the *WAPC Guidelines: Holiday Homes – short stay use of residential dwellings*.
65. The draft Planning for Tourism Position Statement proposes that one or more units of a strata or grouped dwelling development can be established for short-term accommodation where approved by the strata company or community corporation.
66. This position is proposed to be adopted within the new policy, with the additional proviso that the complex or development is specifically established for this purpose. This has been proposed with the view that the strata body will be best placed to address any issue that may arise from the operation of the short-term accommodation.
67. This position will also help to facilitate 'mixed use' developments constructed to allow a multitude of uses such as residential, office, shop or short-term accommodation.

GOVERNMENT & PUBLIC CONSULTATION

68. Approval is sought to advertise the draft LPP1.6 in accordance with Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
69. If the Council resolves to support the draft LPP1.6 for advertising, a notice of the proposed policy will be placed in a newspaper circulating in the LPS1 area for 2 consecutive weeks.
70. The policy will also be published on the City of Albany website for 21 days.
71. Both the newspaper and the website will give details of:
 - a) Where the draft Local Planning Policy can be inspected;
 - b) The subject and nature of the draft Local Planning Policy; and
 - c) In what form and during what period (21 days from the day the notice is published) submissions may be made.
72. A copy of the policy will also be made available for inspection at the City of Albany.

73. After expiry of the period within which submissions may be made, the Local Government is to:
- a) Review the draft Local Planning Policy in light of any submissions made; and
 - b) Resolve to adopt the Local Planning Policy with or without modification, or not to proceed with the Local Planning Policy.

STATUTORY IMPLICATIONS

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

City of Albany Local Planning Policy Review

75. The City of Albany has a suite of LPP's which it uses to augment the provisions contained under LPS1 to guide land use and development across the City, and inform the exercise of discretion when determining applications.
76. The State Administrative Tribunal has previously determined that the age of an LPP has direct relevance to the weight afforded to it. Therefore regular reviews are warranted and necessary, to ensure validity and relevance when used in decision-making.
77. Furthermore, it is critical that LPP's are maintained to be consistent with the latest legislation and State Planning Polices.

Preparation and adoption of new and revocation of existing Local Planning Policies

78. The City of Albany *Local Planning Scheme No. 1* (LPS1) is a prescriptive instrument that sets out the statutory provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of development under all circumstances is not always practical.
79. To address this, the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations) contains provisions enabling local governments to adopt local planning polices (LPP's) in order to:
- a) address specific planning and development matters unique to the local government's context.
 - b) amend or augment provisions set out by State Planning Policy, including the application of additional development controls or considerations for specific sites.
80. New or amended LPP's must be advertised in accordance with Schedule 2, clause 4 of the Planning Regulations prior to their formal adoption.
81. Following completion of advertising and review of submissions, a report must be prepared for council requesting formal adoption of the LPP, subject to modifications.

Development Application for Short-term Accommodation

82. An application for short-term accommodation (as per the relevant land use definition) is to be assessed in accordance with normal procedures set by the Local Planning Scheme.

LPP terminology and definitions

83. Definitions have been included under draft LPP1.6 for unhosted and hosted accommodation, to provide clarification.
84. Where a land use is defined under a local planning scheme or Schedule 1 (Model Provisions) of the Planning Regulations, a local planning policy should not conflict or be inconsistent with that definition.
85. The draft position statement has identified that the 'bed and breakfast' land use definition is proposed to be deleted from Schedule 1 (Model Provisions) of the Planning Regulations, and subsequently from local planning schemes, to be replaced by the definition with 'hosted accommodation'.
86. Following the above, to progress draft LPP1.6 the existing land use definitions for 'holiday house', 'holiday accommodation' and 'bed and breakfast' as outlined under LPS1 will remain in the interim. LPP1.6 will be updated to reflect any changes to these definitions upon gazettal of the City's Local Planning Scheme No. 2.

POLICY IMPLICATIONS

87. Draft LPP1.6 is consistent with *SPP 3.7 Planning in Bushfire Prone Areas* and associated Guidelines.
88. An LPP may be revoked by:
- a) A subsequent LPP adopted in accordance with the Planning Regulations, that expressly revokes the local planning policy; or
 - b) A notice of revocation prepared and published by the local government, in accordance with the Planning Regulations.
89. Draft LPP1.6 aims to consolidate and update relevant provisions from the existing *Holiday Accommodation* and *Bed and Breakfast* LPPs, with these policies to be revoked following formal adoption of LPP1.6.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation Advertising the proposed policy could give rise to objectionable comments from short-term accommodation providers and owners concerned with additional requirements that may apply to them.</p>	Possible	Minor	Low	<p>Provisions within the Policy have been drafted to provide consistency with updated legislation and State Planning Polices, and to identify the City's position when determining applications for proposals that propose consideration for the mitigation of risk.</p> <p>The Policy can be amended once feedback is assessed; this is the purpose of advertising prior to final adoption.</p>
<p>Opportunity: Ensure consistency with legislation and State Planning Polices and encourage a higher standard of short-term accommodation proposal.</p>				

FINANCIAL IMPLICATIONS

91. There are no financial implications beyond what will be used for advertising.

LEGAL IMPLICATIONS

92. There are no legal implications relating to endorsing the proposed draft LPP1.6 for advertising.

ENVIRONMENTAL CONSIDERATIONS

93. There are no environmental implications relating to endorsing the proposed draft LPP1.6 for advertising.

ALTERNATE OPTIONS

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

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

CONCLUSION

95. Following a review of the City's Holiday Accommodation and Bed and Breakfast LPPs, draft LPP1.6 has been prepared to replace these LPPs and also respond to recent new and proposed changes to the state planning framework.

96. Draft LPP1.6 aims to further embed the City’s position in ensuring short-term accommodation is located appropriately, with outer suburbs preserved for residential purposes.
97. Council is requested to resolve to endorse draft Local Planning Policy 1.6: Short-term Accommodation for advertising.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 3. <i>Holiday Accommodation Local Planning Policy</i> 4. <i>Bed and Breakfast Local Planning Policy</i> 5. <i>Draft Position Statement: Planning for Tourism</i> 6. <i>Draft Planning for Tourism Guidelines</i> 7. <i>Planning Bulletin 99 – Holiday Homes Guidelines</i> 8. <i>Planning Guidelines – (Holiday Homes) Short Stay Use of Residential Dwellings.</i>
File Number (Name of Ward)	:	All
Previous Reference	:	Strategic Workshop April 2022 Item 3

6.42pm Councillor Smith and Councillor Trill returned to the Chamber. Councillor Smith and Councillor Trill were not present during the discussion and vote for this item.

11. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil**
12. **MEETING CLOSED TO THE PUBLIC 6.42pm**
13. **CLOSURE**

There being no further business the Chair declared the meeting closed at 6.43pm.

(Unconfirmed Minutes)

Councillor Thomson
CHAIR