

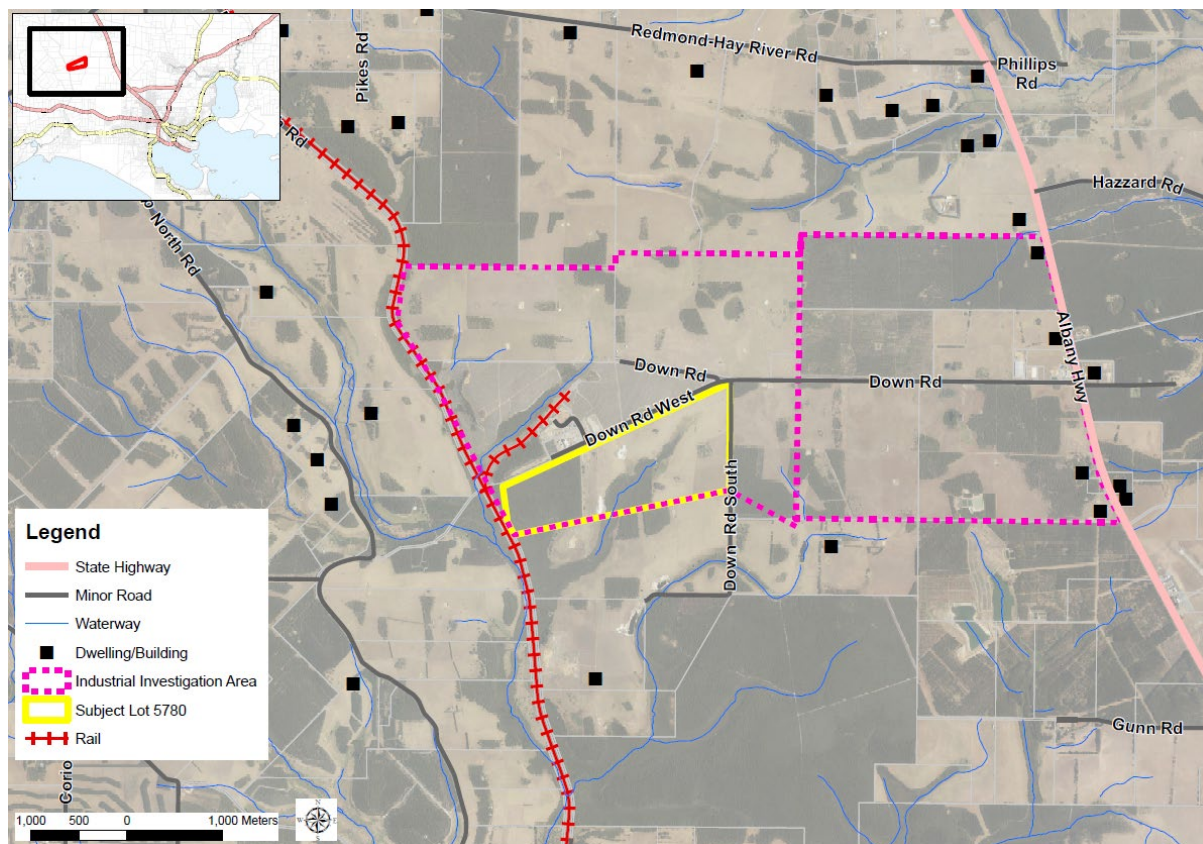
DIS221: LOCAL PLANNING SCHEME AMENDMENT NO.35 – LOT 5780 DOWN ROAD SOUTH, DROME.

Land Description	: Lot 5780 Down Road South, Drome
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Attachments	: Updated Precinct Plan
Report Prepared by	: Senior Planning Officer – Strategic Planning (A Nicoll)
Responsible Officer	: Executive Director Infrastructure, Development and Environment, Planning (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.

Maps and Diagrams:



In Brief:

- In 2019, Council agreed to advertise an amendment (Amendment No.35) to its *Local Planning Scheme No.1*. The amendment proposes to enable motorsport activities at a property on Down Road South, Drome (Lot 5780).
- The Environmental Protection Authority has advised that the potential noise levels, associated with the motor-sporting activities, will exceed assigned levels at nearby houses.
- In order to mitigate the concerns raised by the Environmental Protection Authority, Council is requested to agree to resolve not to proceed with the Scheme Amendment No.35 (dated 2019), and to instead, resolve to agree to prepare and advertise a new Scheme Amendment No.35, which seeks to:
 - Limit the types of motor sporting activities; and
 - Introduce noise mitigation measures.

COVID-19 IMPACT

- No identified implications.

RECOMMENDATION

DIS221: DRAFT MOTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT in accordance with clause 3.5 of the City of Albany Standing Orders Local Law 2014 (as amended) Report Item DIS221: LOCAL PLANNING SCHEME AMENDMENT NO.35 – LOT 5780 DOWN ROAD SOUTH, DROME be ACCEPTED for consideration as an urgent item.

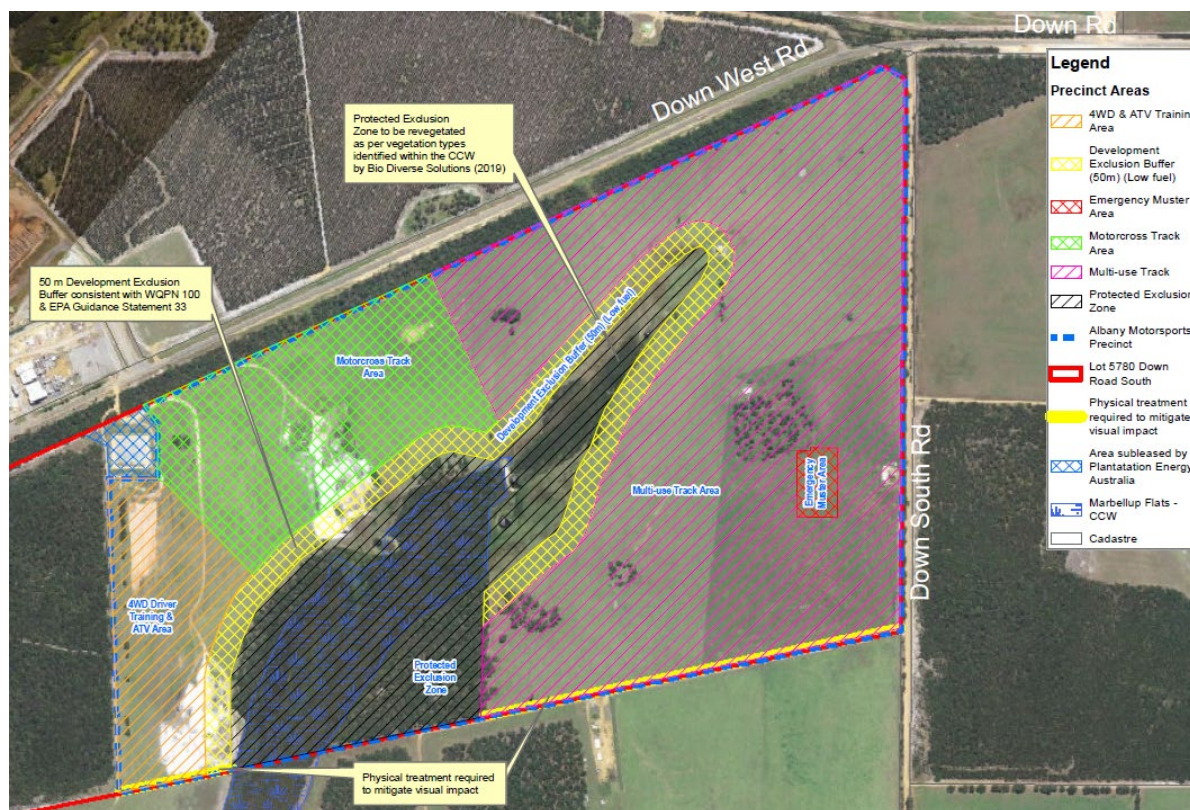
DIS221: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

1. THAT Council, pursuant to section 75 of the Planning and Development Act 2005 and Part 5, r.35(5) resolves not to proceed with Scheme Amendment No.35, in its current form (date of resolution – 25/6/2019).
2. THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35(2) and r.37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:
 - a) PREPARE AND ADVERTISE Complex Amendment No. 35, to amend City of Albany *Local Planning Scheme No. 1* by:
 - (i) Rezoning Lot 5780, Down Road South, Drome, from ‘Priority Agriculture’ zone to ‘Special Use’ zone;
 - (ii) Adding the following text to Schedule 4:

No.	Description of Land	Special Use	Conditions
SU26	Lot 5780 Down Road South, Drome	Motorsport based recreation and incidental uses	1. All development requires the development approval of the local government. 2. Applications for development approval shall be advertised in accordance with clause 64 of the deemed provisions. 3. All use and development is to be in accordance with the Albany Motorsport Park Precinct Plan and approved management plans. 4. Any application for development approval for the site shall be accompanied by an Environmental Management Plan for the site that addresses: <ol style="list-style-type: none"> a) Noise Management Plan for construction and operation of the site, and which includes but is not limited to: <ol style="list-style-type: none"> (i) Limitations on hours of operation as follows: <ul style="list-style-type: none"> • Sundays: 9am - 6pm;

				<ul style="list-style-type: none"> • Monday – Saturday: 8am – 6pm. (ii) Events not occurring on both the multi-use track and the motocross track at the same time (iii) Frequent/ongoing Monitoring and reporting on noise emissions; and (iv) Provide notification of events to stakeholders / landholders. <ol style="list-style-type: none"> b) Water Management Plan for construction and operation of the site. c) Hydrocarbon Management Plan for operation of the site. d) Waste Management Plan for construction and operation of the site. e) Dust Management Plan for construction and operation of the site. f) Acid Sulfate Soils (ASS) risk. g) Protected Exclusion Zone Management Plan addressing management responsibilities, revegetation, and vegetation condition and wetland water quality monitoring. h) Decommissioning Plan. i) Construction Management Plan. <ol style="list-style-type: none"> 5. Any application for development approval for the site shall be accompanied by a visual impact assessment to determine the appropriate physical treatments to mitigate visual impact to Lot 5781 Down Road South, Drome. 6. Development shall be in accordance with an approved Bushfire Management Plan that has been implemented to the satisfaction of the Local Government, Department of Planning, Lands and Heritage, and the Department of Fire and Emergency Services. 7. Any application for development approval for the site shall be accompanied by a Traffic and Parking Management Plan for construction and operation of the site, including consideration of peak parking and traffic management during larger and special events (i.e. events attracting greater than 500 attendees).
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(iii) Adding the following precinct plan to Schedule 4:



(iv) Amending the Scheme Map accordingly.

3. The amendment is considered to be a complex amendment for the following reasons:
 - it is not consistent with the endorsed local planning strategy for the scheme;
 - it is of a scale and nature that may have an impact on the amenity of the locality and environs; and
 - it may result in some environmental or social impacts on land within the Scheme area.
4. Refer the amendment to the Environmental Protection Authority to determine if formal environmental assessment is required.
5. Refer the amendment to the Commission in accordance with Part 5, r. 37 (2) & (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to determine if any modifications to the amendment is required prior to advertising.
6. In accordance with Part 5, r.38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, if the Commission advise that it is satisfied that the Complex amendment is suitable to be advertised, the City is to advertise the amendment for a period not less than 60 days.

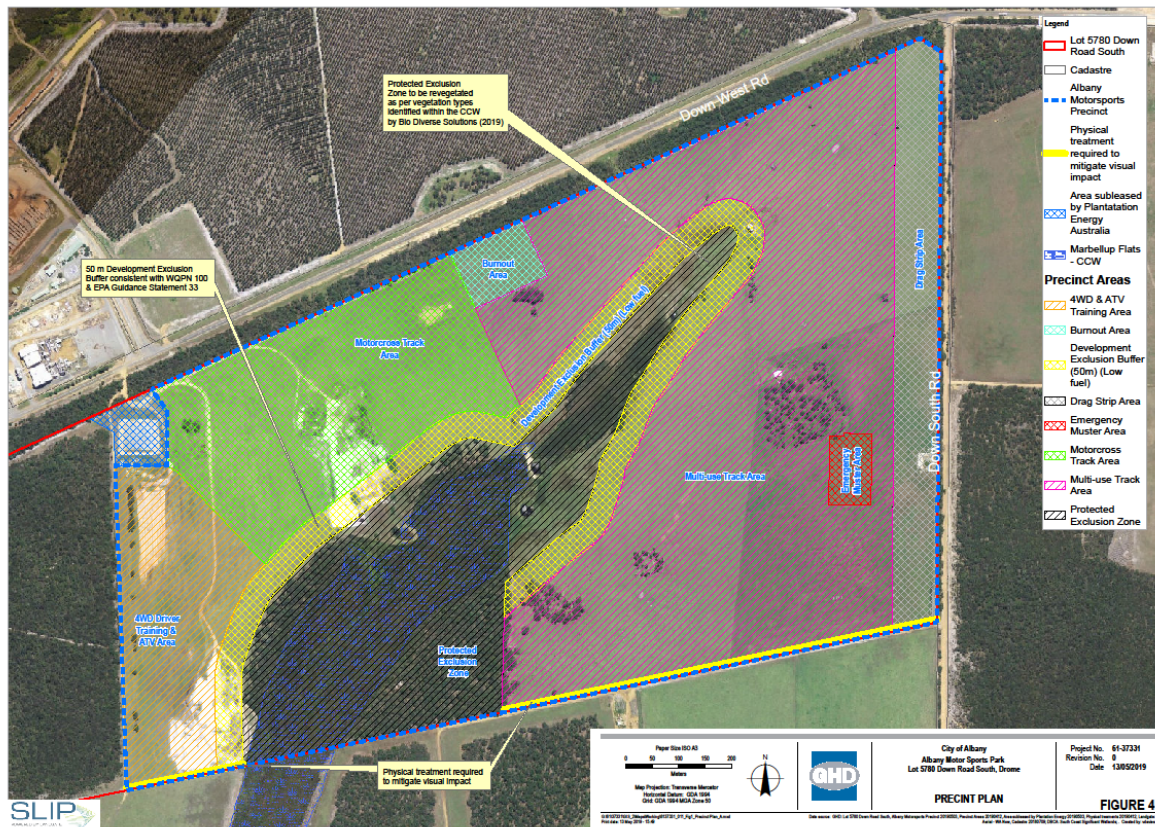
BACKGROUND

2. In June 2019, Council resolved to prepare an amendment to its scheme to enable motorsports activities at Lot 5780, Down Road South, Drome.
3. The amendment was referred to the Environmental Protection Authority to determine environmental acceptability. The Environmental Protection Authority has indicated that the potential noise levels, associated with the motor-sporting activities, will exceed assigned levels at nearby houses.

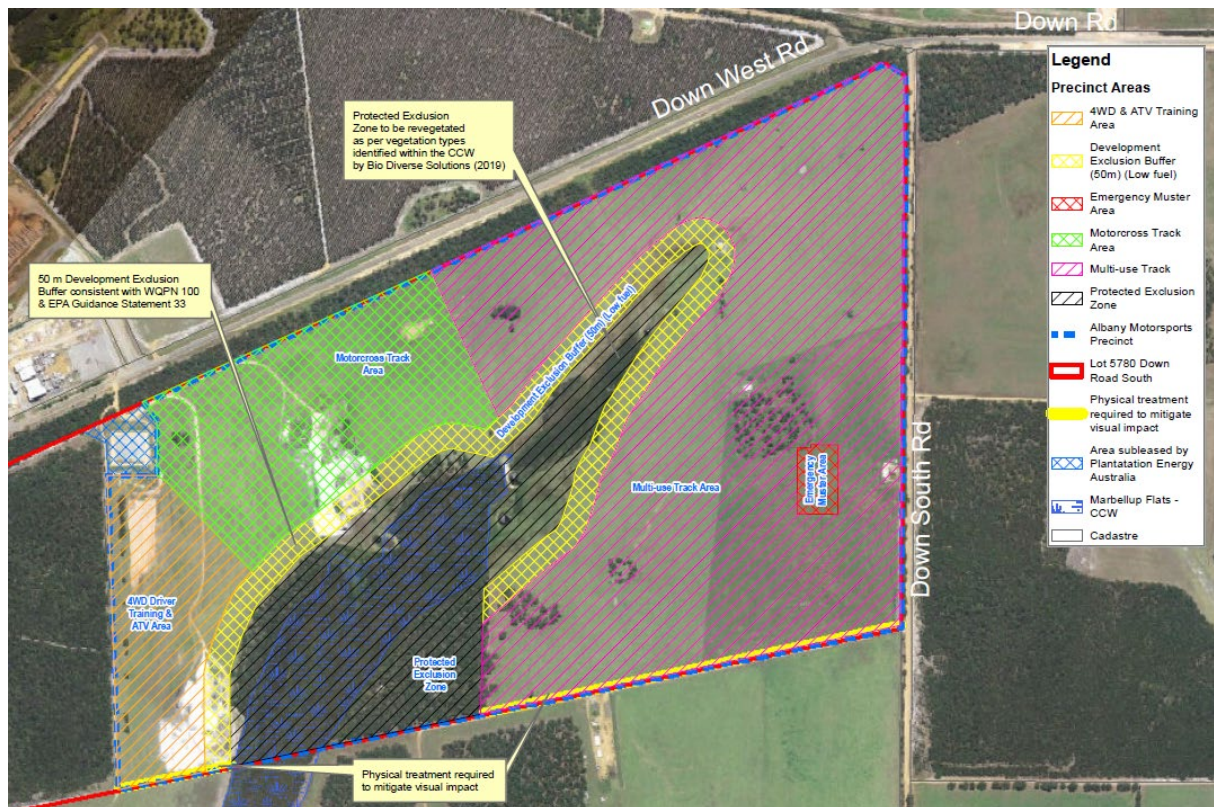
4. The Albany Motorsports Group Inc. has suggested some modifications to reduce noise emissions by not allowing drag racing or burn-out events to occur and by introducing the following mitigation measures:
 - a) No multiple events occurring at any one time (i.e. only one event can operate from the site, at any one time);
 - b) Events limited to the following hours/days:
 - i. Sundays: 9am - 6pm;
 - ii. Monday – Saturday: 8am – 6pm.
 - c) Monitoring and reporting on noise emissions; and
 - d) Provide notification of events to stakeholders / landholders.

DISCUSSION

5. The Albany Motorsports Group proposal to remove activities associated with drag racing and burnouts and to reduce hours of operation was discussed with officers at the Environmental Protection Authority. The Environmental Protection Authority agree that the deletion of drag racing and burn-out events and the introduction of mitigation measures, will reduce the predicted noise levels.
6. In order for the Environmental Protection Authority to make an assessment on any changes, the Environmental Protection Authority require a new referral with updated documentation.
7. The Amendment No.35 documentation that was originally resolved by Council (June 2019) and that was referred to the Environmental Protection Authority, proposes the following conditions:
 1. *PREPARE AND ADVERTISE (without modification) Complex Amendment No. 35 to amend City of Albany Local Planning Scheme No. 1 by:*
 - a) *Rezoning Lot 5780, Down Road South, Drome, from Priority Agriculture Zone to Special Use Zone.*
 - b) *Adding the following text to Schedule 4:*
 4. *Any application for development approval for the site shall be accompanied by an Environmental Management Plan for the site that addresses:*
 - a) *Noise Management Plan for construction and operation of the site.*
 - c) *Adding the following precinct plan to Schedule 4:*



8. In order to address the Environmental Protection Authority concern regarding exceedance of noise levels and in keeping with Albany Motorsports Group initiatives, it is recommended that the Council resolves to prepare and advertise a new amendment proposal, which incorporates the following additions/changes:
- a) At provision 1b)4a), include the following provisions (indicated in italics):
 - 4a) Any application for development approval for the site shall be accompanied by an Environmental Management Plan for the site that addresses:
 - a) Noise Management Plan for construction and operation of the site, *and which includes but is not limited to:*
 - (i) *Limitations on hours of operation as follows:*
 - *Sundays: 9am - 6pm;*
 - *Monday – Saturday: 8am – 6pm.*
 - (ii) *No multiple events occurring at any one time;*
 - (iii) *Monitoring and reporting on noise emissions; and*
 - (iv) *Provide notification of events to stakeholders / landholders.*
 - b) At provision 1c), amend the precinct plan by deleting the drag strip area and the burnout area, as follows:



GOVERNMENT & PUBLIC CONSULTATION

9. Section 81 of the Act requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.

STATUTORY IMPLICATIONS

10. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
11. Division 2, Regulation 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a Complex scheme amendment for advertising and referral to relevant public authorities.
12. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

13. The following State Planning Policies are relevant to the assessment of this amendment;
 - a) *State Planning Policy No. 2 – Environment and Natural Resources;*
 - b) *State Planning Policy No. 2.5 – Rural Planning;*
 - c) *State Planning Policy No.2.7 – Public Drinking Water Source;*
 - d) *State Planning Policy No.2.9 – Water Resources;*
 - e) *State Planning Policy 3.7 Planning in Bushfire Prone Areas;*
 - f) *State Planning Policy 4.1 State Industrial Interface;*
 - g) *Draft Government Sewerage Policy.*

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation</p> <p><i>The proposal may attract objections from members of the public or other public authorities.</i></p>	Possible	Moderate	Medium	<i>Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be requested from the proponent as part of the amendment process</i>
<p><i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i></p>	Possible	Moderate	Medium	<i>If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.</i>
<p>Opportunity: <i>To establish a long term site for motor sport in the Great Southern Region and in particular establish a permanent home for motor cross activities in the short term.</i></p>				

FINANCIAL IMPLICATIONS

15. It is noted that the Albany Motorsports Park Project was a 2017 State Election promise with \$5.75 million allocated to the project. The City has been supportive of the project and purchased the current proposed site with the view of recovering part funding from the State Government once the land is rezoned and a development approval obtained.
16. Should the development not proceed, the City will have the option to hold the land or the City may opt to sell the land.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

18. The referral of Amendment No.35 to the Environmental Protection Authority will clarify if any additional environmental implications apply.
19. The amendment process has included flora, fauna and ecological studies on the site. Indications are that environmental matters are manageable.

ALTERNATE OPTIONS

20. Council may consider not adopting the amendment to the local planning scheme.

CONCLUSION

21. In 2019, Council agreed to prepare and advertise the Local Planning Scheme Amendment No.35, which proposes to rezone Lot 5780 Down Road South from the 'Priority Agriculture' zone to the 'Special Use' zone. Ultimately, the scheme amendment is designed to enable motorsports activities occurring at the subject land.
22. Due to proposed motor sporting activities, which includes drag racing and burnouts, the Environmental Protection Authority has indicated that the potential noise levels at nearby houses, will exceed assigned levels.

23. The Albany Motorsports Group Inc. has suggested some modifications to reduce noise emissions, including removing activities associated with drag racing and burnouts and introducing noise mitigation treatments.
24. In order to progress a new referral to the Environmental Protection Authority, Council is requested to agree not to proceed with the 2019 scheme amendment, and to instead, agree to prepare and advertise a new Scheme Amendment No.35, which is to include the following measures:
- a) No drag racing;
 - b) No burnouts;
 - c) Limitations on hours of operation as follows:
 - Sundays: 9am - 6pm;
 - Monday – Saturday: 8am – 6pm.
 - d) No multiple events occurring at any one time;
 - e) Monitoring and reporting on noise emissions; and
 - f) Provide notification of events to stakeholders / landholders.
25. The changes would reduce the predicted noise levels, ultimately reduce overall environmental impact and hopefully appease concerns expressed by the Environmental Protection Authority.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2010)</i> 3. <i>State Planning Policy No. 2 – Environment and Natural Resources;</i> 4. <i>State Planning Policy No. 3 – Urban Growth and Settlement;</i> 5. <i>State Planning Policy No.2.6 – State Coastal Planning Policy;</i> 6. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas;</i> 7. <i>Better Urban Water Management Policy.</i>
File Number (Name of Ward)	:	LAMD35 (Kalgan Ward)
Previous Reference	:	OCM 25/6/2019 - DIS164