



AGENDA

Ordinary Meeting of Council

Tuesday 27 May 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 –27/05/2014
** REFER DISCLAIMER **

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A	Economic Development Committee	
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D	Works & Services Committee	
E	Planning & Development Committee	

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

V Calleja JP

Breaksea Ward

R Hammond

Frederickstown Ward

C Dowling

Frederickstown Ward

G Stocks

Kalgan Ward

B Hollingworth

Kalgan Ward

J Price

Vancouver Ward

S Bowles

Vancouver Ward

N Williams

West Ward

G Gregson

West Ward

A Goode JP

Yakamia Ward

R Sutton

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:

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS

10. CONFIRMATION OF MINUTES

DRAFT MOTION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 22 April 2014, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

DRAFT MOTION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Special Council Meeting held on 28 April 2014, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

CSF081: FINANCIAL ACTIVITY STATEMENT – MARCH 2014

Appendices : Financial Activity Statement
Responsible Officer : Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:



**CSF081: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

CSF081: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR PRICE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CSF081: RESPONSIBLE OFFICER RECOMMENDATION

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

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 March 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:
 - I. 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.
 - II. 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.
 - III. 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
 - IV. 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.

FINANCIAL IMPLICATIONS

- 8. Expenditure for the period ending 31 March 2014 has been incurred in accordance with the 2013/14 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.

POLICY IMPLICATIONS

- 9. The City's 2013/14 Annual Budget provides a set of parameters that guides the City's financial practices.
- 10. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CSF082: LIST OF ACCOUNTS FOR PAYMENT – APRIL 2014

File Number (Name of Ward) : FM.FIR.2 - All Wards
Appendices : List of Accounts for Payment
Responsible Officer : Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:



CSF082: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 April 2014, totalling \$6,895,668.33.

CSF082: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CSF082: 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 April 2014 totalling \$6,895,668.33.

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.

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 April 2014. Further details of the accounts authorised for payment by the Chief Executive Officer is included in the Attachment to this report.

Municipal Fund

Trust	\$18,089.00
Credit Cards	\$22,865.19
Payroll	\$1,238,088.27
Cheques	\$87,316.94
Electronic Funds Transfer	\$5,529,308.93
TOTAL	<u>\$6,895,668.33</u>

3. As at 15 April 2014, the total outstanding creditors, stands at **\$2,470,144.40** and made up follows:

Current	\$1,258,471.59
30 Days	\$1,200,161.88
60 Days	\$9,747.10
90 Days	\$1,763.83
TOTAL	\$2,470,144.40

4. **Cancelled cheques:** - 29725 incorrect creditor, 29691 incorrect amount see replacement 29759.

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.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 April 2014 has been incurred in accordance with the 2013/2014 budget parameters.

POLICY IMPLICATIONS

9. The City's 2013/2014 Annual Budget provides a set of parameters that guides the City's financial practices.

SUMMARY CONCLUSION

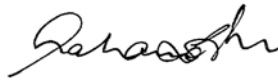
10. That list of accounts have been authorised for payment under delegated authority.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CSF083: DELEGATED AUTHORITY REPORTS

Attachments : Common Seal and Executed Document Report
Responsible Officer : Chief Executive Officer (G Foster)

Responsible Officer's Signature:



CSF083: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

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

CSF083: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CSF083: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports up until 15 April 2014:

CSF084: RATE DEBT WRITE OFF REPORT AS AT 31 MARCH 2014

Proponent : City of Albany
Attachment : Rates Debt Write Off Report
Responsible Officer(s): : Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:



**CSF084: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the Rates Debt Write Off Report as at 31 March 2014.

CSF084: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR GREGSON**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CSF084: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Rates Debt Write Off Report as at 31 March 2014.

CSF085: NEW LEASE AND LICENCE – TELSTRA CORPORATION LIMITED – PORTION OF RESERVE 43591, WILLYUNG

Land Description : Portion of Reserve 43591 and being Lot 7727 on Deposited Plan 191134 and being the whole of the land comprised in Qualified Certificate of Crown Land Title Volume LR3123 Folio 726 Willyung

Proponent : Telstra Corporation Limited

Owner : Crown

Attachments : Nil

Responsible Officer(s) : Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:	
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STRATEGIC IMPLICATIONS

1. This item relates directly to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:
 - a. **Key Theme:** Civic Leadership.
 - b. **Strategic Objective:** 5.1 To establish and maintc. **Strategic Initiative:** 5.1.2 Systems Development and Improvement: Improve leased property management.

IN BRIEF

- Council is requested to consider a new lease and a new licence for Telstra Corporation Limited over the area it currently occupies on portion of Reserve 43591, Willyung Hill.
- Reserve 43591 is landlocked with the only access through private property.
- Telstra has been notified that the landowners are proposing to expand quarry operations and may withdraw access for ingress and egress and impacting power supply to the reserve. Despite these matters Telstra still seek a new lease.
- Lease term being ten years with an option for two further five year terms.
- Lease purpose being to operate and maintain telecommunications facilities.
- Telstra has statutory rights under the *Telecommunications Act 1997* allowing licensed carriers to enter land if agreement cannot be reached with the landowner, although this is not the favoured course of action.
- It is recommended the request be supported.

Maps and Diagrams



**CSF085: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE the request from Telstra Corporation Limited for a new lease and new licence over portion of Crown Reserve 43591 and being Lot 7727 on Deposited Plan 191134, Willyung, subject to:

- 1. Lease Term being ten years commencing 1 may 2014, with an option for two further five year terms.**
- 2. Lease and licence rental fee being determined by a current market valuation provided by a licensed Valuer.**
- 3. Lease area being approximately 30 square metres.**
- 4. Licence area (non-exclusive) being area located upon Willyung Hill telecommunication tower.**
- 5. Lease purpose being for telecommunication facilities and activities.**
- 6. Lease special condition to document that Telstra acknowledge continued access for ingress and egress and power supply to Reserve 43591 cannot be guaranteed and that the City has no obligation to provide or be in anyway liable for these services.**
- 7. Pursuant to Section 18 of the Lands Administration Act 1997, the Minister for Lands consent being obtained.**
- 8. All costs associated with the operations and maintenance of the lease area being payable by Telstra Corporation Limited.**
- 9. All costs associated with the preparation, execution and completion of the Deed of Lease and Licence being payable by Telstra Corporation Limited.**

CSF085: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CSF085: RESPONSIBLE OFFICER RECOMMENDATION

That Council APPROVE the request from Telstra Corporation Limited for a new lease and new licence over portion of Crown Reserve 43591 and being Lot 7727 on Deposited Plan 191134, Willyung subject to:

1. Lease term being ten years commencing 1 May 2014, with an option for two further five year terms.
2. Lease and licence rental fee being determined by a current market valuation provided by a licensed Valuer.
3. Lease area being approximately 30 square metres.
4. Licence area (non-exclusive) being area located upon Willyung Hill telecommunication tower.
5. Lease purpose being for telecommunication facilities and activities.
6. Lease special condition to document that Telstra acknowledge continued access for ingress and egress and power supply to Reserve 43591 cannot be guaranteed and that the City has no obligation to provide or be in anyway liable for these services.
7. Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent being obtained.
8. All costs associated with the operations and maintenance of the lease area being payable by Telstra Corporation Limited.
9. All costs associated with the preparation, execution and completion of the Deed of Lease and Licence being payable by Telstra Corporation Limited.

BACKGROUND

2. Reserve 43591 is under Management Order H691933 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Navigational Aid and Telecommunications Site" for any term not exceeding twenty one years and subject to the consent of the Minister for Lands.
3. Reserve 43591 has an area of 900m² and is located on Willyung Hill at Lot 7727 Rocky Crossing Road, Willyung. The reserve was created by resuming land from the landowners however without the usual legal access arrangements.
4. Reserve 43591 is landlocked and there is no designated access to the reserve through any City owned or Crown Land.

5. The only access to the Reserve 43591 is through a private property situated at Lots 2 and 6 Rocky Crossing Road, of which portion of the freehold land is currently leased to Holcim (Australia) Pty Ltd for quarry operations.
6. The City has secured formal access arrangements with landowners and the operators of the quarry to traverse the land to access the reserve. This allows City staff and contractors to access the site to ensure the Airport navigational aids and Emergency Bushfire and Depot communications network remain operational.
7. It is noted that Telstra and Optus have since secured formal access over the private property to the reserve through the provisions of the *Telecommunications Act 1997*.
8. The former Shire of Albany constructed the Willyung Hill telecommunications facility to accommodate the Shire's works and bushfire communication network and to display navigational lights for the Albany airport.
9. In 2002, the Management Order for the reserve was amended to "Navigational Aid Site and Telecommunications" with power to lease. This provided the City the ability to grant leases for the telecommunication activities, subject to the consent of the Minister for Lands.
10. At Council meeting 18 May 2004 Council granted a new lease and licence to Telstra Corporation Limited for the purpose of Telecommunications site for a term of nine years and eleven months as requested by Telstra.
11. The lease commenced on 1 June 2004 and expired on 30 April 2014. The lease currently returns an annual rental of \$1,957.14 per annum plus GST.
12. The lease and licence allowed Telstra to construct an equipment hut and install a replacement telecommunication tower on Willyung Hill.
13. As part of the lease agreement, Telstra constructed the replacement tower at Telstra's cost and met the cost of removing the existing tower and relocating the current users (including the City of Albany) to the new tower.
14. The new telecommunication tower provided for a higher level of service for Telstra's mobile phone networks and allowed the City to upgrade City Works and Services (Depot) and volunteer bushfire communication networks.
15. Ownership of the 23.3m lattice tower was transferred to the City of Albany at no cost, following construction. There is an existing agreement that if another carrier (other than the current users) applied to use the tower, Telstra would be notified for consent and entitled to recover a proportion of its construction costs from that carrier.
16. At Council meeting 16 February 2010 Council approved a new lease to Optus Mobile Pty Ltd for a term of five years with an option for three further five year terms for the purpose of installing a mobile phone base station on the tower and an equipment hut on Willyung Hill.
17. It is noted that Telstra and Optus reached agreement on the Optus capital contribution amount to allow Optus to co-locate on the tower.
18. Current users of the Willyung Hill site include City of Albany Works and Services (Depot), Volunteer Bush Fire Brigades/Department of Fire and Emergency Services, City of Albany Airport, Mt Barker Communications, Optus Mobile Pty Ltd and Telstra.

19. In November 2013, Jones Lang LaSalle, acting as the Property Service Provider for Telstra, advised in writing that Telstra is seeking a new lease and licence over the existing area they currently occupy on Willyung Hill to continue providing telecommunication services to the Albany region.

DISCUSSION

20. Pending determination by Council of the proposed new lease Telstra continue to occupy the property on a holding over basis on a three monthly tenancy. The terms and conditions of the existing lease continue unamended, except in respect of the term during any holding over period.
21. Telstra continues to provide telecommunication services to customers with 3G Mobile Network from the lease site.
22. In March 2013, quarry operators Holcim advised the City of proposed plans to expand quarry operations which will impact on the current access for ingress and egress and power supply to the telecommunication facility within Reserve 43591.
23. It is anticipated the proposed expansion, subject to gaining necessary approvals, will likely impact access and power supply to the reserve within 7-10 years. However, this timeframe could be brought forward should any major projects in the region go ahead.
24. Telstra has been notified that the landowners are proposing to expand quarry operations and may withdraw access and impact power supply to Reserve 43591. Therefore, if a new lease is granted over the reserve, it is likely that Telstra will not have access and power in the future. Despite these issues Telstra still seek a new lease.
25. Telstra has been encouraged to consider securing long term alternate access and power supply to Reserve 43591 with existing or adjoining landowners.
26. The proposed new lease will document the following, but not be limited to, special condition relating to access and power to Reserve 43591:
- a. An acknowledgement by Lessee (Telstra) that:
 - i. The current access way to Reserve 43591 is through the private property with the consent of the landowners.
 - ii. The landowners of the private property may withdraw their consent to use the land for providing power to Reserve 43591 and for ingress and egress to Reserve 43591.
 - iii. The Lessee may not have access to Reserve 43591 in the future.
 - iv. The Lessee may have to negotiate with the neighbouring landowners for access to Reserve 43591 and for power infrastructure on the neighbouring owners' land to bring power to Reserve 43591.
 - b. An undertaking by the Lessee (Telstra) that:
 - i. The Lessor will have no obligation to arrange for access to Reserve 43591.
 - ii. The Lessee will not hold the Lessor liable for the inability of the Lessee to access Reserve 43591 for any reason whatsoever.
 - iii. The Lessee will not seek damages from the Lessor for the reasons stated above.

27. In 2013, WA Police were investigating the option of co-locating on the Willyung Hill tower in order to expand and improve emergency services communications. However after further investigation this site was not considered suitable due to anticipated future access and power constraints and that WA Police network requirement could not be fulfilled on the tower so alternate options were considered.
28. Crown Castle on behalf of WA Police has since constructed a purpose built telecommunications tower within privately owned land adjacent to the quarry site.
29. Crown Castle has expressed willingness to consider co-location on the new tower. The City is currently considering its options with regard to this site. Both Telstra and Optus Telstra may also consider relocating to the new site which is located within close proximity of City's existing tower on top of Willyung Hill.
30. Telstra has met the obligations of its previous lease including payment of rent and outgoings.

GOVERNMENT & PUBLIC CONSULTATION

31. Under Section 18 of the *Land Administration Act 1997* the Department of Lands has been consulted. Minister for Land's consent will be sought for the proposed new lease and licence on portion of Crown Reserve 43591.
32. As this lease proposal does not require land works or changes to land title there are no *Native Title Act 1993* and the *Aboriginal Heritage Act 1972* implications.
33. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including lease land and buildings including advertising requirements. The City is not required to advertise the proposed new lease and licence as Telstra falls within the classification of an instrumentality of the Commonwealth, which is exempt under the Act.

STATUTORY IMPLICATIONS

34. Section 18 of the *Land Administration Act 1997* states that a person shall not assign, sell transfer or otherwise deal with interests on Crown land or create or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.
35. As this is Crown land, under Management Order H691933 held by the City, Minister's consent will be sought.
36. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings including advertising requirements. The current request does not require advertising.
37. The *Telecommunications Act 1997* provides statutory powers to licensed carriers to enter land with prior written notice if agreement cannot be reached with the landowner, although this is not the favoured course of action.

38. The Telstra telecommunications facility is deemed to be Low Impact Facility under Federal legislation “*Telecommunications (Low-impact Facilities) Determination 1997*”.
39. Under the City’s current Town Planning Scheme No. 3, the subject land is zoned “Rural”. The existing use of telecommunication facility (mobile telephone base station) was approved in 2004 under Planning Scheme Consent P245157 under delegation, in accordance with the Scheme.

POLICY IMPLICATIONS

40. Council adopted a revised Property Management – Leases and Licences Policy in September 2012.
41. The Policy aims to ensure that all requests for leases and licences will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
42. The Policy provides that rent for commercial leases be determined by initial market valuation with rent reviews conducted every three years by market valuation and by CPI, All Groups (Perth) for intervening years.
43. Telstra has agreed to the initial rent determined by market valuation of \$10,000 per annum plus GST, however has requested consideration of the following rent review provisions:
 - a. Market valuation to be undertaken at the tenth anniversary of the lease (rather than every three years).
 - b. Rent reviews for the intervening years to be fixed at four percent per annum (rather than CPI).
44. It is recommended that Council relax current Policy provision for commercial leases requiring rent reviews by market valuations every three years and CPI for intervening years. This is on the basis that the Telstra offer is substantially higher than the current rental of \$1,957.14 per annum plus GST along with considering the statutory rights to provided to Telstra under the *Telecommunications Act 1997* allowing licensed carriers to enter land if agreement cannot be reached with the landowner.
45. All other Policy provisions relating to commercial leases will apply.

RISK IDENTIFICATION & MITIGATION

46. The risk identification and categorisation relies on the City's Risk Management Framework:

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Reputation: Council does not approve a new lease</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Reputation: Council does not approve a new lease – telecommunication services will be limited to customers</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Financial: Council does not approve relaxing of Policy rent review provisions – loss of rental income</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Legal & Compliance: Council does not approve a new lease – Telstra enter site using statutory rights</i>	<i>Almost certain</i>	<i>Minor</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i> <i>Collaborate with Telstra to ensure mutually agreeable outcomes.</i>

FINANCIAL IMPLICATIONS

47. All costs associated with the preparation, execution and completion of the new lease and licence documentation including but are not limited to legal, survey and valuation will be borne by the proponent, Telstra Corporation Limited.
48. The new lease rental as determined by a current market valuation provided by a licensed Valuer Opteon (Albany & Great Southern WA), being \$10,000.00 per annum plus GST.
49. The new lease rental will be directed to COA 14053 Income – Misc Commercial.

LEGAL IMPLICATIONS

50. The agreement with Telstra Corporation Limited will be a formal Deed of Lease and Licence which grants an interest in the land with enforceable conditions and will be prepared by the City's lawyers.

ENVIRONMENTAL IMPLICATIONS

51. Nil.

ALTERNATE OPTIONS

52. Council may:
- a. Approve the request for a new lease and licence or
 - b. Decline the request.

53. Should Council decline the request, Telstra may invoke its statutory rights under the *Telecommunications Act 1997* that allows licensed carriers to enter land if agreement cannot be reached with the landowner, although this is not the favoured course of action.

SUMMARY CONCLUSION

54. The current Lessee, Telstra Corporation Limited is seeking a new lease and a new licence over the area currently occupied at the Willyung Hill telecommunication facility on Reserve 43591 to continue providing telecommunication services to the Albany area.
55. Reserve 43591 is landlocked with the only access through private property.
56. Telstra has been notified that the private landowners are proposing to expand quarry operations and continued access for ingress and egress and power supply to Reserve 43591 cannot be guaranteed. Despite these matters Telstra still seek a new lease.
57. It is recommended that Council consider relaxing current Policy provision for commercial leases requiring rent reviews by market valuations every three years and CPI for intervening years and allow for the proposed ten year market valuation with fixed four percent increase per annum for intervening years requested by Telstra.
58. The Lessee has occupied this site for the past nine years and has met the obligations of the previous lease including payment of rent and outgoings.
59. The new lease and licence request is supported.

Consulted References	<ul style="list-style-type: none"> • Council Policy – Property Management – Leases and Licences • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i> • <i>Telecommunications Act 1997</i>
File Number (Name of Ward)	PRO307, A188652 (Kalgan Ward)
Previous Reference	OCM 16/04/2002 Item 12.2.2 OCM 18/05/2004 Item 12.2.1

CSF086: STANDING ORDERS LOCAL LAW 2014 UNDERTAKING & MAKING OF AN AMENDMENT LOCAL LAW

- Proponent** : City of Albany
Attachments : CONFIDENTIAL – *Letter from Joint Standing Committee on Delegated Legislation. In accordance with s5.23(2)(g) of the Local Government Act 1995, being: information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971.*
Responsible Officer(s) : Deputy Chief Executive Officer (G. Adams)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates directly to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:
 - a. **Key Themes:** 5. Civic Leadership
 - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:** Nil

In Brief:

- Undertake to not use problematic clauses
- Consider resolving to make an amendment local law

RECOMMENDATION

**CSF086: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council:

- (1) **GIVES** a written undertaking, by Wednesday 4 June 2014, that the City of Albany will effect the following amendments within 6 months of the date of the City's letter giving the undertakings and not rely on or use the following clauses and sub clauses in the interim, being:
 - (a) Amend clause 6.16(5)(b) by deleting the words "that meeting" after the words "part in" and insert the words "the matter under discussion" (to ensure consistency with the wording of the WALGA pro forma);
 - (b) Amend clause 8.3 by deleting clause 8.3(2) and moving the words "the Presiding Member is to decide questions relating to the conduct of a Meeting" to the next line after clause 8.3(1)(c); and
 - (c) That clauses 6.16(5)(b) and 8.3 will not be enforced in a manner contrary to this undertaking.
- (2) **AGREES** to the following actions:
 - (a) Make all consequential amendments arising from the undertakings;
 - (b) Provide the Committee with a copy of the minutes of the meeting at which the Council resolves to provide the undertakings; and
 - (c) Append the *City of Albany Standing Orders Local Law 2014*, whether in hard copy or electronic form, with a copy of these undertakings.
- (3) In accordance with section 3.12 of the Local Government Act 1995:

- (a) Resolves to MAKE the *City of Albany Standing Orders Amendment Local Law 2014* as follows:

**LOCAL GOVERNMENT ACT 1995
CITY OF ALBANY
STANDING ORDERS AMENDMENT LOCAL LAW 2014**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Albany resolved on [Insert Date] to make the following local law.

1. Citation

This local law may be cited as the *City of Albany Standing Orders Amendment Local Law 2014*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal local law amended

In this local law, the *City of Albany Standing Orders Local Law 2014* as published in the *Government Gazette* on 17 March 2014 is referred to as the principal local law. The principal local law is amended.

4. Clause 6.16 amended

Amend clause 6.16(5)(b) by deleting the words "that meeting" after the words "part in" and insert the words "the matter under discussion".

5. Clause 8.3 amended

Amend clause 8.3 by deleting clause 8.3(2) and moving the words "the Presiding Member is to decide questions relating to the conduct of a Meeting" to the next line after clause 8.3(1)(c).

Dated: [Insert date]

The Common Seal of the City Of Albany was affixed by authority of a resolution of the Council in the presence of—

DENNIS WELLINGTON, Mayor
GRAHAM FOSTER, Chief Executive Officer

- (b) **APPROVES** the giving of State-wide public notice of the proposed *City of Albany Standing Orders Amendment Local Law 2014* in order to seek public comment.

CSF086: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR CALLEJA
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CSF086: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) GIVES a written undertaking, by Wednesday 4 June 2014, that the City of Albany will effect the following amendments within 6 months of the date of the City's letter giving the undertakings and not rely on or use the following clauses and sub clauses in the interim, being:
 - (a) Amend clause 6.16(5)(b) by deleting the words "that meeting" after the words 'part in' and insert the words "the matter under discussion" (to ensure consistency with the wording of the WALGA pro forma);
 - (b) Amend clause 8.3 by deleting clause 8.3(2) and moving the words "the Presiding Member is to decide questions relating to the conduct of a Meeting" to the next line after clause 8.3(l)(c); and
 - (c) That clauses 6.16(5)(b) and 8.3 will not be enforced in a manner contrary to this undertaking.
- (2) AGREES to the following actions:
 - (a) Make all consequential amendments arising from the undertakings;
 - (b) Provide the Committee with a copy of the minutes of the meeting at which the Council resolves to provide the undertakings; and
 - (c) Append the City of Albany Standing Orders Local Law 2014, whether in hard copy or electronic form, with a copy of these undertakings.
- (3) In accordance with section 3.12 of the Local Government Act 1995:
 - (a) Resolves to MAKE the *City of Albany Standing Orders Amendment Local Law 2014* as follows:

LOCAL GOVERNMENT ACT 1995
CITY OF ALBANY
STANDING ORDERS AMENDMENT LOCAL LAW 2014

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Albany resolved on [Insert Date] to make the following local law.

1. Citation

This local law may be cited as the *City of Albany Standing Orders Amendment Local Law 2014*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal local law amended

In this local law, the *City of Albany Standing Orders Local Law 2014* as published in the *Government Gazette* on 17 March 2014 is referred to as the principal local law. The principal local law is amended.

4. Clause 6.16 amended

Amend clause 6.16(5)(b) by deleting the words "that meeting" after the words "part in" and insert the words "the matter under discussion".

5. Clause 8.3 amended

Amend clause 8.3 by deleting clause 8.3(2) and moving the words "the Presiding Member is to decide questions relating to the conduct of a Meeting" to the next line after clause 8.3(l)(c).

Dated: [Insert date]

The Common Seal of the City Of Albany was affixed by authority of a resolution of the Council in the presence of—

DENNIS WELLINGTON, Mayor
GRAHAM FOSTER, Chief Executive Officer

- (b) APPROVES the giving of State-wide public notice of the proposed *City of Albany Standing Orders Amendment Local Law 2014* in order to seek public comment.

BACKGROUND

2. Council at its Ordinary Meeting of 25 February 2014 resolved to adopt the *Standing Orders Local Law 2014* and published in the *Government Gazette* on 17 March 2014.
3. On 9 May 2014, Council received advice that the Joint Standing Committee on Delegated Legislation (JSCDL) considered the *Standing Orders Local Law 2014* at its meeting on 7 May 2014 and resolved to write to the City to highlight issues (detailed in the discussion section of the report and Responsible Officer's Recommendation).

DISCUSSION

4. The Committee accepts that this failure was unintentional and attributable to an administrative oversight.
5. Accordingly, the failure can be cured by the making of an amendment local law. (Refer to Responsible Officer's Recommendation).
6. Section 3.12 of the *Local Government Act 1995* (the Act) requires the person presiding at a Council meeting ensures the purpose and effect of the proposed amendment local law is given.

Purpose: The purpose of this local law is to define the rules that apply to the conduct of meetings of the Council of the City of Albany, and its Committees and to meetings of electors, ensuring compliance with the Act and its regulations.

Effect: The meeting procedures defined in this Local Law are intended to result in:

- (a) better decision-making by Council and its Committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) the more efficient and effective use of time at Meetings.
7. The procedure for amending local laws requires Council to advertise state-wide advising of its intention to make amendment local laws and seeking submissions within a six-week period.
 8. Council is then required to consider all submissions prior to adopting the Amendment Local Law.
 9. To start the process and comply with the requirements of the JSCDL, it is recommended that Council resolve to make the *City of Albany Standing Orders Amendment Local Law 2014*.

GOVERNMENT & PUBLIC CONSULTATION

10. A copy of the Amended Local Law will be forwarded to the Department of Local Government for consideration and comment before endorsement.
11. The Joint Standing Committee on Delegated Legislation reviewed the primary local law and recommended the listed amendments.
12. Under section 3.12 of the Act, the City is required to give State-wide publication of its intention to make the Local Law and to invite submissions from the public.

STATUTORY IMPLICATIONS

13. Amending a local law needs to be done in accordance with section 3.12 of the Act which is the same procedure for 'making' a local law. This is because an amendment local law is a new law in itself and must follow the full statutory process.

POLICY IMPLICATIONS

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

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>Legal & Compliance. Local law may be disallowed if undertakings are not complied with.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Comply with undertakings and make an amendment local law.</i>

FINANCIAL IMPLICATIONS

16. Cost will be incurred with respect to the advertising and eventual publication in the Government Gazette of the Amendment Local Law. This cost is estimated to be \$250 in addition to staff time preparing the advert and liaising with interested parties during the public submission period.

LEGAL IMPLICATIONS

17. At its meeting on 7 May 2014 the Committee resolved to place a 'protective' Notice of Motion on the local law.
18. The reason for placing a Notice is to protect the Parliament's right to disallow the Local Law should the Committee ultimately recommend disallowance.
19. It also provides the City with additional time to comply with the requested undertakings.

ALTERNATE OPTIONS

20. The options are:
 - Comply with the requested undertakings, or
 - Not comply with the undertakings.
21. Should Council wish to reconsider its position on the local law, it is recommended that such a process is undertaken separately.

ENVIRONMENTAL CONSIDERATIONS

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

CONCLUSION

23. Comply with the request of the Committee and comply with the undertakings and make the amendment local law.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	(All Wards) CM.STD.2 – Local Laws
Previous Reference	:	OCM 25/02/2014 CSF051 OCM 15/09/2009 Item 19.1

CSF087: WALGA LOCAL GOVERNMENT CONVENTION & ANNUAL GENERAL MEETING OF ELECTORS

Proponent : City of Albany
Attachments : Convention Registration Brochure
Responsible Officer(s) : Chief Executive Officer (G. Foster)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates directly to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:
 - a. **Key Themes:** 5. Civic Leadership
 - b. **Strategic Objective:**
5.2 To provide positive leadership that delivers community outcomes
 - c. **Strategic Initiative:** Nil

In Brief:

- Appoint voting delegates to represent the City at the 2014 WALGA Annual General Meeting of Electors
- Approve elected member attendance at the Conference.

RECOMMENDATION

**CSF086: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council:

- (1) **APPOINTS** the following voting and proxy voting delegates:

Voting Delegates <i>Name of Voting Delegates (2)</i>	Proxy Voting Delegates <i>Name of Proxy Voting Delegates (2)</i>

Note: Delegates may be Elected Members or serving officers.

- (2) **APPROVE** the following elected members attendance at the 2014 Local Government Convention:

•	•
•	•
•	•
•	•
•	•
•	•

BACKGROUND

2. The 2014 Local Government Convention will be held at the Perth Convention and Exhibition Centre (PCEC) from 6 to 8 August 2014, including the WALGA Annual General Meeting which will be held from 1:30pm to 5:30pm on Wednesday 6 August 2014.
3. Member Local Governments are invited to submit motion for inclusion on the Agenda.
4. Motions should be endorsed by Council before being submitted in writing to the Chief Executive Officer of WALGA.
5. **Deadlines for Agenda Items.** The closing date for submission of motions is COB Friday 9 June 2014.

DISCUSSION

6. All Member Councils are entitled to be represented by 2 voting delegates at the AGM.
7. In the event that a Voting Delegate is unable to attend, provision is made for proxy delegates to be registered.
8. Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils.
9. Delegates may be Elected Members or serving officers.
10. The following guidelines should be followed by members in the formulation of motions:
 - a. Motions should focus on policy matters rather than issues which could be dealt with by the WALGA State Council with minimal delay.
 - b. Due regard should be given to the relevance of the motion to the total membership and to Local Government in general. Some motions are of a localised or regional interest and might be better handled through other forums.
 - c. Due regard should be given to the timeliness of the motion – will it still be relevant come the Local Government Convention or would it be better handled immediately by the Association?
 - d. The likely political impact of the motion should be carefully considered.
 - e. Annual General Meeting motions submitted by Member Local Governments must be accompanied by fully researched and documented supporting comment.
11. A copy of the 2013 AGM Minutes are attached for information.

GOVERNMENT & PUBLIC CONSULTATION

12. Nil

STATUTORY IMPLICATIONS

13. Nil

POLICY IMPLICATIONS

14. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>Council does not nominate voting delegates.</i>	<i>Possible</i>	<i>Insignificant</i>	<i>Low</i>	<i>Send a minimum of two Council representatives</i>

FINANCIAL IMPLICATIONS

16. Attendance at the AGM is free of charge to all Member Local Governments; however lunch is not provided.
17. Full delegate fees cover the daily conference program, lunches and refreshments.
18. Cost estimate:

Activity	Per person
Airfare (return)	\$260
Meals & Accommodation (5 nights)	\$1,500
Convention Registration	\$1,474
Total	\$3,234

LEGAL IMPLICATIONS

19. Nil

ALTERNATE OPTIONS

20. Nil

ENVIRONMENTAL CONSIDERATIONS

21. Nil

Consulted References	:	http://www.walga.asn.au/NewsPublications/tabid/66/id/402d7b0b-b762-41c1-a828-f5498e710509/Default.aspx
File Number (Name of Ward)	:	GR.STL.2 (All Wards)
Previous Reference	:	Nil

**WS039: BLUFF/NELSON/BATHURST LOCAL AREA TRAFFIC
MANAGEMENT STUDY**

Land Description : Road Reserve – Bluff / Nelson / Bathurst Streets
Proponent : City Assets, Works & Services Department
Owner : City of Albany
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 the [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:** 3. A Connected Built Environment
 - b. **Strategic Objective:** 3.1. To advocate, plan and build friendly and connected communities.
 - c. **Strategic Initiative:** 3.1.2. Traffic Modelling. Improved traffic flows.

Maps and Diagrams:



In Brief:

- The installation of speed cushions on Bathurst and Nelson Streets has produced better than expected results through the reduction of speed and vehicle numbers.
- This report recommends that the current speed cushion treatments remain in place for the medium term and that their effectiveness be monitored with a view to reassessment if the need arises.

RECOMMENDATION

**WS039: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. **RESOLVE** to have the speed cushion safety treatments on Bathurst and Nelson Streets remain in situ.
2. **MONITOR** the speed cushions effectiveness in the medium term, and re-assess as the need arises.

WS039: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Office Recommendation be ADOPTED.

CARRIED 4-0

WS039: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. **RESOLVE** to have speed cushion safety treatments on Bathurst and Nelson Streets remain in situ;
2. **MONITOR** the speed cushions effectiveness in the medium term, and re-assess as the need arises.

BACKGROUND

2. Safety issues relating to the intersection of Bluff, Nelson and Bathurst Streets resulted in the intersection being reconfigured in 2009/10. Ongoing concerns led to the installation of rubberised speed cushions in 2012. Recent complaints from local residents concerning the speed cushions have led to a reassessment of the traffic management options.
3. At the February 2014 Ordinary Council Meeting a proposal to remove the speed cushions, close Bathurst Street and redirect traffic along Bluff Street to connect with Cockburn Road was presented. Council accepted the proposal and resolved to advertise the proposal for public submissions.

4. Submissions received from the period of public consultation are summarised below:

FOR / AGAINST	REASONS	COMMENTS
For	Reduces speed & number of vehicles	
Against	Safety of children in Bluff St, backing out of driveway. Speed issue resolved by speed humps.	Suggest left turn only at Bathurst / Campbell intersection.
Against	Increased traffic & speeds on Bluff St. Safety for families on Bluff Street.	Speed humps resolved problem.
Against	Lack of safety.	Suggests left turn only at Bathurst / Campbell intersection. Cockburn needs footpath.
Against	Gentle incline needs to stay open.	Would like Gopher access through intersection. Suggests left turn only Nelson to Bluff, and close exit from Bluff to Bathurst.
Against	More traffic on Bluff St. Lack of safety for children. Access & egress to properties less safe.	
For	Speed bumps are difficult to negotiate.	

DISCUSSION

5. The submissions, largely from Bluff Street residents, prefer Bluff Street to remain closed to through traffic from Nelson Street. Residents living in Nelson Street are divided in their opinions, those living near the speed cushion installations would like to see them removed. However, other residents, having seen the number and speed of vehicles reduce, would like to see the speed cushions remain.
6. The installation of a series of speed cushions on Bathurst and Nelson Streets has had better than intended consequences. Traffic counters were placed on Bathurst, Nelson and Bluff Streets over the period 4 – 17 April 2014 to measure the effects of the speed cushion installations. Results reveal that vehicle numbers have reduced from over 500 to around 350 vehicles travelling east on Bathurst and Nelson Streets, a drop of 150 vehicles per day (vpd), with drivers choosing to use alternate routes. Vehicle numbers on Nelson Street travelling west have also decreased by approximately 100vpd. Vehicle speeds have similarly been reduced producing a safer road environment.
7. The installation of speed cushions has also had the effect of reducing traffic congestion at the Bathurst/Campbell intersection. This can be further reduced by making the intersection a 'Left Turn Only' entry onto Campbell Road, and forcing vehicles to use the Campbell/Cockburn roundabout just 250m away. This option can be explored further at a later stage.

GOVERNMENT CONSULTATION

8. Nil.

STATUTORY IMPLICATIONS

9. Under section 3.18 of the Local Government Act 1995, the City of Albany is to satisfy itself that the services and facilities it provides are managed effectively and efficiently.

POLICY IMPLICATIONS

10. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>An inappropriate Local Areas Traffic Management strategy is chosen and an accident occurs</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Conduct a preliminary design road safety audit to identify any outstanding issues</i>

FINANCIAL IMPLICATIONS

12. The cost of reconfiguring the Bluff / Nelson intersection will require a budget allocation of \$100,000 to \$150,000. However, with a decision to not proceed at this time there is no financial implication.

LEGAL IMPLICATIONS

13. Not applicable.

ENVIRONMENTAL CONSIDERATIONS

14. Nil.

ALTERNATE OPTIONS

15. The alternative would be to proceed with the proposal to close Bathurst Street and reconfigure the Bluff/Nelson intersection to direct traffic along Bluff Street to connect with Cockburn Road.

SUMMARY CONCLUSION

16. Speed reduction has been achieved with the installation of a series of speed cushions on Bathurst and Nelson Streets, and network traffic flow issues are considered manageable at present due to the reduction in vehicle numbers. The complete closure of Bathurst Street is not considered necessary in the short term. The preferred option, as a result of public consultation and internal review, is to make no changes to the speed reduction treatments which are currently in place.

Consulted References	:	Local Government Act 1995
File Number (Name of Ward)	:	RD.PRG.2 (Breaksea & Frederickstown Wards)
Previous Reference	:	OCM 25/02/14 - Item WS027

WS040: ASSESMENT OF ROAD PROJECT - LAKE SEPPINGS DRIVE

Land Description : Road Reserve – Lake Seppings Drive
Proponent : City of Albany
Owner : City of Albany
Attachments : Nil
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 the [Corporate Business Plan 2013-2017](#):
 - 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:** By scheduling maintenance, servicing and renewal in a timely manner that maximise the life and performance of infrastructure.

Maps and Diagrams:



In Brief:

- Council deferred the Lake Seppings Drive construction project in order to investigate the construction of a single lane access to affected properties.
- Analysis of traffic count data and revised costs has been undertaken and is presented to Council for endorsement.

RECOMMENDATION

**WS040: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. **ENDORSE** traffic analysis and revised cost estimates for the construction of a reinforced concrete single lane access and provide feedback to affected residents.
2. **CONSIDER** the Lake Seppings Drive construction project, as detailed in this report, for inclusion in the 2014/15 budget.

WS040: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 4-0

WS040: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. **ENDORSE** traffic analysis and revised cost estimates for the construction of a reinforced concrete single lane access and provide feedback to affected residents.
2. **CONSIDER** the Lake Seppings Drive construction project, as detailed in this report, for inclusion in the 2014/15 budget.

BACKGROUND

2. In 2013, the City made an allocation in the budget to construct a minimum standard two lane sealed road along the correct alignment in the road reserve.
3. A site survey was undertaken to collect information on existing utilities and services located in the road reserve. A preliminary design to test the selected route was determined, with existing water and sewer services largely affecting the road placement. Test holes were excavated mechanically to determine suitability of existing ground materials, to facilitate pavement design. Waste materials were discovered as shallow as 100mm below the existing ground level, and throughout the entirety of the planned alignment. Substantial void cavities were identified, which would require significant over-excavation to remove.

4. The extent of waste material was unknown at the time of setting the budget. Consequently, the discovery of the material has increased the anticipated construction costs considerably. With estimated construction costs of \$300,000 the City is not able to deliver the two lane option within the current budget. The alternative option to construct a single lane access to affected properties, which is closed to through traffic, and can most likely be achieved within an acceptable variance of the budgeted amount.

DISCUSSION

5. Analysis of traffic count data obtained in January/February 2013 indicates that there are on average 100 vehicles per day (VPD) that use the unsealed section of Lake Seppings Drive between Anzac Road and Drew Street. However 30% of these vehicles are local residents accessing their properties or people accessing the reserve who do not travel the entire length of road. Of the 70 vehicles that travel through the site there are on average three trucks per day.
6. Two thirds of the through traffic (both cars & trucks) is made up of vehicles travelling from Drew Street towards Hanson Street. This means that half of the traffic does not make the return trip along Lake Seppings Drive but travels by an alternate route. This could partially be explained by the fact that Drew Lane is one-way and provides an alternative route in this direction.
7. These low levels of through-traffic numbers along with the large proportion of one-way trips supports the proposal to close Lake Seppings Drive to through traffic.
8. 70 vehicles per day (through traffic) during the peak summer season is a relatively low count for a connecting road and this number is anticipated to be significantly less during the winter period with many drivers avoiding the road opting for a sealed route keeping vehicles clean.
9. By way of comparison the alternate route via Greenshields Street, Mira Mar Road, and McLeod Street carries around 400 vehicles per day, and the route via Seymour Street carries around 1000 vehicles per day.
10. This analysis does not indicate or warrant the construction of a permanent sealed two lane road.
11. Closing the through road and providing a single lane surfaced access to properties along with installing bollard fencing will eliminate the dust nuisance and restrict hoon activities which has been the main complaint of residents.
12. In addition to the construction of a single lane access way the City plans to form a parking area opposite Anzac Road for those wishing to access the reserve. The Drew Lane / Drew Street intersection will also need to be adjusted to restrict vehicles entering from Drew Street and 'No Through Road' signage will need to be installed at appropriate locations.
13. By reducing the scope of the project estimated costs would be in the vicinity of \$150,000 which is within an acceptable variance of the original 2013/14 budget allocation of \$120,000.

GOVERNMENT & PUBLIC CONSULTATION

- 14. Residents have been consulted throughout the process and have been informed of the site condition issues which have delayed progress. With the full-scale project unlikely to proceed there has been feedback that a more limited scope of works may be acceptable.
- 15. City staff intends to inform the local residents with respect to the proposed project moving forward, following endorsement by Council. Feedback will be sought and if necessary further discussed during the budget process.

STATUTORY IMPLICATIONS

- 16. Nil.

POLICY IMPLICATIONS

- 17. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Construct minimum standard through road and have cost blow outs through pavement failure.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Reduce traffic loading by making access way only and strengthen pavement by the use of reinforced concrete.</i>
<i>Construct minimum width through road and increase likelihood of head-on accidents.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Make access way only and minimize traffic numbers and speeds.</i>

FINANCIAL IMPLICATIONS

- 19. The City has adopted its Long Term Financial Plan covering 2013/14 to 2022/23 last financial year, and for each subsequent year the various capital works projects are to be reviewed to ensure long term financial sustainability that will allow the aspirations of the community to be matched with the City's capacity to deliver these outcomes in a prudent and responsible manner.
- 20. The City allocated \$120,000 in its 2013/14 budget which has subsequently been transferred to other projects. Endorsement of a single lane access-way closed to through traffic will require an allocation of \$150,000 in the 2014/15 budget in order for the project to proceed before the end of the calendar year.

LEGAL IMPLICATIONS

- 21. Not applicable.

ENVIRONMENTAL CONSIDERATIONS

- 22. No clearing of native vegetation is required.

ALTERNATE OPTIONS

23. The alternative options are to do nothing at this time, or to proceed with the construction of a minimum standard two lane sealed road at an inflated cost of \$300,000 plus and defer other projects.

SUMMARY CONCLUSION

24. The preferred option based on site conditions, traffic analysis, and cost estimates is to provide a reinforced concrete single lane rear access to properties backing on the Lake Seppings Drive road reserve which will be closed to through traffic.

Consulted References	:	Nil
File Number (Name of Ward)	:	RD.PLA.1 (Breaksea Ward)
Previous Reference	:	OCM 25/02/14 – Report Item WS028

WS041: MINERVA/LESLIE STREET FOOTPATH - PROPOSED RE-ALLOCATION OF FUNDS

Land Description : Minerva/Leslie Street Footpath - Proposed Re-allocation of funds
Proponent : City of Albany
Owner : City of Albany
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](#):
 - 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:** By scheduling maintenance, servicing and renewal in a timely manner that maximises the life and performance of infrastructure

In Brief:

- Approval is sought for a re-allocation of funds from Minerva/Leslie St Footpath to various Capital Works projects.
- Due to the introduction of two urgent renewal projects, funds are required to be re-allocated to ensure their completion in a timely manner without impacts on other programs.

RECOMMENDATION

**WS041: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. **DEFER** Job 3248 Minerva/Leslie – Construct 1.5m path from Edwards Street to North Road;
2. **REALLOCATE** \$170,000 from Job 3248 to the following projects:
 - Job 3320 - Sleeman Avenue Drainage Works – Road Repair, \$30,000;
 - Brunswick Road - Reseal sections Cuddihy Avenue to Bridge Street, \$60,000;
 - Hay Street Drainage – Replace collapsed pipe, \$37,000;
 - Golf Links Road – Extend to include Troode Street, \$43,000

WS041: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
SECONDED: MAYOR WELLINGTON

THAT the Responsible Office Recommendation be ADOPTED.

CARRIED 4-0

WS041: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. DEFER Job 3248 Minerva/Leslie – Construct 1.5m path from Edwards Street to North Road;
2. REALLOCATE \$170,000 from Job 3248 to the following projects:
 - Job 3320 - Sleeman Avenue Drainage Works – Road Repair, \$30,000;
 - Brunswick Road - Reseal sections Cuddihy Avenue to Bridge Street, \$60,000;
 - Hay Street Drainage – Replace collapsed pipe, \$37,000;
 - Golf Links Road – Extend to include Troode Street, \$43,000

BACKGROUND

2. The 2013/14 Capital Works budget was developed using the newly adopted Asset Management Plans and 10 Year Forward Capital Works Program. As part of this process, much of the data was obtained from the previous Pathways Asset Management Plan to populate the 10 Year Forward Capital Works Program.
3. The Minerva/Leslie Street Pathway, whilst a worthy project, may need to be reconsidered in the context of recent urgent works, and through the development of the Bicycle Strategy, and it may be prudent for Council to defer this project and reassess its priority.
4. This report recommends that the funding for this project be re-allocated.

DISCUSSION

5. The proposed pathway along Minerva Street highlighted sits within a road reserve which is both wide and flat, allowing adequate access for pedestrians. Traffic volumes are moderate at this location (approximately 80 vehicles per day). It is considered that while the section of road has some merit as a path link in future, it is not a considered high priority within current budgetary context.
6. The following projects have been identified as either having an urgent renewal need and/or fits strategically with the City's current priorities:
 - a) Job 3320 Sleeman Avenue Drainage. Project is being completed as emergency work and is due to adjacent slope instability. Project quotations were higher than anticipated and will complete the drainage elements. The road requires repairs at an estimated cost of \$30,000 above the original estimate (\$100,000).

Amount Required: \$30,000

- b) Brunswick Road. Cuddihy Avenue to Bridge Street. This project is identified as a reseal project in the 14/15 financial year. As this section of road is prominent in the context of use during the ANZAC period, it is felt prudent to bring this project forward to ensure it is, if possible, completed before the end of the financial year or at a minimum completed during October 2014.

Amount Required: \$60,000

- c) Hay Street – replacement of collapsed concrete drainage pipe. Project requires completion as emergency works and is to be commenced as soon as possible.

Amount Required: \$37,000

- d) Golf Links Road Bicycle Lanes. - Department of Transport have offered to re-allocate an under expense from previous programs delivered by the City. For the City to take this opportunity the allocation needs to be matched and allocated to a project which is ready to deliver. The amount offered is \$43,000 which will require a matching contribution. Troode Street (Wright Street to Golf Links Road) is identified as the most appropriate project. The project is immediately adjacent to the Golf Links Road project, is consistent with the priorities set out by the Bicycle Strategy project control group and will complete a significant portion of the cycle network in this precinct. Work is underway for the Golf Links Project.

Amount Required: \$43,000

GOVERNMENT & PUBLIC CONSULTATION

7. Prior government and public consultation occurred, where appropriate, for the Sleeman Avenue Mitigation Works, Brunswick Road, and Troode Street Path projects. The Hay Street Drainage project was identified from a maintenance request, and so will have the necessary public consultation completed prior to works commencing.

STATUTORY IMPLICATIONS

8. Under the Local Government Act, Section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
- is incurred in a financial year before the adoption of the annual budget by the Local Government
 - is authorised in advance by a resolution (absolute majority required) or
 - is authorised in advance by the Mayor in an emergency

POLICY IMPLICATIONS

9. The Budget Variations Policy states where it is necessary to expend funds on a new budget line item approval must be obtained prior to any expenditure being made.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not approve the re-allocation of funds.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>The existing Annual Budget would remain and proposed amendments would not apply.</i>

FINANCIAL IMPLICATIONS

11. The City has adopted its Long Term Financial Plan covering 2013/14 to 2022/23 last financial year, and for each subsequent year the various Capital Works projects are to be reviewed to ensure long term financial sustainability that will allow the aspirations of the community to be matched with the City's capacity to deliver these outcomes in a prudent and responsible manner
12. The Minerva/Leslie Street path project is included in the 2013/14 budget, and should Council agree to the proposed re-allocations, there will be no overall budgetary changes, rather a re-assessment of priorities.

LEGAL IMPLICATIONS

13. The request for various amendments to the 2013/14 budget to accommodate new external funding and some minor adjustments will ensure there is no unauthorised expenditure and all projects are approved by the Council, prior to any works commencing.

ENVIRONMENTAL CONSIDERATIONS

14. The City of Albany recognises the value of its natural environment and the importance of protecting and managing natural values for future generations. As part of this commitment any construction works identified in this document have been undertaken in accordance with the Environmental Code of Conduct adopted by Council in 2006.

ALTERNATE OPTIONS

15. Council may
 - a. support the original proposal to complete the Minerva/Leslie St path; or
 - b. agree to the proposed re-allocations to accommodate the four Capital Works projects as identified having been identified as high priority.

SUMMARY CONCLUSION

16. The re-allocation of funds from the Minerva/Leslie Street path to the Sleeman Avenue Mitigation Works, Brunswick Road, Hay Street Drainage, and Troode Street path, will enable these prioritised works to be completed, and ensure the overall result provides for a net nil impact on the current budget.

Consulted References	:	<i>Local Government Act 1995</i> <i>10 Year Forward Capital Works Program</i>
File Number (Name of Ward)	:	FM.BUG.5
Previous Reference	:	OCM 25/02/2014 Report Item CSF056

**PD031: ADVERTISE NEW DRAFT LOCAL PLANNING SCHEME 1
POLICY MANUAL**

Land Description : City of Albany
Proponent : City of Albany
Owner : City of Albany
Business Entity Name : N/A
Attachments : Nil
Councillor Workstation : Draft Local Planning Scheme 1 Policy Manual (2014)
Responsible Officer: : Executive Director Planning and Development Services
(D Putland)

Responsible Officer's Signature:



In Brief:

- The City of Albany Local Planning Policy Manual, incorporates all of the City's Planning Policies.
- Following gazettal of Local Planning Scheme 1 in May 2014, the City's Policy Manual has been amended in the following ways:

Citation

- The 'Policy Manual' now makes reference to the new Local Planning Scheme 1 and not the former Town Planning Schemes 1A and 3.

No longer required

- The following Policies have been deleted as the new Scheme includes provisions to control their use and development: *Chalets Policy; Airport Buffer Policy; Albany Speedway – Atwell Park Policy; Timewell Road Waste Water Treatment Plant Policy; and Albany Port Buffer Policy.*
- The *Alfresco Dining Policy* has been deleted as the *Activities on Thoroughfares and Public Places and Trading Local Law 2011 and Trading in Public Places Council Policy* are now the relevant statutory documents for the control of alfresco dining.

Contradiction

- The following Policy has been deleted as it is in conflict with provisions of the new Scheme: *Grouped Dwellings on Rural Land Policy.*
- It is requested the Council support advertising of the City's updated draft Policy Manual to provide opportunity for public comment on the proposed changes.

RECOMMENDATION

PD031: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ADOPTS the Local Planning Scheme 1 Policy Manual for ADVERTISING, to allow a 28 day period for consultation.

PD031: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECOND: COUNCILL HORTIN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

PD031: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council Adopts the Draft Local Planning Scheme 1 Policy Manual for consultation for a period of 28 days.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:**
 3. A connected built environment.
 - b. **Strategic Objective:**
 - 3.2 To develop and implement planning strategies that support people of all ages and backgrounds.
 - c. **Strategic Objective:**
 - 3.3 To develop vibrant neighbourhoods which retain our local character and heritage.
 - d. **Strategic Initiative:**
 - By protecting heritage buildings, and ensuring new developments respect the heritage and character of streetscapes.
 - By ensuring that community safety is built into all planning and development initiatives.
2. The updated draft Local Planning Scheme 1 Policy Manual supports the strategic principles in the Albany Local Planning Strategy in relation to issues such as land use conflict, tourism, housing diversity, protection of agricultural land, environmental management, transport, industry and the settlement hierarchy.

BACKGROUND

3. The City has formerly adopted a number of Policies to guide development in accordance with the City's former Town Planning Schemes 1A and 3. In 2011, the Council resolved to consolidate the Policies into a 'Policy Manual' to deliver a clear and concise planning document.
4. The Council has on occasions, amended their 'Policy Manual' to reflect changes in planning and consumer practices.
5. Local Planning Scheme 1 was Gazetted in May 2014. Section 2.6 of the Local Planning Scheme 1 states:
Where pursuant to the requirements of the former City of Albany Town Planning Schemes 1A and 3, a Town Planning Scheme Policy had been adopted and was operative at the date of the Gazettal of this Scheme, the Policy shall continue to have effect and be amended or revoked as if it were a Local Planning Policy adopted under Part 2 of this Scheme.
6. The Policy Manual in its current state contradicts the new Scheme and therefore needs to be amended to function in accordance with Local Planning Scheme 1.
7. The revised City of Albany Local Planning Policy Manual has been prepared and is hereby presented to the Council for adoption to enable advertising of the changes.

DISCUSSION

8. Amendments that have been made to the Local Planning Policy Manual are discussed below under the headings of 'Citation', 'Duplication', 'Contradiction' and 'Policy Not Required'.

Citation

9. The Local Planning Policy Manual now makes reference to Local Planning Scheme 1 and not Town Planning Schemes 1A and 3.

Duplication

10. The following Policies have been deleted as the new Scheme includes provisions to govern their use and development:
 - a) *Chalets Policy;*
 - b) *Airport Buffer Policy;*
 - c) *Albany Speedway – Atwell Park Policy;*
 - d) *Timewell Road Waste Water Treatment Plant Policy; and*
 - e) *Albany Port Buffer Policy.*

Contradiction

11. The *Grouped Dwellings on Rural Land Policy* has been deleted as it conflicts with provisions of the new Scheme. The existing *Grouped Dwellings on Rural Land Policy* supports up to two (2) dwellings on a 'Rural' zone property greater than 20ha in size. Local Planning Scheme 1 does not support group dwellings within the 'General Agriculture' or 'Priority Agriculture' zones. The new Scheme does however, allow for farm workers accommodation.

Policy Not Required

12. Local Planning Scheme 1 does not control uses and development within road reserves. Alfresco dining generally refers to eating outside within road reserves (eg. footpath) and is controlled by the *Activities on Thoroughfares and Public Places and Trading Local Law 2011 and Trading in Public Places Council Policy*. The Alfresco Dining Policy has therefore been deleted from the Policy Manual.

GOVERNMENT & PUBLIC CONSULTATION

13. Relevant Government agencies and the public will be invited to provide comment on the changes in the Policy Manual.

STATUTORY IMPLICATIONS

14. There are no statutory implications. 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.

POLICY IMPLICATIONS

15. There are no implications associated with rescinding the following policies:
- a) *Grouped Dwellings on Rural Land Policy;*
 - b) *Alfresco Dining Policy;*
 - c) *Chalets Policy;*
 - d) *Airport Buffer Policy;*
 - e) *Albany Speedway – Atwell Park Policy;*
 - f) *Timewell Road Waste Water Treatment Plant Policy; and*
 - g) *Albany Port Buffer Policy.*
16. Provisions concerning rescinded policies have been superseded by provisions within either the new *Local Planning Scheme 1, Activities on Thoroughfares and Public Places and Trading Local Law 2011* or Council's *Trading in Public Places Policy*.

RISK IDENTIFICATION & MITIGATION

17. The following risk matrix is presented for consideration:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Local Planning Policy Manual not updated by Council affects staff abilities to make decisions and leads to inefficiencies and time delays. It is important to establish an up to date policy manual to clearly articulate Council's position on various development issues.</i>	<i>Likely</i>	<i>Insignificant</i>	<i>Low</i>	<i>Mitigation entirely dependent on Council.</i>

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

20. There are no direct environmental considerations relating to this item.

ALTERNATE OPTIONS

21. The following options are available:

- a) Support advertisement of the new 'Policy Manual' with or without modifications; or
- b) Defer support for advertising until further notice.

SUMMARY CONCLUSION

22. The 'Policy Manual' adopted to support the former Schemes 1A and 3 has been amended to make consistent with the newly adopted Local Planning Scheme 1.

23. This report item recommends that the Council support amendments, which includes rescinding of some redundant policies, for the purpose of advertising.

Consulted References	:	1. <i>Schemes 1A and 3</i> 2. <i>Local Planning Scheme 1</i> 3. <i>Town Planning Schemes 1A and 3 Policy Manual</i>
File Number (Name of Ward)	:	N/A
Previous Reference	:	OCM 19/04/11 - Item 1.1 Final Adoption of Policy Manual

PD032: FINAL PUBLIC PARKLAND POLICY

Land Description	: City of Albany
Proponent	: City of Albany
Owner	: City of Albany
Business Entity Name	: N/A
Attachments	: Final Public Parkland Policy Schedule of Comments
Appendices	: Nil
Councillor Workstation	: Nil
Responsible Officer(s)	: Executive Director Planning & Development Services (D Putland)

Responsible Officer's Signature:



In Brief:

- A new Public Parkland Policy has been developed to provide guidance to the City of Albany and developers when preparing and assessing structure plans and subdivisions.
- Key objectives of the Policy include:
 - a) To ensure POS is of an adequate size and located within walking distance (400m) of residences and has a variety of suitable facilities (eg. informal and formal) to attract people of all ages and aspirations;
 - b) To identify demand characteristics for recreation in Albany; and
 - c) To identify where public parkland is, or should (in principle) be located within Albany.
- The Policy is consistent with Western Australian Planning Commission Policy requirements for Public Parkland.
- An extensive public consultation process has been undertaken.
- It is recommended that the Council finally adopt the Public Parkland Policy.

RECOMMENDATION

**PD032: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council ADOPT the Public Parkland Policy.

ITEM PD032: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
SECOND: COUNCILLOR WILLIAMS

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 6-0

ITEM PD032: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the Public Parkland Policy.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:**
 3. A connected built environment.
 4. A sense of Community.
 - b. **Strategic Objective:**
 - 3.2 To develop and implement planning strategies that support people of all ages and backgrounds.
 - 3.3 To develop vibrant neighbourhoods which retain our local character and heritage.
 - 4.3 To develop and support a healthy, inclusive and accessible community.
 - c. **Strategic Initiative:**
 - By developing facilities and activities that enable active and passive recreation.
 - By providing facilities, services and information that are accessible to all members of our community.
 - By ensuring that community safety is built into all planning and development initiatives.
2. The Public Parkland Policy is considered to be consistent with the Albany Local Planning Strategy objectives, which are:
 - *“To protect and rationalise existing regional facilities and set aside future facilities based on spatial needs”;*
 - *“To set aside and develop/manage reserves as partnerships with the development industry.”*

BACKGROUND

3. The City adopted the draft Public Parkland Policy in November 2013 for the purpose of advertising.
4. The draft Policy was subsequently advertised, comments were assessed, and necessary changes to the draft were made.

DISCUSSION

5. The Public Parkland Policy is to be used as a guide when assessing the location, type and amount of Public Parkland that is provided for public use as part of a subdivision or structure planning process.
6. The Western Australian Planning Commission (WAPC) is the ultimate approval authority for subdivisions and structure plans. The WAPC relies on advice from the local government in approving where and what should be developed for Public Parkland.
7. The Public Parkland Policy recommends that officers and developers consider the following in assessing the location, type and amount of Public Parkland:
 - a) Western Australian Planning Commission POS Policy requirements;
 - b) Community values in relation to POS; and
 - c) The existing supply characteristics of POS in Albany (land and facilities).
8. Key considerations of the WAPC include:
 - a) A minimum contribution of 10% of the gross subdivisible area must be given up free of cost by the subdivider for POS.
 - b) The *Planning and Development Act 2005*, which states that:

The Commission cannot require a POS cash in lieu contribution if a subdivision creates less than 3 lots.
 - c) Parks should be located within 400m (walking distance) of dwellings;
 - d) Two local parks and 1 neighbourhood park should be developed per neighbourhood; and
 - e) One district park should be developed per 4 neighbourhoods.
9. The Policy recommends the following:
 - a) Encourage the development of larger rather than smaller spaces to provide a combination of functions - drainage, active, passive and conservation, and to make more attractive/user friendly spaces for the community.
 - b) Informal and formal recreation developed adjacent to foreshores is highly valued. Where a foreshore is located within walking distance, consider taking cash in lieu contribution and developing POS facilities within the foreshore.
 - c) Areas of bushland that have little or no recreational value (conservation status) should not be ceded to the City of Albany as POS.
 - d) Parks should be developed with a variety of play equipment suitable for all age groups that provide interactive and imaginative components.
10. Maps have been used in the Policy to identify areas where suitable amounts of POS of different types (local, neighbourhood and district parks) are available within walking distance (400m) of residences.
11. Where enough POS land is available within a locality, the Policy recommends that cash-in-lieu of POS is taken to develop facilities within existing parks.

12. The Policy recommends following principles are used to guide demand assessment for recreational facilities:
- a) Local Parks act as:
 - 1. Resting places;
 - 2. Child play areas;
 - 3. Links to other areas;
 - 4. A sense of place.
 - b) Neighbourhood Parks act as:
 - 1. Informal play areas; and
 - 2. Passive use.
 - c) District Parks act as
 - 1. Informal play areas; and
 - 2. Formal playing fields.

GOVERNMENT & PUBLIC CONSULTATION

13. The Public, Government Departments and agencies were invited to make comment on the draft Public Parkland Policy. The draft Policy was advertised in local newspapers.
14. A Public workshop was also held to provide a review, to discuss issues and to advise of necessary changes.
15. Comments that dominated the debate included:
- a) The Policy should be consistent with WAPC Policy;
 - b) The use of foreshore areas for POS is highly valued;
 - c) Parks should consider safety associated with persons (children) and roads adjacent to parks;
 - d) The following facilities should be developed within parks: Barbeques; Shelter; Reticulated grass; Quiet places; Seating; Toilets; Drinking water; Paths, bush walk trails and multi use trails (eg. mountain bikes); Open space; Parking; Child play equipment; Shade; Waste disposal facilities and dog poo bags;
16. Comments received as part of the advertising period can be viewed in 'Attachments'.

STATUTORY IMPLICATIONS

17. Clause 2.3 of the City of Albany Local Planning Scheme 1 sets out the processes to adopt and modify policies and also provides direction on what function the policies have in the decision-making process.
18. 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.

POLICY IMPLICATIONS

19. The WAPC has a number of guiding principles and policies including *Policy No DC 2.3 Public Open Space in Residential Areas, Planning Bulletin No.21 Cash-in-Lieu of POS and Liveable Neighbourhoods*.
20. The Public Parkland Policy recommends that decisions be consistent with the WAPC Policy requirements.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Organisational Operations Poor decision making as a result of peculiarities, inconsistencies and lack of provisions in the City’s Policy Manual.</i>	<i>Likely</i>	<i>Medium</i>	<i>Medium</i>	<i>Adopt amendments to the Policy Manual to solve peculiarities, inconsistencies and lack of provisions.</i>

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

24. There are no environmental considerations that directly relates to this item.

ALTERNATE OPTIONS

25. Council may resolve to:
 - a) Support the policy with or without modifications; or
 - b) Refuse to support the Final adoption of the policy.

SUMMARY CONCLUSION

26. The Policy recommends that officers and developers use WAPC Policy requirements, community values and supply characteristics when developing and assessing subdivision and structure plan applications.
27. It is recommended that the Council finally adopt the Policy, which has been comprehensively reviewed internally and externally by the public, developers and key stakeholders.

Consulted References	:	<ol style="list-style-type: none">1. <i>Local Planning Scheme 1A and 3 Policy Manual</i>2. <i>WAPC Policy No DC 2.3 Public Open Space in Residential Areas</i>3. <i>WAPC Planning Bulletin No.21 Cash-in-Lieu of POS</i>4. <i>WAPC Liveable Neighbourhoods.</i>
File Number (Name of Ward)	:	City of Albany
Previous Reference	:	OCM 19/04/11 - Item 1.1 (Adoption of Final version of Policy Manual).

PD033: PLANNING AND BUILDING REPORTS APRIL 2014

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

Responsible Officer's Signature:



RECOMMENDATION

PD033: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE the Planning and Building Reports for April 2014.

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.

15.1: NOTICE OF MOTION BY COUNCILLOR GOODE

15.1: NOTICE OF MOTION BY COUNCILLOR GOODE

THAT:

1. Immediately following the June 2014 Ordinary Council Meeting of the City of Albany, meetings of the:

- Economic Development Committee;
- Community Services Committee;
- Corporate Services and Finance Committee;
- Works and Services Committee; and
- Planning and Development Committee

be open to members of the public, with those same members being entitled to address the Committee meetings under the same conditions as those which apply to Ordinary Council meetings and recognising that there will be occasions as laid out in the *Local Government Act*, where the Committee will need to deliberate *in camera*.

2. The necessity to conduct Agenda Briefings be again reviewed following the December 2014 Ordinary Council Meeting.

Councillor's Reasons:

1. In the interests of complete openness and accountability, the City of Albany needs to adopt open Committee meetings.
2. The Department of Local Government has indicated a preference for open meetings of Council Committees.

Officer Comment (Chief Executive Officer):

This proposal is supported.

16. REPORTS OF CITY OFFICERS

17. MEETING CLOSED TO PUBLIC.

18. CLOSURE.