



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 9 June 2021

6.00pm

City of Albany Council Chambers

**CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**



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, Development & Environment

(7) **Delegated Authority:** None

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1. DECLARATION OF OPENING

The Chair declared the meeting open at 6.00pm.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Councillors:

Member	E Doughty (Chair)
Member	R Sutton (Deputy Chair)
Member	G Stocks (Deputy Mayor)
Member	P Terry
Member	R Hammond
Member	M Benson-Lidholm JP
Member	J Shanhun
Member	S Smith
Member	A Goode JP
Member	T Sleeman (from 6.04pm)
Member	C Thomson

Staff:

Executive Director Infrastructure, Development and Environment	P Camins
Manager Planning & Building Services	J van der Mescht
Manager Reserves	J Freeman
Manager Public Health & Safety	S Reitsema
Manager Engineering & Sustainability	R March
Coordinator Planning Services	J Wardell-Johnson
Meeting Secretary	A Paulley

Apologies:

Frederickstown Ward Mayor	Vacant
Chief Executive Officer	D Wellington (Apology)
	A Sharpe (Apology)

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Councillor Doughty	DIS261	Impartiality. The nature of the interest being that Councillor Doughty is the Regional Manager of St. John's Ambulance, and the proponent is an employee of St. John's who reports directly to the Regional Manager. Councillor Doughty was present during the discussion and participated in the vote for this item.
Councillor Thomson	DIS261	Impartiality. The nature of the interest being that Councillor Thomson's neighbours are two of the three proponents. Councillor Thomson has declared that there may be a perception that he has an impartiality interest in this item. Councillor Thomson was present during the discussion and participated in the vote for this item.
Councillor Benson-Lidholm	DIS260	Impartiality. The nature of the interest being that the Benson and Mouchemore families have a lengthy involvement with commercial fishing activities at Betty's Beach. Councillor Benson-Lidholm was present during the discussion and participated in the vote for this item.

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

6. PUBLIC QUESTION TIME

6.02pm Mr Edwin McLean, 87 Spencer Street, Albany.

Summary of key points:

Mr McLean addressed Council in support of DIS261 - Mixed Use Development Additions and Minor Alterations to Existing Building (Multiple Dwellings (X6) and Office) – Lot 20, 1 Duke Street, Albany. Mr McLean is the proponent of this development.

Mr McLean stated that his family had invested considerable funds to restore the Sergeants Quarters, and the additions to the site are designed to complement the historic building. Mr McLean stated that the historic Fig tree on the site will be retained.

Councillor Sleeman entered the meeting at 6.04pm.

6.06pm Mr Stan Wallis, 81 Weston Ridge, Willyung

Summary of key points:

Mr Wallis addressed Council, speaking against DIS261 - Mixed Use Development Additions and Minor Alterations to Existing Building (Multiple Dwellings (X6) and Office) – Lot 20, 1 Duke Street, Albany.

Mr Wallis stated that the western side of the site will be impacted by lack of sunlight due to the height of the proposed development, and there would be a reduction in onsite parking bays. Mr Wallis said that the proposed development was not a fitting addition to the existing heritage building.

6.07pm There being no further speakers, the Chair declared Public Question Time closed.

7. PETITIONS AND DEPUTATIONS - Nil

8. CONFIRMATION OF MINUTES

RESOLUTION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR SLEEMAN

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 12 May 2021 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 11-0

9. PRESENTATIONS - Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - Nil

DIS259: BUSHFIRE ATTACK LEVEL (BAL) PUBLIC LAND MANAGEMENT POLICY

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Attachments	: Bushfire Attack Level (BAL) Public Land Management Policy
Report Prepared By	: Manager City Reserves (J Freeman)
Responsible Officers:	: Executive Director Infrastructure, Development and Environment (P Camins)

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 and Sustainable
 - **Objective: 3.1** To protect and enhance our natural and built environment in a changing climate
 - **Community Priority:**
 - 3.1.1 Deliver effective practices that reduce risk to property, infrastructure and the natural environment and improve community awareness and resilience.
 - 3.1.2 Sustainably protect and enhance our iconic coastline, reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves

In Brief:

- The City receives many requests for vegetation to be maintained and/or removed to assist private landholders with reducing their BAL ratings when their properties are adjacent or adjoining to City managed land.
- There are existing strategies which determine our responses dependent on the location of the property.
- The purpose of this policy is to provide guidance to enable a consistent response.

RECOMMENDATION

DIS259: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR STOCKS**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS259: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Bushfire Attack Level (BAL) Public Land Management Policy be ADOPTED.

BACKGROUND

2. The City receives regular requests to maintain or remove vegetation to assist private landholders with reducing their BAL requirements, although since the housing stimulus packages in 2020, these have increased substantially.
3. The clearing of native vegetation within a City-managed road verge or reserve to reduce the BAL rating for the adjoining property is not permissible.

- This policy has been developed in order for City officers to provide a consistent response and approach when responding to BAL queries from developers, real estate agents and private landholders.

DISCUSSION

- The City of Albany (the City) has a major role in the management of public land to ensure the protection of native vegetation and habitat.
- The clearing of native vegetation within a City-managed road verge or reserve to reduce the BAL rating for the adjoining property is not permissible.
- The City cannot be bound to clear vegetation on public land to mitigate a private land owners BAL rating.
- Consideration is to be given to existing strategies detailed in the policy, where possible, to assist landowners.

GOVERNMENT & PUBLIC CONSULTATION

- N/A

STATUTORY IMPLICATIONS

- There are no statutory implications

POLICY IMPLICATIONS

- The proposed policy aims to provide a consistent approach to the queries regarding reduction in BAL ratings in adjoining or adjacent City-managed land.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environment <i>Risk: By not establishing a clear policy, vegetation could be damaged or cleared without permission.</i>	Possible	Moderate	Medium	Strategies within the policy provide guidance to avoid non-permissible clearing.
Reputation: <i>The community may feel that the City is providing assistance to reduce their BAL requirements.</i>	Likely	Minor	Medium	The policy identifies the City's responsibilities and strategies which are to be used where possible.
Opportunity: <i>This policy will provide the community with an understanding of what is and is not possible in public land when assessing and determining BAL ratings.</i>				

FINANCIAL IMPLICATIONS

- Nil

LEGAL IMPLICATIONS

- The City is not responsible for reducing the BAL ratings of private landholders.

ENVIRONMENTAL CONSIDERATIONS

- The clearing of native vegetation within a City-managed road verge or reserve to reduce the BAL rating for the adjoining property is not permissible.
- Site specific assessments to be undertaken to assess if any strategies can be implemented that won't have a negative impact on the broader environmental values.

ALTERNATE OPTIONS

17. The Council may choose not to adopt this policy.

CONCLUSION

18. This policy will provide clear and consistent guidance to those requesting that the City undertakes works to reduce BAL ratings.

Consulted References	:	<ul style="list-style-type: none">• Application to Clear Native Vegetation from Fence Line• Crossover Application Form• Environmental Code of Conduct Guidelines• Verge Development Guidelines and Application Form• Verge Vegetation Information Sheet
File Number (Name of Ward)	:	LP.POL.1, EM.PER.6 (All Wards)
Previous Reference	:	N/A

DIS260: VEHICLES ON BEACHES

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Attachments	: List of redacted submissions received.
Supplementary Information & Councillor Workstation	: Link to Web Map App Vehicles on Coastal Beaches https://albanywa.maps.arcgis.com/apps/MapSeries/index.html?appid=4d66009cac484c999836e5ca859d54db
Report Prepared By	: Manager City Reserves (J Freeman)
Responsible Officers:	: Executive Director Infrastructure, Development and Environment (P Camins)

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:** Leadership.
 - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
 - **Community Priority:** Provider positive leadership that delivers community outcomes.

In Brief:

- In recent years, there has been increased usage and associated conflict in relation to vehicles accessing City of Albany managed coastal reserve beaches and foreshore areas.
- A review of current access and usage was undertaken, with recommendations proposed to better reflect the current use.
- It was identified that as most of the changes to beach access did not affect the current use, only those changes to beaches that affected the current use would go out for community feedback. These proposals were to:
 - Prohibit access to Betty's Beach South
 - Prohibit access to Betty's Beach North
 - Allow access to Nanarup Beach West
 - Prohibit access to Shoal Bay
- Consultation was undertaken via survey, social media and signage placed on site.
- 263 submissions were received.

RECOMMENDATION

DIS260: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR GOODE**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-3

Record of Vote

Against the Motion: Councillors Thomson, Benson-Lidholm and Terry.

DIS260: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

(1) APPROVE the following determinations under the City of Albany Property Local Law 2011 to be advertised for the required 21 days of public comment:

RESERVE NAME & NO.	PROPOSED DETERMINATION
Anvil Beach R30883	Vehicles Prohibited
Bettys Beach (north) R52825	Vehicles Permitted
Bettys Beach (south) R52825	Vehicles Prohibited other than for boat launching.
Black Swan Point R25551	Vehicles Prohibited
Boronia Reserve Foreshore R6862	Vehicles Prohibited
Brambles West R25295	Vehicles Prohibited
Cape Riche R1010	Vehicles Prohibited other than for boat launching.
Cheynes Beach (central) R878	Vehicles Prohibited other than for boat launching or commercial fishing
Cosy Corner West R24547	Vehicles Prohibited
Emu Point Marina Beach R22698	Vehicles Permitted
Emu Point Beach south R22698	Vehicles Prohibited
Middleton Beach R14789 & 26149	Vehicles Prohibited
Normans Beach R2031	Vehicles Prohibited
Nullaki Peninsula – Ocean Beach R30883	Vehicles Prohibited
Rushy Point R35754	Vehicles Prohibited
Shoal Bay R25295	Vehicles Permitted
Whaleworld Beach R21337	Vehicles Prohibited

(2) APPROVE the CEO requesting the Department of the Premier and Cabinet to alter and advertise the current gazettal as below:

Frenchman's Bay – Whalers Beach R21337	Vehicles Prohibited other than for boat launching.
Nanarup Beach (West) R45631	Vehicles Permitted

(3) RECEIVE a further Council Item at the August 2021 OCM following the public comment period.

BACKGROUND

2. Due to an increase and subsequent community concern in relation to vehicles accessing various City Coastal Reserve beaches and foreshore areas, the City of Albany Local Laws Project Working Group (LLPWG) was initiated. The LLPWG includes City of Albany staff from our Governance and Risk, Public Health & Safety Management, Ranger & Emergency Services, and Reserves teams.
3. In response to the increased usage and potential for conflict between multiple user groups from vehicles accessing various City Coastal Reserve beaches and foreshore areas, the LLPWG reviewed current access and usage, boat launching facilities, varying user groups, and outstanding issues at each site. Recommendations have been proposed to review vehicular access permissions to better reflect current use and with an aim to reduce future conflict between multi-user groups and balance any adverse impacts on existing environmental values.
4. There are currently thirty (30) beach and foreshore sites physically accessible to vehicles within City of Albany Coastal Reserves. Permission to drive on beaches is implicit as per Section 2.1 of the *City of Albany Local Government Property Local Law (2011)*; unless otherwise Prohibited through either a Council Decision or alternatively gazettal as per state government legislature *Control of Vehicles (Off-Road Areas) Act (1978)*. Of the thirty sites, only six are currently formally prohibited as outlined in the table below:

RESERVE NAME	RESERVE NUMBER	PROHIBITED BY	REFERENCE	DATE
Cosy Corner (East)	Res. 24548 NR004	Gazettal	No. 20684	17 December 1999
Vancouver Beach	Res. 25295 NR012	Gazettal	No. 20685	17 December 1999
Whalers Beach (Frenchman's Bay)	Res. 21337 NR010	Gazettal	No. 20686	17 December 1999
Nanarup Beach (west)	Res. 45631 NR081	Gazettal	No. 20687	17 December 1999
Emu Point Beach (Central)	Res. 22698 DR155	Council Decision	Item 14.2.1	29 February 2000
Emu Point Marina Beach	Res. 22698 DR155	Council Decision	Item 14.3.3	21 March 2000

DISCUSSION

5. Thirty (30) beach and foreshore sites within twenty-four (24) City Reserves were identified as accessible by vehicles. Consultation was undertaken with Department of Biodiversity and Attractions (DBCA) in regard those coastal reserves where City Reserves abut DBCA managed lands, to ensure a consistent approach to public vehicle access to those beach sites with cross-tenure management. Of the 30 identified City Coastal and Foreshore Reserve sites that are physically accessible to vehicles, reviewed by the City Local Laws Project Working Group, nineteen are deemed as requiring formal amendments, outlined in the table below:

RESERVE NAME & NO.	CURRENT ACCESS	PROPOSED ACCESS	COMMENTS	ACTION	LIMITED PROHIBITION
Anvil Beach Res. 30883 NR001	Accessible to Vehicles	Vehicles Prohibited	Access is through	Council Determination required to	

RESERVE NAME & NO.	CURRENT ACCESS	PROPOSED ACCESS	COMMENTS	ACTION	LIMITED PROHIBITION
			Private Property	prohibit vehicles under Property Local Law	
Bettys Beach (north) Res. 52825 NR082	Accessible to Vehicles	Vehicles Permitted	N/A	Council Determination required to permit vehicles under Property Local Law	
Bettys Beach (south) Res. 52825 NR082	Accessible to Vehicles	Vehicles Prohibited	Boat launching by General Public. By Permit Only (eg. Commercial Fishermen)	Council Determination required to prohibit vehicles under Property Local Law	Specification extent to allow boat launching to General Public at Betty's Beach south
Black Swan Point Res. 25551 NR093	Accessible to Vehicles	Vehicles Prohibited	Coastal Saltmarsh and migratory shorebirds habitat	Council Determination required to prohibit vehicles under Property Local Law	
Boronia Reserve Foreshore Res. 6862 NR066	Accessible to Vehicles	Vehicles Prohibited	Coastal Saltmarsh and migratory shorebirds habitat. Lake Seppings delta.	Council Determination required to prohibit vehicles under Property Local Law	
Brambles West Res. 25295 NR012	Accessible to Vehicles	Vehicles Prohibited	Access is through Camp Quaranup	Council Determination required to prohibit vehicles under Property Local Law	
Cape Riche Res. 1010 DR146	Accessible to Vehicles	Vehicles Prohibited	Beach too small. Boat launching for General Public	Council Determination required to prohibit vehicles under Property Local Law	Specification extent to allow boat launching to General Public at Cape Riche

RESERVE NAME & NO.	CURRENT ACCESS	PROPOSED ACCESS	COMMENTS	ACTION	LIMITED PROHIBITION
Cheyne's Beach (central) Res. 878 NR149	Accessible to Vehicles	Vehicles Prohibited – central section	by Permit Only (eg. Commercial Fishermen)	Council Determination required to prohibit vehicles under Property Local Law – central section only	Specification extent to allow boat launching to General Public at Cheyne's Beach southern section
Cosy Corner West Res. 24547 NR003	Accessible to Vehicles	Vehicles Prohibited	by Permit Only (eg. Commercial Fishermen)	Council Determination required to prohibit vehicles under Property Local Law	
Emu Point Marina Beach Res. 22698 DR155	Vehicles Prohibited (by Council Decision)	Vehicles Permitted	Boat launching & shared zone	Council to revise Decision to enable vehicles to be permitted	
Emu Point Beach south Res. 22698 DR155	Accessible to Vehicles	Vehicles Prohibited	by Permit Only (eg. VacSwim) (closed by gates)	Council Determination required to prohibit vehicles under Property Local Law	
Frenchman's Bay – Whalers Beach Res. 21337 NR010	Vehicles Prohibited (by Gazettal)	Vehicles Prohibited	Boat launching for General Public	Gazettal requiring change to include Limited Prohibition	Specification extent to allow boat launching to General Public at Whaler's Beach
Middleton Beach Res. 14789 & 26149 DR005	Accessible to Vehicles	Vehicles Prohibited	by Permit Only (and ASLSC & CofA)	Council Determination required to prohibit vehicles under Property Local Law	
Nanarup Beach (West) Res. 45631 NR081	Vehicles Prohibited (by Gazettal)	Vehicles Permitted	Multiple user, high visitation	Gazettal requiring Prohibition to be removed	
Normans Beach Res. 2031	Accessible to Vehicles	Vehicles Prohibited	Access through	Council Determination	

RESERVE NAME & NO.	CURRENT ACCESS	PROPOSED ACCESS	COMMENTS	ACTION	LIMITED PROHIBITION
NR082			DBCA Waychinicup National Park –vehicle beach access Prohibited	required to prohibit vehicles under Property Local Law	
Nullaki Peninsula – Ocean Beach Res. 30883 NR001	Accessible to Vehicles	Vehicles Prohibited	Access via Denmark Ocean Beach – DSLSC by Permit Only	Council Determination required to prohibit vehicles under Property Local Law	
Rushy Point Res. 35754 NR094	Accessible to Vehicles	Vehicles Prohibited	Coastal Saltmarsh TEC and migratory shorebirds habitat	Council Determination required to prohibit vehicles under Property Local Law	
Shoal Bay Res. 25295 NR012	Accessible to Vehicles	Vehicles Permitted	Potential future Horse Exercise Area	Council Determination required to permit vehicles under Property Local Law	
Whaleworld Beach Res. 21337 NR010	Accessible to Vehicles	Vehicles Prohibited	Whaleworld retains access to eastern end	Council Determination required to prohibit vehicles under Property Local Law	

6. Those remaining eleven City Reserve beach and foreshore sites that have been identified as vehicle accessible, however are requiring no further action from current existing conditions are listed in the table below:

RESERVE NAME & NO.	CURRENT ACCESS	PROPOSED ACCESS	COMMENTS	ACTION	LIMITED PROHIBITION
Back Beach Res. 41252 NR149	Accessible to Vehicles	Vehicles Permitted	Abuts DBCA Arpenteur Nature Reserve & Waychinicup National Park	Nil Required	
Cheynes Beach (south) Res. 878	Accessible to Vehicles	Vehicles Permitted	Vacation Swimming by	Nil Required	Specification extent to allow boat launching

RESERVE NAME & NO.	CURRENT ACCESS	PROPOSED ACCESS	COMMENTS	ACTION	LIMITED PROHIBITION
NR149			Permit in peak periods.		to General Public at Cheyne's Beach southern section
Cheyne's Beach (north) Res. 878 NR149	Accessible to Vehicles	Vehicles Permitted	Family day-use recreational area Abuts land vested in Department of Mines, Industry Regulation and Safety	Nil Required	Specification extent to allow boat launching to General Public at Cheyne's Beach southern section
Cosy Corner East Res. 24548 NR004	Vehicles gazetted Prohibited	Vehicles Prohibited	Horses utilise beach also	Nil Required	Vehicles except those used by licensed commercial fishermen
East Bay Res. 2031 NR082	Accessible to Vehicles	Vehicles Permitted	Abuts DBCA Two Peoples Bay Nature Reserve – vehicle beach access prohibited	Nil Required	
Emu Point Beach central Res. 22698 DR155	Vehicles Prohibited by Council Decision	Vehicles Prohibited	Bollards at northern end, gates at southern end	Nil Required	
Hartmans Beach Res. 24547 NR003	Accessible to Vehicles	Vehicles Permitted	Boat launching by General Public	Nil Required	
Muttonbird Beach Res. 2217 NR006	Accessible to Vehicles	Vehicles Permitted	Horses utilise beach also	Nil Required	
Nanarup Beach (East) Res. 45631 NR081	Accessible to Vehicles	Vehicles Permitted	Multiple-user, high visitation. Abuts DBCA Waychinicup National Park	Nil Required	
Torbay West Res. 24514 & 22998 NR005	Accessible to Vehicles	Vehicles Permitted		Nil Required	

RESERVE NAME & NO.	CURRENT ACCESS	PROPOSED ACCESS	COMMENTS	ACTION	LIMITED PROHIBITION
Vancouver Beach Res. 25295 NR012	Vehicles gazetted Prohibited	Vehicles Prohibited	Goode Beach to Mistaken Island	Nil Required	

7. A Web Map App *Vehicles on Coastal Beaches* has been developed as an interactive mapping tool to assist in identifying and displaying those City of Albany Coastal Reserve vehicle accessible beaches, and their outstanding issues, in order to assist the Local Laws Project Working Group, and the EMT with decision-making with respect to Prohibitions and will be utilised during the presentation.
8. Public consultation was undertaken with regards to the proposed actions above and detailed in the next section.

GOVERNMENT & PUBLIC CONSULTATION

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Survey on City Website	21/12/20 to 26/2/21	263	No
Consult	Signage on site	21/12/20 to 26/2/21		
Consult	Advertised through social media	21/12/20 to 26/2/21		

9. It was determined that as most of the changes to beach access were administrative (did not affect the current use), only those changes to beaches that affected the current use would be advertised for public comment. These were:
 - 1) Betty's Beach South – proposed to prohibit
 - 2) Betty's Beach North – proposed to prohibit
 - 3) Nanarup Beach West – proposed to permit
 - 4) Shoal Bay – proposed to prohibit
10. A total of 263 people provide responses to the survey with 234 of these providing answers to the 4 questions provided (as per table 1) and 121 submitting comments. The overall survey results are as per table 1 and indicate support for all beaches to allow vehicles to be permitted.

Vehicles on Beaches Overall Survey Results					
Questions	Total Submissions	Yes	No	% Yes	% No
Do you support vehicles being prohibited on Bettys Beach North (with the exception of Commercial Fisherman with a permit).	182	54	128	30%	70%
Do you support vehicles being prohibited on Bettys Beach South (with the exception of general boat launching).	178	59	119	33%	67%
Do you support vehicles being able to drive on Nanarup Beach West (excluding Two Peoples Bay Beach which is managed by DBCA)?	198	127	71	64%	36%
Do you support vehicles being prohibited on Shoal Bay?	198	30	168	15%	85%

Table 1: Overall Survey Results based on Yes and No answers.

11. The comments specified some general themes for and against prohibiting vehicles on beaches as below:

Those against prohibiting access included:

- All who like to take the car with the family - shade, kids can rest, provide wind breaks.
- Not supportive of any beach access being denied these days.
- Unless some danger or concerns for safety don't close off access.
- Not a lot of beaches left to drive on.
- Great for the elderly and those with limited abilities.

Those for prohibiting vehicles include:

- Environmental Damage
- Antisocial behaviour and hooning
- Safety
- Detracts from natural beauty
- Separating vehicles and people
- Protect and preserve

12. Based on the results of the survey and further comments made for each site, the following is proposed for the four beaches that were provided to the community for feedback:

Betty's Beach (South and North):

- An option here would be to prohibit access to the South beach as popular for swimming and closer to the carpark and allow access on to the North beach which is larger and is further way from the car parking areas. Camping would not be allowed on either beach.

Shoal Bay:

- There was overwhelming support for not prohibiting access to Shoal Bay, mainly due to the beach being hard and easily accessible and large enough to separate users. Future planning will include some better parking and turn around areas, especially for the horse floats and trucks if it remains as a horse exercise area.

Nanarup Beach (West):

- There was overall support for permitting vehicles with some suggestions against made around just blocking off the lagoon area to allow a safe place for families. This would require monitoring and further investigation how this could work.

13. The final amendments to the proposed actions following community engagement are:

- 1) Betty's Beach South – Prohibit
- 2) Betty's Beach North – Permit
- 3) Nanarup Beach West – Permit
- 4) Shoal Bay - Permit

STATUTORY IMPLICATIONS

14. Section 3.12 of the *Local Government Act 1995* states the procedures for making local laws.
15. Voting requirement for this item is **SIMPLE MAJORITY**.
16. Amendment of Gazettal LG410 – Control of Vehicles (Off-Road Areas) Act 1978 is required for two beaches.

POLICY IMPLICATIONS

17. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Risk: Changes to beach access may not be accepted by some residents.</i>	Likely	Moderate	High	Provide clear signage, information and education on any changes.
People Health & Safety <i>Risk: Vehicle access to beaches can pose a risk to other beach users</i>	Possible	Moderate	Medium	Install Code of Conduct signage and provide information and education.
Opportunity: To manage coastal reserves for current use and consolidate compliance requirements.				

FINANCIAL IMPLICATIONS

19. Updating and installation of signage to come out of existing operational budgets.

LEGAL IMPLICATIONS

20. Nil

ENVIRONMENTAL CONSIDERATIONS

21. Nil

ALTERNATE OPTIONS

22. The Council may choose not to make the determination for the current proposals of change to beach access for vehicles, in which case ongoing enforcement will be required to manage vehicular access.

CONCLUSION

23. It is recommended that the Council approve the determination to allow better management and compliance of our coastal reserves.

Consulted References	:	<i>Local Government Act 1995</i> <i>City of Albany Property Local Law 2011</i>
File Number (Name of Ward)	:	EM.PLA.5 (All Wards)
Previous Reference	:	Council Presentation post-DIS Committee on 12 May 2021.

DIS261: MIXED USE DEVELOPMENT ADDITIONS AND MINOR ALTERATIONS TO EXISTING BUILDING (MULTIPLE DWELLINGS (x6) AND OFFICE) – LOT 20, 1 DUKE STREET, ALBANY

Land Description	: Lot 20, 1 Duke Street, Albany, WA 6330
Proponent / Owner	: Concept Building Design
Business Entity Name	: Concept Building Design Nisus Group Pty Ltd – Company Directors are Edwin & Rita McLean and Karel Murdock.
Attachments	: 1. Copy of Application to Development application plans 2. Current Heritage Impact Statement dated 2020 3. Original Heritage Impact Statement dated 2010 4. Duke Street Streetscape Elevation
Supplementary Information & Councillor Workstation	: 1. 3D streetscape render. 2. Agency submission – DPLH referral response. 3. Public submissions. 4. Previous development approval – 2010. 5. Previous development approval –2017. 6. Conservation Plan - Albany Courthouse Precinct 2002. 7. Heritage Agreement - Sergeants Quarters Albany Court House Complex 2009.
Report Prepared By	: Planning Officer (D Ashboth)
Responsible Officers:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. This item relates to the following elements of the City of Albany *Strategic Community Plan 2030*:
Theme: A connected and safe built environment
Objective: To develop vibrant neighbourhoods which retain local character and heritage
Community Priority: Develop and implement a contemporary Local Planning Strategy that reflects our identity and supports economic growth.
Community Priority: Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.
3. The item relates to the following strategic objectives of the City of Albany *Local Planning Strategy 2019* (the Planning Strategy):
 - a) Plan for predicted population growth to 2026.
 - b) Consolidate existing urban form and improve land use efficiency.
 - c) Deliver a diverse and affordable housing market.
 - d) Conserve places and areas of European heritage significance.

Maps and Diagrams: 1 (Lot 20) Duke Street, Albany



In Brief:

- The City of Albany has received a development application at 1 (Lot 20) Duke Street, Albany, for a mixed use development addition and minor alterations to the existing heritage building. The proposed additions form two separate components, to be constructed to two and four storeys incorporating six (6) multiple dwellings, an office tenancy and associated on-site car parking.
- The existing building on site is known as the *Sergeant's Quarters* and forms part of the State Registered Place known as the *Albany Court House Complex*. Both the *Albany Court House Complex* and the *Sergeant's Quarters* are also identified on the City's Heritage List and Local Heritage Survey, with each place's level of significance classified as 'Exceptional-Registered'.
- The subject site is located within the Regional Centre Zone under *Local Planning Scheme No.1 (LPS1)*. The LPS1 Zoning Table designates 'Multiple Dwelling' as a 'D' (discretionary) land use and 'Office' as a 'P' (permitted) land use within the Regional Centre Zone.
- The proposed mixed use development has been assessed on its merits against *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments* (the R-Codes), *Local Planning Policy Albany Town Centre* and the provisions of LPS1.
- The proposal was also referred to the Department of Planning, Lands and Heritage for comment, due to the place being identified on the State Register.
- The proposal seeks to vary the following provisions of LPS1, the R-Codes and *Local Planning Policy Albany Town Centre*:
 - Building height
 - Car parking
- The proposal was advertised to adjoining landowners via direct mail out. Through this process, a total of two (2) responses were received. Both submissions raised objections to the proposal.

- The submissions received outlined the following concerns:
 - Excessive building height
 - Detraction of heritage values
 - Overshadowing
 - Insufficient car parking
 - Overlooking
 - Overdevelopment of the site
- Due to the concerns raised and the extent of variations to the assessment framework, the application is being referred to Council for determination.
- Staff recommend that Council approve the proposed development, subject to conditions.

RECOMMENDATION

DIS261: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR THOMSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS261: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for the Four Storey Mixed Use Development (Six Multiple Dwellings and Office Addition and Alterations to Existing Building) at 1 Duke Street, Albany.

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2210020, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.
3. The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.
4. Prior to commencement of development, stormwater disposal plans, details and calculations shall be submitted to the City of Albany for approval. The approved stormwater plans shall be implemented prior to occupation, to the satisfaction of the City of Albany.

Advice:

- a) *Stormwater disposal is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines';*
- b) *Soil capability testing will likely be required to determine if soakwell infiltration is the appropriate method of disposal for the site;*
- c) *The stormwater disposal system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.*
- d) *The City of Albany's preferred option is to connect all stormwater to the City of Albany drainage system on Collie Street. If this is not viable, any discharge into*

the existing stormwater pit connected to the downstream private stormwater system to be limited to pre-development flows. The City of Albany notes that there are currently no drainage easements to the benefit of 1 (Lot 20) Duke Street over the private stormwater system.

5. New crossovers shall be constructed to the City of Albany's specifications, levels and satisfaction.

Advice:

- a) *A 'Permit for Vehicle Crossover Construction' is required from the City of Albany prior to any work being carried out within the road reserve.*

6. Prior to the commencement of development, a vehicular parking and access plan shall be submitted for approval. The approved vehicular parking, pedestrian and access plan shall be implemented and completed prior to occupancy of use, and maintained thereafter to the satisfaction of the City of Albany.

Advice

- a) *Car parking and access is to be designed in accordance with the Australian Standard 2890.*
- b) *The plan (and subsequent construction when approved) shall clearly indicate the intended use of all parking bays (e.g. disabled bay, loading bay etc.), access areas, line marking, kerbing and sealing.*
- c) *The Collie Street kerbing shall be adjusted as per the attached plan, in order to ensure no net loss of street parking.*
- d) *The provision of permanent, fixed signage indicating the intended use of each car parking bay will be required in order to fulfil this condition. This may include a 'no parking' sign to the paved area to the east of the proposed restaurant, if the carparks are unable to be provided in accordance with Australian Standard 2890.*

7. Parking areas and pedestrian entries shall be illuminated when they are in use during hours of darkness, to the satisfaction of the City of Albany.

8. No goods, materials or equipment shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.

9. All loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.

10. Prior to the commencement of development, a landscaping plan detailing the size, species and location of trees/shrubs shall be submitted to the City of Albany for approval. The approved landscaping plan shall be implemented prior to occupancy or within the next available planting season, and maintained thereafter to the satisfaction of the City of Albany.

Advice:

- a) *A minimum of 2 medium trees or 1 large tree and 1 small tree shall be planted within the landscaped area to the east of the site. The existing fig tree nominated for retention can form part of this calculation.*
- b) *The landscaping plan should include a minimum 2% deep soil area.*
- c) *Trees shall be planted within the car parking area at a minimum rate of one tree per 4 bays.*

d) *The landscaping plan shall identify suitable trees and shrubs to be planted within the area marked in red on the stamped approved plans, to screen views to the car parking area from Collie Street.*

e) *The following plants are not to be used:*

“Pampas Grass, Watsonia, Purple Senecio, Sydney golden wattle, Victorian tea tree, Dolichos pea, Blackberry, Bridal creeper, Taylorina, Arum lily and Gorse.”

11. Prior to commencement of development, details of the privacy screen for the Unit 5 balcony shall be submitted to the City of Albany for approval. The approved screening shall be implemented prior to occupation of use and maintained thereafter to the satisfaction of the City of Albany.

Advice:

a) *Please note that only permanently fixed, solid (minimum 75% obscured), vertical screening shall be supported by the City of Albany. The City will not accept louvers, lattice or other permeable or semi-permeable screening acceptable in this instance.*

b) *In accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments, the screening for the balcony shall be at least 1.6m in height, 75 per cent obscure, permanently fixed and made of durable material, to the satisfaction of the City of Albany.*

12. Prior to commencement of development, final detailed drawings/specifications including colours and finishes of the fencing proposed to the Collie and Duke Street frontages, as identified on the stamped approved plans, shall be submitted to the City of Albany for approval, in consultation with the Department of Planning, Lands and Heritage. The approved fencing drawings/specifications shall be implemented prior to occupation of use and maintained thereafter, to the satisfaction of the City of Albany.

Advice:

c) *The walls and fencing shall be designed to meet the definition of ‘Visually Permeable’ under State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments, where exceeding a height of 1.2m from natural ground level.*

d) *To ensure appropriate sight lines walls and fences shall comply with clause A3.8.7 State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments.*

13. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.

Advice:

a) *Please refer to the City of Albany Local Planning Policy Signs for further information.*

14. A Construction Management Plan is to be prepared by the Applicant and submitted to the City for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:

- public safety and site security;
- hours of operation,
- noise and vibration controls;
- air and dust management;
- stormwater, groundwater and sediment control;
- waste and material disposal;

- Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
 - Parking Management Plan prepared by an accredited personnel;
 - the parking arrangements for contractors and sub-contractors;
 - on-site delivery times and access arrangements;
 - the storage of materials and equipment on site (no storage of materials on the verge will be permitted); and
 - any other matters likely to impact upon the surrounding properties or road reserve.
- Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City.

15. Prior to commencement of development, a Waste Management Plan shall be submitted to the City of Albany for approval. The Waste Management Plan shall be implemented prior to occupation of use and maintained thereafter to the satisfaction of the City of Albany.

Advice:

- a) *Refuse storage areas shall be capable of accommodating all waste produced by the development and shall be screened from public view.*
- b) *The Waste Management Plan shall include details (including plans/specifications) of the provision of waste storage areas for both commercial and residential components, the location and type of refuse storage areas, including bin types and sizes and the location of bin collection points.*

16. Mounting of large dishes on the roof of the development is not permitted.

17. Prior to commencement of development, a Screening Plan shall be submitted to the City of Albany for approval. Prior to occupancy of the development, the approved Screening Plan shall be implemented during construction and completed and thereafter be maintained, to the satisfaction of the City of Albany.

Advice:

- a) *The Screening Plan shall demonstrate aerials, antennas, air conditioning units or other utilities or equipment designed to be an integral part of the roof or walls of the new development and not having a detrimental visual impact on the cultural heritage significance of the subject site or Albany Courthouse Complex State Registered Place.*
- b) *No utilities or equipment is permitted to be installed to the roof or walls of the Sergeant's Quarters.*
- c) *Air conditioning or other equipment/utilities (including clotheslines, hot water units) are to be located such that they can be safely maintained, are not visually obtrusive from the street and do not impact on the functionality of outdoor living areas or internal storage.*
- d) *The Screening Plan shall include detail of the type and colour of materials of the equipment and any screening materials proposed.*

18. Prior to the initial occupation of the development, the boundary wall/s shall be constructed to an acceptable finished standard such as cladding, face brick or render, and maintained thereafter to the satisfaction of the City of Albany.

19. As per the conservation works scoped in Annexure A of the Heritage Agreement, all works noted as urgent, short, medium and long term, where appropriate, are to be completed prior to the application for a Certificate of Occupancy. A Completion Report is to be submitted at the time of completion of the conservation works to the satisfaction of

the Director Heritage Development, Department of Planning Lands and Heritage. (DPLH)

20. The proposed planter boxes are to contain dry landscaping only (gravel/stones/artificial plants) that do not require watering. (DPLH)

Advice:

- a) *The Development Committee were concerned about falling damp on the rear walls of the Sergeant's Quarters if watering systems were required for the planter boxes.*

21. Prior to the commencement of development, a Standard Archival Record is to be submitted to the satisfaction of the Director Heritage Development, Department of Planning Lands and Heritage. (DPLH)

Advice:

- a) *The Standard Archival Record shall be prepared in accordance with the Department of Planning Lands and Heritage Guide to Preparing an Archival Record.*

22. An Interpretation Plan that develops strategies to interpret the previous use of the place and its significant connection to the surrounding Albany Courthouse Complex is to be prepared and implemented within two years of completion of works on site, to the satisfaction of the Director Heritage Development, Department of Planning Lands and Heritage. (DPLH)

Advice:

- a) *The Interpretation Plan shall be prepared in accordance with the Department of Planning Lands and Heritage Interpretation Guide.*

Advice

- a) *This approval does not include any works to the Sergeant's Quarters nor any change in use to 'Restaurant'.*
- b) *This approval and should not be considered to indicate development approval or Heritage Council support for any future works or land use changes to the Sergeant's Quarters.*
- c) *Notwithstanding the Conservation Works as per the Heritage Agreement, any other works to the Sergeant's Quarters are not supported by the Heritage Council. Once finalised, details of the proposed change of use and associated works for the Sergeant's Quarters are to be referred to the Heritage Council for advice. (DPLH).*

BACKGROUND

4. The City of Albany has received a development application at 1 (Lot 20) Duke Street, Albany, for a mixed use development addition and minor alterations to the existing heritage building. The proposed additions form two separate components, to be constructed to two and four storeys and incorporating six (6) Multiple Dwellings, an Office tenancy and associated on-site car parking.
5. The subject site is located within the Albany CBD, approximately 150m west of York Street. The site is located on the south western corner of the intersection (roundabout) of Duke and Collie Streets and Peels Place.
6. The subject site is 921m² and incorporates a downward slope of approximately 3 metres extending from the northern boundary at Duke Street to the rear southern boundary.
7. The existing heritage building on site consists of brick build up construction, that follows the downward slope of the site. The ground level of the building sits at grade with and facing Duke Street. Existing vehicle access is provided to the site from both Collie and Duke Streets.

8. The existing heritage building on site is known as the *Sergeant's Quarters* and forms part of the State Registered Place known as the *Albany Court House Complex*. Both the *Albany Court House Complex* and the *Sergeant's Quarters* are also identified on the City's Heritage List and Local Heritage Survey, with each place's level of significance classified as 'Exceptional-Registered'.
9. The subject site is located within the Regional Centre Zone under *Local Planning Scheme No.1* (LPS1). The LPS1 Zoning Table designates 'Multiple Dwelling' as a 'D' (discretionary) land use and 'Office' as a 'P' (permitted) land use within the Regional Centre Zone.
10. Properties adjoining the subject site to the west, south, south east and north east are also zoned Regional Centre, with buildings consisting of a mix of development styles from various eras, and operating as office, civic (government), aged care and residential accommodation uses.
11. Adjoining properties to the north of the subject site are zoned Regional Centre Mixed Use and consist of commercial and holiday accommodation uses. The nearest Residential zoned property is located approximately 25m to the west of the subject site on the northern side of Duke Street, consisting of the Albany Uniting Church and associated buildings.
12. Development approval has previously been granted for mixed use development additions and conservation works to the existing building at the subject site in 2011 and 2017. These developments involved similarly scaled and oriented three storey additions to the rear and two storey additions to the west of existing building.
13. The *Sergeant's Quarters* building is currently unoccupied. Previous development applications also involved conservation works as well as internal alterations to support the proposed adaptive reuse of the existing heritage building to Restaurant.
14. The conservation works are detailed under the Heritage Agreement in place for the site (dated 22 June 2009) and heritage impact statement/s submitted for previous and subject development applications. The conservation works are supported by the Department of Planning, Lands and Heritage and Heritage Council of WA (HCWA).
15. The proposed internal alterations to support the adaptive reuse of the existing heritage building to operate as a Restaurant were not supported by DPLH. DPLH advised in their previous and most recent comments on the development, that insufficient information had been provided and that any other works to the *Sergeant's Quarters* were not supported until this information had been finalised and formally referred for consideration.
16. Subsequently, further internal alterations to the existing heritage building that are not associated with the approved conservation works, do not form part of the subject development application. Any proposed internal alterations additional to the conservation works, require formal referral to DPLH and would be considered as part of a separate development application.
17. There are also no current development approvals in place for a proposed change of use to the existing building. As the subject site is identified as a 'heritage protected place' in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) development approval would be required where internal and/or external works are proposed to the existing building, including for a change of use involving works.
18. It should be noted that development approval may not be required where works are not proposed as part of a change of use, and where the proposed land use is designated as 'P' or 'D' within the Regional Centre Zone, in accordance with the Zoning Table of LPS1.

DISCUSSION

19. The proposed mixed use development has been assessed on its merits against *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments* (the R-Codes), Local Planning Policy *Albany Town Centre* and the provisions of LPS1.

20. The proposal was also referred to the Department of Planning, Lands and Heritage for comment, due to the place being identified on the State Register.
21. The proposal seeks to vary the following provisions of LPS1, the R-Codes and Local Planning Policy *Albany Town Centre*:
- Building height
 - Car parking
22. The applicant has provided the following (summarised) outline of how the proposed development will operate:
- The proposed development comprises of six two bedroom residential units and a ground level office.
 - Two new structures are proposed to be constructed to the west and south of the existing heritage building on site.
 - The structure to the west will comprise of two storeys, with a single residential unit on each level (units 1 and 4).
 - To the south, the new structure will comprise of four storeys, with a ground floor office and storage for the units. The second and third storey's comprise of Units 2, 3, 5 and 6. The fourth storey comprises of two detached offices/ study's, for the private use of units 5 & 6.
 - On-site parking is provided to the south of the site, accessible from Collie Street.
 - The existing State Heritage building (Sergeants Quarters) does not form part of this application, although this may be converted into a restaurant at a later date.
23. The proposal also involves minor external alterations and landscaping upgrades within the Collie and Duke Street setback areas.
24. The application was advertised to adjoining landowners for a period of 22 days via direct mail out. The comments, including the proponent's and staff recommendations are provided in the attached 'Summary of Submissions'. The broad issues are identified and discussed later in this report.
25. Council is now requested to consider the submissions received during the public advertising period and determine whether to grant development approval.

Land use

26. The land uses of 'Multiple Dwelling' and 'Office' are listed as 'D' (discretionary) and 'P' (permitted) uses respectively. These uses are therefore considered appropriate for the site.

Assessment framework

27. In addition to the applicable zone provisions, LPS1 provides the site with a coding of R-AC0. The nominated R-Coding is therefore R80 (see Table 1 of R-Codes Volume 1). The *Residential Design Codes Volume 2 – Apartments* (R-Codes Volume 2) is therefore the applicable framework for the assessment of the multiple dwelling component.
28. The subject site is also located within the Albany Town Centre Policy Area. In the event of conflict, the policy provisions override the provisions of the R-Codes.
29. The previous iteration of the proposal was assessed as an R80 development under *SPP 7.3 – Residential Design Codes Volume 1*, prior to the implementation of *SPP 7.3 – Residential Design Codes Volume 2* in January 2019.

Height – storeys

30. No height controls are indicated in the R-Codes Volume 2 for R-AC0 areas. The tables states that these aspects should be as per *'the relevant local planning scheme, local development*

plans and/or precinct control as applicable'. This aspect of the proposal will therefore be assessed under the LPS1 and the *Albany Town Centre Policy* (the Policy) provisions.

31. Both LPS1 and the Policy provide for a maximum of three (3) storeys on the subject site. As four (4) storeys have been proposed, a variation to LPS1 and the Policy has been requested.
32. The fourth storey comprises of two (2) single offices/studies, each with an area of less than 20m², accessible from units 5 and 6 via internal staircase
33. No criteria for assessing variations to the maximum permissible storeys are established within the relevant assessment framework.

Height – floor to floor

34. Maximum floor to floor heights are established within the Policy. These requirements have been achieved by the proposal with the exception of the second storey which has a floor to floor height of 3.005m (3m required). This variation is considered both low impact and minor in its extent and was therefore not advertised to adjoining landowners.
35. As the Policy only allows for three (3) storeys, no maximum floor to floor height is established for the fourth storey. The proposed third storey has a floor to top of external wall height of 3m, or a floor to ceiling height of 2.4m which is not considered excessive given the minimum floor to ceiling height within the *Building Code of Australia* is 2.4m.

Total height

36. LPS1 establishes a maximum height and states that no development shall exceed 11m in height. *The Albany Town Centre Policy* contains the following provision to aid in the determination of maximum overall height:

Height Datum

Building height shall be measured from the existing pavement (or ground) level at the centre of the street boundary (or boundaries) of the site. On larger sloping sites the front boundary shall be divided into sections of a maximum width of 15m and heights measured from the centre of each section.

37. Using the above provision, the height datum as taken from Duke Street is approximately 10.42, while the height datum from Collie Street is approximately 8.2.
38. Taking the above provision into consideration, the proposed apartment building facing Duke Street (Units 1 and 4), has a maximum height of approximately 7.428m and is therefore compliant with LPS 1 and the *Albany Town Centre Policy*.
39. The proposed mixed use building fronting Collie Street has an overall height of approximately 11.6m which is a 600mm variation from the maximum height provision established in LPS1.
40. The proponent has advised the additional fourth storey component of the development is proposed in order to ensure maximum amenity for the occupants of the units. No further rationale or justification has been provided by the applicant against the provisions of the assessment framework.
41. On merit, the proposal to vary the building height provisions can be supported for the following reasons:
 - a) The height the subject of the variation is located to the rear of the site, located away from Duke Street, where the site falls towards Stirling Terrace.

The significant cut proposed for the lower level, along with a significant setback from Collie Street reduces the visual impact of the overall structure and the fourth storey element the subject of the height variation from Duke Street.

- b) The contemporary design and overall height are in keeping with other developments within the Duke Street streetscape.
 - c) The development, including the fourth storey component, is acceptable from a heritage perspective, with no additional detrimental impact on the cultural heritage significance or views to the overall Albany Courthouse Complex State Registered Place. The proposed additions are in line with contemporary heritage conservation approaches for development to heritage places being of a modern design and separated from the existing place to maintain views to and from within the site.
 - d) The element of the building is broken into two individual components, of minimal area and offset from the storeys below. This reduces impact of building bulk, mitigating the visual impact of the structure from Duke Street, Collie Street and retains visual sightlines from further upslope down to the Court House and other buildings within the *Albany Courthouse Complex*.
42. On balance, however, it is considered the minimal area proposed and significant street setbacks of the fourth storey ensures the visual impact of the variation is sufficiently mitigated.
43. Given the context of the site, in relation to the scale of existing adjoining buildings, the development's response to the topography of the site, and the contemporary design of the development being acceptable from a heritage perspective and not having a detrimental visual impact on adjoining State Registered places, on merit, the variation to height provisions of the policy can be supported in this instance.

Street setback

44. As a nil ground floor street setback is established under LPS1, the proposal is compliant with street setback requirements.
45. The proposal is also consistent with the required Albany Town Centre provisions which require an upper storey is setback in excess of 3m from all street frontages.
46. The proposed setback in respect to the heritage building on the lot was not raised as an issue by the Heritage Council.

Side and rear setbacks

47. Nil side setbacks are proposed in accordance with LPS1 requirements.

Plot ratio

48. The proposal has a gross building area of approximately 1536m², which leads to a plot ratio of 1.6 for the site. This is well below the maximum plot ratio of 2 established under LPS No.1.

Overshadowing

49. The apartment buildings overshadow a significant portion of land to the south of the subject site (Justice and Police Complex) as well as a smaller portion of land to the west. However, as the subject site and the adjoining properties have a coding of R-80, no overshadowing requirements apply under the R-Codes Volume 2.

Tree canopy and deep soil area

50. As an existing fig tree is proposed for retention on site, the proposal qualifies for a reduction in deep soil area to 7% under the R-Codes Volume 2. However, as only 2% of landscaping is required under LPS 1, this does not appear reasonable. A landscaping plan to the satisfaction of the City of Albany is recommended as a condition of consent. The proponent should be advised that this should include a 2% deep soil area and tree planting areas in accordance with the R-Codes Volume 2.

Communal open space

51. Informal seating opportunities (on the grass) will be provided within the landscaped area to the north of the site. The siting of the landscaped area maximises solar access (north facing)

and amenity as it is separated from waste disposal/circulation areas and vehicular access. Passive surveillance is provided from the balconies of Unit 3, 4 and 6.

Visual privacy

52. The proposal is surrounded by non-residential land uses. The areas fronting streets are not subject to overlooking. The land to the south is a carpark for the court complex and is not sensitive to overlooking (more so, the safety of the carpark could be improved from passive surveillance). The west of the development is also an office complex.
53. Both elevations have screening in place on the exposed balcony area so that overlooking is mitigated. The requirement for details of screening and the implementation of screening will be applied as a condition of approval.
54. The R-Codes Volume 2 seeks balconies that are unscreened for at least 25% of their perimeter. However, in this instance it is considered preferable for the balconies of Units 2 and 5 to be entirely screened due to adjoining landowner concerns with overlooking.
55. It is also considered resident amenity will be greater with full screening of the balconies due to the prevailing weather conditions in Albany. The application also proposes a communal landscaped area for private use of the residents which offers an opportunity for solar access on warmer days.
56. The R-Codes Volume 2 also require living rooms to have an external outlook from at least one major opening that is not obscured by a screen. Both Unit 2 and Unit 5 fail to achieve this requirement as the entirety of the balcony / courtyard of these areas is screened.
57. However, as discussed above this screening is considered appropriate in this instance. It is also noted the screening has a height of 1.65m, therefore external outlook from the living room above the screen is possible.
58. Open access ways are required to have a 3m privacy setback (if unscreened). However, the landing to the west of the property (no setback) is not considered open access as it functions as a private access route for Units 3 and 4. This aspect of the proposal is therefore compliant with the R-Codes Volume 2.

Vehicle access

59. The proposed crossovers are adequately separated from intersections and are wide enough to enable two-way access/egress.
60. As rear carpark is located at the same level as the ground floor office, vehicular headlights will not shine directly into habitable rooms of the residential component. Vehicle headlights will also not shine directly into the living area of Unit 1 due to the angle of approach of the vehicle and the partial shielding of this area by the courtyard.
61. Conditions relating to visual permeability of fences and walls and ensuring appropriate sight lines are maintained are recommended as a condition of planning consent.

Car parking

62. The application proposes on-site car parking for the entire development (existing building and proposed additions) to be accessed via Collie Street. This arrangement is considered preferable as it assists in maintaining the heritage value of the Sergeants Quarters and utilises secondary street access. A condition requiring landscaping atop the eastern retaining walls to screen the parking area from view is recommended.
63. Car parking requirements for the office component are established within the Albany Town Centre Policy. Parking is required at a rate of 1 bay per 30m² gross floor area. The proposed floor area is 81.5m², therefore a total of 3 carparks are required for the Office component.
64. Residential parking requirements are established under the R-Codes Volume 2 which require 1.25 bays per dwelling giving a total requirement of 7.5 (8) bays. The R-Codes Volume 2 also require the provision of 2 visitor bays.

65. The total car parking requirements for the development are 8 residential, 2 visitors and 3 for the Office tenancy.
66. It is noted that previous development approvals did not involve Restaurant, however 2 bays are to be allocated for the existing building/future use.
67. It is considered that a minimum of one bay is required to be provided for each Multiple Dwelling. In terms of car park functionality, the applicant has advised that one (1) car parking bay will be reserved for each unit through signage and this will be contained within the Strata by laws.
68. A total of 10 car parks have been provided for the development which is a shortfall of 5 car parks.
69. The Albany Town Centre Policy allows for a shortfall of car parking where the number of bays is insubstantial (5 bays or less).
70. It is recommended that a sign indicating the location of visitor parking along the Duke Street frontage be provided. The provision of a 'no parking' sign to the paved area to the east of the proposed restaurant is also recommended as it doesn't appear that car parking is able to be provided in accordance with *Australian Standard 2890*, nor has it been proposed.
71. It is recommended signage is submitted for approval to the City within a vehicular parking and access plan.
72. A total of eight (8) bicycle parks have been proposed which exceeds Policy and R-Code Volume 2 requirements.

Storage

73. Storage for each Unit is provided at basement level at the dimensions required under the R-Codes Volume 2.

Façade Design

74. The appearance component of the proposal in this instance is largely influenced by the comments received by the Heritage Council. For the full heritage comments on the proposal, please see the attached correspondence.

Waste Management

75. The applicant has proposed a bin storage area on the site which is screened from view, located within a small compound at the south of the lot. It is not clear if this is proposed to function as a waste storage area for the units in addition to the office. A condition is recommended requiring the provision of a final Waste Management Plan demonstrating operational and design waste management on site.

Site analysis

76. The R-Codes Volume 2 require the provision of a written and illustrated site analysis that demonstrates how the design response is informed by the surrounding context. However, this was not requested as it was determined that the existing/intended character of the area and associated design requirements have been articulated through the *Albany Town Centre Policy*.
77. The main concerns raised during the advertising period and officer response, including mitigation measures are outlined in the table below.

Summary of Submissions	Officer Comment
Development incompatible with heritage values of the site and other state heritage listed buildings on Duke Street	The proposal was referred to the Department of Planning, Lands and Heritage to provide comment on the heritage impacts of the proposal. Heritage Council advised the redevelopment would be a positive outcome for the site through ongoing use, increased

	social activation and preservation of the heritage building through extensive conservation works, as per the Heritage Agreement.
Overshadowing	The application was assessed against the R-Codes Volume 2. However, as the subject site and adjoining properties have a R-80 coding, no overshadowing requirements apply. The application is therefore consistent with the acceptable outcome provisions of the R-Codes Volume 2.
Insufficient car parking	The Albany Town Centre Policy allows for consideration of relaxation of car parking requirements where an insubstantial shortfall is proposed (5 bays or less).
Overlooking	The application is consistent with the acceptable outcomes of the Residential Design Codes Volume 2 in regards to visual privacy. Screening to the western balconies is recommended as a condition of planning consent.
Overdevelopment of the site	The shortfall in car parking has been addressed above. Due to the design of the fourth storey, the additional building height is considered low impact. It should also be noted that this height variation does not result in any additional residences on-site. The proposal is consistent with the plot ratio provision of LPS1.

78. It is recommended that Council approve the proposed development, subject to the conditions recommended.

GOVERNMENT & PUBLIC CONSULTATION

79. The application was advertised to adjoining landowners for a period of 22 days via direct mail out. It should be noted that a car parking shortfall of six (6) was advertised to adjoining landowners as the restaurant was considered as part of the application at this stage. The restaurant was subsequently removed from the application following advertising and the respondents were notified that the car parking shortage has been reduced to three (3).

80. Through this process a total of two (2) responses were received both raising objections to the proposal.

81. The comments, including the proponent's and staffs' recommendations are provided in the attached 'Summary of Submissions'. The issues raised during advertising are summarised and discussed above.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail out	03/02/2021 to 25/02/2021	2 submissions received	Yes

Department of Planning, Lands and Heritage

82. The subject site is identified as a State Heritage Area (Albany Courthouse Precinct) and contains a State Heritage Listed building (Sergeants Quarters).

83. The Albany Courthouse Complex is an important regional centre of justice in Western Australia, constructed at a time of enormous growth in the population and economy of the Colony and Western Australia, to cater for an increased demand for law enforcement.

84. The Sergeant's Quarters is acknowledged as a significant building that contributes to the Complex. It is a fine example of a Federation Queen Anne style building purposely built for the short term imprisonment at the beginning of the 20th century in WA.

85. The current proposal for a mixed use development at 1 Duke Street, Albany (also referred to as Lot 20 Collie Street, Albany) does not greatly differ from the design that the Development

Committee conditionally supported in 2017. The Development Approval from the City of Albany for this development has since expired.

86. Revisions to the 2017 design include:

- a) The addition of an additional storey for a small office/study area on the new build to the rear.
- b) Removal of the decking that was located in the south west area forward of the Quarters that has been replaced with additional paving.

87. The new build element has been designed with a development buffer zone distinctly separating old and new fabric physically and visually, whilst also attempting to retain as many view lines as possible.

88. Whilst the new build does not follow all of the recommendations of the Conservation Plan, the redevelopment will be a positive outcome for the site through ongoing use, increased social activation and preservation of the heritage building through extensive conservation works, as per the Heritage Agreement.

89. The Committee was not satisfied with the level of detail submitted in 2017 for the adaptive reuse of the heritage building as a café/restaurant. The lack of details remains in the current submission. The Heritage Council would still like to ensure that a positive outcome for the Quarters is a primary focus of the development of the site.

90. A number of conditions were proposed and have been included as recommended conditions to the development approval.

STATUTORY IMPLICATIONS

91. 'Multiple Dwelling' is listed as a 'D' (discretionary) use within the Regional Centre Zone. An 'Office' is listed as a 'P' (permitted) use within the Regional Centre Zone.

92. A discretionary ('D') use means that the use is not permitted unless the local government has exercised its discretion by granting development approval. A permitted ('P') use means the use is permitted if it complies with any relevant development standards and requirements of LPS1.

93. LPS1 clause 3.2.8 lists the following objectives for the Regional Centre zone:

- a) Provide for a broad range of commercial, entertainment, administrative, government, cultural, inner-city residential and social activities, consistent with the zone's status as the regional centre for the Great Southern region;
- b) Ensure that development within the zone recognises and complements surrounding land uses and existing streetscape elements, in particular:
 - (i) The height, scale, character and fine-grained nature of buildings;
 - (ii) Incorporates spaces for public art, social interaction and street activities that add vibrancy and vitality to the City;
 - (iii) Promotes the renovation, adaptation and re-use of recognised heritage buildings and places; and
 - (iv) Weather protection.
- c) Support and promote transport modes to and access through the zone to achieve better travel efficiency and develop synergies between streets and parking areas;
- d) Ensure adequate provision is made for the parking of vehicles and the landscaping of lots; and
- e) Retain heritage buildings, features and characteristics for the protection of Albany's historic values.

94. The proposal, as submitted is not consistent with the height limits pertinent to the site. As the total height of the proposal is only slightly over the LPS1 requirements, and the proposed fourth storey is small scale and low impact a pragmatic approach has been undertaken for an assessment against these requirements.

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

POLICY IMPLICATIONS

96. The proposal is assessed in the context of the *State Planning Policy 7.3 – Residential Design Codes Volume 2 (Apartments)* and the *Albany Town Centre Policy*.

97. The proposal, as submitted is not consistent with the car parking and maximum height limits established within the *Albany Town Centre Policy*. It is considered the parking shortfall can be mitigated by on site management and signage.

98. As the total height of the proposal is only slightly over Policy requirements, and the proposed fourth storey is small scale and low impact a pragmatic approach has been undertaken for an assessment against these requirements.

99. The application generally complies with the provisions of *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments*.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community <i>The proposed development may contribute to a lack of car parking availability on Duke and Collie Streets and the immediate vicinity.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Mitigation of impacts to be achieved through adoption and enforcement of conditions.</i>
Reputation <i>The proposed development may appear unsympathetic to the scale and mass of surrounding buildings.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>The application has been assessed against the relevant statutory framework.</i>
Opportunity: <i>Responds to the need to consolidate existing urban form and deliver a diverse and affordable housing market.</i>				

FINANCIAL IMPLICATIONS

101. All costs associated with the development will be borne by the proponent.

102. Should the proponents be aggrieved by Council's decision or any attached conditions and seek a review of that decision or conditions through the State Administrative Tribunal, the City may be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

LEGAL IMPLICATIONS

103. Council is at liberty to use its discretion to approve or refuse the proposal. An applicant aggrieved by a decision or condition may apply for a review to the State Administrative Tribunal, in accordance with Section 252 of the *Planning and Development Act 2005*.

104. The proponent has the right to seek a review of the Council's decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

105. The subject lot contains an existing heritage building and a paved hardstand to the Duke Street frontage. There are no environmental implications directly relating to this item.

ALTERNATE OPTIONS

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

- To resolve to refuse the proposal subject to reasons; and
- To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

CONCLUSION

107. The proposal is consistent with the *Local Planning Scheme No.1* and *Albany Town Centre Policy* provisions, with the exception of those relating to height and car parking.

108. It is considered the car parking shortfall can be mitigated by on site management and appropriate on-site signage.

109. The minimal area and significant street setbacks of the fourth storey ensures the visual impact of the height variation is sufficiently mitigated.

110. The application generally complies with the provisions of *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments*.

111. The Department of Planning, Lands and heritage are supportive of the proposal, subject to conditions.

112. The majority of matters raised in agency and public submissions received during the advertising period have been broadly addressed by the proponent and can be mitigated through the application of appropriate planning conditions.

113. It is therefore recommended that Council approved the proposed development, subject to the conditions provided.

Consulted References	:	1. Local Planning Scheme No. 1 2. Albany Town Centre Policy 3. State Planning Policy 7.3 – Residential Design Codes Volume 2 (Apartments) 4. Albany Local Planning Strategy 2019
File Number (Name of Ward)	:	A186676 (Frederickstown Ward)
Previous Reference	:	P2160623

DIS262: LED STREET LIGHTING BULK REPLACEMENT

Land Description	: City of Albany
Proponent / Owner	: Western Power and City of Albany
Attachments	: 1. Western Australian Local Government (South Metropolitan and Albany) LED Street Lighting Business Case - Confidential 2. Peer Review -Confidential
Report Prepared By	: Environmental Sustainability Officer (M Holt)
Responsible Officers:	: Executive Director Infrastructure, Development and Environment (P Camins)

CONFIDENTIAL ATTACHMENTS

The attachments are confidential in accordance with section 5.23(2) (c) and (e, iii) of the Local Government Act 1995, being: (ii) information that has a commercial value to a person.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Clean, Green & Sustainable
 - **Objective:** To protect and enhance our natural and built environment in a changing climate.
 - **Community Priority:** Deliver effective practices that reduce risk to property, infrastructure and the natural environment and improve community awareness and resilience.
 - **Objective:** To identify and deliver improvements in sustainability within the City and wider community.
 - **Community Priority:** Integrate and promote effective sustainability through resource conservation, management and education to continuously improve environmental outcomes.

In Brief:

- The City of Albany, in conjunction with other Councils in the South Metropolitan region of Perth, explored the idea of replacing the street lights in their respective regions to Light Emitting Diode ('LED') technology.
- LED street lighting has been proven to make roads safer, save money by using energy more efficiently and cut greenhouse gas emissions by more than half.
- The consortium of councils commissioned a business case ('the Western Australian Local Government (South Metropolitan and Albany) LED Street Lighting Business Case') by an external consultant, Ironbark Sustainability, to assess the viability of the project.
- The City of Albany, on its own, commissioned a review of the Western Australian Local Government (South Metropolitan and Albany) LED Street Lighting Business Case, by Sage Consulting, to ensure the financial viability of the proposed bulk LED street lighting retrofit project.
- It is anticipated that the project will cost approximately \$2.5 million.
- The City of Albany has applied for grant funding of \$625,000 to contribute to this project, from the Clean Energy Future Fund.
- The residual \$1.875 million required to fund this project is proposed to be loan funded, and is to be included in the City's proposed Financial Year 2021/22 budget (yet to be endorsed by Council).
- Council support is sought to implement the project should suitable funding become available.

6.58pm

RESOLUTION

**MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SMITH**

THAT the meeting be closed to members of the public in accordance with 4.1 of the City of Albany Standing Orders Local Law 2014 (as Amended), to discuss the following confidential reports:

Attachments to DIS262: Led Street Lighting Bulk Replacement.

CARRIED 11-0

7.11pm

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SMITH**

THAT the meeting be re-opened to members of the public.

CARRIED 11-0

RECOMMENDATION

DIS262: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SHANHUN**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS262: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. RECEIVE the Western Australian Local Government (South Metropolitan and Albany) LED Street Lighting Business Case (prepared by Ironbark Sustainability) and Peer Review (prepared by SAGE Consulting).
2. SUPPORT the replacement of City of Albany existing street light luminaires with LED luminaires subject to a successful funding application.

BACKGROUND

2. LED and smart-lighting technologies provide many social, environmental and economic benefits to the community.
3. LED Street lighting has been proven to make roads safer, save money by using energy more efficiently, and cut greenhouse gas emissions by more than half.
4. The City of Albany currently has approximately 4,000 unmetered street lights under the control and maintenance of Western Power, of which 3,819 consist of old mercury based technology (compact fluorescent, mercury vapour, metal halide, high pressure sodium).
5. Western Power released an LED street light product in early 2019. However, transition has been slow as street lights are only replaced when the existing luminaires fail.
6. In an effort to aid the transition to more efficient LED street lighting, the South West Group of Councils and WALGA engaged consultant Ironbark to develop a LED bulk street lighting change business case.

DISCUSSION

7. The South West Group of Councils (SWGC), consists of the City of Albany, Armadale, Canning, Cockburn and Melville, and WALGA.
8. SWGC, led by the City of Cockburn, commissioned Ironbark Sustainability to develop a LED bulk Street Lighting Change Business Case that aims to replace existing Western Power street light luminaires with LED luminaires.
9. The program has been funded by the participating councils at a total cost of \$25,000, of which the City of Albany will be contributing \$5,000.

LED Street Lighting Business Case (Ironbark)

10. The Business Case analyses the costs and savings that can be expected from replacement of all non-LED light types across participating councils.
11. The scope of this report is limited to the management of street lights within the unmetered street lighting network (Western Power infrastructure).
12. Council-owned street lighting has been excluded from Ironbark’s analysis due to limited technical details and decorative street lighting product variations.
13. The business case proposes to replace around 47,000 streetlights, across the participating councils, to more energy efficient and low maintenance LED luminaires.
14. The program will be funded by the participating councils.
15. Table 1 provides a summary of the expected outcomes for the councils from the program and the potential if extrapolated across the entirety of the Western Power-managed SWIS Grid.

Region	Number of lights	Project Cost (incl. interest)	Total Cost Savings (20 years)	Total Energy Savings (MWh, 20 years)	Total Greenhouse savings (tCO2-e, 20 years)	Payback (years)
Perth South Metro and Albany	47,000	\$25 to 29m	\$107 to \$123m	300,000 to 370,000	210,000 to 250,000	5.0 to 6.3
All of Western Power SWIS Grid (est.)	276,000	\$150 to \$170m	\$620 to \$720m	1.7m to 2.2m	1.2m to 1.5m	5.0 to 6.3

Table 1. Ironbark’s summary of results

16. To ensure that the LED Street lighting project is suitable, the following need to be undertaken:
 - a. Undertake street lighting design based on the preferred project option (external consultant).
 - b. Negotiate project costs, product selection and future system management models within Western Power.
17. The business case also breaks down financial modelling specific to the City of Albany.
18. The City of Albany currently has around 4,000 unmetered street lights under the control and maintenance of Western Power, with an annual estimated cost to the City of Albany of \$670,000.

19. The LED street light modelling proposed three LED street lighting options which include:

Option 1. standard like-for-like replacement \$2.57 million.

Option 2. standard like-for-like replacement with contestable energy agreement \$1.65 million.

Option 3. Western Power approved, smart ready, with contestable agreement \$1.75 million, however, this is not currently available from Western Power.

20. The estimate for the portion of the works attributable to the City of Albany is \$2.57m with an estimated payback period of 7 years. This is based on an average cost per luminaire of \$650.

LED Street Lighting Business Case Peer Review (SAGE Consulting)

21. SAGE Consulting undertook a peer review of the LED Street Lighting Business Case as per EMT recommendation.

22. The SAGE consulting report supports the recommendations of the LED Street Lighting Business Case, which supports investment in a bulk LED lighting retrofit.

23. The Peer Review also notes some discrepancies in LED luminaire costs, as Ironbark has modelled the financial costs on Victorian pricing and not the latest Western Power and Synergy pricing.

24. The peer review supports the following recommendations for the City of Albany:

- a. allow a capital budget of \$2.1 million for the project.
- b. preparation of a Lighting Policy or Lighting Master Plan.
- c. engage a lighting designer to undertake independent review of the final lighting designs.
- d. consider smart controls at a later date when Western Power and Synergy launch a smart control system and tariff structure.

25. It should be noted that the projected cost of \$2.1 million excludes internal project management costs and design/structural assessment costs. Total project cost is estimated to be \$2.5 million.

External Funding

26. Round 2 of the Clean Energy Future Fund (CEFF) was available to local government organisations for clean energy projects in regional and remote Western Australia, which closed 22 April 2021.

27. The CEFF funding criteria specifies that projects must comply with the following:

- a. Innovative clean energy projects in regional and remote Western Australia. Regional and remote Western Australia means projects that are at the fringe of, or are not connected to, the South West Interconnected System or the North West Interconnected System.
- b. Clean energy projects that improve the security and resilience of networked electricity supply in line with the Distributed Energy Resources Roadmap.
- c. Clean energy projects that support decarbonisation of existing industry and the development of new, low emissions industries in Western Australia.
- d. 'Shovel ready' clean energy projects that will reduce emissions and create jobs in Western Australia.
- e. Projects that will enhance energy efficiency and materially reduce emissions from the built environment or manufacturing.
- f. Clean energy projects that support the replacement of diesel with renewable energy.

28. The maximum proportion of eligible costs for the project that can be contributed by the Fund in a competitive round is 25%. The minimum amount available is \$250,000.
29. The City of Albany has submitted a CEFF funding application separately to the SWGC.
30. One of the SWGC Cities (City of Cockburn) has also applied for the CEFF funding, which is expected to be announced later in 2021 and made reference to the other Cities applying for future funding.

GOVERNMENT & PUBLIC CONSULTATION

31. No public consultation was required for this item.
32. Consultation with Western Power and Synergy has been undertaken by the SWGC and will continue as part of this project.

STATUTORY IMPLICATIONS

33. N/A

POLICY IMPLICATIONS

34. This item relates to the City of Albany Environmental (Climate Change) Policy (2017) and the City of Albany Climate Change Action Declaration.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial. Allocation of funding in the 2020-21 budget for the LED street lighting retrofit is not supported.	Possible	Minor	Medium	City staff will continue to apply for suitable funding in order to progress the project.
Environment: Delaying the implementation of the street lighting retrofit will not result in a reduction in greenhouse gas emissions	Possible	Moderate	Medium	Advocate to Western Power to reduce the waiting time for replacement of current street lighting with LED.
Financial: Delaying the installation of LED street lighting may result in an inability to reduce energy costs for the City.	Likely	Moderate	High	City staff to continue to source funding streams in order to progress the retrofit, and continue to advocate for a reduction in waiting time for the Western Power retrofit.
Opportunity: Demonstrate the City's commitment to climate change action, its leadership on environmental sustainability issues and support of energy efficiency measures.				
Opportunity: To realise significant energy cost savings into the future by installing LED lighting.				

FINANCIAL IMPLICATIONS

36. The City of Albany has applied for CEFF funding, which if successful covers 25% of the total project costs (\$625,000).
37. The remaining \$1.875 million is expected to be funded via a 7-year loan, to be proposed in the City's Financial Year 2021/22 budget. The budget is expected to be presented to Council for endorsement in July 2021.
38. If the City is unsuccessful in their grant application, there will be a funding shortfall of \$625,000. For the project to proceed, the additional \$625,000 required will need to be obtained from some other means, which the Council will need to endorse.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

- 40. The bulk LED street lighting retrofit is estimated to reduce the City of Albany’s greenhouse gas emissions from street lighting by approximately 50%.
- 41. The existing street lighting luminaires contain mercury - responsible disposal of these luminaires needs consideration such as transport to a lamp recycling facility in Victoria.

ALTERNATE OPTIONS

- 42. Council may choose to not support the request, and continue with the gradual retrofit of street lights with LED luminaires as existing luminaires fail. Most luminaires would be replaced after 8-10 years.

CONCLUSION

- 43. LED and smart-lighting technologies provide many social, environmental and economic benefits to the community.

Consulted References	:	<ul style="list-style-type: none">• CCS298 (October 2020) – Climate Change Action Declaration• Presentation at Strategic Workshop (16 March 2021)
File Number (Name of Ward)	:	RD.SMG.12 (All Wards)
Previous Reference	:	N/A

- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN - Nil**
- 12. MEETING CLOSED TO THE PUBLIC – 7.14pm**
- 13. CLOSURE – 7.14pm**