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# AGENDA

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**Ordinary Meeting of Council**

**Tuesday 23 September 2014**

6.00pm

City of Albany Council Chambers

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

**VISION**

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

**VALUES**

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

**Focused: on community outcomes**

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

**United: by working and learning together**

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

**Accountable: for our actions**

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

**Proud: of our people and our community**

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

ORDINARY COUNCIL MEETING  
 AGENDA –23/09/2014  
 \*\* REFER DISCLAIMER \*\*

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**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

**Councillors:**

Breaksea Ward

R Hammond

Frederickstown Ward

C Dowling

Frederickstown Ward

G Stocks

Kalgan Ward

J Price

Kalgan Ward

B Hollingworth

Vancouver Ward

S Bowles

Vancouver Ward

N Williams

West Ward

G Gregson

West Ward

A Goode JP

Yakamia Ward

A Hortin JP

**Staff:**

Chief Executive Officer

G Foster

Deputy Chief Executive Officer

G Adams

Executive Director Planning and  
Development Services

D Putland

Executive Director Community  
Services

C Woods

Executive Director Works and  
Services

M Thomson

Minutes

J Williamson

**Apologies:**

Breaksea Ward

V Calleja JP (Leave of Absence)

Yakamia Ward

R Sutton (Leave of Absence)

**4. DISCLOSURES OF INTEREST**

<b>Name</b>	<b>Committee/Report Item Number</b>	<b>Nature of Interest</b>
Councillor Calleja	PD051	<b>Financial.</b> The nature of the interest being that the development is adjacent to Councillor Calleja's property.

**5. REPORTS OF MEMBERS**

**6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil.**

**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 Ordinary Council Meeting held on 26 August 2014, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**


**11. PRESENTATIONS**

**12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.**

**AR007: RISK MANAGEMENT, INTERNAL CONTROL AND LEGISLATIVE COMPLIANCE REPORT**

**Business Entity Name** : City of Albany  
**Attachments** : Report (Confidential Attachment)  
**Supplementary Information & Councillor Workstation:** : Nil  
**Report Prepared by** : Manager Governance & Risk Management (S. Jamieson)  
**Responsible Officer** : Chief Executive Officer (G. Foster)

**Responsible Officer's Signature:**



**CONFIDENTIAL ATTACHMENT**

*Attachment covered under Confidential Cover, in accordance with s5.23 (2) (c) and (e, iii) of the Local Government Act 1995, being: (e) a matter that if disclosed, would reveal - (iii) information about the business.*

**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:** 5. Civic Leadership
  - b. **Strategic Objective:** 5.1. To establish and maintain sound business and governance structures.
  - c. **Strategic Initiative:** Nil.

**In Brief:**

- Receive the findings of the review of internal operations.

**RECOMMENDATION**

**AR007: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the CEO Review of Risk Management, Internal Control and Legislative Compliance Report.**

AR007: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

AR007: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the CEO Review of Risk Management, Internal Control and Legislative Compliance Report.

## BACKGROUND

2. The fundamental hallmark of a mindful organisation is the leadership willingness to receive unwelcome bad news.
3. Internal control and risk management systems and programs are a key expression of the City's attitude to effective controls.
4. The objective of this report is to provide the Audit and Risk Committee with oversight in the areas of risk management, internal control and legislative compliance.

## DISCUSSION

5. The reports have been distributed under confidential cover in accordance with section 5.23 of the *Local Government Act 1995*.
6. The attached reports detail the findings from internal and external reviews conducted in the areas of:
  - a. risk management;
  - b. internal control; and
  - c. legislative compliance.
7. Risk Management Report. The risk report demonstrates how key risks are being managed and controlled in order to either mitigate their impact or exploit their outcomes as opportunities of growth.
8. Risks are reported under two main organisational functions:
  - a. Strategic. Risk that effect the achievement of the Organisation vision and objectives in the Strategic Plan.
  - b. Operational. Risk of loss resulting from inadequate or failed internal processes, people and systems, or from external events.
9. Internal Control Review. Internal Control is a key component of a sound governance framework, in addition to leadership, long-term planning, compliance, resource allocation, accountability and transparency.
10. It has been identified that improvement is required in the following areas as a matter of priority:
  - a. Occupational Safety and Health – Focussing the Attention Where it Counts.
  - b. Enterprise Risk Management – Embedding into the Safety & Health risk management processes.
11. Evidence based safety research bases success on the following predictors:
  - a. Striving for a proactive and generative safety culture.
  - b. Robust Safety and Health Management System.
  - c. Effective Safety and Health Leadership.
  - d. Effective Risk Leadership.



12. Therefore the focus for the next period will be to foster what is termed “Collective Risk Mindfulness” (Weick 2007), being: constant questioning of existing expectations and the willingness to refine, differentiate and redefine expectations based on new experiences.
13. This will be achieved by a focus on:
  - a. Preoccupation with failure – treat any lapse as a symptom that something is wrong about the system, which could have severe consequences.
  - b. Reluctance to simplify interpretations – refusal to simplify, and take deliberate steps to create a more complete and nuanced picture.
  - c. Sensitivity to operations – there is a well developed situational awareness and continuous adjustments are made to prevent errors from accumulating and enlarging.
  - d. Commitment to resilience – develop capabilities to detect, contain, bounce back and learn from inevitable errors which are part of an indeterminate world.
  - e. Deference to expertise – authority is not assigned by hierarchical authority levels but by degrees of expertise.

#### **GOVERNMENT & PUBLIC CONSULTATION**

14. No specific government or public consultation was conducting in preparing this report.
15. Information contained in the report was sourced from industry and academic papers.

#### **STATUTORY IMPLICATIONS**

16. Regulation 17 of the Local Government (Audit) Regulations 1996 states:

*“(1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —*

  - (a) risk management; and*
  - (b) internal control; and*
  - (c) legislative compliance.*

*(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*

*(3) The CEO is to report to the audit committee the results of that review.”*
17. Section 7 of the Department’s Western Australian Local Government Accounting Manual provides a comprehensive internal control framework related to internal control and risk management.

#### **POLICY IMPLICATIONS**

18. Nil.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Business Interruption.</b> <i>Identified risks are not appropriately addressed resulting in the impairment of service delivery.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Development of Health, Safety &amp; Environment (HSE) compliance monitoring and resolution.</i>  <i>Risk management is integrated into the day to day decision making and encompasses behavioural examples of I will conduct a risk assessment when required. I will proactively manage all risks.</i>

**FINANCIAL IMPLICATIONS**

20. Nil.

**LEGAL IMPLICATIONS**

21. The understanding and management of risk is determined by OH&S Law in Australia covering common law, duty of care, criminal law and statute law (legislation).
22. The City of Albany needs to demonstrate that the executive, managers, employees and contractors are required to know and do in order to ensure where reasonably practicable:
- a. The workplace, plant and substances uses are safe, with a minimal risk to health;
  - b. Systems of safe work are in place;
  - c. Sufficient information, instruction, training and supervision is provided; and
  - d. Consultative process whereby employees are able to contribute to decisions affecting their health, safety and welfare at work.
23. In managing risk it is important that the term “reasonably practicable” is well understood.
24. The law defines “reasonably practicable” as having feasible regard to:
- a. Severity of an injury or harm to health that may occur if the risk is realised;
  - b. Degree of likelihood of the risk eventuating;
  - c. Know of the hazard and mitigation steps;
  - d. Expense, difficulty or inconvenience of taking alternative action; and
  - e. Any conflicting responsibilities the employer may have.
25. It is important in meeting the legislative requirements that the City understands that the balance of the requirements is based on a performance, rather than a prescriptive, standard.

**ENVIRONMENTAL CONSIDERATIONS**

26. Nil.

**ALTERNATE OPTIONS**

27. Nil.

**SUMMARY CONCLUSION**

28. Nil.

<b>Consulted References</b>	: <ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Audit) Regulations 1996</i></li> <li>• <i>Department Circular: 02-2014</i></li> <li>• <i>Revised Operational Guideline No. 09 'Audit in Local Government,' available on the Department's website: <a href="http://www.dlg.wa.gov.au">www.dlg.wa.gov.au</a> (September 2013).</i></li> <li>• <i>Risk Leadership – Focussing the Attention Where it Counts, paper prepared by Marc McLaren, General Manager of Safety4Life, Division of Drake WorkWise.</i></li> <li>• <a href="http://www.commerce.wa.gov.au/worksafe">http://www.commerce.wa.gov.au/worksafe</a></li> </ul>
<b>File Number (Name of Ward)</b>	: (All Wards)
<b>Previous Reference</b>	: AR003

**CSF113: FINANCIAL ACTIVITY STATEMENT – JULY 2014**

**Proponent** : City of Albany  
**Attachments** : Financial Activity Statement  
**Report Prepared by** : Financial Accountant (S Beech)  
**Responsible Officer** : Deputy Chief Executive Officer (G Adams)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF113: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 31 July 2014.**

CSF113: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR CALLEJA

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CSF113: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 July 2014.

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 31 July 2014 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.

6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

*“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”*

### STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
- (1) A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –
    - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
    - (b) budget estimates to the end of the month to which the statement relates;
    - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
    - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
    - (e) the net current assets at the end of the month to which the statement relates.
  - (2) Each statement of financial activity is to be accompanied by documents containing –
    - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
    - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
    - (c) such other supporting information as is considered relevant by the local government.
  - (3) The information in a statement of financial activity may be shown –
    - (a) according to nature and type classification;
    - (b) by program; or
    - (c) by business unit
  - (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
    - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
    - (b) recorded in the minutes of the meeting at which it is presented.

### POLICY IMPLICATIONS

8. The City's 2014/15 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

### FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 July 2014 has been incurred in accordance with the 2014/15 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CSF114: LIST OF ACCOUNTS FOR PAYMENT – AUGUST 2014**

**Proponent** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared by** : Financial Accountant (S Beech)  
**Responsible Officer** : Executive Director Corporate Services (G Adams)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF114: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the list of accounts for payment under delegated authority to the Chief Executive Officer for the period ending 15 August totalling \$6,603,072.58.**

CSF114: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR HORTIN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CSF114: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 August 2014 totalling \$6,603,072.58.

**BACKGROUND**

1. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is to be provided to Council. This list is included as an attachment to this report

**DISCUSSION**

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 August 2014.

**Municipal Fund**

Trust	\$0.00
Credit Cards	\$11,415.62
Payroll	\$1,097,714.97
Cheques	\$195,302.86
Electronic Funds Transfer	\$5,298,639.13
<b>TOTAL</b>	<b><u>\$6,603,072.58</u></b>

3. As at 15 August 2014, the total outstanding creditors, stands at \$638,251.38 and made up as follows:-

Current	\$466,162.06
30 Days	\$804,348.58
60 Days	\$1,650.00
90 Days	-\$108.05
<b>TOTAL</b>	<b>\$1,272,052.59</b>

4. Cancelled cheques: - 30078 – Paid by EFT93226, 30072 – incorrect amount paid by corporate credit card, 29988 – already paid by corporate credit card, 30015 – incorrect name on cheque.

#### STATUTORY IMPLICATIONS

5. Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996*, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

#### POLICY IMPLICATIONS

8. Expenditure for the period to 15 August 2014 has been incurred in accordance with the 2014/2015 budget parameters.

#### FINANCIAL IMPLICATIONS

9. Expenditure for the period to 15 August 2014 has been incurred in accordance with the 2014/2015 budget parameters.

#### SUMMARY CONCLUSION


10. That list of accounts have been authorised for payment under delegated authority.

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CSF115: DELEGATED AUTHORITY REPORTS – AUGUST 2014**

**Proponent** : City of Albany  
**Attachments** : Executed Document and Common Seal Report  
**Report Prepared by** : Personal Assistant to Deputy CEO (J Stanton)  
**Responsible Officer** : Chief Executive Officer (G Foster)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF115: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the Delegated Authority Reports up until 15 August 2014.**

CSF115: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR CALLEJA  
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CSF115: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports up until 15 August 2014.



**CSF116: GENERAL DEBTOR DEBTS WRITE OFF REPORT AS AT 30 JUNE 2014**

**Proponent** : City of Albany  
**Attachments** : General Debtor Debts Write Off Report as at 30 June 2014  
(Confidential Attachment)  
**Report Prepared by** : Manager Finance (D Olde)  
**Responsible Officer** : Deputy CEO (G Adams)

**Responsible Officer's Signature:**



**CONFIDENTIAL REPORT**

*Attachment covered under Confidential Cover, in accordance with s5.23 (2) (c) and (e, iii) of the Local Government Act 1995, being: (e) a matter that if disclosed, would reveal - (iii) information about the business, professional, commercial or financial affairs of a person.*

**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:** 5. Civic Leadership
  - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
  - c. **Strategic Initiative:** 5.1.1 Implement systems and controls that ensure prudent use of rates.

**In Brief:**

- City officers have reviewed overdue debts, and taken action to recover those amounts.
- The debts listed in the report are very unlikely to ever be recovered and the cost of recovery would exceed any repayment.

**RECOMMENDATION**

**CSF116: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the General Debtor Write Off Report as at 30 June 2014.**

CSF116: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED10-0

**CSF116: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council RECEIVE the General Debtor debts write off report as at 30 June 2014.

**BACKGROUND**

2. During the compilation of the Annual Report, City finance officers reviewed the outstanding amounts owed to the City.
3. A list of these bad debts written off is shown in the discussion.

**DISCUSSION**

4. All debtors have been chased up with numerous phone calls, emails, letters, final demand for payment and, where appropriate, engagement of debt collection agency.
5. These debtors have not replied to any communication, changed contact details, or filed for bankruptcy.
6. The list of bad debts written off is addressed in the confidential attachment.

**GOVERNMENT & PUBLIC CONSULTATION**

7. Nil

**STATUTORY IMPLICATIONS**

8. Nil

**POLICY IMPLICATIONS**

9. Nil

**FINANCIAL IMPLICATIONS**

10. The total debts to be written off for year end 30 June 2014 is \$2875.60

**LEGAL IMPLICATIONS**

11. Nil

**ENVIRONMENTAL CONSIDERATIONS**

12. Nil

**ALTERNATE OPTIONS**

13. Nil

**SUMMARY CONCLUSION**

14. Periodically, City officers review aged debtors list and recommend writing off debts with little or no chance of recovery.

<b>File Number</b>	:	FM.DEB.1
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**CSF118: GM CHICKEN VACCINE – REQUEST FOR COMMENT**

**Land Description** : City of Albany Municipality  
**Proponent** : Zoetis Australia Research and Manufacturing Pty Ltd (Zoetis)  
**Owner** : Not applicable.  
**Business Entity Name** : Zoetis Australia Research and Manufacturing Pty Ltd (Zoetis)  
**Attachments** : Nil  
**Supplementary Information & Councillor Workstation:** : Nil  
**Report Prepared by** : Manager Governance & Risk Management (S Jamieson)  
**Responsible Officer** : Chief Executive Officer (G Foster)

**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:** 5. Civic Leadership
  - b. **Strategic Objective:** 5.3 To engage effectively with our community
  - c. **Strategic Initiative:** 5.3.2 Improve community engagement processes and platforms

**In Brief:**

- Approve the community consultation process for the proposed commercial release of GM E. coli chicken vaccine by Zoetis Australia Research and Manufacturing Pty Ltd.
- This provision of additional notification by the City of Albany supports our residents need to be appropriately informed and allows the opportunity to comment.

**RECOMMENDATION**

**CSF118: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT:**

- (1) Council **NOTE** the correspondence received from the Department of Health – Office of the Gene Technology Regulator in regards to the proposed release of the GM E. coli chicken vaccine by Zoetis Australia Research and Manufacturing Pty Ltd.
- (2) Council **AGREE** to facilitate and fund the provision of additional local public notices in newspapers circulating throughout the district. This provision of additional notification by the City of Albany supports our residents need to be appropriately informed and allows the opportunity to comment.
- (3) All enquiries be directed to the Office of Gene Technology Regulator as the appropriate authority.

## BACKGROUND

2. On 5 September 2014, the Department of Health, Office of the Gene Technology Regulator, advised the City of Albany:

*“On 13 December 2013, the Office of the Gene Technology Regulator, issued a notification of Application for licence application from Zoetis Australia Research and Manufacturing Pty Ltd (Zoetis). The licence application is for a commercial release of GM E. coli chicken vaccine to provide immunity to E.coli infection and disease.”*

3. Post notification, submissions were received and a consultation Risk Assessment and Risk Management Plan (RARMP) was developed.

## DISCUSSION

4. Comments are now being sought on the consultation version of the Risk Assessment and Risk Management Plan (RARMP) that has been prepared by the Office of the Gene Technology Regulator (OGTR).
5. There are arguments for and against the trial of GM vaccines.
6. Historically City of Albany has not provided comment on GM issues as they do not have specialist scientific knowledge available, which is also acknowledged by the OGTR.
7. Therefore it is considered appropriate that comments are submitted by individuals rather than Council.

## GOVERNMENT & PUBLIC CONSULTATION

8. At the time of writing this report, no formal or broader public consultation has been conducted by City of Albany staff. Numbered paragraph.
9. Consultation on the Risk Assessment and Risk Management Plan. Under section 52(3) of the *Gene Technology Act 2000* (the Act) the Regulator is required to seek advice on the RARMP, which includes consulting with local councils in Australia.
10. As the consultation RARMP did not identify a significant risk to human health and safety or the environment from the proposed release date, the Act specifies a minimum consultation period of 30 days, hence the closing date for submissions will be 31 October 2014.
11. Public Consultation. If Council or members of the public have any further questions they are encourage to contact the OGRT by email: to [ogtr@health.gov.au](mailto:ogtr@health.gov.au) or by phone on 1800 181 030.

## STATUTORY IMPLICATIONS

12. The Act specifies a minimum consultation period and public notice requirement which has been met.

## POLICY IMPLICATIONS

13. There are no policy implications related to this report.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Community. Lack of community engagement</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Community consultation is conducted by the State government as part of legislative review process and will complimented by the City’s funding of additional public notice through newspapers circulating throughout the district.</i>

**FINANCIAL IMPLICATIONS**

15. The purpose of this report is to help facilitate community consultation, additional public notice provided on the City of Albany website and papers circulating within the district are estimated to cost no more than \$500.

**LEGAL IMPLICATIONS**

16. There are no local government legal implications related to this report, noting that ultimately this decision will be made by the State who will consider the view expressed by local government and the community in general.

**ENVIRONMENTAL CONSIDERATIONS**

17. It should be noted that the issues such as food safety and labelling, the use of agricultural chemicals and marketing and trade implications do not fall within the scope of the evaluations that the Regulator is required to conduct.

**ALTERNATE OPTIONS**

18. Nil.

**SUMMARY CONCLUSION**

19. Recommend that Council facilitates the Community facilitation process through advertising, however refer all enquiries to the Office of Gene Technology Regulator as the appropriate authority.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Gene Technology Act 2000</i></li> <li>• <i>Gene Technology Regulations 2001</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 24/09/2013 Item 16.1

## WS052: COASTAL PARKS ENHANCEMENT PLAN

<b>Land Description</b>	:	Emu Point (Swarbrick St to Firth St), Surfers Beach, Middleton Beach including Ellen Cove and Eyre Park)
<b>Owner</b>	:	City of Albany
<b>Attachments</b>	:	Project Boundaries - Emu Point Map, Surfers, Middleton Beach, Ellen Cove and Eyre Park. Coastal Enhancement Plan and Report Only available at: <a href="http://www.albany.wa.gov.au/your-council/agenda-and-minutes/">http://www.albany.wa.gov.au/your-council/agenda-and-minutes/</a>
<b>Report Prepared by</b>	:	Developed Reserves Coordinator (J Purvis)
<b>Responsible Officer(s)</b>	:	Executive Director Works and Services (M Thomson)

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
  - b) **Strategic Objective:** 2.2 To maintain and renew city assets in a sustainable manner
  - c) **Strategic Initiative:** 2.2.1 Deliver effective asset planning and delivery, programs

### In Brief:

- The Coastal Parks Enhancement Plan (CPEP) project was initiated to provide strategic guidance for enhancement and improvements to the above mentioned coastal reserves.
- It will ensure a holistic and coordinated approach to future works.
- Council is requested to consider and approve the CPEP.

### RECOMMENDATION

**WS052: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council APPROVE the Coastal Parks Enhancement Plan for Emu Point, Surfers Beach, Middleton Beach, Ellen Cove and Eyre Park.**

**WS052: COMMITTEE RECOMMENDATION**

MOVED: COUNCILLOR BOWLES  
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

**WS052: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council APPROVE the Coastal Parks Enhancement Plan for Emu Point, Surfers Beach, Middleton Beach, Ellen Cove and Eyre Park.

**BACKGROUND**

2. Ellen Cove and Emu Beach playgrounds were both recommended for renewal in 2013-14 and Eyre Park playground is due 2015-16. Renewal is recommended after 10 years in coastal areas and 15 years otherwise.
3. Rather than focus on playgrounds in isolation, it was considered prudent to prepare an enhancement plan (the CPEP) to address ongoing maintenance issues and ensure a holistic and coordinated approach across these coastal reserves when considering renewal and upgrading of infrastructure assets.
4. The reserve areas which are included in the CPEP are:
  - a) Emu Point
  - b) Surfers Beach
  - c) Middleton Beach
  - d) Ellen Cove
  - e) Eyre Park
5. The CPEP is guided by six principles; Coastal Identity, Environmental Quality, Destination Development, Connections, Facilities and Amenities and a Place for Everyone.

**DISCUSSION**

6. The CPEP has proposed improvements which include upgrading playgrounds, additional seating, shelter, linking pathways, universal access across the areas and barbecues at key locations. Interactive and imaginative play elements are proposed to be introduced into all playgrounds.
7. The key issues identified include:
  - a) New spaces to be introduced for seating and play elements such as sculpture, rocks and logs at the Emu Point Marina and Cunningham St;
  - b) Increasing the coastal playground spaces to incorporate surrounding trees and access to the beach;
  - c) Universally accessible hard surfacing along the rock groynes (if possible, longer term depending on Coastal erosion outcomes);
  - d) Revegetation of dune systems and protection of remnant vegetation. An application has recently been submitted for a Coastwest Grant for Cunningham St, Emu Point;

- e) Redirection of Boongarrie St to enlarge the coastal park at Firth St and provide a potential 'Learn to Ride' cycle track;
  - f) Boardwalk along Middleton Beach which would sit on top of the wall and assist in preventing sand drift onto existing turf and remove the drop to the beach;
  - g) Upgrade of Ellen Cove Stairs and seating;
  - h) All abilities playground at Eyre Park; and
  - i) Revegetation around the lakes at Eyre Park.
8. The existing playgrounds will be audited to determine what equipment can be re-used or donated and which equipment needs to be removed and potentially used for sculpture work that can be re-instated into the project area.
9. Works are prioritised as short, medium and long term.
10. Stage 1 for 2014/15 is as the approved capital works program which includes the:
- a) Upgrade of Ellen Cove Stairs focusing on the central stairs;
  - b) Renewal of Ellen Cove playground and introduction of a custom built pirate ship; and
  - c) Renewal of Emu Beach playground introducing more interactive/imaginative play elements.
11. Having the plan approved by Council will enable funding opportunities to be further explored by City staff.

#### **GOVERNMENT & PUBLIC CONSULTATION**

12. Prior to the draft being developed there was the opportunity for internal staff, key stakeholders and the community to provide input.
13. Affected business owners were interviewed, local school children had an outing at Eyre Park to discuss play, a meeting was held with Aboriginal Elders and a community open day was held on a Saturday.
14. Any information relevant to the area was also provided by the City to the consultants such as previous maintenance issues, previous proposals and reports. All the feedback was collated and considered.
15. The draft design was taken to internal staff to provide comment prior to being finalised for public comment.
16. Public comment period was undertaken between the 27 June and 15 July which included special meetings with the Friends of Emu Point and Middleton Beach Users Group.
17. As works progress and construction details are completed during implementation, the City will continue to inform both of the Friends Groups and stakeholders in general.

#### **STATUTORY IMPLICATIONS**

18. The draft designs are being referred to SWALSC.

#### **POLICY IMPLICATIONS**

19. No implications.



## RISK IDENTIFICATION & MITIGATION

20. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Financial and Community: Infrastructure not planned and renewed in co-ordinated way. Funding opportunities missed due to lack of planning.</i>	<i>Possible.</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council prioritises and implements works in accordance with current asset management processes.</i>

## FINANCIAL IMPLICATIONS

21. The current budget allocations are:
- a) Ellen Cove Playground Replacement. \$81,700
  - b) Emu Beach Swim Area Playground Replacement. \$58,080
  - c) Ellen Cove Terrace Step Upgrade. \$80,000
22. Tenders for item c) have been received. The total cost to complete the full replacement of the existing steps is well over the allocated budget (requiring a budget amendment of \$90,000). Given that the works can proceed and can be completed prior to ANZAC in November, the tender has been accepted and works will commence. The additional funds required will be addressed in the budget review scheduled for October. Scaling back of other projects may be necessary to accommodate this budget amendment. The existing steps are non compliant to standards and it is prudent to replace them as soon as practical.
23. An additional \$205,000 is identified in the Long Term Financial Plan – Reserves Program for 2015-16 which includes the upgrade of BBQ's at Middleton Beach, renewal of Eyre Park playground and levelling of turf at Middleton Beach.
24. Overall project staging will be subject to annual budget considerations.
25. Funding opportunities (including sponsorship) will be explored using the approved plan as a basis enabling professional and costed funding submissions to be made. These matters will be referred to Council for further consideration in due course.

## LEGAL IMPLICATIONS

26. No implications.

## ENVIRONMENTAL CONSIDERATIONS

27. All works as they progress will be referred to the City Environmental Planning Staff prior to commencement of works to ensure there are no issues and appropriate approvals are in place.

## ALTERNATE OPTIONS

28. Council may choose not to approve the CPEP. The plans can be reviewed and referred back to Council for further consideration.

## SUMMARY CONCLUSION

29. The CPEP aims to provide strategic direction with respect to future renewal, upgrading works of five areas: Emu Point; Surfers Beach; Eyre Park; Middleton Beach and Ellen Cove.

30. Works are a priority and will be staged and integrated into the City's Long Term Financial Plan. City staff will investigate funding options, including grants and sponsorship arrangements.
31. It is recommended that the plan be approved to guide a co-ordinated approach to future works.

<b>Consulted References</b>	:	Nil
<b>File Number (Name of Ward)</b>	:	PR.DEC.9
<b>Previous Reference</b>	:	Nil

## WS053: CULL PARK IMPROVEMENT PLAN

**Owner** : City of Albany  
**Attachments** : Cull Park Concept Plan  
**Report Prepared by** : Developed Reserves Coordinator (J Purvis)  
**Responsible Officer(s):** : Executive Director Works and Services (M Thomson)

**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. A Clean, Green and Sustainable
  - b) **Strategic Objective:** 2.2 To maintain and renew city assets in a sustainable manner
  - c) **Strategic Initiative:** 2.2.1 Deliver effective asset planning and delivery, programs

### Maps and Diagrams:

**Project Location**



**In Brief:**

- The City of Albany has Cash in Lieu contributions available from subdivisions developed from 2008 to 2012 which can be utilised to develop public open space, subject to conditions (generally relating to development and proximity).
- There have been four subdivisions developed within close vicinity of Cull Park which enables the City to invest in some development of park.
- Council consideration and approval is sought for a concept plan for Cull Park which will guide this development work.

**RECOMMENDATION**

**WS053: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council APPROVE the Concept Plan for Cull Park.**

WS053: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

WS053: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE the concept plan for Cull Park.

**BACKGROUND**

2. Cull Park is situated on the edge of the CBD and is utilised by a variety of community groups.
3. Existing facilities at the park include a large Gazebo, modest parking and play equipment. It was originally developed in conjunction with the Lions Club.
4. The size of Cull Park is 1.17 ha which is defined as a 'Neighbourhood Park' in the Public Parkland Planning Policy and should include passive use with informal play areas.
5. The City has had requests from the community in the past to clean up Cull Park lakes and re-surface the car park. There is an opportunity to enhance the park to include more facilities such as toilets and a BBQ. There are currently no public toilets in Cull Park available for use by groups of children and families that utilise this space.
6. The City Reserves team have been undertaking weed control in conjunction with the Department of Agriculture within the lakes to control Sagitaria (a weed of national significance).
7. The current playground at Cull Park is scheduled for renewal in 2015-16.

## **DISCUSSION**

8. The concept plan has been developed with community input.
9. The area can provide a place for those working nearby to have lunch and provide additional facilities for those groups that use the site regularly (play groups etc).
10. The playground will be renewed/updated to include play equipment for a variety of ages. The site is regularly used for "Play in the Park" where parents and children congregate for a shared play experience.
11. The closest public toilets from Cull Park are at Eyre Park, the CBD or the sporting ovals opposite Barnesby Drive. The community consultation noted that many would like to see toilets and BBQ's in this space. It is proposed to provide a simple single all purpose toilet requiring minimal maintenance.
12. The car park is currently dilapidated and requires resurfacing.
13. The edge of the lake presents a hazard and by revegetating the edge will prevent indiscriminate access to the lake.
14. The additional facilities are those considered as highly valued within the Public Parkland Planning Policy and would encourage many to stay and enjoy the space for longer.
15. The community are very keen to get involved in planting days and the Lions Club have offered their assistance.

## **GOVERNMENT & PUBLIC CONSULTATION**

16. In May 2014 an open day was held with the community that lives within 400m of Cull Park to gather information to inform the Cull Park Improvement Plan. Residents were asked to contribute to the planning. Many comments, surveys and written submissions were received to inform the draft plans.
  - 449 letters were mailed to proximity residents.
  - 78 residents responded within a 38 day period.
  - 8 surveys were completed online and 70 returned in the reply paid envelopes/hard copy.
  - 30 people attended the drop in session.
17. The concept plan is available for public comment between 18th July and 15 August 2014.
18. Reserves staff attended a Lions Club Meeting on the 1 July 2014 to discuss the concept plan.
19. The draft designs will be referred to SWALSC.

## **STATUTORY IMPLICATIONS**

20. No implications.

## **POLICY IMPLICATIONS**

21. No implications

**RISK IDENTIFICATION & MITIGATION**

22. The risk identification and categorisation relies on the City’s [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Community: Reserve not developed and its usage remain status quo.</i>	<i>Likely</i>	<i>Minor</i>	<i>Low</i>	<i>City Reserves teams continue to manage the reserve utilising maintenance funds providing the same level of service.</i>

**FINANCIAL IMPLICATIONS**

23. The Cash in Lieu POS contributions available for this project are \$194,772, with an additional \$38,550 allocated for the playground renewal in the 2015-16 Capital Works budget.
24. The re-surfacing of the car park will be completed under the Road Network Renewal Capital Works Program for 2014-15.
25. There will be some savings by involving the Community in the planting and potential funding may be available for the revegetation of the lakes.
26. Works will be staged as necessary.

**LEGAL IMPLICATIONS**

27. No implications

**ENVIRONMENTAL CONSIDERATIONS**

28. All works as they progress will be referred to City's Environmental Planning Staff for assessment and to ensure the appropriate approvals are in place.
29. Revegetation of the lake edge will improve water quality and provide a vegetative barrier to the lake edge preventing erosion and access to children.

**ALTERNATE OPTIONS**

30. Council may elect not to approve the improvement plan for Cull Park and consideration to the play equipment will be given in 2015-16 as per the current replacement schedule.

**SUMMARY CONCLUSION**

31. The City of Albany takes cash in lieu contributions from land developers to develop public open space strategically.
32. Cull Park has been identified as a neighbourhood park and there are funds available to provide some modest enhancement.
33. This report recommends that the cash in lieu funds be accessed and that the reserve be developed consistent with the concept plans prepared.

<b>Consulted References</b>	:	CR.COC.23
<b>File Number (Name of Ward)</b>	:	PR.DEC.10
<b>Previous Reference</b>	:	Nil

**WS054: FOX WAY/BURT STREET/THOMAS STREET PARKING SCHEME**

**Land Description** : Fox Way / Burt Street / Thomas Street  
**Owner** : City of Albany  
**Attachments** : Parking Scheme  
**Report Prepared by** : Manager City Engineering (E Vorster)  
**Responsible Officer** : Executive Director Works and Services (M Thomson)

**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:** 3. A connected built environment.
  - b. **Strategic Objective:** 3.1. To advocate, plan and build friendly and connected communities.
  - c. **Strategic Initiative:** 3.1.1 Improve connectedness and traffic flows

**Maps and Diagrams:**

**In Brief:**

- On 22 April 2014, following identification of ongoing parking issues, Council considered this matter.
- Council resolved to consult with affected residents and the Albany Senior High School with respect to implementation of a parking scheme.
- This report presents the proposal to install no-stopping signs and line marking in the areas affected as per the attached plan.
- The matter is referred back to Council for approval.

**RECOMMENDATION**

**WS054: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

- (1) **APPROVE** the Parking Scheme for Fox Way, Burt Street and Thomas Street; and
- (2) **SUPPORT** the Albany Senior High School in its efforts to obtain funding and improve onsite parking to cater for students and pick up and drop off arrangements.

WS054: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR GREGSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

**WS054: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

- (1) APPROVE the parking scheme plan for Fox Way, Burt Street and Thomas Street; and
- (2) SUPPORT the Albany Senior High School in its efforts to obtain funding and improve onsite parking to cater for students and pick up and drop off arrangements.

**BACKGROUND**

2. The sections of road verges in question are frequently used for indiscriminate stopping and parking of vehicles.
3. Complaints have been received regarding vehicles obstructing sightlines for normal traffic, traffic exiting nearby residences, and pedestrians forced to walk onto the road carriage way.
4. On 22 April 2014, Council resolved (Item WS035), to consult with affected residents and the Albany Senior High School regarding the installation of a parking scheme consisting of no-stopping signage and line marking along Fox Way, Burt Street and Thomas Street.
5. It was noted that implementation of a parking scheme would assist City of Albany Rangers with respect to enforcement.
6. The consultation process has concluded and feedback has been reviewed.

**DISCUSSION**

7. Public submissions supported no-stopping signs and line marking being installed.
8. Based on conversations with the principle of the Albany Senior High School, the implementation of a parking scheme is considered acceptable. It is also noted that the onsite parking at the school is not adequate and that the implementation of this scheme may affect students who are able to and currently drive to school.

**GOVERNMENT & PUBLIC CONSULTATION**

9. The City sent 83 letters to residents in proximity on 19 May 2014.
10. The City received six written responses and one verbal response from land owners most directly impacted by the proposal.
11. Meetings and follow up discussion with Albany Senior High School Principle, indicate support for implementation of the parking scheme however it is noted that the school needs to address issues with respect to parking space within its grounds.
12. Parking issues at schools are an ongoing issue and are commonly difficult to address due to a lack of funding. The City will encourage the Albany Senior High School to seek funding through the Department of Education to make provision for onsite parking. City staff will provide some engineering advice as required.

**STATUTORY IMPLICATIONS**

13. Clause 1.8 of the City's Parking and Parking Facilities Amendment Local Law 2012 stipulates inter alia:
  - a. *"The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle, any class of vehicles or any class of drivers in any part of the parking region but must do so consistently with the provisions of this Local Law."*



**POLICY IMPLICATIONS**

14. There is no specific Council policy position, as verges are dealt with under *Activities on Thoroughfares and Public Places Local Law 2011* and *Verge Development Guidelines* have been developed to administer verge development.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Community, People Health and Safety: Indiscriminate parking on roads and verges.</i>	<i>Almost Certain</i>	<i>Moderate</i>	<i>High</i>	<i>Council Rangers continue to respond and provide limited enforcement. City staff continue to work with the Albany High School to encourage the provision of improved onsite parking.</i>

**FINANCIAL IMPLICATIONS**

16. Costs for installation of signage will be funded within the current 2014-15 budget, with the signage placed on the City's register for capital maintenance and replacement.

**LEGAL IMPLICATIONS**

17. The new scheme must be implemented in accordance with the City of Albany *Parking and Parking Facilities Amendment Local Law 2012*.
18. Once adopted by Council, public notice must be given prior to enforcement of new or amended parking limitations.

**ENVIRONMENTAL CONSIDERATIONS**

19. Nil.

**ALTERNATE OPTIONS**

20. Council may resolve to not implement of the proposed parking scheme.

**SUMMARY CONCLUSION**

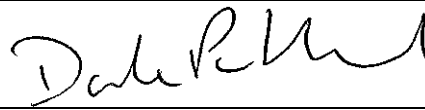
21. As per Council resolution, relevant consultation has been conducted in respect of the implementation of a parking scheme at Fox Way, Burt Street and Thomas Street.
22. Parking scheme signs and line marking can be installed under the proposed parking scheme plan.
23. It is recommended that the parking scheme plan be approval and the signs be installed.

<b>Consulted References</b>	:	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Access & Inclusion Plan 2012-2017 Parking & Parking Facilities Amendment Local Law 2012
<b>File Number (Name of Ward)</b>	:	CU.PRA.68 (Fredrickstown)
<b>Previous Reference</b>	:	WS035

**PD049: ADOPT 'RESIDENTIAL BUILDING' POLICY**

**Land Description** : City of Albany  
**Proponent** : City of Albany  
**Owner** : City of Albany  
**Business Entity Name** : N/A  
**Attachments** : 'Residential Building' Policy  
**Appendices** : Nil  
**Councillor Workstation** : Nil  
**Report Prepared by** : Senior Planning Officer / Strategic Planning (Adrian Nicol)  
**Responsible Officer(s)** : Executive Director Planning & Development Services  
(D Putland)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

**Key Theme:** 3 A connected built environment

**Objective:** 3.3 To develop vibrant neighbourhoods which retain local character and heritage

**Strategy:** 3.3.1 Develop and implement a contemporary local planning strategy

**In Brief:**

Council is requested to adopt the attached Residential Building Policy which aims to more clearly define the purpose and rules associated with residential buildings that house people who do not comprise a family

**RECOMMENDATION**

**PD049: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council ADOPT the Residential Building Policy.**

PD049: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

PD049: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council Adopts the Residential Building Policy.

## **BACKGROUND**

1. In February 2014, an application for a 'Residential Building' at Lot 21, 19 Premier Circle, Spencer Park was advertised to the local community. 184 submissions were received by the City and objected to the proposal for reasons including:
  - a. Change to the ambience of the local area;
  - b. Inadequate on-site parking;
  - c. Increased traffic flow;
  - d. Increased potential for disruptive behaviour;
  - e. Decline in property values; and
  - f. Without a live-in supervisor, disruptive issues would be difficult to deal with.
2. On the 25 February 2014, Council resolved to develop and adopt a Residential Housing Policy to support persons in housing crisis while protecting the amenity of neighbourhoods.
3. In response to Council's resolution, the City developed a draft 'Residential Building' policy.
4. In June 2014 Council resolved to advertise the draft 'Residential Building' Policy for public comment.
5. No submissions were received.

## **DISCUSSION**

6. The Policy seeks to regulate use and development of 'Residential Buildings' as a means to appease community concerns and maintain the character of a neighbourhood by ensuring that:
  - a. A Residential Building intended to be used for a temporary period by two or more persons has a live in manager appointed to care and manage the Residential Building and its tenants;
  - b. The design of a 'Residential Building' is compatible with the character of existing developments in the locality;
  - c. Management plan standards are implemented to the satisfaction of the City;
  - d. Tenants of a Residential Building agree to the terms of tenancy in accordance with the Residential Tenancies Act 1987;
  - e. The lessor provides a copy of the agreement to each tenant;
  - f. A lessor of a Residential Building gives notice of termination to the tenant upon the ground that the tenant has breached a term of the agreement and the breach has not been remedied in accordance with the Residential Tenancies Act 1987; and
  - g. One (1) car-parking space is provided for every two beds.

## GOVERNMENT & PUBLIC CONSULTATION

7. A notice of the proposed Policy was placed once a week for two consecutive weeks in a newspaper circulating in the Scheme area, giving details of:
  - a. Where the draft Local Planning Policy can be inspected;
  - b. The subject and nature of the draft Local Planning Policy; and
  - c. In what form and during what period (being not less than 21 days from the day that the first notice is published) submissions may be made.
8. After expiry of the period within which submissions may be made, the City had not received any submissions.

## STATUTORY IMPLICATIONS

### Residential Building

9. A 'Residential Building' is defined within the *Residential Design Codes* as follows:

*"A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*

  - a. *Temporarily by two or more persons; or*
  - b. *Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school."*
10. The 'Residential Building' policy defines a 'temporary period' as being '*no more than 6 months*'. For the purpose of this policy, an application for permanent accommodation (greater than 6 months) for no more than six persons who do not comprise a family, falls under the use class 'Single House' and therefore does not relate to this policy.

### Residential Tenancies Act 1987

11. The *Residential Tenancies Act 1987* regulates the relationship of leasing authorities and tenants of a 'Residential Building'.
12. The Act enables a lessor to give notice of termination to the tenant upon the ground that the tenant has breached a term of an agreement, such as disruptive behaviour, and the breach has not been remedied.
13. An application for a Residential Building is to be assessed in accordance with normal procedures set by the Local Planning Scheme.
14. A 'Residential Building' is not permitted in the 'Residential', 'Tourist Residential' and 'Regional Centre' zones unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the *Local Planning Scheme 1*.
15. Voting requirement for this item is **ABSOLUTE MAJORITY**

**POLICY IMPLICATIONS**

16. The State Governments *Affordable Housing Strategy: 2010-2020 Opening Doors to Affordable Housing* relates somewhat to the development of 'Residential Buildings'. A key initiative of this strategy is the delivery of more housing for low income earners.
17. A Local Planning Policy may be revoked by:
- a. The adoption by the Local Government of a new Policy that is specifically expressed to supersede the existing Local Planning Policy; or
  - b. Publication of a notice of revocation by the Local Government once a week for two consecutive weeks in a newspaper circulating in the Scheme area.
18. The following Acts have some bearing on the development and use of 'Residential Buildings':
- a. The *Housing Act 1980*, which looks to improve existing housing conditions and to govern the letting of housing;
  - b. The *Disability Services Act 1993*, which ensures that services are provided for people with disabilities;
  - c. The *Mental Health Act 1996*, which looks to provide for the care, treatment and protection of persons who have mental illness;
  - d. The *Residential Tenancies Act 1987*, which regulates the relationship of leasing authority's and tenants; and
  - e. The *Building Act* and *Building Regulations*, which requires developments to cater for people with disabilities and to provide, hardwired smoke alarms.

**RISK IDENTIFICATION & MITIGATION**

19. 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
<i>Adopting the proposed policy could give rise to objections from the general public, who have previously voiced strong objection to supporting a 'Residential Building'.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Provisions have been included in the policy to address community concerns such as the impact of disruptive behaviour.</i>

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

21. There is no legal implication relating to this item.

**ENVIRONMENTAL CONSIDERATIONS**

22. There are no environmental considerations pertaining to this item.

**ALTERNATE OPTIONS**

23. The Council may choose to refuse to adopt the 'Residential Building' policy; or defer the decision until further information is provided.

**SUMMARY CONCLUSION**

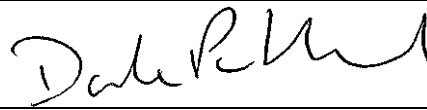
24. 'Residential Buildings' have potential to change the ambience of a neighbourhood by increasing traffic flow and introducing disruptive behaviour.
25. The proposed policy is intended to ensure that appropriate management and design measures are implemented to reduce the potential impact that a 'Residential Building' may have on a neighbourhood.
26. It is recommended that Council adopt the 'Residential Building' Policy.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme 1</i></li> <li>2. <i>Local Planning Scheme 1 Policy Manual</i></li> <li>3. <i>Housing Act 1980,</i></li> <li>4. <i>Disability Services Act 1993,</i></li> <li>5. <i>Mental Health Act 1996,</i></li> <li>6. <i>Residential Tenancies Act 1987,</i></li> <li>7. <i>Building Act and Building Regulations</i></li> <li>8. <i>Affordable Housing Strategy: 2010-2020 Opening Doors to Affordable Housing</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	N/A
<b>Previous Reference</b>	:	<p>OCM 19/04/11 - Item 1.1 Final Adoption of Policy Manual</p> <p>OCM 24/06/14 – Item PD038 Advertise draft Residential Building Policy</p>

**PD050: ADOPT 'HOLIDAY ACCOMMODATION' POLICY**

**Land Description** : City of Albany  
**Proponent** : City of Albany  
**Owner** : City of Albany  
**Business Entity Name** : N/A  
**Attachments** : 'Holiday Accommodation' Policy  
**Appendices** : Nil  
**Councillor Workstation** : Nil  
**Report Prepared by** : Senior Planning Officer / Strategic Planning (A Nicol)  
**Responsible Officer(s)** : Executive Director Planning & Development Services (D Putland)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

**Key Theme:** 3 A connected built environment

**Objective:** 3.3 To advocate, plan and build friendly and connected communities

**Strategy:** 3.3.1 Develop and implement a contemporary local planning strategy

**In Brief:**

Council is requested to adopt the attached update to the Holiday Accommodation Policy which increases the maximum number of holiday guests from 6 to 12 at any one time provided they comply with required health standards

**RECOMMENDATION**

**PD050: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council ADOPT the Holiday Accommodation Policy.**

PD050: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

PD050: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council Adopt the Holiday Accommodation Policy.

## BACKGROUND

1. The City's existing 'Holiday Home' policy supports a maximum of six (6) persons staying at any one time within a dwelling.
2. Anecdotal evidence suggests that holiday accommodation within Albany is currently booked out for the Centenary of Anzac, beginning in November 2014.
3. In anticipation of a high number of tourists seeking accommodation to commemorate the Centenary of Anzac to be held from 2014 to 2018, operators of holiday accommodation requested that the City support more than the current maximum six (6) persons that can stay in a dwelling used for holiday accommodation purposes at any one time.
4. In response to requests made by operators of holiday accommodation, the City developed a draft 'Holiday Accommodation' policy.
5. In June 2014 Council resolved to advertise the draft 'Holiday Accommodation' Policy.
6. There were no submissions received.

## DISCUSSION

7. The new policy is titled 'Holiday Accommodation' rather than 'Holiday Home' in accordance with the defined use in the *Local Planning Scheme 1*; which defines Holiday Accommodation as:  
  
*'any land and/or building providing accommodation and recreation facilities for guests/tourists on a short-term commercial basis and may include a shop or dining area incidental to the function providing limited services to patrons.'*
8. The new 'Holiday Accommodation' policy supports an increase in the amount of persons that can stay at any one time to a maximum of twelve (12). Subject to the premises meeting required health standards.
9. The health standards that apply include:
  - a. 4 square metres being available per person in each bedroom utilising beds; and
  - b. 2.5 square metres being available per person in each bedroom utilising bunks.
10. The proposed change to the policy as it relates to the number of people that can occupy a holiday accommodation unit is in accordance with the Western Australian Planning Commission Planning Bulletin 99 (Holiday Home Guideline), which states:  
  
*'Holiday home (large) means premises conforming to the definition of holiday home (standard) with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time.'*
11. The increase in the maximum amount of persons to twelve (12) is expected to increase the potential supply of short stay accommodation.

## GOVERNMENT & PUBLIC CONSULTATION

12. A notice of the proposed Policy was placed once a week for two consecutive weeks in a newspaper circulating in the Scheme area, giving details of:
  - a. Where the draft Local Planning Policy can be inspected;
  - b. The subject and nature of the draft Local Planning Policy; and
  - c. In what form and during what period (being not less than 21 days from the day that the first notice is published) submissions may be made.
13. No submissions were received.



## STATUTORY IMPLICATIONS

14. An application for Holiday Accommodation is to be assessed in accordance with normal procedures set by the *Local Planning Scheme 1*.
15. 'Holiday Accommodation' is not permitted in the 'Residential', 'Caravan and Camping', 'Regional Centre', 'Rural Small Holding' and 'Rural Village' zones, unless the Local Government has exercised its discretion by granting planning approval.
16. 'Holiday Accommodation' is not permitted in the 'Yakamia Creek', 'General Agriculture' and 'Priority Agriculture' zones, unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the *Local Planning Scheme 1*.
17. 'Holiday Accommodation' is permitted in the 'Tourist Residential' and 'Hotel/Motel' zones providing the use complies with requirements of the Scheme.
18. Voting requirement for this item is **ABSOLUTE MAJORITY**

## POLICY IMPLICATIONS

19. The policy is consistent with the objectives of the Western Australian Planning Commission *Planning Bulletin 99 – Holiday Homes Guidelines*, which are:
  - a. To facilitate a consistent process for regulating holiday homes;
  - b. To support the tourism industry by the promotion of voluntary accreditation of holiday homes; and
  - c. To encourage good quality, well managed holiday homes.
20. A Local Planning Policy may be revoked by:
  - a. The adoption by the Local Government of a new Policy that is specifically expressed to supersede the existing Local Planning Policy; or
  - b. Publication of a notice of revocation by the Local Government once a week for two consecutive weeks in a newspaper circulating in the Scheme area.

## RISK IDENTIFICATION & MITIGATION

21. The following indicates the risk to the City in making a decision to support or not support a change to the 'Holiday Home' Policy:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>The tourism industry may be impacted if the City resolves not to support the change to increase the amount of potential beds available for holiday accommodation.</i>	<i>Likely</i>	<i>Moderate reputational impact considering the Centenary of Anzac, to be commemorated from 2014 to 2018</i>	<i>Medium</i>	<i>Manage the reputational risk through an appropriate communication strategy.</i>

## FINANCIAL IMPLICATIONS

22. There are no financial implications relating to this item.

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

24. There are no environmental implications relating to this item.

## ALTERNATE OPTIONS

25. The Council may refuse to adopt the 'Holiday Accommodation' policy or defer the decision until further information is provided.

## SUMMARY CONCLUSION

26. Anecdotal evidence suggests that holiday accommodation within Albany is currently booked out for the Centenary of Anzac, beginning in November 2014.

27. Operators of holiday accommodation have requested that the City support more than the current maximum six (6) persons that can stay at any one time.

28. It is recommended that Council adopt a new 'Holiday Accommodation' Policy, which supports, subject to health requirements, an increase from six (6) to twelve (12) persons to increase the supply of holiday accommodation in Albany.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme 1</i> 2. <i>Policy Manual</i> 3. Western Australian Planning Commission <i>Planning Bulletin 99 – Holiday Homes Guidelines</i>
<b>File Number (Name of Ward)</b>	:	N/A
<b>Previous Reference</b>	:	OCM 19/04/11 - Item 1.1 Final Adoption of Policy Manual OCM 24/06/14 – Item PD035 Advertise draft Holiday Accommodation Policy

**PD051: INITIATION OF AMENDMENT – PORTION OF LOT 3000 EMU POINT DRIVE, COLLINGWOOD PARK, LOT 3001 ON DEPOSITED PLAN 51548 & PORTION OF LOT 1523 EMU POINT DRIVE, EMU POINT**

<b>Land Description</b>	: Portion of Lot 3000 Emu Point Drive, Collingwood Park, Lot 3001 on Deposited Plan 51548 and portion of Lot 1523 Emu Point Drive, Emu Point
<b>Proponent</b>	: Harley Dykstra
<b>Owner</b>	: Western Australian Land Authority & City of Albany (vested Crown Land)
<b>Business Entity Name</b>	: Not applicable
<b>Attachments</b>	: Location plan : Zoning plan : Draft Structure Plan (ODP008) Local Planning Scheme Amendment No.2 report
<b>Appendices</b>	: NIL
<b>Councillor Workstation</b>	: NIL
<b>Report Prepared by</b>	: Planning Officer (Craig McMurtrie)
<b>Responsible Officer:</b>	: Executive Director Planning and Development Services (D Putland)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

**Key Theme:** 3 A connected built environment

**Objective:** 3.1 To advocate, plan and build friendly and connected communities

**Strategy:** 3.1.2 Create consistent and connected streetscapes

**In Brief:**

Council is requested to initiate a proposed scheme amendment to reserve a portion of Lot 3000 Emu Point Drive Collingwood Park and Lot 3001 on Deposited Plan 51548 and a portion of Lot 1523 Emu Point Drive for the purpose of 'Parks and Recreation'.

**RECOMMENDATION**

**PD051: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council in pursuance of section 75 of the Planning and Development Act 2005 RESOLVES to initiate Local Planning Scheme Amendment No. 2 to the Local Planning Scheme No. 1 for the purposes of:**

- a. Reserving a portion of Lot 3000 Emu Point Drive, Collingwood Park and Lot 3001 on Deposited Plan 51548 and a portion of Lot 1523 Emu Point Drive, Emu Point for "Parks and Recreation"; and
- b. Amending the Scheme Maps accordingly.

PD051: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

PD051: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council in pursuance of section 75 of the Planning and Development Act 2005, RESOLVES to initiate Local Planning Scheme Amendment No. 2 to Local Planning Scheme No. 1 for the purposes of:

- a) Reserving a portion of Lot 3000 Emu Point Drive, Collingwood Park and Lot 3001 on Deposited Plan 51548 and a portion of Lot 1523 Emu Point Drive, Emu Point for 'Parks and Recreation'; and
- b) Amending the Scheme Maps accordingly.

**BACKGROUND**

1. A Structure Plan (ODP008) over the subject land was lodged with Council in 2010 to guide subdivision and development of the land.
2. Council considered ODP008 at its Ordinary Meeting on 17 August 2010 and resolved to adopt the ODP for advertising subject to some modifications.
3. The ODP was also assessed concurrently by the Environmental Protection Authority (EPA) under the Public Environmental Review process, which identifies any environmental issues that may impact on the ODP proposal.
4. In April 2011, the City received draft conditions from the EPA pertaining to the proposal, which included the following condition 5.3:

*"The proponent shall submit a rezoning application under the City of Albany Town Planning Scheme for the portions of Lots 1523 and 3000 located outside of the development envelope shown in Figure 1 as 'Parks and Recreation' prior to approval of a subdivision diagram of survey."*

5. Town Planning Scheme Amendment No. 177, which was designed to address this condition, was presented to Council at its Ordinary Meeting on 17 August 2010 and the following resolution was reached:

*"THAT Council:*

1. *In pursuance of section 75 of the Planning and Development Act 2005 RESOLVES to initiate Amendment No. 177 to Town Planning Scheme No. 1A with modification for the purposes of:*
  - a) *Reserving a portion of Lot 3000 Emu Point Drive, Collingwood Park and Lot 3001 on Deposited Plan 51548 (currently zoned 'Future Urban') and a portion of Lot 1523 Emu Point Drive, Emu Point (currently zoned 'Residential') for 'Parks and Recreation'; and*
  - b) *Amending the Scheme Maps accordingly.*

2. *When referring the scheme amendment to adjoining owners, community members and government agencies for comment and when placing advertisements in local newspapers, in accordance with the Planning and Development Act 2005, include a notation that the 16.3 ha of the site subjected to the amendment is to be transferred to the Department of Environment and Conservation in perpetuity for conservation purposes.”*
6. However, it transpired that the Department of Environment and Conservation (DEC – now the Department of Parks and Wildlife – DPaW), had not committed to accepting the responsibility for the ongoing management of the land to be reserved for conservation purposes and that this element of the amendment report was factually incorrect.
7. While subsequent discussions were taking place to secure a management authority for the reserve land, LPS No. 1 was adopted by Council and finally approved by the Minister for Planning. As a result Amendment No. 177, which had not yet been granted final approval, ‘fell away’, when TPS No. 1A was superseded.
8. Amendment No. 2 has been prepared to finalise transfer of this affected land into the appropriate reserves.

## DISCUSSION

9. Local Planning Scheme (LPS) Amendment No. 2 proposes to amend LPS No. 1 by reserving a portion of Lot 3000 Emu Point Drive, Collingwood Park and Lot 3001 on Deposited Plan 51548 (currently zoned ‘Future Urban’) and a portion of Lot 1523 Emu Point Drive, Emu Point (currently zoned ‘Residential’) for ‘Parks and Recreation’.
10. The subject land is located approximately 5km north-east of Albany town centre and has a total area of 33.8ha, with Lot 3000 being 25.9ha, Lot 15223 being 7.2ha and Lot 3001 being 7,566m<sup>2</sup> in area.
11. It consists of coastal heath over an old dune system and is bounded by Griffiths Street and the residential area around Hope Street to the south west, Middleton Beach to the south, tourist development and residential development to the north east and Emu Point Drive to the north.
12. The area has previously been identified partly as ‘Existing Urban’ and partly as being suitable for ‘Future Urban’ development, with a priority 2 coding in the *Albany Local Planning Strategy* (ALPS). Its proposed development in accordance with ODP008 would be broadly consistent with the objectives of Sections 8.3.1 and 8.3.2 of the ALPS.
13. Arrangements have now been made for the reserved land to be vested in the City of Albany for management in perpetuity, on condition that a payment of \$240,000, based on estimated cost to manage the reserve over the next 15 years, is made to the City by Landcorp to cover ongoing management costs. The reserve would be protected by a conservation covenant established under the *Soil and Land Conservation Act 2005*, which is a requirement of the Federal Department of Sustainability, Environment, Conservation, Population and Communities (SEWPaC). A reserve management plan would be prepared by Landcorp and the City of Albany, to the satisfaction of SEWPaC.
14. Given that the proposal is complimentary to ODP008 and consistent with the objectives of the ALPS, staff recommend that Council initiate Local Planning Scheme Amendment No. 2 without modification.
15. *It should be noted that if this rezoning proposal is not progressed, ODP008 will also not be able to progress.*

## GOVERNMENT & PUBLIC CONSULTATION

16. Should Council initiate the Amendment, the amendment will be referred to the EPA who will determine if a formal environmental assessment is required. (Note that formal assessment is unlikely as the EPA has previously formally assessed the proposal)
17. If the EPA decides not to assess the proposal, the Amendment will be referred to all relevant Government agencies for assessment and comment. The proposal will also be publicly advertised and a specific notice will be given to all affected and surrounding landowners.
18. Advertising of an Amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the Amendment is environmentally acceptable.

## STATUTORY IMPLICATIONS

19. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
20. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning. Council resolution is sought for the initiation of a local planning scheme amendment.
21. *Regulation 25* of the *Town Planning Regulations 1967* sets out the process for amending the LPS.
22. Voting requirement for this item is **SIMPLE MAJORITY**

## POLICY IMPLICATIONS

23. There are no policy implications related to this item.

## RISK IDENTIFICATION & MITIGATION

24. The following risk matrix is presented for consideration:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Funds for management of the reserve may not be sufficient to manage the reserve</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>The management costs are based on realistic estimates and have been reviewed by ED Works and Services and the Deputy CEO</i>

## FINANCIAL IMPLICATIONS

25. A payment of \$240,000, based on estimated cost will be made to the City of Albany by Landcorp, to cover the ongoing costs of managing the reserved land.

## LEGAL IMPLICATIONS

26. Under Part 5 of the *Planning and Development Act 2005*, and specifically section 75, Council can amend its Local Planning Scheme.

## ENVIRONMENTAL CONSIDERATIONS

27. The proposal has previously been assessed by the EPA by means of a Public Environmental Review, due to potential impacts on significant fauna species and native vegetation. Following assessment, the EPA reported on these matters and concluded that the proposed residential subdivision was acceptable, on the basis that the native vegetation outside of the development footprint (the 16.3ha to be reserved) would be protected for conservation purposes in perpetuity and approval was granted, subject to conditions.
28. The proposal has also been assessed by SEWPaC, as it was considered to have a significant impact on listed threatened species and communities; specifically the Western Ringtail Possum and Baudin’s and Carnaby’s White-tailed Black Cockatoos.
29. In October 2012, SEWPaC released the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) *Environmental Offsets Policy*, which outlines the Australian Government’s approach to the use of environmental offsets under the EPBC Act.
30. The *Environmental Offsets Policy* defines offsets as “measures that compensate for the residual adverse impacts of an action on the environment”. These residual impacts are then defined as the unavoidable impacts that remain, even if avoidance and mitigation measures have been employed in the first instance. In some instances, avoidance and mitigation measures can reduce or eliminate the need for offsets if the residual impact is insignificant. Assessments under the EPBC only require offsets if residual impacts are significant; an impact that is important, notable, or of consequence, having regard to its context or intensity. The retention of the remnant native vegetation on the land to be reserved, and its protection in perpetuity by means of a conservation covenant, may negate the need for any further offsets under the *Environmental Offsets Policy*.

## ALTERNATE OPTIONS

31. Council has the following alternate options in relation to this item, which are:
  - To initiate the scheme amendment with modifications; or
  - Not to initiate the scheme amendment.

## SUMMARY CONCLUSION

32. It is recommended that Council initiate Local Planning Scheme Amendment No. 2, on the basis that reserving of the land will satisfy the condition 5.3 of the EPA’s response to the Public Environmental Review process, allowing ODP008 to be progressed.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. Local Planning Scheme No. 1</li> <li>2. Albany Local Planning Strategy 2010</li> <li>3. City of Albany Strategic Community Plan 2023</li> <li>4. City of Corporate Business Plan 2013-2017</li> <li>5. WA Planning Commission (WAPC) Statements of Planning Policy (SPP’s) SPP1 &amp; SPP 3</li> <li>6. Town Planning Scheme No. 1A (superseded)</li> </ol>
<b>File Number (Name of Ward)</b>	:	LAMD2 (Breaksea Ward)
<b>Previous Reference</b>	:	<p>OCM 17/08/2010 – Item 1.9</p> <p>OCM 21/02/2012 – Item 2.9</p>

**PD052: PLANNING AND BUILDING REPORTS AUGUST 2014**

**Proponent** : City of Albany  
**Attachment** : Planning and Building Reports August 2014  
**Responsible Officer(s):** : Executive Director Planning & Development Services  
(D Putland)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**PD052: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council NOTE the Planning and Building Reports for August 2014.**



**LEMC003: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY  
MANAGEMENT COMMITTEE 16 JULY 2014**

**Proponent** : City of Albany  
**Attachment** : LEMC Minutes 16 July 2014  
**Responsible Officer** Executive Director Planning and Development (D Putland)

**Responsible Officer(s):**



**In Brief:**

- Confirmed Minutes of the LEMC meeting held on 16 July 2014 are now presented to Council to be received.

**RECOMMENDATION**

**LEMC003: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the confirmed minutes of the Local Emergency Management Committee held on 16 July 2013**

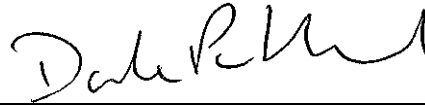
**LEMC004: LEMC ANNUAL REPORT AND CAPABILITY FRAMEWORK  
ASSESSMENT**

**Proponent** : City of Albany  
**Attachment** :

- LEMC 2013-14 Annual Report
- LEMC Capability Framework Assessment

**Responsible Officer** Executive Director Planning and Development (D Putland)

**Responsible Officer(s):**



**In Brief:**

- That Council NOTE the submission of the Local Emergency Management Committee Annual Report 2013-14 as required in accordance with the Act.
- That Council NOTE the submission of the State Emergency Management Committee (SEMC) Local Government Capability Assessment Tool for the City of Albany as required by SEMC.

**RECOMMENDATION**

**LEMC004: RESPONSIBLE OFFICER RECOMMENDATION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council NOTE the submission of the Local Emergency Management Committee Annual Report 2013-14 to the District Emergency Management Committee.**

**LEMC004: RESPONSIBLE OFFICER RECOMMENDATION 2  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council NOTE the submission of the SEMC Local Government Capability Assessment Tool for the City of Albany.**

ORDINARY COUNCIL MEETING  
AGENDA – 23/09/2014  
\*\*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**