



AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

05 November 2014

5.30pm

City of Albany Council Chambers

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

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

All Councillors, Staff and Volunteers at the City of Albany will be...

Focused: on community outcomes

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

United: by working and learning together

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

Accountable: for our actions

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

Proud: of our people and our community

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

PLANNING AND DEVELOPMENT COMMITTEE

AGENDA –05/11/2014

** REFER DISCLAIMER **

TERMS OF REFERENCE

(1) Function:

The Planning and Development Committee will be responsible for the delivery of the following Liveable Environmental Objectives contained in the City of Albany Strategic Plan:

- (a) To advocate, plan and build connected, liveable communities;
- (b) To create a community that supports people of all ages and backgrounds;
- (c) To create vibrant neighbourhoods which are safe yet retain our local character and heritage.

(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) Chairperson: Councillor V Calleja

(4) Membership: Open to all elected members, who wish to be members

(5) Meeting Schedule: 1st Wednesday of the Month

(6) Meeting Location: Council Chambers

(7) Executive Officer: Executive Director Planning & Development Services

(8) Delegated Authority: None

PLANNING AND DEVELOPMENT COMMITTEE

AGENDA –05/11/2014

** REFER DISCLAIMER **

TABLE OF CONTENTS

	Details	Pg#
1.	DECLARATION OF OPENING	4
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	4
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	4
4.	DISCLOSURES OF INTEREST	5
5.	REPORTS OF MEMBERS	5
6.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
7.	PUBLIC QUESTION TIME	5
8.	APPLICATIONS FOR LEAVE OF ABSENCE	5
9.	PETITIONS AND DEPUTATIONS	5
10.	CONFIRMATION OF MINUTES	5
11.	PRESENTATIONS	5
12.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	5
13.	MINUTES AND RECOMMENDATIONS OF COMMITTEES	
PD057	DEVELOPMENT APPLICATION – CHANGE OF USE TO HOLIDAY ACCOMMODATION – 35 LA PEROUSE COURT, GOODE BEACH	6
PD058	PROPOSED PERMANENT CLOSURE OF INTERSECTION OF FLYNN WAY AND LOWER KING ROAD, BAYONET HEAD	13
PD059	ENDORSE FOR ADVERTISING DRAFT 'SIGN' POLICY	17
PD060	ENDORSE FOR ADVERTISING DRAFT YAKAMIA/LANGE STRUCTURE PLAN	22
PD061	CITY OF ALBANY STRATEGIC BUSH FIRE PLAN 2014-2019	35
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	41
15.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	41
16.	REPORTS OF CITY OFFICERS	41
17.	MEETING CLOSED TO PUBLIC	41
18.	CLOSURE	41

PLANNING AND DEVELOPMENT COMMITTEE

AGENDA –05/11/2014

** REFER DISCLAIMER **

1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor Mayor D Wellington (Deputy Chair)

Councillors:

Member	V Calleja JP (Chair)
Member	A Hortin JP
Member	A Goode JP
Member	R Hammond
Member	R Sutton
Member	G Gregson
Member	S Bowles
Member	N Williams
Member	B Hollingworth

Staff:

Executive Director Planning & Development Services	D Putland
Manager Planning	J van der Mescht
Senior Strategic Planner	A Nicol
Senior Planning Officer /Statutory Planning and Compliance Minutes	Tom Wenbourne J Cobbold

Apologies:

PLANNING AND DEVELOPMENT COMMITTEE

AGENDA –05/11/2014

** REFER DISCLAIMER **

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Planning and Development Committee Meeting held on 08 October 2014, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

**PD057: DEVELOPMENT APPLICATION – CHANGE OF USE TO
HOLIDAY ACCOMMODATION – 35 LA PEROUSE COURT, GOODE
BEACH**

Land Description	:	35 La Perouse Court, Goode Beach
Proponent	:	Smithson Planning
Owner	:	Dr Jessamine Hui-min Soderstrom
Business Entity Name	:	NIL
Attachments	:	Site Plan 1:400 @ A3 Draft Management Plan
Supplementary Information & Councillor Workstation:	:	Original submission Letters of representation from the public
Report Prepared by	:	Senior Planning Officer – Statutory Planning & Compliance (T Wenbourne)
Responsible Officer	:	Executive Director Development Services (D Putland)

Responsible Officer’s Signature:



STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. This is a statutory planning matter that is assessed against the Local Planning Scheme No.1 (LPS1) and any relevant planning policies. As such there are no strategic implications. Notwithstanding this, the most relevant strategic document is the Albany Local Planning Strategy (ALPS). This proposal is consistent with the strategic direction set in the ALPS;
 - a. *Section 5.4.2 Accommodation* of the ALPS sets the following Planning Objective:

“Promote the development of sustainable tourist accommodation”.

In Brief:

3. Council is requested to consider a proposal for a change of use of an existing single house to short-term holiday accommodation at 35 La Perouse Court, Goode Beach.
4. The proposal is considered compliant with Local Planning Scheme No. 1 (LPS1) and the Holiday Homes Planning Policy requirements.
5. The proposal has been advertised to the public with two letters of representation received. These letters raise minor concerns, but no objections. The concerns are discussed later in the report
6. The concerns raised can be addressed through the proposed conditions and relevant accommodation operational guidelines.
7. The proposal is recommended for approval and has been referred to Council in accordance with Council’s previous resolution that all proposals within this zone be referred to Council for determination.
8. A revision/amendment of the previous resolution is suggested through recommendation 2.

RECOMMENDATION

PD057: RESPONSIBLE OFFICER RECOMMENDATION #1

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Holiday Accommodation at 35 La Perouse Court, Goode Beach; subject to the following conditions:

- (1) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans.**
- (2) The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.**
- (3) The holiday/tourist accommodation hereby approved shall only be used for short stay accommodation, with any single tenant permitted to stay for no more than three months in any calendar year.**
- (4) The maximum number of persons residing in the holiday accommodation shall be restricted to 6 at any one time, exclusive of the owner/operator.**
- (5) The holiday accommodation hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust to any extent greater than what is to be expected within a residential zone.**
- (6) Notwithstanding the submitted information, prior to the commencement of the use hereby approved, a management plan for the operation of the accommodation shall be submitted to and approved in writing by the City of Albany. The holiday accommodation shall be operated in accordance with the approved management plan.**

Advice relating to this condition:

In addition to the submitted detail, the management plan shall include details of day to day management including provision of access for late entry and a 24 hour emergency point of contact with details of such contact being provided to the City of Albany as well as surrounding landowners. The owner/operator is advised that they are required to submit an updated management plan if any changes occur.

- (7) The operator or manager of the premises hereby approved for holiday accommodation are to provide and maintain a register of all people who utilise the holiday accommodation during the year to the satisfaction of the City of Albany. A receipt book must be kept.**
- (8) No signs are to be erected on the lot without the approval of the City of Albany, in accordance with the City Of Albany’s Sign Bylaws.**

(9) All vehicular parking and access areas shall be maintained as per the approved details and plans, to the satisfaction of the City of Albany.

(10) All access tracks and parking facilities to be “all-weather” trafficable and no informal tracks shall be created from the property into the adjoining reserve.

PD057: RESPONSIBLE OFFICER RECOMMENDATION #2

(1) THAT Council RESOLVES that all applications for Planning Scheme Consent be determined in accordance with the current Local Planning Scheme and Officer Delegations.

(2) THAT Council Policy Position – relating to Special Residential Area No 8 – La Perouse Court, Goode Beach (Report Item 11.3.3, Part iii), resolved on 15 April 2003, requirement for staff to refer all Planning Scheme Consents to Council for determination for lots 401 and 402, be NOTED as SUPERSEDED.

BACKGROUND

9. The City received an application for Planning Scheme Consent (PSC) for a change of use of 35 La Perouse Court, Goode Beach from a single house to holiday accommodation.
10. The subject site is 2409m² in area and is zoned Special Residential No.8 under (LPS1). It is currently developed with a 3 bedroom, 2-storey house that was constructed in 2011.
11. Holiday accommodation is a use listed within LPS1, but is not specifically identified as a permissible use for this zone through Schedule 15 of LPS1. Although not listed for the zone it is also not prohibited. As such, Holiday Accommodation can be considered as an ‘A’ use meaning a use not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.
12. Goode Beach is an area identified as a preferred location for short stay accommodation in Council's Holiday Homes Planning Policy. Identification within the policy provides further justification for considering Holiday Accommodation as an ‘A’ use.
13. The proponent has provided a draft management plan addressing matters set out in the Holiday Homes Planning Policy.
14. At its Ordinary Council Meeting on 15 April, 2003, Council resolved to support a revised subdivision guide plan for Special Residential Area No.8. The resolution of Council included the following:
“iii) require staff to refer all Planning Scheme Consents to Council for determination for lots 401 and 402.”
15. This proposal has been referred to Council for consideration in accordance with the above resolution, but would otherwise have been approved under delegation.

DISCUSSION

16. The proposal seeks consent for the change of use of the property from regular full time domestic occupancy to short stay holiday accommodation. The proposed change in tenure would limit an individual's cumulative occupancy to a maximum 90 days in any calendar year. No physical alterations to the property are proposed.
17. The 3 bedroom 2-storey house can provide accommodation for up to 6 people. The minimum required 2 car parking bays can easily be accommodated onsite.
18. The proposal has been advertised for a 21 day period with an advertisement appearing in the public notices section of the Albany Advertiser on 14 August 2014. The issues raised are covered and addressed in the following section of the report.
19. The maximum number of guests at the property was the substantive issue raised during consultation. A condition restricting maximum occupancy is proposed to be applied as a condition of consent.
20. The proponent has provided a draft management plan detailing how the proposed use would operate; with minor additional information this would meet the City's standard requirements for such a proposal. This additional information is recommended to be requested through a proposed condition of consent.
21. Such a change of use is generally supported in a residential area and Council's Holiday Homes Planning Policy identifies Goode Beach as a preferred area for this use. The proposal does not conflict with the aims and objectives of the zone and can be considered acceptable.
22. Applications for Holiday Accommodation are generally determined at officer level in accordance with officer delegation. However, when a policy was considered for the subdivision guide plan for this zone at the Ordinary Council Meeting held on 15 April 2003 (Item 11.3.3); there was concern for the potential for building envelopes to be altered through applications for planning scheme consent. To address these concerns officer delegation for applications for planning scheme consent within this subdivision were removed and all subsequent applications have been referred to Council for determination.
23. As this zone requires planning scheme consent for all development, it results in small scale development, such as a water tank, being required to be determined by Council. This places an unnecessary administrative burden on City staff and results in delays for proponents with routine development requests.
24. Staff recommend Council's previous resolution be revoked and replaced with the recently endorsed delegations. Or if concerns remain regarding the variation of building envelopes, perhaps the previous resolution of Council can be amended to only apply to requests to vary the building envelopes being referred to Council for determination.

GOVERNMENT & PUBLIC CONSULTATION

25. Consultation with Government Agencies was not required.
26. In accordance with Local Planning Scheme No.1 requirements, this proposal was advertised for a 21 day period. The consultation period commenced when a public notices advertisement was published in the Albany Advertiser on Thursday 14 August 2014.
27. In addition, a public notification sign was placed onsite and letters were sent to 29 surrounding landowners.

28. Two submissions were received in response to the public consultation. These submissions raised some observations and concerns, but no objections to the proposal. The concerns and issues raised are:
- i. The site plan and documentation indicates six parking spaces, so there is potential for 30 people to be at the property. This raises concern about the amount of traffic this could bring to the area.
 - ii. The documentation states there are no adjoining neighbours, but there is one direct neighbour.
 - iii. Request for contact details of managing agent and caretaker in case of emergency or to report concerns.
 - iv. There is no mention of a fire extinguisher being provided. Is this a requirement?
 - v. An adjoining lot has a flat grassed area that local children play on. The current owners do not object so long as the area is left clean and tidy. New owners may not like this to continue.
 - vi. Can the house colour be changed from blue to a tone that blends more with the natural vegetation?
29. The concerns raised can be addressed through the suggested conditions and standard operating requirements. In regards to the colour of the dwelling, this has previously been assessed against the requirements of the original approval for the house and was deemed to be compliant.

STATUTORY IMPLICATIONS

30. The subject land is zoned Special Residential No.8 under the City of Albany Local Planning Scheme No.1 (LPS1).
31. Holiday Accommodation, whilst listed within LPS1 is not specifically identified as permitted or prohibited in the Schedule for Special Residential No.8. Where such a scenario arises it is common practice that an application can be judged on its merits against the aims and objectives of the zone and be treated as an ‘A’ use requiring public consultation.
32. The potential permissibility of this use in this zone is further justified by the identification of Goode Beach as a preferred location for Holiday Home short stay accommodation in Council’s Holiday Homes Planning Policy. The subject lot is included in the Goode Beach locality map within the policy.
33. The voting requirement for the Holiday Accommodation application is **SIMPLE MAJORITY**.
34. The voting requirement to replace the previous resolution of Council (OCM 15/04/03 Item 11.3.3 part iii) with current delegations or to amend the resolution is an **ABSOLUTE MAJORITY**.

POLICY IMPLICATIONS

35. The proposal is consistent with Council’s Holiday Homes Planning Policy, subject to the provision of additional information in a management plan as recommended in the proposed conditions.

RISK IDENTIFICATION & MITIGATION

36. The risk identification and categorisation relies on the City’s Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>People Health & Safety</p> <p><i>The proposal is approved and the use results in a detrimental impact on the amenity of the area through antisocial behaviour by short stay tenants.</i></p>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<p><i>The risk can be mitigated through the suggested conditions with the management plan and 24 hour point of contact should issues arise. If continual breaches occur, the consent can be revoked with the property returned to normal domestic occupation.</i></p>

FINANCIAL IMPLICATIONS

37. There are no financial implications related to this item.

LEGAL IMPLICATIONS

38. There are no legal implications related to this item.

ENVIRONMENTAL CONSIDERATIONS

39. Effluent from the existing dwelling is disposed of via an existing onsite Alternative Treatment Unit that complies with the relevant Australian Standards. The particular unit installed is certified to service up to 10 persons in a domestic situation.
40. The 3 bedroom property is designed for occupation by up to 6 people and this proposed use is also limited to a maximum of 6 occupants. Therefore the existing effluent disposal system is considered more than capable of accommodating the demands of the proposed Holiday Accommodation use.

ALTERNATE OPTIONS

41. Council has the following alternate option in relation to this item:

THAT Council resolves to ISSUE a Notice of REFUSAL of Planning Scheme Consent for Holiday Accommodation at 35 La Perouse Court, Goode Beach, WA 6330.

SUMMARY CONCLUSION

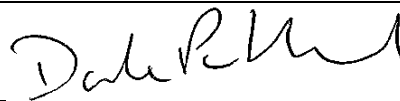
42. The proposed change of use to short term Holiday Accommodation for up to 6 people is considered to satisfy the Local Planning Scheme and Planning Policy requirements, subject to the controls and requirements in the suggested conditions.
43. It is recommended that Council resolves to ISSUE a Notice of Planning Scheme Consent for Holiday Accommodation at 35 La Perouse Court, Goode Beach WA 6330, subject to the conditions in the officer recommendation.

Consulted References	:	1. Local Planning Scheme No. 1 2. Albany Local Planning Strategy 2010 3. City of Albany Holiday Homes Planning Policy
File Number (Name of Ward)	:	A185773 (Vancouver Ward)
Previous Reference	:	OCM 15/04/03 - Item 11.3.3 OCM 14/12/10 – Item 1.1

PD058: PROPOSED PERMANENT CLOSURE OF INTERSECTION OF FLYNN WAY AND LOWER KING ROAD, BAYONET HEAD

Land Description : Intersection of Flynn Way and Lower King Road, Bayonet Head
Proponent : City of Albany
Owner : State Government
Attachments : ICR6016891.pdf
Removal of Temporary Intersection Plan.pdf
Councillor Workstation :
Report Prepared By : Land Officer (Atlanta Veld)
Responsible Officer(s): : Executive Director Planning & Development Services (Dale Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:** 3. A connected built environment.
 - b. **Strategic Objective:** 3.1. To advocate, plan and build friendly and connected communities.
 - c. **Strategic Initiative:** 3.3.2. Provide proactive planning & building services.

In Brief:

2. Council requested to consider the proposed permanent closure of the intersection of Flynn Way and Lower King Road as detailed in the original 2006 subdivision application for Lot 43 Lower King Road, Bayonet Head.

RECOMMENDATION

PD058: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RESOLVES to close the intersection of Flynn Way and Lower King Road.

BACKGROUND

3. In October 2006, the Western Australian Planning Commission approved the subdivision of Lot 43 Lower King Road, which was Stage 1 of the Oyster Harbour Development.
4. Within this application was temporary access to the development via the intersection of Flynn Way and Lower King Road. The temporary access was to be eventually closed once entrances to the development were created to the south (Stranmore Boulevard) and east (Paul Terry Drive).

DISCUSSION

5. As the new access points to the Oyster /Harbour Development via Stranmore Boulevard and Paul Terry Drive have now been created, the intersection of Flynn Way and Lower King Road now needs to be closed, as per original subdivision application documents.
6. The closure of the intersection will not involve any changes to the tenure of the affected land and it will remain as part of the existing Lower King Road reserve, as outlined on the Removal of Temporary Intersection Plan.
7. As the City of Albany has delegated authority to progress permanent thoroughfare closures (2014:027), notification was undertaken by way of public notices published in the Albany Advertiser on August 19, 2014, displayed at the road intersection, in the Albany Public Library and at the City's North Road Offices. Submission regarding the public notification closed on 26 September, 2014.
8. One submission was received by a resident objecting to the road closure on the basis of convenience and emergency access in the event of a hazard. Condition 14 of subdivision application required a Section 70A notification to be placed on the Certificates of Title of the proposed lots, advising that access from the subdivision to and from Lower King Road is provided on a temporary basis only and the access point will be closed when further stages of the subdivision have been completed. No objections or conditions were received by any emergency service provider during the WAPC consultation process at the time of the original subdivision application.

GOVERNMENT & PUBLIC CONSULTATION

9. Section 3.50 of the *Local Government Act 1995* sets out the procedure for permanently closing thoroughfares. A local government may advertise, by public notice, the proposed order giving details of the proposal, including the location of the thoroughfare and where, when and why it would be closed and inviting submissions from any person who wishes to make a submission.

STATUTORY IMPLICATIONS

10. Section 3.50 of the *Local Government Act 1995*;

“3.50 Closing certain thoroughfares to vehicles

- (1) A local government may close any thoroughfare that it manages for the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.
 - (a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- (2) The order may limit the closure to vehicles of any class, to particular times or to such other case or class as may be specified in the order and may contain exceptions.
- (3) [repealed]
- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to-
 - (a) Give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when and why it would be

closed, and inviting submissions from any person who wishes to make a submission;

(b) Give written notice to each person who-

i. Is prescribed for the purpose of this section; or

ii. Owns land that is prescribed for the purpose of this section; and

(c) Allow a reasonable time for submissions to be made and consider any submissions made.

(5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930, a copy of the contents of the notice required by subsection (4)(a).

(6) An order under this section has effect according to its terms but may be revoked by the local government or by the Minister by order of which the local public notice is given.

(7) [repealed]

(8) If, under subsection (1), a thoroughfare is closed without giving public notice, the local government is to give local public notice of the closure as soon as practical.

(9) Voting Requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

11. There are no policy implications.

RISK IDENTIFICATION & MITIGATION

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health & Safety <i>New community enquiries/objections once siteworks to close the intersection begin</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Provide onsite signage at the intersection before beginning siteworks</i>

FINANCIAL IMPLICATIONS

12. There are minor administrative costs associated with advertising the proposal to the public and relevant servicing agencies that can be accommodated in the 2014/15 budget allocation for land acquisition.

ENVIRONMENTAL CONSIDERATIONS

13. There are no environmental implications.

ALTERNATE OPTIONS

14. Decline to close the intersection of Flynn Way & Lower King Road. This may cause traffic congestion on Lower King Road as future subdivision of Oyster Harbour progresses.

SUMMARY CONCLUSION

15. The original subdivision accepted by the Western Australian Planning Commission in October 2006 outlined the closure of the intersection of Flynn Way and Lower King Road once alternate traffic routes into the Oyster Harbour subdivision were constructed.
16. These alternate routes, namely Paul Terry Drive and Stranmore Boulevard have now been built and dedicated as public roads, facilitating the closure of the Flynn Way intersection.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	ICR6016891 (Yakamia)
Previous Reference	:	

PD059: ENDORSE FOR ADVERTISING DRAFT ‘SIGN’ POLICY

Land Description	: City of Albany
Proponent	: City of Albany
Owner	: City of Albany
Business Entity Name	: N/A
Attachments	: Draft ‘Sign’ policy
Supplementary Information & Councillor Workstation	: N/A
Appendices	: Nil
Report Prepared by	: Senior Planning Officer, Strategic Planning (A. Nicoll)
Responsible Officer(s)	: Executive Director Planning & Development Services (D Putland)

Responsible Officer’s Signature:



STRATEGIC IMPLICATIONS

1. This item relates directly to the following element of the *Community Strategic Plan “Albany 2023”*:

3.1; To advocate, plan and build friendly and connected communities.

In Brief:

2. The signage policy is complimentary to Local Planning Scheme No 1 and guides the development/erection of signs that require planning approval. It does not apply to signs that are exempted or listed in the scheme.

Relationship of this Policy to Local Laws.

3. The SIGNS LOCAL (AMENDMENT) LAW 2008 is a local law that has to be complied with in addition to the Local Planning Scheme and Local Scheme Policy. The City’s Building services section issues licences under the local law. The local law is mainly focused on the physical erection of signs and controlling construction standards, safety and maintenance of signs.
4. Signs are an element of the built environment that if not appropriately controlled can detract from the visual character of an area.
5. Provisions of the City’s newly adopted *Local Planning Scheme 1 (LPS1)* contradict the City’s existing Sign Policy.
6. Council is asked to support the advertising of a draft ‘Sign’ policy, which has been developed to ensure:
 - o Consistency with the City’s new LPS1;
 - o Signs are structurally sound;
 - o Signs are appropriate to the use of the land and character of the area and building; and
 - o Signs do not present a hazard to pedestrians or block motorists’ views.

RECOMMENDATION

PD059: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. Endorse the draft ‘Sign’ policy, for advertising, for a period of 28 days.

BACKGROUND

7. In May 2014, LPS1 was endorsed.
8. Part 8 of LPS1 requires the prior approval of signs, except for the erection of any of the exempted classes of signs listed in Schedule 5 of LPS1.
9. Some of the exempted classes of signs listed in Schedule 5 of LPS1 contradict the City’s existing ‘Sign’ policy, which has been carried over from the rescinded Town Planning Schemes 1A and 3.
10. A new draft ‘Sign’ policy has therefore been written to be consistent with Schedule 5 of LPS1.

DISCUSSION

11. Local Planning Policies are guidelines used to assist the Local Government in making decisions under the LPS1. Although Local Planning Policies are not part of the LPS1 they must be consistent with, and cannot vary, the intent of the LPS1 provisions. This being said, inconsistencies between Schedule 5 of LPS1 and the City’s existing Sign Policy exist and include:

Schedule 5 of LPS1	Existing Sign Policy
The LPS1 supports for dwellings, one professional nameplate that does not exceed 0.2m ² .	The Policy supports for dwellings, one professional nameplate that does not exceed 0.6m ² .
The LPS1 supports for Commercial buildings, signs located below a height of 5m.	The Policy supports signs above 5m from ground level as long as the following size requirements are met: Max height of sign: 3m Max width of sign: 7m Max area of sign:15m ² Not height limits above ground level are in place.
The LPS1 supports for industrial properties, a max of two free standing signs not exceeding 5m in height.	The Policy supports a max of one free standing sign not exceeding 6m in height.
Generalised Comparative between LPS1 and Sign Policy	
LPS1 controls are less stringent for commercial and industrial areas and more stringent for residential areas.	
LPS1 permits larger wall signs in commercial areas.	

LPS1 permits more free standing signs in industrial areas. t

12. The existing Sign Policy has therefore been amended to make consistent with the LPS1.
13. Without contradicting Schedule 5 of the LPS1, additional requirements for signs have been included in the new amended Policy and include:
- a. The following signs have the potential to impact on the character of a building or area and have therefore been identified in the new draft Policy as being 'not permitted':
 - A Third Party Sign that can be viewed externally to a Lot. A third party sign advertises a business that is not available to the public within that Lot;
 - A Sky Sign, which is a sign that projects above the roof of a building; and
 - Illuminated signs located in residential areas.
 - b. The LPS1 does not adequately make requirements for Banner, Fascia, Free Standing, Wall, Roof, Third Party, A-Frame, Flag and Election signs. The Policy therefore includes provisions to address this inadequacy.

GOVERNMENT & PUBLIC CONSULTATION

14. If the Council resolves to support the draft 'Sign' policy for advertising:
- a. a notice of the proposed Local Planning Policy, is to be placed, once a week for two consecutive weeks in a newspaper circulating in the LPS1 area, giving details of:
 1. Where the draft Local Planning Policy can be inspected;
 2. The subject and nature of the draft Local Planning Policy; and
 3. In what form and during what period (being not less than 21 days from the day that the first notice is published) submissions may be made.
15. After expiry of the period within which submissions may be made, the Local Government is to:
- a. Review the draft Local Planning Policy in light of any submissions made; and
 - b. Resolve to adopt the Local Planning Policy with or without modification, or not to proceed with the Local Planning Policy.

STATUTORY IMPLICATIONS

16. Part 8 of LPS1 requires the prior approval of advertisements, except for the erection of any of the exempted classes of advertisements listed in Schedule 5 and in respect of a heritage area/place.
17. The City's LPS1 defines advertisement as:

“any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.”

18. In addition to provisions of the LPS1 and policy, the City of Albany has adopted a Sign Local Law. The Sign Local Law has been adopted to ensure that the larger wall signs and signs affixed to the ground are structurally adequate. All signs require a Sign Permit in accordance with the Sign Local Law.

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

POLICY IMPLICATIONS

20. There are no Policy implications relating to this item.

RISK IDENTIFICATION & MITIGATION

21. The following indicates the risk to the City in making a decision to support or not support the 'Residential Building' Policy:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Enterprise <i>Reputation – Policy position may have an impact on business advertising.</i></p> <p><i>Advertising the proposed policy could give rise to objectionable comments from business owners and sign writers looking to advertise their business or develop signs.</i></p>	<p><i>Unlikely</i></p>	<p><i>Minor</i></p>	<p><i>Low</i></p>	<p><i>Policy can be amended once feedback is assessed, this is the purpose of advertising prior to final adoption.</i></p> <p><i>Provisions within the Policy have been included to address inadequacies of the LPS1 and to enable the development of advertising signs without the need for an additional approval process and impacting the character of an area or building.</i></p>

FINANCIAL IMPLICATIONS

22. There are no financial implications beyond what has already been budgeted for advertising.

LEGAL IMPLICATIONS

23. There are no legal implications relating to resolving to advertise a draft policy, which is seeking to manage the development of signs.

ENVIRONMENTAL CONSIDERATIONS

24. The Sign Policy is seeking to control the amount, location and size of signage as a means to protect the character of areas and buildings.

ALTERNATE OPTIONS

25. Council may determine that the proposed policy is unacceptable and may resolve to refuse advertising.

SUMMARY CONCLUSION

26. Provisions of the City’s newly adopted LPS1 contradict the City’s existing Sign Policy.

27. The existing Sign Policy has been amended to be consistent with the LPS1 and to address any inadequacies.

28. This item requests that Council supports the advertising of the ‘Sign’ Policy.

Consulted References	:	1. <i>Local Planning Scheme 1</i> 2. <i>Policy Manual</i>
File Number (Name of Ward)	:	N/A
Previous Reference	:	OCM 19/04/11 - Item 1.1 Final Adoption of Policy Manual

**PD060: ENDORSE FOR ADVERTISING DRAFT YAKAMIA/LANGE
STRUCTURE PLAN**

Land Description	: Various Lots - Yakamia and Lange.
Proponent	: City of Albany.
Owner	: Various owners.
Business Entity Name	: N/A.
Attachments	: Attachments 1, 2, 3, 4 and 5 Written advice from the Office of the Environmental Protection Authority Structure Plan
Supplementary Information & Councillor Workstation	: http://www.albany.wa.gov.au/your- property/planning/planning-policies-structure-plans/
Appendices	: Nil.
Report Prepared by	: Senior Planning Officer, Strategic Planning (A. Nicoll)
Responsible Officer(s):	: Executive Director Planning and Development Services (Dale Putland).

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter. When exercising its discretion in relation to planning matters, the pertinent strategic document is the Albany Local Planning Strategy (ALPS).
2. The land uses proposed within the Draft Structure Plan are consistent with the City's endorsed Local Planning Strategy (ALPS), which has designated the subject land for urban growth within the short term. As outlined by the ALPS:
 - a) The land forms a logical extension to land already developed to the south; and
 - b) Retail, service and community infrastructure exists in close proximity to the subject areas.

In Brief:

3. Council is requested to endorse the draft Yakamia/Lange Structure Plan for the purpose of landholder, public and Government consultation.
4. The City has prepared the draft Structure Plan to guide land use, development and subdivision for the localities of Yakamia and Lange.
5. Preparation of the Structure Plan came about from:
 - i) Landholder requests to subdivide;
 - ii) The City's Local Planning Strategy identifying the localities for urban development in the short term;
 - iii) The need to provide a comprehensive understanding of infrastructure needs; and
 - iv) The need to provide guidance in accordance with state planning principles and policies.

RECOMMENDATION

PD060: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. Resolves to ENDORSE the Draft Yakamia/Lange Structure Plan for consultation for a period of 42 days.

BACKGROUND

6. The areas of Yakamia and Lange are located north of Albany, on the fringes of existing urban developed land, approximately 3.5km from Albany's central business district and 1.5km from a neighbourhood centre and service industries located off Chester Pass Road.
7. Planning for the urban expansion of the Yakamia and Lange localities dates back fifteen years to 1998. To date, the following documents have been produced on behalf of the City of Albany for planning purposes:
 - a) The Draft Yakamia District Structure Plan (1998 – Taylor Burrell);
 - b) The Draft Yakamia Structure Plan (2005 – Allering Associates);
 - c) Yakamia Creek Flood Study report, published by Water and Rivers Commission (2001); and
 - d) Various environmental reports including:
 1. Coffey Environmental Report of Wetlands and Waterways (2008);
 2. Vegetation assessment for Lot 4743 North Road (Coffey Environments 2008);
 3. Opportunistic Flora Survey for Lots 79 and 80 Bond Street (Alan Tingay and Associates 1996);
 4. Opportunistic Flora and Vegetation Survey (2000) to supplement 1996 survey for lots 79 and 80 Bond Street (ATA Environmental 2000);
 5. Flora Survey for Location 4743 Yakamia (Sandiford 2005); and
 6. Flora and Fauna Surveys for the previous Yakamia Structure Plan area (ATA Environmental 2005).
8. Preparation of the Yakamia Structure Plan is necessary to facilitate the urban expansion of the Yakamia and Lange localities in accordance with the Albany Local Planning Strategy (ALPS) and in response to requests from landholders in the area who have intentions to develop and subdivide their land.
9. In 2011, the City of Albany received a letter of support from the Department of Parks and Wildlife (previously known as the Department of Environment and Conservation) for an alignment of a new major north/south link road (Range Road) over vegetated land (Lot 4743 North Road). The proposed road is planned to provide a connection between North Road and Mercer Road.
10. In 2012, the City consulted with landowners and received the following comments as summarised :
 - a) *The land should be planned to accommodate residential living.*
 - b) *Creek areas should be turned into public parkland.*
 - c) *A north/south transport link is greatly recommended.*
 - d) *Vegetation in designated wetland and POS areas should be protected.*
 - e) *Valley areas should be reserved for recreation.*
 - f) *I would like to see the area developed into a mixture of smaller and special rural blocks.*

- g) *Most certainly support smaller lots.*
 - h) *It would be great to see the creeks regenerated and include a cycle-way connecting to Catalina shopping precinct.*
 - i) *We are in full support of future development.*
 - j) *We would like to see an area flooded and lakeside lots created.*
11. In March, 2013, the City of Albany undertook a review of existing environmental information. The review concluded the following for vegetated areas:
- a) No threatened flora has been identified (noting that detailed environmental investigations have not been undertaken for some areas);
 - b) Vegetated communities with Banksia Coccinea are possibly threatened;
 - c) There are remnant stands of vegetation (Jarrah/Mari) in excellent condition and that form natural corridors.
12. Based on the environmental review, in 2012 the City developed a Draft Structure Plan, which proposed to protect vegetation within the structure plan area (refer to Attachment 1).
13. The Draft plan was referred to the Office of the Environmental Protection Authority (OEPA) and property developers.
14. The OEPA supported the structure plan on the basis that vegetation in excellent condition, that's possibly threatened, that forms a large coverage and that forms an alliance with the foreshores is protected. The structure plan was modified to make consistent with the OEPA advice and to avoid the City having to undertake formal environmental reviews (refer to Attachment 2)
15. Developers strongly objected to vegetation protection measures on the basis that it would detrimentally affect the viability of any development on their land.
16. The City sent the Draft plan to all landholders giving advice that the plan will be going to Council for initiation to advertise (refer to Attachment 3).

DISCUSSION

17. There are approximately 140 different lots/landholdings identified within the Structure Plan areas. The average lot size is 4.5ha, with the largest lot being approximately 14ha. The land is either used for living purposes (single dwelling), grazing, market gardening or is vacant.
18. The Draft Structure Plan encompasses an area of approximately 379ha and is proposing to designate two (2) areas of land for a variety of uses. The Draft Structure Plan includes two separate areas; 'Area 1' – area adjacent to Barnesby Drive and 'Area 2' - area bound by Mercer Road to the north, reserved land to the east, North Road and Ulster Road to the south and Chester Pass Road to the west (refer to Attachment 4).
19. Based on designations proposed within the structure plan area, there is the potential for approximately 2707 dwellings, which equates to a population of approximately 6500 persons.
20. The zoning of the land included in the structure plan encompasses the following:
- a) Southern areas of the Structure Plan being zoned 'Future Urban' and 'Yakamia Creek'; and
 - b) Northern area being zoned 'General Agriculture'.

(Refer to Attachment 5)

21. The 'General Agriculture' zoning will need to be amended to a development zone (Future Urban) prior to supporting subdivision or development in accordance with the Structure Plan.
22. The vision of the Structure Plan is:
 - a) To establish an integrated urban and environmentally sustainable landscape that:
 1. Protects the foreshore areas adjacent to waterways that feed into Oyster Harbour;
 2. Protects priority ecological communities;
 3. Protects jarrah communities in excellent condition; and
 4. Provides for diverse land development options; ranging from a high density node adjacent to the Catalina commercial precinct through to medium to large lots on the steeper slopes and adjacent to vegetation protection areas."
23. The Aims of the Structure Plan are to:
 - a) Facilitate an urban form that provides for housing and associated infrastructure which is responsive to the character of the site and the locality, as depicted on the Plan;
 - b) Provide safe and convenient vehicle and pedestrian access to the activity centres at Chester Pass Road and the Central Business District;
 - c) Provide a stormwater system that minimises risk to public health and amenity, protects the built environment from flooding and water logging and that enhances the quality of water flowing to the Oyster Harbour;
 - d) Maintain vegetation where possible within road reserves, areas of public open space and foreshore areas and protect vegetation in excellent condition and where possibly threatened species exist; and
 - e) Provide a range of public open spaces catering for recreational, sporting and nature use by the local community.
24. The Structure Plan intends to implement the following key principles:
 - a) Foreshores
 1. Maintain water quality and quantity to Oyster Harbour by managing land uses and redeveloping waterways (eg. developing sediment basins);
 2. Improve Biodiversity (diversity of life) adjacent to waterways by enabling uniform redevelopment and management of foreshores via a foreshore management plan;
 3. Seek funds via 10% POS provision for development of public open space facilities (formal and informal - pedestrian path/boardwalk) within foreshores.
 - b) Protect Vegetation as a means to maintain threshold, visual amenity and diversity of life.
 1. Protect possibly threatened vegetation (*Banksia coccinea*); and
 2. Protect remnant vegetation that is in excellent condition and that forms a natural corridor.
 - c) Residential
 1. Support high density (R30) residential on more suitable flat land adjacent to major link roads and the Catalina commercial precinct;
 2. Support medium density (R25) in relatively unconstrained areas; and/or

3. Support low density (R5) adjacent to steep topographies and in areas where the connection to deep sewer is constrained.

d) Transportation

1. Roads are to be developed in accordance with Liveable Neighbourhood principles (i.e. to follow contours).
2. A 30m wide road reserve is to be set aside and a 2 lane sealed road is to be developed to direct traffic to and from the CBD along two new North/South link roads - Range Rd and Barnesby Drive. Ultimately these routes will be developed with 4 lanes. The development of the north/south links will help alleviate congestion issues being experienced at the Chester Pass Roundabout.
3. Major intersection treatments will be required for intersection at Range Rd and Mercer Rd, Range Rd and North Rd; Range Rd and Catalina Rd and Barnesby Drive and Chester Pass Road.

e) School Sites

1. A primary school site has been identified as part of a previous consultation process with the Department of Education and a structure plan endorsed for the properties in the locality between Hudson and Catalina Roads. The site identified is located at the corner of Catalina Road and Lockheed Street. The Yakamia Primary School exists in the locality at Barnesby Drive.

f) Public Recreation Space

1. Public spaces for both passive (informal) and active (formal - sporting) recreation have been identified in the structure plan area in accordance with recommendations made in 'The Liveable Neighbourhoods' and by the Department of Sport and Recreation. In principle, larger/multi use spaces (>5000m²) have been encouraged. The locality is within short distance to the Centennial Park sporting precinct, which includes an aquatic centre and indoor and outdoor sporting facilities.

GOVERNMENT & PUBLIC CONSULTATION

25. The City consulted with landholders, Main Roads WA, the Department of Water, the Department of Planning, the Department of Parks and Wildlife and the Office of the Environmental Protection Authority in developing the Draft Structure Plan.
26. The Office of the Environmental Protection Authority (OEPA) provided written advice on areas and measures for protection of vegetation (refer to OEPA letter attached).
27. The Structure Plan will be advertised for public comment if council agrees to its adoption. As part of the advertising, relevant Government agencies, utility providers and landholders in the locality will be invited to provide comment.

STATUTORY IMPLICATIONS

28. The *Local Planning Scheme 1* requires the following details for a structure plan :
 - a) The area to which the Structure Plan applies;
 - b) The proposed residential density code that will apply to the Structure Plan Area;

- c) Key opportunities and constraints of the area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport, and services;
 - d) Proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
 - e) Estimates of future lots, dwellings, population, employment and retail floor space;
 - f) Provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;
 - g) The proposed road network and hierarchy including connectivity between proposed/future and existing developments, public transport services and bicycle and pedestrian networks.
29. The above matters have been adequately covered in the Structure Plan in the following manner:
- a) The Structure Plan addresses best practice principles associated with the Western Australian Planning Commission's *Liveable Neighbourhoods* document; and
 - b) The structure plan includes a detailed land capability, transport and public open space analysis.
30. The Structure Plan has been developed in accordance with the Western Australian Planning Commission's '*Structure Plan Preparation Guidelines (2012)*'.
31. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

32. The Western Australian Government '*Liveable Neighbourhoods (2009) Policy*' has been used to guide the outcome of the proposed Draft Structure Plan. The following Liveable Neighbourhood principles have some relevance to the Structure Plan:
- a) A foreshore reserve will generally not be included in a 10% public open space contribution;
 - b) Promoting increased integration of urban water management elements into the urban form;
 - c) To provide a variety of lot sizes;
 - d) Simplified context and site analysis and application requirements.
33. The Western Australian Government's "*Water Resources (2006) Policy*" has been used to guide the outcome of the proposed Draft Structure Plan. The following Water Resource principles have some relevance to the Structure Plan:
- a) Protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values;
 - b) Assist in ensuring the availability of suitable water resources to maintain essential requirements for human and all other biological life with attention to maintaining or improving the quality and quantity of water resources; and
 - c) Promote and assist in the management and sustainable use of water resources.

34. The Western Australian Government's 'Environment and Natural Resource (2003) Policy' has been used to guide the outcome of the proposed Draft Structure Plan. The following environment and natural resource principles have relevance to the Structure Plan:
- Avoid development that may result in unacceptable environmental damage;
 - Support development which provides for environmental restoration or enhancement; and
 - Protect significant natural and cultural features.

RISK IDENTIFICATION & MITIGATION

35. The risk identification and categorisation relies on the following Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community <i>Inappropriate development and subdivision. Development and subdivision has previously been supported within the Structure Plan areas without considering relevant planning principles and policies and gaining necessary and/or appropriate contributions for roads, public open space and foreshores.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>The Structure Plan will consider the impacts for development and subdivision on the entire area prior to considering individual lot subdivisions.</i>
Legal and Environment <i>Landholders may indicate disapproval to vegetation protection measures and seek compensation for loss of existing development rights.</i>	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Minimise risk to Council by not removing existing development rights.</i>
Financial <i>If the structure plan acts contrary to advice from the OEPA the City of Albany, may be responsible for undertaking environmental assessment.</i>	<i>Almost certain</i>	<i>Severe</i>	<i>Extreme</i>	<i>This risk is mitigated through adhering to advice provided by OEPA and protecting certain vegetated areas.</i>

FINANCIAL IMPLICATIONS

36. The cost of advertising the Structure Plan has been budgeted for in the Development Services Budget.

37. The cost of further environmental reviews has been avoided through adhering to advice provided by the OEPA.
38. The Structure Plan shows the indicative alignment of Range Road. The alignment and costing will be finalised in future as part of the detailed planning stages. However, it is noted that the City will incur some costs associated with design and construction.

LEGAL IMPLICATIONS

39. This item if endorsed will result in the release of a Structure Plan for public consultation and as such does not have any legal implications.
40. Legal advice may have to be obtained at a later stage in response to submissions received as part of the public consultation stage.

ENVIRONMENTAL CONSIDERATIONS

41. An environmental and water management review and informal consultation with landholders, the Department of Planning and the OEPA has guided the development of the Draft Structure Plan.

ALTERNATE OPTIONS

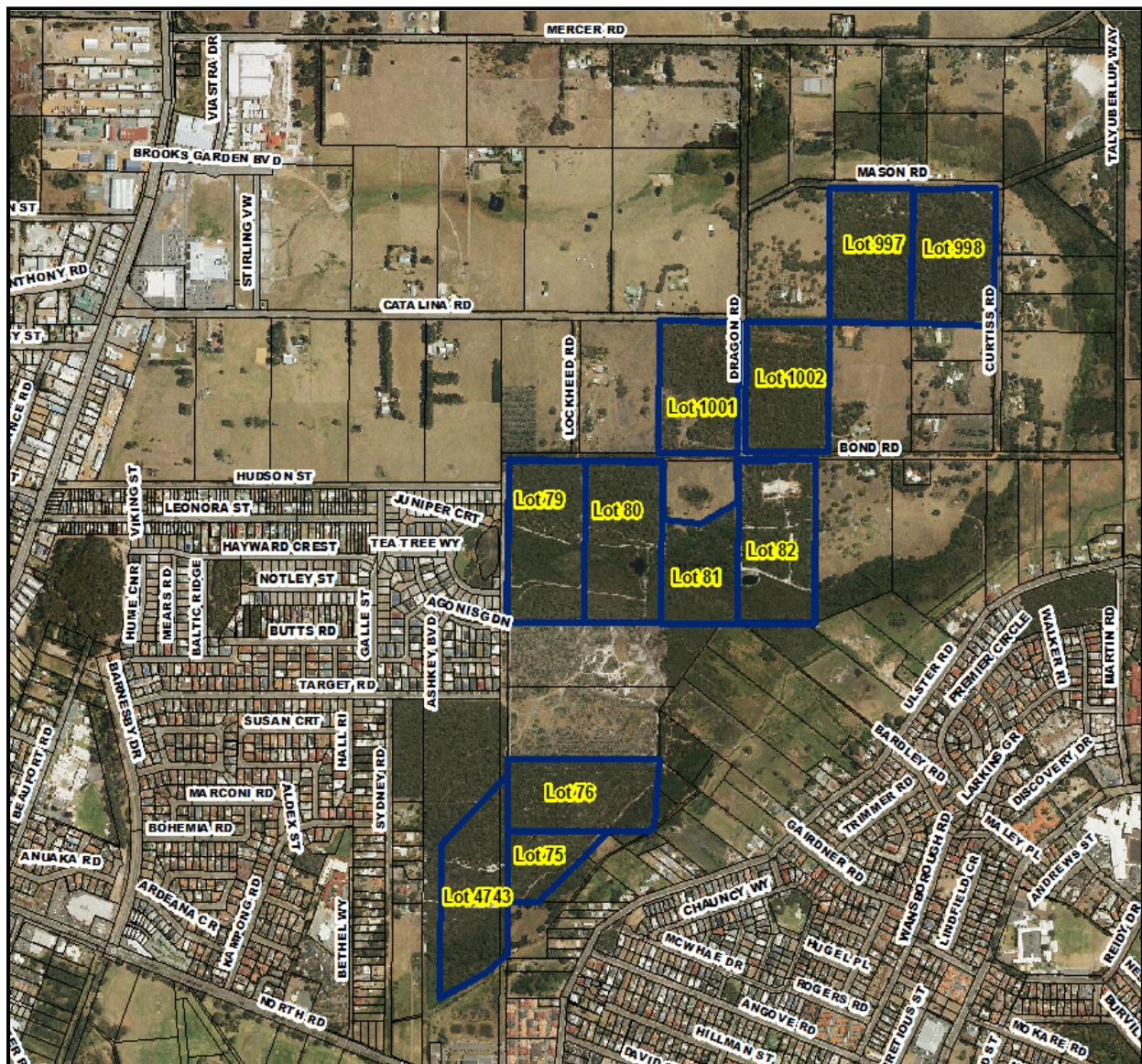
42. As an alternative option Council can resolve to require further review and refinement prior to advertising.

SUMMARY CONCLUSION

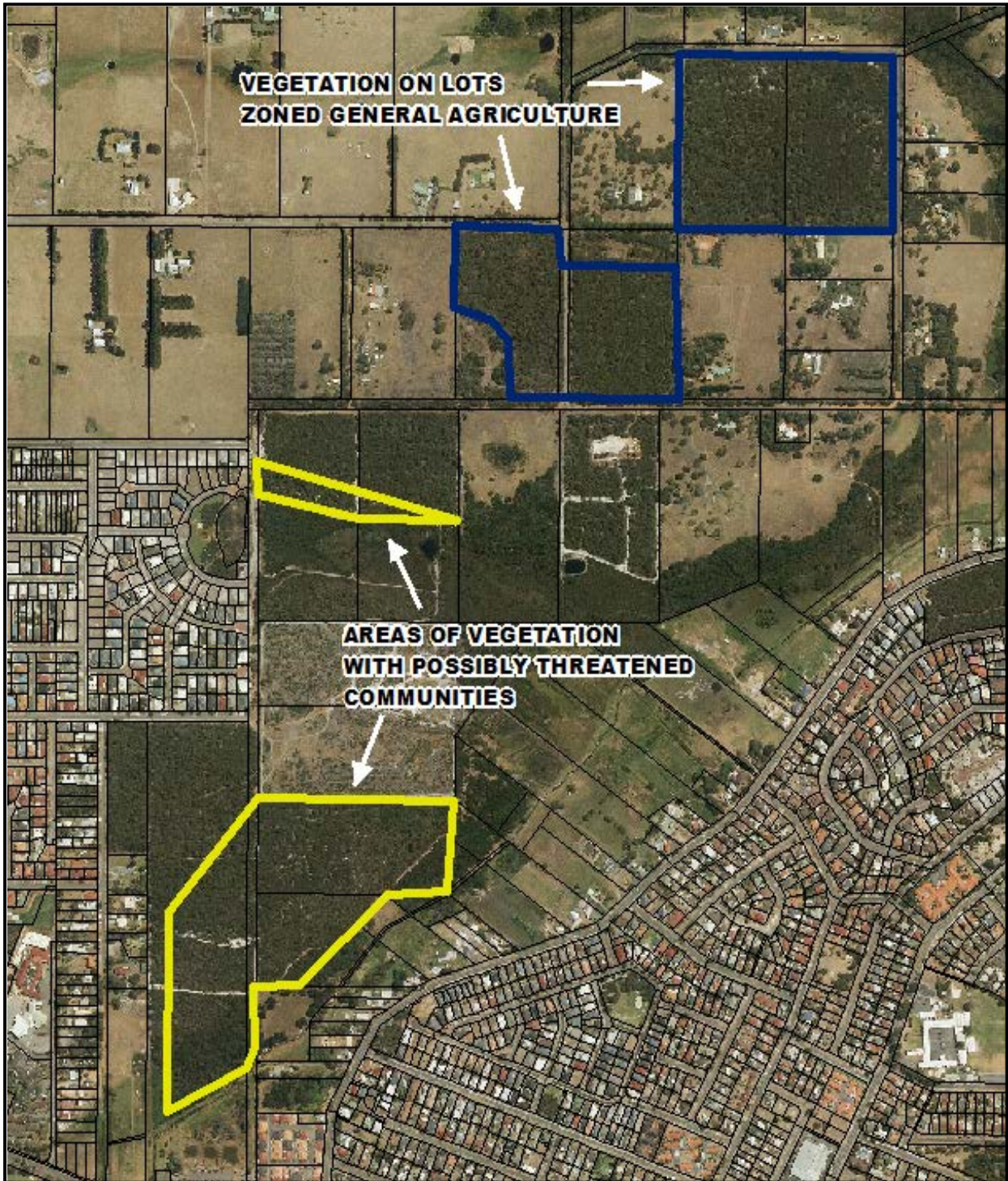
43. The Draft Structure Plan has been developed taking into consideration the following:
 - a) Landholder and Government (OEPA) consultation;
 - b) Environmental and Water Management reporting; and
 - c) Western Australian Planning Commission Policy requirements (e.g. *Liveable Neighbourhoods* Document).
44. The Structure Plan aims to establish an integrated urban and environmentally sustainable landscape that:
 - a) Protects the foreshore areas adjacent to waterways that feed into Oyster Harbour;
 - b) Protects priority ecological communities and remnant vegetation in excellent condition; and
 - c) Provides for diverse land development options; ranging from a high density node adjacent to the Catalina commercial precinct through to medium and large lots on the steeper slopes.
45. Staff recommend that Council endorse the Draft Yakamia/Lange Structure Plan for the purpose of public and government consultation.

Consulted References	: 1. <i>Local Planning Scheme 1</i> 2. <i>Local Planning Strategy</i> 3. Western Australian Planning Commission's (WAPC) ' <i>Structure Plan Preparation Guidelines (2012)</i> ' 4. WAPC ' <i>Liveable Neighbourhoods (2009) Policy</i> ' 5. Western Australian Government's ' <i>Water Resources (2006) Policy</i> ' 6. Western Australian Government's ' <i>Environment and Natural Resource (2003) Policy</i> '
File Number (Name of Ward)	: LP.PLA.1
Previous Reference	: Nil

Attachment 1



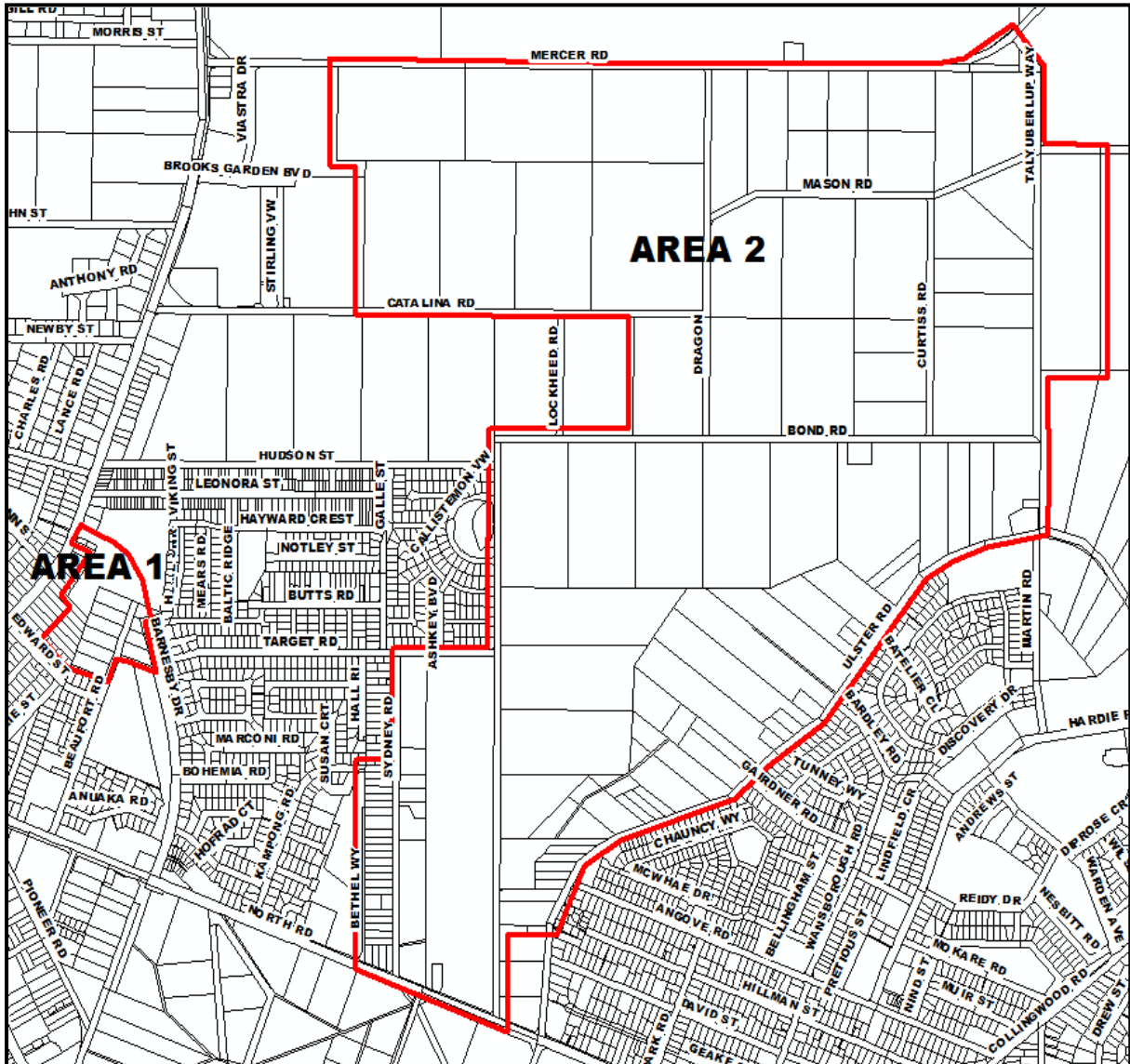
Attachment 2



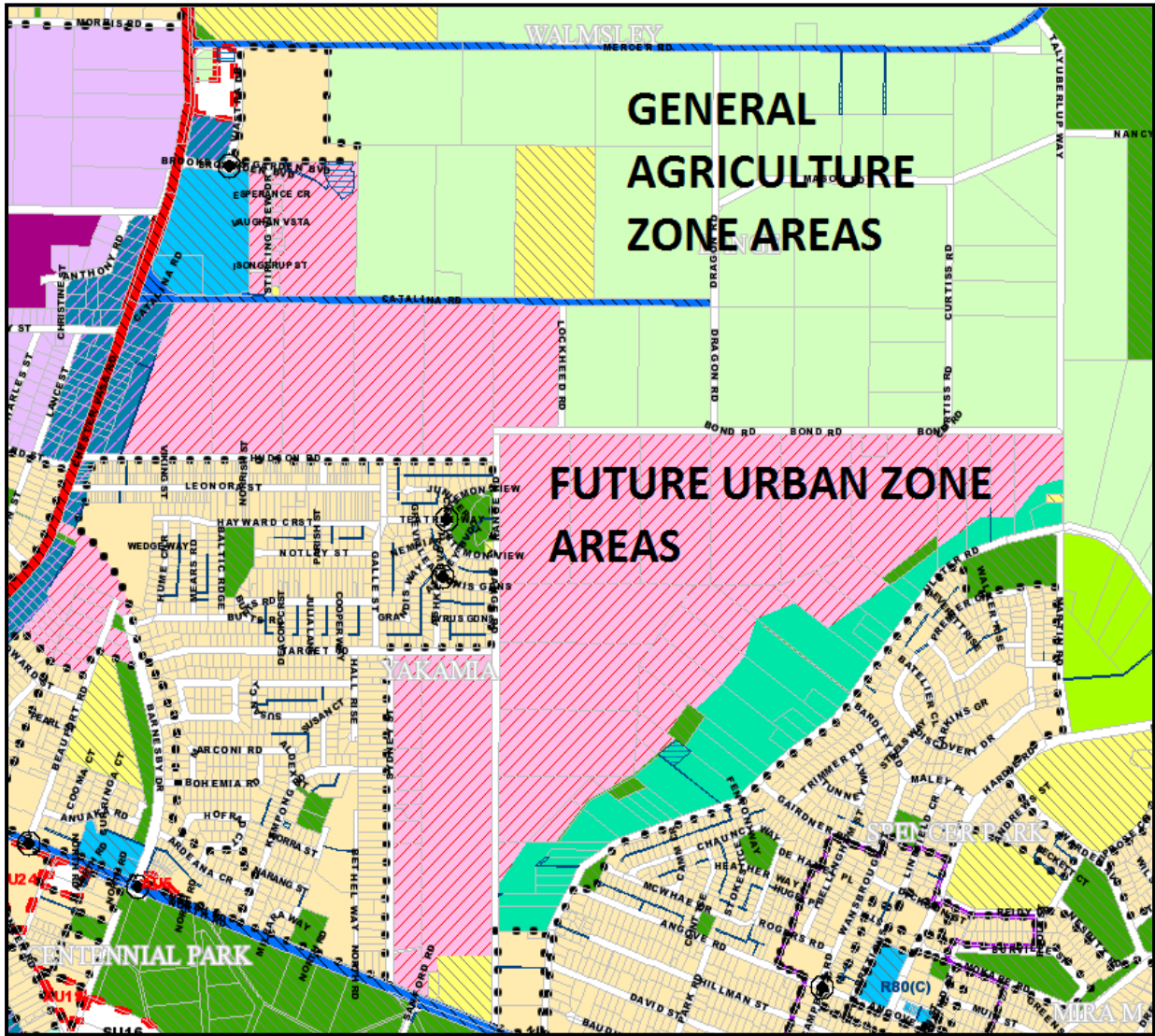
Attachment 3



Attachment 4



Attachment 5



PD061: CITY OF ALBANY STRATEGIC BUSH FIRE PLAN 2014-2019

Attachments : Strategic Bushfire Plan 2000 – 2005
Strategic Bush Fire Plan 2014 – 2019
Register of Delegates

Report Prepared by : Manager EM/Rangers (Tony Ward)

Responsible Officer : Executive Director Planning & Development
Services (Dale Putland)

Responsible Officer’s Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:

a. Key Theme:

- 2 – Clean, Green and Sustainable
- 3 – A Connected Built Environment
- 5 – Civic Leadership

b. Strategic Objective:

- i. **2.1.1** - Deliver effective fire practices that reduce risk
- ii. **3.2** - To develop community amenities and programs that support people of all ages
- iii. **3.2.1** - Plan for and monitor community safety and security
- iv. **5.2** - To provide strong accountable leadership supported by a skilled & professional workforce.
- v. **5.2.1** – Provide positive leadership that delivers community outcomes.
- vi. **5.1** – To establish and maintain sound business and governance structures.

c. Strategic Initiative:

Council committees provide meaningful input into the delivery of our Community Strategic Plan. The proposed Strategic Bush Fire Plan 2014 – 2019 aligns with key theme 2. *Clean, Green & Sustainable* by providing clear purpose and direction in the effective delivery of fire mitigation strategies that reduce fire risk and improve awareness.

The proposed Strategy also provides community assurance by outlining strategies to highlight fire mitigation in line with key theme 3 – A Connected Built Environment.

The Strategy further enhances community security and meets expectations by clearly defining Volunteer Bush Fire Brigade leadership requirements in line with key theme 5 – Civic Leadership.

In Brief:

Council is requested to:

2. Rescind the current Council strategy and adopt the new strategy.
3. Note the expansion of membership of the Bush Fire Advisory Committee (BFAC).
4. Note the appointment of the Chief Bush Fire Control Officer (CBFCO) and Deputy Chief Bush Fire Control Officer (DCBFCO) under delegated authority.
5. Appoint four elected members, one being designated as Chair, to the standing membership of the BFAC.

RECOMMENDATION

PD061: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) RESCIND the Strategic Bushfire Plan 2000 – 2005 and,**
- (2) ADOPT and ENDORSE the new Strategic Bush Fire Plan 2014 – 2019.**
- (3) NOTE the expansion of membership of the Bush Fire Advisory Committee.**
- (4) APPOINT four elected members, one being designated as Chair, to the standing membership of the BFAC.**

Chair

Deputy Chair

Councillor

Councillor

- (5) NOTE the appointment of the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer under delegated authority.**

BACKGROUND

6. The City of Albany was recognised as bushfire prone by the Office of Bushfire Risk Management (OBRM) in July 2014.
7. The previous Strategic Bushfire Plan was formally adopted on 5th June 2001. The Plan was adopted on the recommendation of the Bush Fire Management Committee standing at the time and focused on brigade structure, support and resourcing.
8. The Plan was based on Best Practice at the time.
9. The Plan included funding proposals to support brigade infrastructure and resourcing, all of which were administered and financed by the City of Albany.

10. The Emergency Services Levy (ESL) was established by State Government in 2003 to support emergency services such as the State Emergency Service and volunteer fire and rescue services. The ESL provides a source of funding for new equipment (under an ongoing replacement program), infrastructure and training to the volunteer fire and rescue services. As a result of ESL, the services of the volunteer bushfire brigades have dramatically improved in rural areas, including City of Albany.
11. The *Emergency Management Act 2005* was proclaimed on 27 Sep 2005. This legislation was introduced as ‘*An Act to provide prompt and coordinated organisation of emergency management in the State, and for related purposes*’. Prior to this Act, arrangements varied from district to district.
12. A fatal incident at Black Cat Creek occurred on 12th October 2012 which prompted a full internal review of operating and administrative procedures. At the same time a Major Incident Review occurred, resulting in a number of improvement notices being issued by Worksafe WA.
13. The establishment of the Bushfire Advisory Committee (BFAC) was adopted by Council at the Ordinary Council Meeting on 29th October 2013 (Item 16.1) with the following membership:
 - Councillor Williams
 - Councillor Gregson
 - Councillor Price

And Community Representatives:

- Chief Bush Fire Control Officer
- Deputy Bush Fire Control Officer (North East Sector)
- Deputy Bush Fire Control Officer (South West Sector)
- Senior Fire Control Officer (North East Sector)
- Senior Fire Control Officer (South West Sector)
- Chair of the Bush Fire Advisory Group

The Committee terms of reference noted that :**The Chair may invite persons other than those listed above to be members of the Committee; however this will have to be endorsed and appointed by Council.*

14. On 24th June 2014, Council delegated the following authority to staff:
 - a. **Function:** Authority to: (2) Appoint Fire Control Officers & define areas of responsibility (includes the authority to appoint Fire Control Officers, the Chief Bush Fire Control Officer and Deputy Bush Fire Control Officers in accordance with section 48 of the Bush Fires Act 1954).

Designated/Authorised Officers:

- Chief Executive Officers (All)

Legislation: Bush Fires Act 1954 - Section 38 (1)

(See attachment with full delegation powers)

DISCUSSION

15. The Conditions that existed during the previous strategy have changed and the previous Strategy is now superseded.
16. Current emergency management provisions at state level are based upon Westplan’s principles of Prevention, Preparedness, Response and Recovery (PPRR).

17. The City recognises increased awareness of bushfire threat as a result of the Black Cat Creek incident on 12th October 2012. The findings of the subsequent inquiry included a need for greater interaction between the City of Albany and state fire management departments. This has extended to sharing training and operational opportunities for Volunteer Brigades with the aim of building greater resilience into the community.
18. The strategy informed by independent review (Morrison Report).
19. The new strategy focuses on the principles of Prevention, Preparedness, Response and Recover and outlines a strong relationship between volunteer bushfire brigades, City of Albany, state agencies (DFES and DPaW) and the community.
20. The strategy incorporates the Bush Fire Advisory Committee (BFAC) with an expanded membership that now includes an additional elected member and representation from state government agencies associated with fire management. The Terms of Reference have been revised to reflect this.
21. The strategy outlines BFAC as an important committee of the Council that makes recommendations on operational funding requirements and policy direction for bushfires. The strategy also defines Terms of Reference for the Bush Fire Advisory Group (BFAG) and clearly outlines the reporting and hierarchical structures.
22. The strategy includes clear position descriptions for senior brigade positions developed after combined consultation between volunteer brigade members, Department of Fire and Emergency Services, and the City's Emergency Management team. The positions incorporate a higher level of training and experience than previously defined and will be supported by the City's commitment to continuous improvement through training opportunities. The strategy sets clear position descriptions and objectives of senior volunteer brigade positions including the CBFEO, the DCBFEO, and senior Fire Control Officers.
23. The appointment of Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer under redefined position descriptions provides clear direction and leadership to volunteer members whilst providing community assurance that brigade operations are conducted in a safe and effective manner.
24. After reviewing nominations received at the Bush Fire Advisory Group meeting held on 14th April 2014, the Chief Executive Officer appointed under delegated authority the following positions:
 - Chief Bush Fire Control Officer: Derek Jones, South Coast Volunteer Bush Fire Brigade
 - Deputy Chief Bush Fire Control Officer: Darren Prior, South Coast Volunteer Bush Fire Brigade
25. The strategy commits to strong partnerships between the community, volunteer brigades and the City of Albany in fire prevention and suppression activities.
26. The strategy outlines Council's commitment to support the financial resourcing of volunteer brigades by the administration of funding received through the Local Government Grants Scheme. Funding secured under this scheme ensures operational readiness of DFES supplied buildings and appliances, personal protective equipment and communications equipment.

The strategy also commits Council to actively pursue the continuous improvement of fire mitigation and suppression. This is achievable by proactive participation in DFES's Resource to Risk Program, a strategy that identifies resource needs for a changing community.

GOVERNMENT & PUBLIC CONSULTATION

- 27. Department of Parks and Wildlife (DPaW), Department of Fire and Emergency Services (DFES) and The State Emergency Management Committee (SEMC) were consulted in regards to this report.
- 28. Senior Brigade Management has been consulted and actively engaged in the review of previous and proposed position descriptions for brigades, and Terms of Reference, for the new strategy.

STATUTORY IMPLICATIONS

- 29. A local Government’s ability to appoint members to a Bush Fire Advisory Committee is empowered under Section 67 (1) of the Bush Fires Act 1954. (See attachment)
- 30. The appointment of Bush Fire Control Officers by local government is empowered under Section 38 (1) of the Bush Fires Act 1954. (See attachment)
- 31. Voting requirements for this item is **ABSOLUTE MAJORITY**

POLICY IMPLICATIONS

- 32. Referred to in Section 1 ‘in brief’. Adoption of this strategy will require the previous Strategic Bushfire Plan 2000 – 2005 to be rescinded.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Failure to rescind previous strategy and adopt the new, will mean that Council is guided by outdated information, putting the Community at risk and causing substantial public embarrassment</i>	<i>Likely</i>	<i>Major</i>	<i>High</i>	<i>Recommendation that Council adopt new strategy to align bushfire principals of Prevention, Preparedness, Response and Recovery to state strategies adopted at state level.</i>

FINANCIAL IMPLICATIONS

- 34. There may be some additional administration costs associated with review of existing support plans to re-align with direction of the new strategy.
- 35. Additional funding for supporting planning may be pursued through the State Emergency Management Committee (SEMC) AWARE Program which aims to enhance Western Australia’s emergency management arrangements by building emergency management capacity and community resilience.

LEGAL IMPLICATIONS

- 36. NIL

ENVIRONMENTAL CONSIDERATIONS

- 37. NIL

ALTERNATE OPTIONS

38. Council may choose to amend an element of the Strategy; however it is recommended that the Strategy is adopted and minor issues are referred to council committee for review.

SUMMARY CONCLUSION

39. It is recommended that Council rescind the superseded strategy and adopt the new strategy.

40. That four councillors are appointed to the BFAC, with one designated as Chair.

41. That Council note the appointments of the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer.

Consulted References	:	<ul style="list-style-type: none">• Bush Fires Act 1954• Strategic Bushfire Plan 2000 – 2005• DFES, Great Southern region• DPaW, Great southern region• City of Albany, Volunteer Bush Fire service
File Number (Name of Ward)	:	
Previous Reference	:	SER042

PLANNING & DEVELOPMENT COMMITTEE MEETING
AGENDA – 05/11/2014
REFER DISCLAIMER

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
16. **REPORTS OF CITY OFFICERS**
17. **MEETING CLOSED TO PUBLIC**
18. **CLOSURE**