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# MINUTES

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## Ordinary Meeting of Council

**Tuesday 24 September 2013**

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  
 MINUTES –24/09/2013  
 \*\* REFER DISCLAIMER \*\*

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**I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS:**

[6:00:14 PM](#) The Mayor declared the meeting open.

**II. OPENING PRAYER:**

*“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.”*

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR GREGSON**

**THAT Standing Order 3.1 be SUSPENDED to allow recording of proceedings.**

**CARRIED 10-0**

**III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION:**

[6:00:52 PM](#) **Councillor Hammond**

**Summary of key points:**

- Attended a meeting with education and training providers who showed unanimous endorsement for the concept of a science and technology park in Albany.
- Concept is part of wider agenda
- Co location

[6:02:41 PM](#) **Councillor Dufty**

**Summary of key points:**

- Attended recent Senior’s events organised by the City, meeting at Young Siding and the Development Assessment Panel meeting held this week.

[6:03:59 PM](#) **Councillor Gregson**

**Summary of key points:**

- Informed Council of the death of his father in law Eddie Shanhun
- Mr Shanhun had a long involvement in local government and the local sporting community and will be sadly missed.

Mayor Wellington extended condolences on behalf of Council and the City to Councillor Gregson, his wife Alison and members of the family.

**6:05:29 PM Councillor Stocks**

**Summary of key points:**

- Thanked Councillors retiring or standing for re election for their help and support

**6:06:43 PM Councillor Dowling**

**Summary of key points:**

- Opened Stay on Your Feet Week Launch, co-ordinated by Community Services team
- Represented City of Albany at the opening of the Art and Craft Trail at Galafrey Wines
- The Art and Craft Trail is vitally important to our region, with 250 artists and 73 venues this year, and a \$200,000 injection to economy last year.
- Has renominated for Frederickstown Ward and expressed that it had been a pleasure representing ratepayers.

**Mayor's Report:**

- Community Radio
- Official Opening of the Refurbishment of the Senior Citizens Centre
- Master Builders Building Excellence Awards
- WA Genealogical Society Affiliated Societies Conference
- Friends of Emu Point meeting
- WA government Parliamentary Friends of Tourism and Hospitality with Mr John Borgetti and the Managing Directors and CEO of Virgin Australia
- Industry Boardroom dinner with the Hon. Liza Harvey
- Media Evening to promote ANZAC
- Thanked all those Councillors who were retiring or standing for re-election.

**MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HAMMOND**

**SECONDED: COUNCILLOR DUFTY**

**THAT the Mayor's Report be RECEIVED.**

**CARRIED 10-0**

**IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC:**

Nil.

**V. PUBLIC QUESTION AND STATEMENT TIME:**

Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

**6:14:23 PM Ms Susan Retzlaff, 823 Lower Denmark Road**

**Summary of key points:**

- PD010: Development Application Industry-Rural and Shop (Kangaroo Meat Processing and Sales) at Lot 6, 795 Lower Denmark Road, Cuthbert
- Opposed to the proposal, stated that this type of industry belongs in a noxious industry area
- High water table and contamination risk
- Traffic impact on local residents

**6:18:07 PM Mr Jason Nicholas, 16 Little Oxford Street, Gledhow**

**Summary of key points:**

- PD010: Development Application Industry-Rural and Shop (Kangaroo Meat Processing and Sales) at Lot 6, 795 Lower Denmark Road, Cuthbert.
- Proponent of the application
- Site inspection was attended by Councillors and local residents
- Stated that a suitable water containment system would be designed. Concerns about water pollution were not justified.
- Has previous experience in this industry.

**6:22:33 PM Ms Janet Brown, 53 Prescottvale Road, Cuthbert**

**Summary of key points:**

- PD010: Development Application Industry-Rural and Shop (Kangaroo Meat Processing and Sales) at Lot 6, 795 Lower Denmark Road, Cuthbert
- Opposed to the proposal and asked if would set a precedent for further industrial development in the area if approved.
- Not a suitable location for an industry of this type, set amongst lifestyle properties.

**6:24:14 PM Mr Mark Barrett, 47713 South Coast Highway, Gledhow**

**Summary of key points:**

- PD010: Development Application Industry-Rural and Shop (Kangaroo Meat Processing and Sales) at Lot 6, 795 Lower Denmark Road, Cuthbert
- Spoke in support of the proposal

**6:26:12 PM** there being no further speakers, the Presiding Member declared the Public Question and Statement Time closed.



**VI. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED):**

**Mayor** Mayor D. Wellington

**Councillors:**

Breaksea Ward	R. Hammond
Breaksea Ward	V. Calleja
Frederickstown Ward	C. Dowling
Frederickstown Ward	G Stocks
Vancouver Ward	D. Bostock
Vancouver Ward	S. Bowles
West Ward	D. Dufty
West Ward	G. Gregson
Yakamia Ward	R. Sutton

**Staff:**

Chief Executive Officer	G. Foster
Executive Director Community Services	C. Woods
Executive Director Corporate Services	G. Adams
Executive Director Planning & Development Services	D. Putland
Executive Director Works & Services	M. Thomson
Minutes	J Williamson

**Apologies:**

Kalgan Ward	Y. Attwell (Leave of Absence)
Yakamia Ward	A Hortin JP (Leave of Absence)
Kalgan Ward	C. Holden

There were 3 members of the media and approximately 30 members of the public in attendance.

**VII. APPLICATIONS FOR LEAVE OF ABSENCE:**

Nil.

**VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS:**

**OCM001: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON**  
**SECONDED: COUNCILLOR BOWLES**

**THAT the minutes of the Ordinary Council Meeting held on 27 August 2013, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Bostock

**IX. DECLARATIONS OF INTEREST:**

Name	Committee/Report Item Number	Nature of Interest
Mayor Wellington	ED003	<b>Financial.</b> Mayor Wellington is a retailer in the City. Mayor Wellington left the Chamber and did not participate in the discussion or vote.
Councillor Calleja	PD010	<b>Impartiality.</b> Councillor Calleja has a friendship with existing pet food processor, Pauls Pet Foods. Councillor Calleja left the Chamber and did not participate in the discussion or vote.
Councillor Stocks	CSF014	<b>Impartiality.</b> Councillor Stocks is a shareholder of a listed company on the list of payments authorised under delegated authority report for August 2013. Councillor Stocks remained in the Chamber and participated in the discussion and vote.
Councillor Bowles	CSF014	<b>Impartiality.</b> Councillor Bowles is the secretary of the Great Southern Factor Inc. Paperbark Merchants and H+H Architects have a sponsorship arrangement with Great Southern Factor Inc. Paperbark Merchants are a company on the list of payments authorised under delegated authority report for August 2013. Councillor Bowles remained in the Chamber and participated in the discussion and vote.

**X. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS:**

CSF021: Albany Entertainment Centre-Management and Ownership  
CSF022: Valuation-Cull Road Subdivision

**XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS:**

Nil.

**XII. ADOPTION OF RECOMMENDATIONS EN BLOC:**

**ITEM 12: MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY**

**SECONDED: COUNCILLOR GREGSON**

**THAT the following reports be carried EN BLOC:**

- **ED002: Receive the Unconfirmed Minutes of the Marketing Albany Committee**
- **CSF013: Financial Activity Statement 31 July 2013**
- **CSF015: Delegated Authority Reports**
- **CSF017: Staff Movement Report August 2013**
- **CSF018: Adoption of the Budget Review for the Period Ending 31 July 2013**
- **CSF020: New Lease-Rainbow Coast Neighbourhood Centre Inc.-Lotteries House, Albany**
- **CSF023: Status of Rescinded Council Policies**
- **WS006: Financial Expenditure and Works Progress Reporting**

**CARRIED 10-0**

### **RISK MANAGEMENT FRAMEWORK**

*The City of Albany Organisational Risk Management Framework is the Reference Document for the “Risk Identification and Mitigation” Section for all Papers in the Agenda, has been previously distributed to all Elected Members and is available on the City of Albany website: [www.albany.wa.gov.au](http://www.albany.wa.gov.au) .*

### **IMPORTANT COMMITTEE INFORMATION**

At the City of Albany, as Committees do not have delegated powers to make decisions, their recommendations are put before Council for a decision to be made. When considering recommendations, Council may:

- Accept the recommendation put forward and adopt it en bloc without further debate/discussion
- Withdraw a particular item for further discussion or modification or propose that another course of action be taken
- Defer making a decision on an item, pending further consideration/discussion at an appropriate meeting.

As such, recommendations from a committee meeting cannot be implemented until approval is given by Council.

**ED002: RECEIVE THE UNCONFIRMED MINUTES OF THE MARKETING ALBANY COMMITTEE**

**Proponent** : City of Albany  
**Attachment** : Unconfirmed Minutes of the Marketing Albany Committee detailed in the Economic Development Committee Minutes dated 06/08/13.  
**Responsible Officer(s):** : Executive Director Community Services (C Woods)

**Responsible Officer's Signature:**



**ED002: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the minutes of the dissolved Marketing Albany Committee, meeting held on 30 May 2013.**

**CARRIED EN BLOC**

**ED002: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR STOCKS  
SECONDED: MAYOR WELLINGTON**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 5-0**

**ED002: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RECEIVE the minutes of the dissolved Marketing Albany Committee, meeting held on 30 May 2013.**

## ED003: TEMPORARY/SHORT TERM EXTENDED TRADING HOURS POLICY

<b>Land Description</b>	: Municipality of Albany
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: N/A
<b>Attachments</b>	: Council Policy – Extended Trading Hours Policy
<b>Appendices</b>	: Nil
<b>Responsible Officer(s):</b>	: Executive Director Community Services (C Woods)

**Responsible Officer's Signature:**

[6:31:21 PM](#) Mayor Wellington left the Chamber after declaring a financial interest in this item. Councillor Hammond took the Chair.

### STRATEGIC IMPLICATIONS

This strategy directly relates to the following elements from the Community Strategic Plan – Albany 2023 and the Corporate Business Plan 2013-2017;

**Theme 1; Smart Prosperous and Growing;** *We will partner business and education providers to diversify our economy and establish a culture of learning to support and grow local employment.*

**Objective 1.2:** To strengthen our region's economic base.

Strategic initiative 1.2.1: City Centre revitalisation resulting in increased activity.

**Objective 1.3:** To develop and promote Albany as a unique and sought after visitor destination.

Strategic initiative 1.3.2: Tourism destination and increase in visitor numbers.

### IN BRIEF:

- New laws that commenced on 26 August 2012 have given general retail shops in the Perth metropolitan region the right to trade on Sundays between 11am and 5pm and on most public holidays between 11am to 5pm with the exception of Good Friday, Christmas Day and Anzac Day when they remain closed. The new laws replace the need for the special trading precincts of Armadale, Joondalup, Midland and Perth and for the remainder of Perth metropolitan region to apply for temporary extensions to trading hours.
- A review and updating of the City of Albany extended trading policy is necessary as the City's previous policy mirrored the temporary extended trading provisions adopted by the Perth metropolitan region which are no longer required.

## RECOMMENDATION

**ED003: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR GREGSON**

**THAT the Policy for Temporary/Short Term Extended Trading Hours be APPROVED (as amended):**

- a. **8am – 9pm Monday, Tuesday, Wednesday, Thursday and Friday.**
- b. **8am – 5pm Saturday**
- c. **11am – 5pm Sunday**
- d. **11am – 5pm Public holidays**
- e. **12pm – 9pm ANZAC Day**
- f. **CLOSED Christmas Day and Good Friday.**

**CARRIED 9-0  
ABSOLUTE MAJORITY**

**ED003: AMENDED RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR CALLEJA**

**THAT the Policy for Temporary/Short Term Extended Trading Hours be APPROVED (as amended):**

- a. 8am – 9pm Monday, Tuesday, Wednesday, Thursday and Friday.
- b. 8am – 5pm Saturday
- c. 11am – 5pm Sunday
- d. 11am – 5pm Public holidays
- e. 12pm – 9pm ANZAC Day
- f. CLOSED Christmas Day and Good Friday.

**CARRIED 4-0**

**ED003: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT the POLICY for extended trading hours be APPROVED.**

## BACKGROUND

2. The City of Albany's previous Extended Trading Hours Policy stated "*during peak times, City of Albany will adhere to the extended trading hours applied in the metropolitan area*". Since August 2012 new laws no longer require extensions to trading in the Perth metropolitan area so the City of Albany policy requires updating.
3. The WA State Government Department of Commerce considers applications made by non metropolitan local government authorities when seeking adjustments to retail trading hours.
4. As a non metropolitan local government authority the City of Albany can define its own schedule of retail trading hours and can apply to the Department for approval.

5. New permanent/long term trading hours for general retail shops in the Perth metropolitan region are;
  - a. 8am – 9pm Monday, Tuesday, Wednesday, Thursday and Friday.
  - b. 8am – 5pm Saturday
  - c. 11am – 5pm Sunday
  - d. 11am – 5pm Public holidays
  - e. CLOSED Christmas Day, Good Friday and ANZAC Day.
6. There are two types of adjustment applications that can be applied for by non metropolitan local government authorities;
  - a. “Temporary/Short Term Adjustments” and
  - b. “Permanent/Long Term Adjustments”.

This policy is only concerned with Temporary/Short Term Adjustments.

Permanent/long term adjustments require substantial consultation and support from local trader organisations, tourism interests, members of State Parliament and the community. This policy does not apply to Permanent/Long Term Adjustments.

7. The City of Albany has previously investigated the support for permanent/long term adjustments however this proved to be highly divisive within the key stakeholder groups and community with no clear mandate for permanent change achieved.
8. In the absence of this, the City is required to apply for temporary/short term adjustments if extended retail trading is required for identified periods such as popular holidays and when Albany hosts large tourist cruise ship visits on Sundays.

## DISCUSSION

9. The previous Albany Council Policy for Extended Trading Hours mirrored the extended trading hours applied in the Perth Metropolitan area. These no longer exist so the Council Policy needs to be updated with peak and special circumstance periods defined more concisely.
10. The proposed changes to the Council policy include:
  - a. Defining Peak Times to be; Christmas and New Year Period (1 December to 1 January inclusive), Easter Holidays (Good Friday to Easter Monday inclusive), public holiday long weekends, and public holidays excluding Christmas day and Good Friday.
  - b. The definition of Special Circumstances periods remain the same being; On arrival of a Cruise Ship or at other such times that there is expected to be an influx of people to the City at a time external to usual trading hours.
  - c. The Policy statement has been changed to; “During peak times the City of Albany will adhere to the standard Retail Trading Hours applied in the Metropolitan Area being;
    - i. 8am – 9pm Monday, Tuesday, Wednesday, Thursday and Friday.
    - ii. 8am – 5pm Saturday
    - iii. 11am – 5pm Sunday
    - iv. 11am – 5pm Public holidays
    - v. CLOSED Christmas Day, Good Friday and ANZAC Day.”



- d. By clearly defining the Peak periods in the policy Council will **no longer** need to consider approval for multiple extended trading hour applications for these periods as separate Council agenda items throughout the year. However City officers will still need to apply to the Department of Commerce for approval for these dates throughout the year.
  - e. For Special Circumstance periods authority for Council approval for City officers to apply to the Department of Commerce will rest with the Mayor or Deputy Mayor in the Mayor's absence.
11. Clearly defining the Peak and Special Circumstance periods provides consistency to local retail traders, local community, visitors, and enables more efficient planning and approval processes.
  12. The policy would be reviewed by the Chief Executive Officer on an annual basis and if the current Perth Metropolitan long term retail trading hours are altered.
  13. Once approved the decision to open remains the choice of the individual retailer and businesses need to look to their own situation to make that decision. The *Commercial Tenancy (Retail Shops) Agreements Act 1985* protects retail tenants from being forced to open on Sundays. These same laws ensure commercial tenants can only be charged operating expenses for Sundays if they open on Sundays.

## GOVERNMENT & PUBLIC CONSULTATION

14. A review and amendment to the current Council policy is required due to changes in retail laws within the Perth Metropolitan region. City officers have consulted with the WA State Government's Department of Commerce.
15. The Albany Chamber of Commerce and Industry Inc is a representative of the affected segment of the population and supports the application of the standard Retail Trading Hours applied in the Metropolitan Area to the Peak periods identified for Albany.
16. If the motion is approved by a clear majority of Council, The City of Albany will apply to the Department of Commerce (Consumer Protection) for a temporary/short term adjustment to local trading hours for peak and special circumstance periods as required.

## STATUTORY IMPLICATIONS

17. Non-metropolitan Local Government may apply to the Department of Commerce (Consumer Protection) to extend the trading hours for local general retail shops beyond those stipulated in the *Retail Trading Hours Act 1987*.

## POLICY IMPLICATIONS

18. If the motion is approved by a clear majority of Council, the current Council policy for Extended Trading Hours will be replaced with the new policy.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Without the changes the policy will be invalid and may restrict the City's ability to apply for temporary adjustments in a timely manner. This may result in local businesses missing additional trading opportunities over peak visitor periods.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>In the absence of a valid policy Council will need to consider individual extended trading hour applications.</i>

## FINANCIAL IMPLICATIONS

20. Retailers opening on these days may gain significant economic benefit as it is anticipated there will be a greater number of visitors in Albany over Christmas, Easter, long weekends, public holiday periods and from cruise ships visits.

## LEGAL IMPLICATIONS

21. Extended trading hour approvals lie within Council's legal discretion.

## ENVIRONMENTAL CONSIDERATIONS

22. Nil

## ALTERNATE OPTIONS

23. Council can decline or modify the policy.

## SUMMARY CONCLUSION

24. There is a precedent for a temporary extension of this nature on the peak holiday periods of Christmas, Easter, long weekends, public holidays and cruise ship visits (when they have arrived in Albany on a Sunday). Adoption of the new Policy clearly defines these Peak periods and nominates the days and opening times prescribed.
25. The adoption of the new policy will simplify the approval process and remove the need to apply to Council for extended trading on already identified peak dates.

<b>Consulted References</b>	:	City of Albany Strategic Plan 2011-2021
<b>File Number (Name of Ward)</b>	:	CM.STD.7 (All Wards)
<b>Previous Reference</b>	:	OCM 17/03/2009 - Item 12.8.2

[6:33:12 PM](#) Mayor Wellington returned to the Chamber. Mayor Wellington did not participate in the discussion or vote on this item.

**CSF013: FINANCIAL ACTIVITY STATEMENT – 31 JULY 2013**

**Appendices** : Financial Activity Statement  
**Responsible Officer** : Executive Director Corporate Services (G Adams)

**Responsible Officer's Signature:**



**CSF013: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 31 July 2013.**

**CARRIED EN BLOC**

**CSF013: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR DOWLING  
SECONDED: COUNCILLOR CALLEJA**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 9-0**

**CSF013: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 31 July 2013.**

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 31 July 2013 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**

6. 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**

Expenditure for the period ending 31 July 2013 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**

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

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**CSF014: LIST OF ACCOUNTS FOR PAYMENT – AUGUST 2013**

**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:**



Councillor Bowles and Councillor Stocks declared an Impartiality Interest in this item. Councillor Bowles and Councillor Stocks remained in the Chamber and participated in the discussion and vote.

**CSF014: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON**  
**SECONDED: COUNCILLOR SUTTON**

**THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 August 2013 totalling \$2,869,431.43.**

**CARRIED 10-0**

**CSF014: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR BOWLES**  
**SECONDED: MAYOR WELLINGTON**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 9-0**

**CSF014: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 August 2013 totalling \$2,869,431.43.**

**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 August 2013. Further details of the accounts authorised for payment by the Chief Executive Officer are included in the Attachment to this report.

**Municipal Fund**

Trust	\$8,500.00
Credit Cards	\$15,151.34
Payroll	\$499,132.10
Cheques	\$51,012.77
Electronic Funds Transfer	\$2,295,635.22
<b>TOTAL</b>	<b><u>\$2,869,431.43</u></b>

3. As at 15 August 2013, the total outstanding creditors, stands at **\$1,807,032.05** and made up follows:

Current	\$1,058,912.82
30 Days	\$186,113.08
60 Days	\$107,162.04
90 Days	-\$1,467.84
<b>TOTAL</b>	<b>\$1,350,720.10</b>

4. **Cancelled cheques:** - Cheque 29204 – Paid via Credit Card

**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 August 2013 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.

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**CSF015: DELEGATED AUTHORITY REPORTS**

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

**Responsible Officers Signature:**



**In Brief:**

- Receive the Delegated Authority Reports until 15 August 2013.

**CSF015: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the Delegated Authority Reports up until 15 August 2013:**

- **Common Seal and Executed Document Report.**

**CARRIED EN BLOC**

**CSF015: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR BOWLES  
SECONDED: COUNCILLOR DUFTY**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 9-0**

**CSF015: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RECEIVE the Delegated Authority Reports up until 15 August 2013:**

- **Common Seal and Executed Document Report.**



## CSF016: ELECTED MEMBER RECORD KEEPING

<b>Land Description</b>	:	N/A
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	N/A
<b>Business Entity Name</b>	:	N/A
<b>Attachments</b>	:	<ul style="list-style-type: none"><li>• State Records Office of WA Information Sheet</li><li>• State Records Act 2000</li><li>• State Records Principles and Standards 2002</li><li>• Elected Member Code of Conduct;</li><li>• City of Albany Guideline-Information Management</li><li>• City of Albany Guideline-Mobile Devices Supplied to Staff and Elected Members; and</li><li>• City of Albany Policy-Information Management (IT System Security) Policy</li></ul>
<b>Appendices</b>	:	Nil
<b>Councillor Workstation</b>	:	All attachments detailed above
<b>Responsible Officer(s):</b>	:	Executive Director Corporate Services

Responsible Officer's Signature:



### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme: 5.** Smart Prosperous and Growing.
  - b. **Strategic Objective:** 5.1. To establish and maintain sound governance and business structures.
  - c. **Strategic Initiative:** 5.1.2. Systems Development and Improvement.

#### In Brief:

- Enable the City of Albany and its Elected Members to meet their obligations under the State Record Keeping Act 2000 by supplying each Elected Member with a City iPad; and
- Improve efficiencies in the decision making process of Council through the provision of secure electronic documentation.

**RECOMMENDATION**

**CSF016: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR CALLEJA**

**THAT all Elected Members are provided with:**

- a. A City of Albany managed email account;**
- b. iPad devices with wireless access at North Road Administration building;**
- c. Supporting policies, procedures and guidelines to facilitate the capture of Elected Member records as prescribed under the State Record Keeping Act 2000; and**
- d. Administrative support from the Council Liaison Officer to assist with the capture of records into the official City of Albany record keeping system.**

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Bostock

**CSF016: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR CALLEJA**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 9-0**

**CSF016: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT all Elected Members are provided with:**

- e. A City of Albany managed email account;**
- f. iPad devices with wireless access at North Road Administration building;**
- g. Supporting policies, procedures and guidelines to facilitate the capture of Elected Member records as prescribed under the State Record Keeping Act 2000; and**
- h. Administrative support from the Council Liaison Officer to assist with the capture of records into the official City of Albany record keeping system.**

## BACKGROUND

2. It is recommended that all Elected Members are provided:
  - a. A City of Albany managed email account;
  - b. iPad devices with wireless access at North Road;
  - c. Supporting policies, procedures and guidelines to facilitate the capture of Elected Member records as prescribed under the State Record Keeping Act 2000; and
  - d. Administrative support from the Council Liaison Officer to assist with the capture of records into the official City of Albany record keeping system.
3. Elected Members will have secure electronic access to Agenda and Minutes, and other related documents. This will reduce the cost of provision of hard copy meeting papers.

## DISCUSSION

4. The State Recordkeeping, Principles, Policies and Standards, Local Government Elected Members' Records states:
  - a. *"The State Records Commission's policy for recordkeeping requirements for local government elected members is as follows:*
  - b. *In relation to the recordkeeping requirements of local government elected members, records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council.*
  - c. *This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council of local government and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.*
  - d. *Local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of elected members' records up to and including the decision making processes of Council."*
5. The State Records Office of Western Australia, Local Government Elected Members' Records: Which Records to Capture Information Sheet states:
  - a. *"The State Records Commission policy regarding the records of local government elected members requires the creation and retention of records of the: "...communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business."*
  - b. *This policy applies regardless of a record's format or where it was received.*
  - c. *Elected members must create and keep records of communications or transactions, which convey information relating to local government business or functions. These records should be forwarded to the local government administration for capture into the official recordkeeping system."*

- d. *Elected Member records that should be captured within the City of Albany record keeping system are:*
- (i) *Communications from ratepayers;*
  - (ii) *Telephone, meetings & other verbal conversations;*
  - (iii) *Work diaries; and*
  - (iv) *Presentations and speeches.”*
- e. *Elected Member records that do not need to be captured within the City of Albany record keeping system are:*
- (v) *Duplicate copies – of Council meeting agenda, minutes & papers;*
  - (vi) *Draft documents or working papers – which are already captured at the local government;*
  - (vii) *Publications – such as newsletters, circulars and journals;*
  - (viii) *Invitations – to community events where an elected member is not representing Council or the local government;*
  - (ix) *Telephone, meetings & other verbal conversations which: convey routine information only; or do not relate to local government business or functions;*
  - (x) *Electioneering – or party political information; and*
  - (xi) *Personal records – not related to an elected members official duties.”*
6. City of Albany and Elected Members may be exposed to substantial penalties if these requirements are not met.
7. Elected Members have requested access to the City of Albany Wireless network whilst on-site at North Road. The existing IT Security Policy does not allow access to the City of Albany network by devices that are not owned by the City.
8. The adoption of the Responsible Officer Recommendation will enable secure access for Elected Members using iPads supplied by the City to:
- a. Council Agendas, Minutes and Reports;
  - b. Committee Agendas, Minutes and Reports;
  - c. Council Policies, Procedures and Guidelines;
  - d. Relevant Legislative Publications;
  - e. Emails;
  - f. Outlook Calendar Booking/Diary Service;
  - g. Electronic Note Taking Capability;
  - h. Assisted Record Keeping by the Council Liaison Officer;
  - i. Improved Communication Between City of Albany and Elected Members; and
  - j. Immediate access to the most up to date information available from the City of Albany (e.g. Council reports, automatic notification of document revisions)

## STATUTORY IMPLICATIONS

9. State Record Keeping Act 2000.

## POLICY IMPLICATIONS

10. This proposal relates to:
- a. IT Security and Network Policy & Guidelines;
  - b. Mobile Devices for Staff and Elected Members Guideline;
  - c. Elected Member Code of Conduct;
  - d. Elected Member Communications Policy.

## RISK IDENTIFICATION & MITIGATION

11. To ensure appropriate decisions are made with quality information, stakeholder consultation and research, Council must be informed of the risk the City faces as a result of its decision making. Risk identification and mitigation advice assists Council maximise opportunity and minimise risks and hazards that may impact upon the effective and efficient management of City assets, functions and services.
12. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Insufficient Record Keeping as defined by the State Records Act 2000 by Elected Members</i>	<i>Likely</i>	<i>Major</i>	<i>High</i>	<i>Provision of iPad, email, calendaring, secure documentation repository and administrative support.</i>

## FINANCIAL IMPLICATIONS

13. The cost of implementing this initiative is summarised as:

**Total Cost Year 1: \$9,204                      Year 2<sup>to replacement</sup>: \$ 8,424**

14. These costs will be met within existing budget lines.
15. Elected Members will be required to utilise their Technology Allowance to procure:
- a. iPad accessories and applications;
  - b. Training (Training Provider can be accessed at a reduced through the City of Albany); and
  - c. Any data usage costs in excess of the monthly allowance.
16. Reduced staff costs related to the production of paper based documentation.

**LEGAL IMPLICATIONS**

17. As defined under the State Records Act 2000, penalties will apply if the minimum record keeping requirements are not met by Elected Members.
18. The City of Albany is responsible for facilitating the ease of capture and management of Elected Members' records.

**ENVIRONMENTAL CONSIDERATIONS**

19. Reduction in hardcopy provision of Council related documentation reducing:
  - a. Paper consumption; and
  - b. Hardware maintenance including printer toners, parts etc.

**ALTERNATE OPTIONS**

20. Council can choose not to adopt this initiative and continue with paper based information sources and risk breaching the State Records Act 2000.

**SUMMARY CONCLUSION**

21. The City of Albany is proposing this initiative to facilitate the capture of Elected Member Records and ease of access to electronic information.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• State Recordkeeping, Principles, Policies and Standards, Local Government Elected Members' Records.</li> <li>• <i>The State Records Commission's policy for recordkeeping requirements for local government elected members;</i></li> <li>• <i>Elected Member Code of Conduct.</i></li> <li>• <i>Mobile Devices for Staff and Elected Members Guideline;</i></li> <li>• <i>IT Security and Network Guidelines</i></li> <li>• <i>Elected Member Communications Policy</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	IM.PLA.3
<b>Previous Reference</b>		OCM 16/06/2009 Item 14.2.1: Corporate Strategy and Governance Strategy and Policy Committee Minutes 28 May 2009 OCM 20/07/2010 Item 16.4.2: Elected Member Communication Protocol-Opening of Mail OCM 11/10/11 Item 1.6: Adoption of Council Policies

**CSF017: STAFF MOVEMENTS REPORT AUGUST 2013**

**Proponent** : City of Albany  
**Responsible Officer(s):** : Executive Director Corporate Services (G Adams)

**Responsible Officer's Signature:**



**CSF017: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the Staff Movement Report.**

**CARRIED EN BLOC**

**CSF017: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR BOWLES  
SECONDED: COUNCILLOR DUFTY**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 9-0**

**CSF017: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RECEIVE the Staff Movement Report.**

**STAFF MOVEMENTS REPORT AUGUST 2013**

**New Starters**

<b>Position</b>	<b>Date Commenced</b>	<b>Status</b>
Parks Maintenance Worker	12 August 2013	Full Time Permanent
Airport Reporting/Refueller/Maintenance Officer	21 August 2013	Full Time Permanent
Communications Support Officer	21 August 2013	Full time Temporary
Communications Manager	5 August 2013	Full Time Contract

**Resignations**

<b>Position</b>	<b>Date Finished</b>	<b>Status</b>
Communications Support Officer	16 August 2013	Full Time Permanent
Airport Reporting/Refueller/Maintenance	5 August 2013	Part Time

**CSF018: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD  
ENDING 31 JULY 2013**

**Attachments** : Budget Review for the period ending 31 July 2013  
**Responsible Officer(s):** : Executive Director Corporate Services (G Adams)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a) **Key Theme:** 5. Civic Leadership.
  - b) **Strategic Objective:** 5.1. To establish and maintain sound business and governance structures.
  - c) **Strategic Initiative:** 5.1.3\_Integrated Planning Framework.

**IN BRIEF**

- Local governments are required to conduct a budget review between 1 January and 31 March each financial year which is a requirement covered by regulation 33A of the Local Government (Financial Management) Regulations 1996. The Department recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.
- This review is for the period ending 31 July 2013 and will be followed by a proposed further review for the period ending 31 January 2013. Budget adjustments of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of these reviews.

**RECOMMENDATION**

**CSF018: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council ADOPT the Budget Review for the period ending 31 July 2013**

**CARRIED EN BLOC**

CSF018: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR CALLEJA

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0



CSF018: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the Budget Review for the period ending 31 July 2013

**BACKGROUND**

2. Council adopted the 2013/2014 Budget on 16 July 2013 (total budget of \$102.5M comprising \$45M capital works, \$2.6M debt reduction and \$54.9M in operating expenditure).

**DISCUSSION**

3. This Budget Review identifies expenditure of \$292,544 for general works, variations and new projects. Funding of \$292,544 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue, reserve funding and increase in opening funds has been identified in this review to maintain a surplus budget.
4. This budget review shows the 2013-14 budget in a surplus position of \$60,805.
5. Executives, managers and officers with budget responsibility were consulted in the preparation of the Budget Review.
6. A copy of the Budget Review for the period ending 31 July 2013 is attached.

**GOVERNMENT & PUBLIC CONSULTATION**

7. Nil

**STATUTORY IMPLICATIONS**

8. Under the *Local Government Act 1995*, Section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
  - a) is incurred in a financial year before the adoption of the annual budget by the local government
  - b) is authorized in advance by a resolution (absolute majority required) or;
  - c) is authorized in advance by the mayor in an emergency.

**POLICY IMPLICATIONS**

9. Nil

**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 Budget Review</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>The existing Annual Budget would apply and proposed amendments would not apply.</i>

## FINANCIAL IMPLICATIONS

### BUDGET REVIEW FOR THE PERIOD ENDING 31 JULY 2013

This Review Maintains Council's Budget in a Surplus Position

<b>GENERAL WORKS/VARIATIONS. (Additional Funds Required)</b>		\$ (292,544)
<b>FUNDED BY</b>		
- Reduction in Expenditure	90,278	
- Adjustment in Grant Funding	(80,355)	
- Funding from Restricted Cash	245,000	<u>254,923</u>
<b>Balance</b>		<u><u>(37,621)</u></u>
- Adjustment to opening funds from forecast to actual 30 June 13	2,155,141	
- Carry Forward Adjustment From 2012/13 Financial Year	(2,195,410)	
- Original 13/14 Budgeted closing funds	138,695	
- Amended 13/14 Budgeted closing funds		<u><u>60,805</u></u>

## LEGAL IMPLICATIONS

11. Nil

## ENVIRONMENTAL CONSIDERATIONS

12. Nil

## ALTERNATE OPTIONS

13. Adopt the Budget Review for the period ending 31 July 2013 with amendments (as specified by Council).

## SUMMARY CONCLUSION

<b>Consulted References</b>	:	Adopted Budget 2012-13 <a href="#">Local Government Act 1995</a>
<b>File Number (Name of Ward)</b>	:	FM.BUG.2
<b>Previous Reference</b>	:	• Annual Budget – Special Council Meeting 16 <sup>th</sup> July 2013

**CSF019: NEW LEASE – JOHANNES PIETER VERMEULEN – AIRPORT  
HANGAR SITE 10 – ALBANY REGIONAL AIRPORT**

<b>Land Description</b>	: Portion of Lot 213 on Diagram 94445 and the whole of the land contained in Certificate of Title Volume 2158 Folio 588 at 35615 Albany Highway, Drome
<b>Proponent</b>	: Johannes Pieter Vermeulen
<b>Owner</b>	: City of Albany
<b>Attachments</b>	: Nil
<b>Responsible Officer(s)</b>	: Executive Director Corporate Services (G Adams)

<b>Responsible Officer's Signature:</b>	
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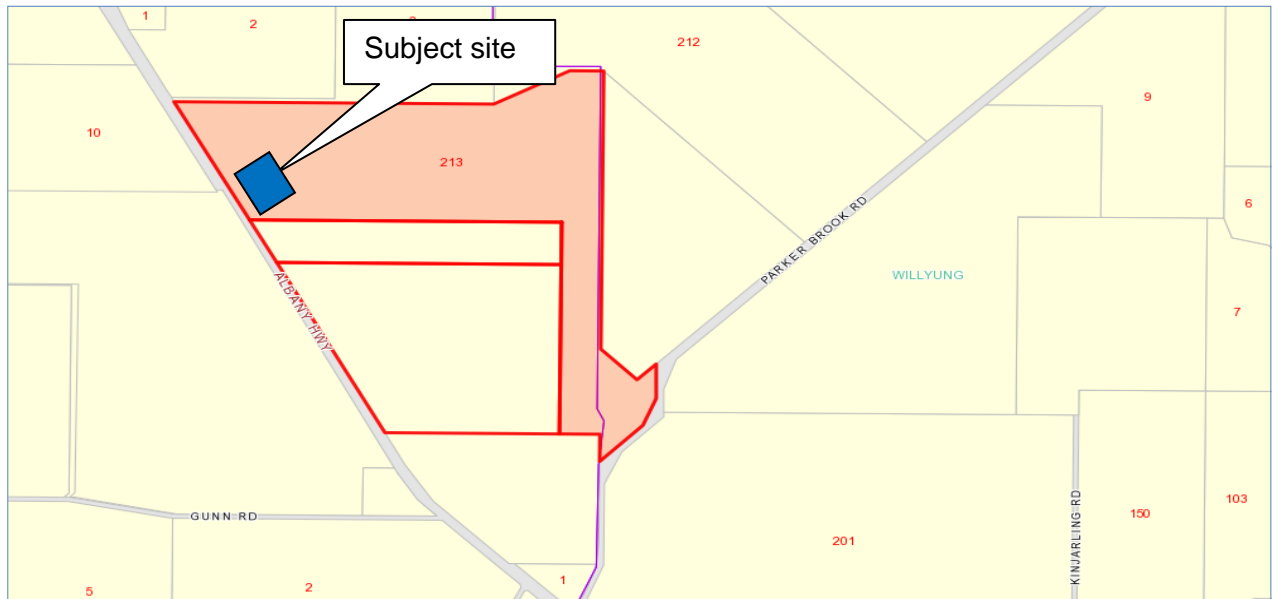
**STRATEGIC IMPLICATIONS**

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 maintain sound business and governance structures.
  - c. **Strategic Initiative:** 5.1.2 Systems Development and Improvement: Improve leased property management.

**IN BRIEF**

- Council is requested to consider a new lease for Mr Johannes Pieter Vermeulen over the area he currently occupies being hangar site 10, Albany Regional Airport at 35615 Albany Highway, Drome.
- Lease term being 10 years with an option for a further 10 year term for the purpose of airport hangar for airport hangarage only.
- Lease request proposal complies with the 2012 Albany Regional Airport Master Plan recommendations.

**Maps and Diagrams**



**CSF019: AMENDMENT BY COUNCILLOR BOSTOCK  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: COUNCILLOR BOSTOCK  
Seconded: COUNCILLOR SUTTON**

**THAT the following amendment be made to Point 1 of the Recommendation:**

- 1. Lease term being 10 years commencing 1 September 2013, with an option for a further 10 year term **by mutual agreement.****

**LOST 2-8**

**Record of Vote**

For the Motion: Councillors Bostock and Sutton

**CSF019: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR DOWLING**

**THAT Council APPROVE the request from Mr Johannes Pieter Vermeulen for a new lease for hangar site 10 at the Albany Regional Airport on portion of Lot 213 on Diagram 94445 at 35615 Albany Highway Drome, subject to:**

- 1. Lease term being 10 years commencing 1 September 2013, with an option for a further 10 year term.**
- 2. Lease rental fee being determined by a current market valuation provided by a licensed Valuer, being \$2,025.00 plus GST per annum.**
- 3. Lease rent being reviewed by current market valuation every three years with Consumer Price Index applied for intervening years.**
- 4. Lease area being approximately 270 square metres.**
- 5. Lease purpose being aircraft hangar for aircraft hangarage only.**
- 6. Section 3.58 of the *Local Government Act 1995* advertising requirements.**
- 7. All costs associated with the preparation, execution and completion of the Deed of Lease being payable by the Lessee.**
- 8. All costs associated with the ongoing operations of the lease premises being payable by the Lessee.**
- 9. Lease being consistent with Council Policy – Property Management – Leases and Licences.**

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Bostock

**CSF019: COMMITTEE RECOMMENDATION**

MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

**CSF019: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council APPROVE the request from Mr Johannes Pieter Vermeulen for a new lease for hangar site 10 at the Albany Regional Airport on portion of Lot 213 on Diagram 94445 at 35615 Albany Highway Drome, subject to:

1. Lease term being 10 years commencing 1 September 2013, with an option for a further 10 year term.
2. Lease rental fee being determined by a current market valuation provided by a licensed Valuer, being \$2,025.00 plus GST per annum.
3. Lease rent being reviewed by current market valuation every three years with Consumer Price Index applied for intervening years.
4. Lease area being approximately 270 square metres.
5. Lease purpose being aircraft hangar for aircraft hangarage only.
6. Section 3.58 of the *Local Government Act 1995* advertising requirements.
7. All costs associated with the preparation, execution and completion of the Deed of Lease being payable by the Lessee.
8. All costs associated with the ongoing operations of the lease premises being payable by the Lessee.
9. Lease being consistent with Council Policy – Property Management – Leases and Licences.

**BACKGROUND**

2. In September 1993 the former Shire of Albany granted a new lease for hangar site 10, an area of approximately 270 square metres at the Albany Regional Airport to Mr John Charles Woollett for the purpose of airport hangar for airport hangarage only.
3. Hangar site 10 is located on portion of Lot 213 which is City of Albany owned freehold and adjacent to the Airport Terminal.
4. The lease was assigned to Mr Johannes Pieter Vermeulen on the 19 September 2007 for the remainder of the term.
5. As there had been a degree of uncertainty regarding the term outlined in the earlier hangar leases, in 2008 the City sought legal advice that determined the term to be 20 years with no option for a further term.

6. At Ordinary Council Meeting 19 August 2008, Council resolved to limit hangar leases to a maximum term of 20 years. All hangar Lessees were informed of the resolution and how this would affect their individual leases.
7. The Lease for hangar site 10 expires on the 31 August 2013.
8. On 10 July 2013, the City wrote to Mr Vermeulen informing him the current lease was due to expire on the 31 August 2013, and requested that Mr Vermeulen advise the City of his intentions with regard to applying for a new lease over hangar site 10.
9. On 16 July 2013, the City received a written request from Mr Vermeulen requesting a new lease over hangar site 10, the area he has occupied since September 2007, for a term of 10 years with an option for a further 10 year term.
10. The Lessee continues to occupy the leased area on a holding over basis as a month to month tenant. The conditions of the tenancy preserve the obligations of the lease, except in respect to the term of the lease.

## DISCUSSION

11. In October 2010 the City's lawyers developed a standard lease for Airport hangar sites. At this time, the City provided a copy of the draft lease to hangar Lessees for their review.
12. The City received feedback from the Lessees, who advised they had a number of concerns regarding the draft lease and also sought an update on the Airport Master Plan.
13. City staff met with Lessee representatives on several occasions and after extensive discussions, it was agreed after taking into consideration the Lessee's concerns and as a gesture of goodwill to finalise the standard lease, the lease be amended as follows:
  - a. Rent payment method: Insert additional payment methods.
  - b. Rent amount: The City considered a second valuation (AON, Licensed Valuer) and agreed to the current market rent determined of \$7.50 per square metre plus GST per annum. The valuation remains current for six months (until 4 December 2013).
  - c. Rent reviews: In line with Council Policy Property Management Leases and Licences being three yearly market valuations with CPI applied for intervening years.
  - d. Bank Guarantee: Delete requirement.
  - e. Tenants Obligations, Common Area: Delete payment of Tenant's proportion of costs towards maintenance of common area and remove common area plan.
  - f. Relocation: Amend to reflect Tenant liable for costs if hangar relocation is a legislative requirement, alternatively the City will be responsible for relocation costs.
14. The standard hangar site lease has now been updated to reflect all of the above amendments.
15. Mr Vermeulen has been provided with a copy of the draft standard hangar site lease for consideration and agreement to the lease will be sought.

16. It is noted that the City has taken steps to reduce initial lease costs by developing the standard hangar site lease agreement and implementing shared Lessee costs arrangements for statutory advertising and market valuation requirements.
17. The Lessee has occupied hangar site 10 for the past six years and has met the obligations of the previous lease, including meeting a (fixed) rental rate of \$395.00 per annum.
18. A City of Albany Building Licence 9784 was issued on the 19 February 1992 approving the construction of the hangar on site 10.
19. The Lessee will be responsible for all ongoing maintenance, insurance and utilities for the Leased Premises, at no cost to Council.
20. The proposed new lease will be negotiated in line with Council's Policy – Property Management – Leases and Licences.
21. The proposed new lease complies with the 2012 Albany Regional Airport Master Plan recommendations.

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

22. No Government consultation is required as lease area is located within City of Albany owned freehold land.
23. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. The Act requires the following:
  - a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks.
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
  - c. A local government can then proceed with the lease.
24. The proposed new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

#### **STATUTORY IMPLICATIONS**

25. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings.
26. Under the current Town Planning Scheme No 3, the subject land is zoned "Rural", the existing use of hangar was approved in 1992 under Building Licence 9784 under delegation, in accordance with the Scheme.



**POLICY IMPLICATIONS**

- 27. Council adopted a revised Property Management – Leases and Licences Policy in September 2012.
- 28. 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.
- 29. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Rating</b>	<b>Mitigation</b>
<i>Council does not approve a new lease – reputational loss to the City</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction. Collaborate with prospective Lessee to reach a mutually agreeable outcome.</i>
<i>Council does not approve a new lease – loss of rental income in short term</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction. Collaborate with prospective Lessee to reach a mutually agreeable outcome.</i>

**FINANCIAL IMPLICATIONS**

- 31. The new lease rental determined by a current market valuation provided by licensed Valuer, will be \$2,025.00 plus GST per annum.
- 32. The new lease rental will be directed to COA 138130 Income – Airport Lease Rents.
- 33. All costs associated with the preparation, execution and completion of the new lease documentation including but not limited to legal, advertising, survey and valuation (if required) will be borne by the proponent.

**LEGAL IMPLICATIONS**

- 34. Should Council support the lease request the standard hangar site Deed of Lease will be prepared by the City’s lawyers.

**ENVIRONMENTAL IMPLICATIONS**

- 35. Nil

### ALTERNATE OPTIONS

36. Council may:
- a. Approve the request for a new lease for hangar site 10; or
  - b. Decline the request.
37. Should Council decline the request, the Lessee would be required to vacate the leased premises and find an alternate location to store the aircraft.
38. The Lessee would within three months of expiration of the lease be required to remove fixtures and fittings and if the City of Albany directs remove hangar and structures erected on the leased premises and restore the area at the Lessee's cost.
39. If Lessee fails to remove the improvements as directed by the City of Albany, the improvements will become the property of the City of Albany.
40. Council could then invite expressions of interest to lease this site with Council considering any new lease for the vacant premises.

### SUMMARY CONCLUSION

41. The current Lessee is seeking a new lease over hangar site 10, for a term of 10 years with an option for a further 10 year term for the purpose of airport hangar for airport hangarage only.
42. The Lessee has occupied this site for the past six years and has met the obligations of the previous lease including payment of rent and outgoings, at no cost to Council.
43. The new lease request complies with the 2012 Albany Regional Airport Master Plan recommendations.
44. The lease request to allow Mr Johannes Pieter Vermeulen to continue to lease hangar site 10 at the Albany Regional Airport, is supported.

<b>Consulted References</b>	<ul style="list-style-type: none"><li>• Council Policy – Property Management – Leases and Licences</li><li>• <i>Local Government Act 1995</i></li></ul>
<b>File Number (Name of Ward)</b>	PRO168, A160490 (Kalgan Ward)
<b>Previous Reference</b>	OCM 19/08/2008 Item 13.3.1

**CSF020: NEW LEASE – RAINBOW COAST NEIGHBOURHOOD CENTRE INC. – LOTTERIES HOUSE – ALBANY**

**Land Description** : Lot 211 on Diagram 94113 being whole of land contained in Certificate of Title Volume 2172 Folio 740, Centennial Park (Lotteries House)

**Proponent** : Rainbow Coast Neighbourhood Centre Inc.

**Owner** : City of Albany and the Lotteries Commission

**Attachments** : Nil

**Responsible Officer(s)** : Executive Director Corporate Services (G Adams)

<b>Responsible Officer's Signature:</b>	
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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 maintain sound business and governance structures.
  - c. **Strategic Initiative:** 5.1.2 Systems Development and Improvement: Improve leased property management.

**IN BRIEF**

- Council is requested to consider a new lease at Lotteries House for Rainbow Coast Neighbourhood Centre Inc., over the area it currently occupies since November 2010.
- Lease term being one year commencing 29 October 2013.

**Maps and Diagrams**



**CSF020: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council APPROVE the request for a new lease to Rainbow Coast Neighbourhood Centre Inc. At Lot 211 on Diagram 94113 known as Lotteries House subject to:**

- 1. Lotteries House Tenant Management Committee approval.**
- 2. Lease term being one year, commencing 29 October 2013.**
- 3. Lease area being 59 square metres.**
- 4. Lease rental being \$7,311.50 plus GST per annum as determined by the Lotteries House Management Committee.**
- 5. Lease purpose being office space.**
- 6. Lease rent reviews being carried out annually on 1 July by the Lotteries House Management Committee.**
- 7. Costs associated with the preparation and implementation of the lease documentation, if any, to be payable by the proponent.**

**CARRIED EN BLOC**

**CSF020: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR BOWLES  
SECONDED: COUNCILLOR DOWLING**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 9-0**

**CSF020: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council APPROVE the request for a new lease to Rainbow Coast Neighbourhood Centre Inc. At Lot 211 on Diagram 94113 known as Lotteries House subject to:**

- 1. Lotteries House Tenant Management Committee approval.**
- 2. Lease term being one year, commencing 29 October 2013.**
- 3. Lease area being 59 square metres.**
- 4. Lease rental being \$7,311.50 plus GST per annum as determined by the Lotteries House Management Committee.**
- 5. Lease purpose being office space.**
- 6. Lease rent reviews being carried out annually on 1 July by the Lotteries House Management Committee.**
- 7. Costs associated with the preparation and implementation of the lease documentation, if any, to be payable by the proponent.**

**BACKGROUND**

2. In September 1996 a Deed of Trust was entered into between the former Town of Albany and the Lotteries Commission for the management of Lotteries House, located at 211-217 North Road, Albany.
3. The Deed required a Management Committee to be formed to oversee the management of the premises. The Lotteries House Tenant Management Committee for Albany is comprised of tenant representatives, community volunteers and a City officer.
4. The City of Albany ("the Trustee") through the administration of the Management Committee is to make and keep available the property for eligible organisations defined in Section 19 of the *Lotteries Commission Act 1990* to use exclusively for accommodation for benevolent or charitable purposes.
5. Albany Lotteries House provides secure and affordable accommodation for not for profit community organisations in a community service profile building. The Lotteries House conference room is hired out for workshops, meeting and other community gatherings.
6. Rainbow Coast Neighbourhood Centre Inc. has been a tenant at Lotteries House since February 2005 occupying a previous lease area of 73 square metres.
7. In November 2010, Rainbow Coast Neighbourhood Centre Inc. requested a smaller lease area due to a reduction in their Government funding. At Ordinary Council Meeting 16 November 2010, Council approved a new lease for Rainbow Coast Neighbourhood Centre Inc. over a new lease area of 59 square metres for a term of one year with an option for a further one year as requested by the proponent, commencing on 29 November 2010.
8. Rainbow Coast Neighbourhood Centre Inc. lease expired on 28 November 2012 and they continue to occupy the leased area on a holding over basis as a month to month tenant. This was due to possible relocation in an effort to reduce their costs. The conditions of the tenancy preserve the obligations of the lease, except in respect to the term of the lease.
9. The City received a written request dated 14 August 2013 from Rainbow Coast Neighbourhood Centre Inc. for a new lease at Lotteries House over the area it currently occupies for a term of one year commencing 29 October 2013 for the purpose of office space.
10. The Rainbow Coast Neighbourhood Centre Inc. new lease request was considered and approved by the Lotteries House Tenant Committee at the last Committee meeting held on 14 August 2013.
11. The existing lease area of approximately 59 square metres at Lotteries House currently returns a rental of \$7,311.50 plus GST per annum. This is based on a rate per square metre of \$123.93 plus GST.

12. The Lotteries House Tenant Management Committee is responsible for setting the rents to be charged per square metre of leased area. The Committee determines the rental rate by:
  - a. Reviewing the rents charged by other Lotteries House Tenant Committees;
  - b. Reviewing current lease rents for similar type buildings; and
  - c. Reviewing operational expenditure costs of the building and projecting operating expenses for the financial year.
13. The new rate for rent is then adopted by the Committee and applied to leases annually from 1 July. The new rate for the 2013/14 financial year is \$123.93 plus GST per square metre.
14. Under the Deed of Trust for the building, any surplus rent generated annually is placed in trust for Lotteries House major building maintenance projects. The balance of the trust account as at the end of financial year 30 June 2013 was \$64,460. This balance will not alter until the 30 June 2014 when end of year financial adjustments are made.
15. The City of Albany currently has eight other leases with benevolent or charitable organisations at Lotteries House.
16. Ownership of the Lotteries House building is on an undivided share basis between the Lotteries Commission and the City of Albany as Trustee.
17. The City in accordance with the Deed of Trust is responsible for structural maintenance of the entire building and the cleaning, gardening and minor maintenance of common areas. The Lessees are responsible for the cleaning and minor maintenance of their individual lease areas.
18. The City in accordance with the Deed of Trust insures the buildings, plate glass and City owned fixtures, fittings and contents. The cost for 2013/2014 financial year is \$3,485.51. Additionally the City is also responsible for the Public Liability Insurance over the common areas. As the City's Public Liability Insurance contribution is based on the whole of the City of Albany and its entire activities the individual cost to Lotteries House cannot be determined.
19. The Lessees are responsible for insuring their own individual fixtures, fittings and contents and are required to hold a minimum of not less than \$10 million Public Liability Insurance. The Lessee provides to the City a copy of insurance policies prior to the commencement of the lease, and annually upon request.

#### **DISCUSSION**

20. The Rainbow Coast Neighbourhood Centre Inc. is a not for profit organisation that provides support to local families, individuals and community groups by offering activities such as educational courses, workshops, support groups and playgroups.

21. The Centre links local families, individuals and community groups with other community resources and support networks in Albany. The Centre provides managed services including but not limited to the following:
- Migrant Resource Centre
  - Teenage Parenting Centre
  - Playgroups
  - Early Childhood Development Workshops
  - Multiple Births Support Group
  - Family Rhyme time
  - Parent up-skilling courses
  - Family fun days
  - Environmental Education
22. An extension of the Centre is the Albany Migrant Resource Centre that also offers support to families and individuals, in particular socially isolated, new to the area and culturally and linguistically diverse groups. The Centre provides practical assistance, informal counselling, programs, activities and links to other community networks.
23. The proposed new lease will be consistent with Council's Policy – Property Management – Leases and Licences for this category of lease.

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

24. No Government consultation is required.
25. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. The Act requires the following:
- a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks.
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
  - c. A local government can then proceed with the lease.
26. Section 30 of the *Local Government (Functions and General) Regulations 1996* defines the dispositions to which the advertising requirements of Section 3.58 of the Act do not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:
- (b) The land is disposed of to a body, whether incorporated or not –
    - (i) The object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature, and
    - (ii) The members of which are not entitled or permitted to receive any pecuniary from the body's transactions,

27. Rainbow Coast Neighbourhood Centre Inc. is a not-for-profit charitable organisation and therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

### STATUTORY IMPLICATIONS

28. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings.
29. Under the City of Albany Town Planning Scheme 1A, the land is zoned 'Clubs and Institutions'. The proposed use for office space is in accordance with the Scheme.

### POLICY IMPLICATIONS

30. Council adopted a revised Property Management – Leases and Licences Policy in September 2012.
31. 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.
32. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Council does not approve a new lease – reputational loss to the City</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Council does not approve proposed new lease – loss of operating income for Lotteries House</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.  Seek alternative tenant as last resort.</i>
<i>Council does not approve proposed new lease – Rainbow Coast Neighbourhood Inc. will need to seek alternative premises</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>

### FINANCIAL IMPLICATIONS

34. Any costs associated with the preparation and implementation of the new lease documentation will be borne by the proponent



35. All rental collected is used for Lotteries House operating expenses, including a \$5,000.00 annual service fee paid to the City to cover the City's Officers time for managing the property on behalf of the Lotteries House Tenant Management Committee.
36. There is no cost to the City to operate Lotteries House other than the City's Officers time and the insurance cost of \$3,485.51 plus GST per annum for 2013/2014 financial year.
37. The new lease rental income of \$7,311.50 plus GST per annum will be directed to COA 120930 – Lotteries House Income.

#### **LEGAL IMPLICATIONS**

38. The agreement with the Lessee is a formal Deed of Lease which grants an interest in the land and buildings with enforceable conditions.

#### **ENVIRONMENTAL IMPLICATIONS**

39. Nil

#### **ALTERNATE OPTIONS**

40. Council may:
  - a. Approve the request for a new lease; or
  - b. Decline the request.
41. Should Council decline the request, the proponent would be required to find alternative premises to continue its community activities. If they are not able to do so, they may need to discontinue the service delivered to Albany and the wider community.
42. The City could then invite expressions of interest to lease the area and may risk a loss of rental during this process that may impact negatively on the operations of Lotteries House.

#### **SUMMARY CONCLUSION**

43. Rainbow Coast Neighbourhood Centre Inc. are seeking a new lease over 59 square metres of office space at Lotteries House, an area they have occupied since 2010.
44. Rainbow Coast Neighbourhood Centre Inc. has fulfilled all previous lease obligations including payment of rent and outgoings.
45. In view of the community service provided by the Rainbow Coast Neighbourhood Centre Inc. to the wider community, the request for a new lease at Lotteries House is supported.

<b>Consulted References</b>	<ul style="list-style-type: none"><li>• Council Policy – Property Management – Leases and Licences</li><li>• <i>Local Government Act 1995</i></li><li>• <i>Lotteries Commission Act 1990</i></li><li>• Lotteries House Tenant Management Committee Minutes – August 2013</li></ul>
<b>File Number (Name of Ward)</b>	PRO383, A150439 (Frederickstown Ward)
<b>Previous Reference</b>	OCM 16/11/2010 Item 2.8

**CSF021: ALBANY ENTERTAINMENT CENTRE – MANAGEMENT AND OWNERSHIP**

**CONFIDENTIAL REPORT**

**Responsible Officer(s):** : Executive Director Corporate Services Garry Adams

**Responsible Officer's Signature:**



*Item covered under Confidential Cover, in accordance with s5.23 (2) (c) and (e, iii) of the Local Government Act 1995, being:*

*(c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*

*(e) a matter that if disclosed, would reveal - (iii) information about the business, professional, commercial or financial affairs of a person, - where the trade secret of information is held by, or is about, a person other than the local government.*

**RECOMMENDATION**

**CSF021: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR GREGSON**

**THAT Council NOTE the report on the current status of Albany Entertainment Centre.**

**CARRIED 10-0**

CSF021: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR CALLEJA  
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF021: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE the report on the current status of Albany Entertainment Centre.

**CSF022: VALUATION – CULL ROAD SUBDIVISION**

**CONFIDENTIAL REPORT**

- Land Description** : “The Ridge” Estate, Cull Road Development, Lockyer, various lots.
- Attachments** : LMW Hegney Valuation Reports for Various Lots “The Ridge” Estate, Cull Road dated 28 July 2013.  
OCM 16/11/2010 Item 15.2
- Responsible Officer(s):** : Executive Director Corporate Services Garry Adams

**Responsible Officer’s Signature:**



*Item covered under Confidential Cover, in accordance with s5.23 (2) (c) and (e, iii) of the Local Government Act 1995, being:*

*(c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*

*(e) a matter that if disclosed, would reveal - (iii) information about the business, professional, commercial or financial affairs of a person, - where the trade secret of information is held by, or is about, a person other than the local government.*

**RECOMMENDATION**

**CSF022: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR GREGSON**  
**THAT:**

1. Executive Director of Corporate Services **PROVIDE** a marketing plan for the sale of the remaining lots in the subdivision ‘The Ridge’, Cull Road development, and
2. Current marketing plan **REMAIN** in place until such time as a new plan is presented and adopted by Council.
3. **THAT** Council **ENDORSE** the valuation, dated 28 July 2013, placed on the remaining developed lots in the subdivision “The Ridge”, Cull Road development, as required by legislation.

**CARRIED 10-0**  
**ABSOLUTE MAJORITY**

CSF022: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ENDORSE the valuation, dated 28 July 2013, placed on the remaining developed lots in the subdivision "The Ridge", Cull Road development.

CSF022: AMENDED RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR SUTTON

THAT Council ENDORSE the valuation, dated 28 July 2013, placed on the remaining developed lots in the subdivision "The Ridge", Cull Road development, as required by legislation.

CARRIED 9-0

CSF022: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR BOWLES

THAT:

1. Executive Director of Corporate Services PROVIDE a marketing plan for the sale of the remaining lots in the subdivision 'The Ridge', Cull Road development, and
2. Current marketing plan REMAIN in place until such time as a new plan is presented and adopted by council.

CARRIED 9-0

**CSF023: STATUS OF RESCINDED COUNCIL POLICIES**

**Proponent** : City of Albany  
**Attachments** : Nil  
**Responsible Officer(s)** : Executive Director Corporate Services (G Adams)

**Responsible Officer Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:** 5. Civic Leadership.
  - b. **Strategic Objectives:**
    - 5.1. To establish and maintain sound business and governance structures.
    - 5.3 To engage effectively with our community.
  - c. **Strategic Initiative:** Nil

**In Brief:**

- Note the status of rescinded Council policies.

**RECOMMENDATION**

**CSF023: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Committee NOTE the status of the following Policies detailed in the report.**

**CARRIED EN BLOC**

CSF023: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF023: RESPONSIBLE OFFICER RECOMMENDATION

That the Committee NOTE the status of the following Policies detailed in the report.

**BACKGROUND**

2. At the previous Committee meeting held on 13 August 2013, Committee requested an update of the list of rescinded policies and action taken is presented to the next Committee meeting.

**REPORT**

Policy Name	Date of Rescission and Reason	Status
Operational Human Resources Policy (Adopted by Council 15/05/2007.)	Rescinded by Council on 15/11/2011. Reason: Council policy position not required. Employment of staff responsibility of CEO under the Local Government Act 1995.	Status: In Progress. Currently in full rewrite. The Occupational Human Resources component has now been fully reviewed and a final draft manual is being prepared for consolidation and distribution for comment.
Customer Service Policy (Adopted by Council 17/02/2009)	Rescinded by Council on 15/11/2011. Reason: Determined to be an operation policy.	Status: Redrafted as an Administrative Policy. <a href="#">Customer Service Policy NP097721 4.pdf</a>
Code of Conduct (Adopted by Council 21/10/2009)	Rescinded by Council on 15/11/2011. Reason: Determined to be an operation policy.	Status: Code of Conduct for Members of Council adopted 11/10/2011. New Draft - Code of Conduct for Elected Members, Staff and Volunteers. To be presented to October meeting for review.
Communications Policy (Adopted by Council 20/07/2010)	Rescinded by Council on 15/11/2011. Reason: New Policy Position.	Status: Council adopted new Policy Position 11/10/2011, Report Item 1.6.
Elected Member attendance at Conferences Policy (Adopted by Council 19/12/2006)	Rescinded by Council on 15/11/2011. Reason: New Policy Position.	Status: Council adopted new/revised Elected Member Induction Manual 11/10/2011, Report Item 1.6
Legal Representation for Elected Members, Employees and Volunteers Policy (Adopted by Council 14/12/2010)	Rescinded by Council on 15/11/2011. Reason: Replaced by Council delegation.	Status: Council adopted new policy position at 27/08/2013. Resolution Number: CSF013. <a href="#">Legal Representation for Members Employees Volunteers NP099489 3.pdf</a>
IT System Security and Information Management Policy (Adopted by Council 21/10/2008)	Rescinded by Council on 15/11/2011. Reason: Considered an administrative operational policy.	Status: Presented to this Committee meeting for review and recommendation for adoption as a Council Guideline.
Plant & Vehicle Policy (Adopted by Council 17/11/2009)	Rescinded by Council on 15/11/2011. Reason: Considered an administrative operational policy.	Status: Complete rewrite. Adopted by Executive Management Team as a Guideline, August 2013. Mayor Vehicle Allowance Policy position adopted by Council 11/10/2011. Report Item 1.6.
Service Complaint Policy (Adopted by Council 15/11/2011)	Rescinded by Council on 15/11/2011.	Status: Updated administrative policy and procedure. Unresolved Customer Complaints are

Council 21/08/2007)	Reason: Considered an administrative operational policy.	reviewed as a function of the Corporate Services & Finance Committee. <a href="#">Service Complaint Policy NP073486 4.pdf</a>
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<b>Consulted References</b>	:	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	(All Wards)
<b>Previous Reference</b>	:	CSF Committee 13/08/2013 - Reports



## WS005: REVIEW OF STRATEGIC WASTE MANAGEMENT PLAN

**Proponent** : City of Albany  
**Owner** : City of Albany  
**Attachments** : Draft Strategic Waste Management Plan  
**Councillor Workstation** : Nil  
**Responsible Officer(s)** : Executive Director Works and Services (M Thomson)

**Responsible Officer Signature**



### STRATEGIC IMPLICATIONS

1. This item directly relates to the following elements of the City of Albany Strategic Community Plan 2013 and Corporate Business Plan 2013-2017:
  - a. **Key Theme:** 2. Clean, Green and Sustainable
  - b. **Strategic Objectives:** 2.3 To advocate for and support “green” initiatives within our region
  - c. **Strategic Initiative:** 2.3.1 Waste Management

### In Brief:

- Adoption of the revised Strategic Waste Management Plan to provide the City a further five years direction in waste management and to continue its alignment with Western Australia’s Zero Waste Plan Development Scheme.

### RECOMMENDATION

**WS005: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT:ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR BOWLES**  
**SECONDED: COUNCILLOR CALLEJA**

**THAT Council ADOPT the revised City of Albany Strategic Waste Management Plan (as detailed in the attachment) in accordance with Section 5.56(1) and (2) of the Local Government Act 1995 and Local Government (Administration) Regulations 1996 (as amended).**

**CARRIED 10-0**  
**ABSOLUTE MAJORITY**

WS005: COMMITTEE RECOMMENDATION

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

WS005: RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR DOWLING

ADOPT the revised City of Albany Strategic Waste Management Plan (as detailed in the attachment) in accordance with Section 5.56(1) and (2) of the Local Government Act 1995 and Local Government (Administration) Regulations 1996 (as amended).

CARRIED 5-0

**BACKGROUND**

2. The City of Albany adopted its first Strategic Waste Management Plan in July 2002 which guided its waste activities towards significant improvements in waste minimisation and recycling.
3. In May 2004 a revised Strategic Waste Management Plan was adopted by Council which brought about major changes in waste operations which include the closure of uncontrolled landfill sites, the introduction of a three bin domestic kerbside system, the processing of greenwaste and education program for schools.
4. The Strategic Waste Management Plan received further review in 2009 where it was aligned with the Waste Management Board of Western Australia's Zero Waste Plan Development Scheme. This plan is the City's current document and it has now entered its review period.

**DISCUSSION**

5. The 2013 Strategic Waste Management Plan analyses the City's current operations and develops action plans to improve the service and reduce waste to landfill over the next 5 years.
6. The Plans scope continues its alignment with the Waste Management Board of Western Australia's Zero Waste Plan Development Scheme but also recognises the end of tenure of the City's waste minimisation contract and the imminent requirement for new waste treatment facilities.
7. The key action areas also identify infrastructure and operational upgrades that are required to provide a consistent improvement in the City's waste minimisation practices.
8. The Strategic Waste Management Plan is a document that will provide guidance to achieve objectives, targets and plans as well as providing for greater opportunity to apply for grant funding of waste initiatives.

**GOVERNMENT & PUBLIC CONSULTATION**

9. The Department of Environment and Regulation (DER) were invited to provide comment on the plan and their feedback has been included in the document. The DER is the statutory regulator of the waste industry and is the major stakeholder in local government waste practice.

10. Most of the key action areas identified in the plan are of an operational nature not requiring public consultation. However several of the waste initiatives that have been identified will require consultation and this will be undertaken in line with the City's Community Engagement process to ensure all key stakeholder feedback is received.

### STATUTORY IMPLICATIONS

11. Section 19DA of the *Local Government (Administration) Regulations 1996* has been amended to require each local government to integrate community aspirations and desired outcomes with community planning, services, assets and land-use to develop achievable operational plans, services and issue-specific strategies.

### POLICY IMPLICATIONS

12. The adoption of this strategy will replace the Strategic Waste Management Plan adopted 21 April 2009.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not adopt the Strategic Waste Management Plan</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Waste practices managed on a reactive basis.</i>
<i>Unforecasted factors may cause some key actions identified in the plan to be irrelevant or unachievable.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Review impact of not delivering actions to determine whether alternative measures are required</i>

### FINANCIAL IMPLICATIONS

14. The costs associated with implementing the Key Actions of the Strategic Waste Management Plan will be incorporated into the Waste operational costs and capital works program during the life of the plan. These costs will need to be passed by Council on an annual basis as part of the normal budgetary process.

### LEGAL IMPLICATIONS

15. Not applicable.

### ENVIRONMENTAL CONSIDERATIONS

16. The Strategic Waste Management Plan is aligned with the Waste Management Board of Western Australia's Zero Waste Plan Development Scheme with an aim to continuously reduce the impact of waste disposal on the environment to the year 2020.
17. The City's waste services are licenced and monitored by the Department of Environment Regulation under the Environmental protection Act 1986.

**ALTERNATE OPTIONS**

18. Council may decline to adopt the Strategic Waste Management Plan.

**SUMMARY CONCLUSION**

19. The 2013 Strategic Waste Management Plan provides the City direction in its future waste management practices by analysing its current operations, developing action plans to improve the service and reducing waste to landfill over the next 5 years.
20. The plan aligns with Waste Management Board policy and provides for greater opportunity to apply for grant funding.

<b>Consulted References</b>	:	Not Applicable
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 21/04/2009 Item 13.1.1

**WS006: FINANCIAL EXPENDITURE AND WORKS PROGRESS REPORTING**

**Proponent** : City of Albany  
**Attachments** : Works and Services Capital Works Progress Report  
(2 attachments).  
**Responsible Officer(s):** : Executive Director Works & Services (M Thomson)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 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:** 2.2.2. Project Reporting.

**In Brief:**

- Improved Capital Works Project reporting is a strategic initiative committed to by the Works and Services directorate.
- The report as at August 31, 2013 is attached.

**RECOMMENDATION**

**WS006: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**That the Works and Services Capital Works Progress Report (as at August 31, 2013) be NOTED**

**CARRIED EN BLOC**

WS006: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 5-0**

WS006: RESPONSIBLE OFFICER RECOMMENDATION

That the Works and Services Capital Works Progress Report (as at August 31, 2013) be NOTED

## BACKGROUND

2. Previous reporting documentation presented to Council has shown cost variances to planned budget against actual expenditure however actual progress of work was not adequately detailed.
3. The attached report combines the reporting of both actual expenditure and actual progress of work against planned in the same cost-time relationship chart.
4. The reporting format identifies performance/delivery issues against time and budget allowing for early intervention and informed management decisions in advance of problems.
5. The reporting format combines all Capital Works Project into one as if it were a large project with multiple concurrent activities.

## DISCUSSION

6. The reporting system draws information from the annual budget, the Works & Services Infrastructure works schedule and monthly financial reports utilising actual data for the City's current systems.
7. Note that Reserves and Sanitation Projects are not included in the chart however can be seen in the project list attached.

## GOVERNMENT & PUBLIC CONSULTATION

8. Not required – internal reporting requirement only.

## STATUTORY IMPLICATIONS

9. Not applicable

## POLICY IMPLICATIONS

10. Improved project reporting underpins good asset management practices.

## 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>Project cost overruns</i>	<i>Possible</i>	<i>Significant</i>	<i>Medium</i>	<i>Reporting will identify trends toward budget overruns allowing for intervention in advance.</i>
<i>Project time overruns</i>	<i>Possible</i>	<i>Significant</i>	<i>Medium</i>	<i>Reporting will identify overall schedule performance and trends allowing for early interventions and implementation corrective strategies.</i>
<i>Misunderstanding/misinterpretation of reporting documents.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Officer available to explain reports and how to interpret.</i>
<i>Lack of action following reported expenditure and/or progress.</i>	<i>Unlikely</i>	<i>Extreme</i>	<i>High</i>	<i>Ensure that cost and programme variations are investigated and resolved in a timely manner.</i>

## FINANCIAL IMPLICATIONS

12. The reporting method will effectively assist timely decision making in order to minimise budget over runs and/or variations from service delivery commitments. The reporting will highlight budget variances early on resulting in the issue being dealt with in a timely manner.

## LEGAL IMPLICATIONS

13. Not applicable

## ENVIRONMENTAL CONSIDERATIONS

14. Not applicable

## ALTERNATE OPTIONS

15. Not applicable.

## SUMMARY CONCLUSION

16. The attached Earned Value reporting documentation reflects the variances of cost and time most effectively and it is to be utilised as an internal management tool for Works and Services and as a reporting mechanism to Council. This will ensure that Council is apprised of the progress of works at all times.

<b>Consulted References</b>	:	Project Management – A Systems Approach to Planning, Scheduling, and Controlling 5 <sup>th</sup> Ed. Harold Kerzner, Ph.D. Cert IV Project Management BSB41507 Learner Guide GSIT Michael Walmsley
<b>File Number (Name of Ward)</b>	:	Synergy File Number
<b>Previous Reference</b>	:	None

**PD007: OUTLINE DEVELOPMENT PLAN – LOTS 1-10, 12, 13, 66, 507, 526 LANCASTER ROAD AND LOT 300 TIMEWELL ROAD, MCKAIL**

<b>Land Description</b>	: Lots 1-10, 12, 13, 66, 507 and 526 Lancaster Road and Lot 300 Timewell Road, McKail
<b>Proponent</b>	: Ayton Baesjou Planning
<b>Owner</b>	: M R Antoniak, A S Daubney, P G Burnett, F P & S E Shelton, M J & F R Klau, H D & M A Thobaven, V M McAndrew, N J Mooney, M H Miller, J R & G M Fagg, C H & D A McWhirter, R M & B Ballantyne, Crown Land, Vegate Pty Ltd - Directors Harry Arialdo Capararo and Nunziato Vincuillo, Lancaster Park Pty Ltd
<b>Business Entity Name</b>	: Vegate Pty Ltd, Lancaster Park Pty Ltd
<b>Attachments</b>	: Location plan Draft Outline Development Plan Summary of submissions
<b>Appendices</b>	: Nil
<b>Councillor Workstation</b>	: Copy of submissions Copy of draft Outline Development Plan planning report
<b>Responsible Officer(s)</b>	: Executive Director Planning and Development Services (D Putland)

**Responsible Officer's Signature:**

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:**
    3. A connected built environment.
  - b. **Strategic Objective:**
    - 3.2 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. Council's decision on the draft Precinct Plan should be consistent with the objectives of the *Albany Local Planning Strategy (ALPS)* as the principal land use planning strategy for the City.
3. Section 8.3.2 – Urban Lot Consolidation and Staged Incremental Development sets the following Strategic Objective:

*“Support the consolidation of serviced urban areas and facilitate staged fully-serviced incremental-development nodes”.*

The ALPS states that it *“supports incrementally-staged urban expansion based on comprehensive precinct and structure planning. The progressive development of the Future Urban areas has been classified into five Development Priority stages. The extent to which Future Urban areas are developed within the lifetime of the ALPS will be determined largely by population growth, employment opportunities, availability of infrastructure to service growth and the ability of the development and housing industry to satisfy market demand.*

*The Priority 1 areas include the current development fronts of McKail, Yakamia and Bayonet Head, where lots are being created and dwellings constructed.”*

4. The proposal will facilitate a coordinated approach to the subdivision and development of the subject land, which has been identified within the ALPS as a Priority 1 development area.
5. Section 8.3.3 – Urban Infill sets the following Strategic Objective:

*“Support urban infill development based on compatibility of land uses and infrastructure capacity”.*

The ALPS expands on this by stating that *“urban infill development complements the urban-consolidation strategy and aims to maximise the use of existing residential and other types of land no longer economically viable.*

*It is also expected that the Albany City Centre and urban neighbourhood centres will support new medium-density (R30 to R60) residential developments. Development will occur initially on small parcels of vacant land or as redevelopments of older housing. The increased residential densities will cater for smaller households, such as accommodation for seniors.*

*Some key issues associated with urban infill are land-use compatibility, availability and the capacity of existing services – particularly sewers and drainage – to facilitate development. Other infill factors to be addressed include existing lot sizes, achieving quality design, provision of enough of public open space, security and transport access. The key to successful infill is establishment of the most appropriate implementation mechanisms for specific developments, which can be statutory or non-statutory. In the past, rigid guided development schemes in Albany's urban area have not been successful because they have been responsible for slow rate of development and uptake.”*

6. The proposal is considered to be consistent with these principles and objectives.

**In Brief:**

- Consider whether to finally adopt the draft Outline Development Plan for Lots 1-10, 12, 13, 66, 507 and 526 Lancaster Road and Lot 300 Timewell Road, McKail.
- The proposal aims to facilitate a coordinated approach to the subdivision and development of the subject land.
- A number of matters have been raised by the Department of Planning and the Department of Education through the Government consultation process. Staff recommended modifications to the document to address these matters.
- A number of concerns and questions have been raised by affected landowners through the public consultation process. Staff have addressed these matters to allay concerns and answer questions
- The draft Outline Development Plan is consistent with contemporary planning principles and the strategic direction for settlement growth, as set by the *Albany Local Planning Strategy*.
- Staff recommend that Council finally adopts the draft Outline Development Plan, subject to modification.

**RECOMMENDATION**

**PD007: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY  
SECONDED: COUNCILLOR CALLEJA**

**THAT Council finally adopts the draft Outline Development Plan for McKail North, subject to the following modifications:**

- **Correction of zoning errors in the *Land Use and Zoning Plan*;**
- **Removal of the far north 'Potential Local Centre' from the *Local and Neighbourhood Context plan*;**
- **Incorporation of the speedway buffer on the *Local and Neighbourhood Context plan*;**
- **Incorporation of the correct Wastewater Treatment Plant (WWTP) buffer on the *Local and Neighbourhood Context plan*;**
- **Inclusion of expanded 'Q1' and 'Q2' Quiet House Design areas along the northern extent of Lots 507 and 526, in lieu of the Speedway Buffer, on the Outline Development Plan;**
- **Inclusion of the WWTP and Trotting Track buffers on the Outline Development Plan;**
- **Indicating the road widening more clearly on the Outline Development Plan;**
- **Inclusion of a primary school site toward the north-eastern corner of Lot 507, with provision for possible expansion onto Lot 37 Morgan Road, on the Outline Development Plan;**
- **Inclusion of an appropriately sized district park on the Outline Development Plan and revision of the Public Open Space calculations in the planning report;**
- **Inclusion of cycle and pedestrian paths on the Outline Development Plan and incorporation of a supplementary Pathways Plan;**
- **Increasing the Q2 house design areas on the Outline Development Plan; and**
- **Increasing the Trotting Track buffer on the Outline Development Plan (as per Amendment No. 271 buffer requirements).**

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Bostock

**PD007: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR DOWLING  
SECONDED: MAYOR WELLINGTON**

**THAT the Officer Recommendation is ADOPTED.**

**CARRIED 6-0**

PD007: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council finally adopts the draft Outline Development Plan for McKail North, subject to the following modifications:

- Correction of zoning errors in the *Land Use and Zoning Plan*;
- Removal of the far north 'Potential Local Centre' from the *Local and Neighbourhood Context plan*;
- Incorporation of the speedway buffer on the *Local and Neighbourhood Context plan*;
- Incorporation of the correct Wastewater Treatment Plant (WWTP) buffer on the *Local and Neighbourhood Context plan*;
- Inclusion of expanded 'Q1' and 'Q2' Quiet House Design areas along the northern extent of Lots 507 and 526, in lieu of the Speedway Buffer, on the Outline Development Plan;
- Inclusion of the WWTP and Trotting Track buffers on the Outline Development Plan;
- Indicating the road widening more clearly on the Outline Development Plan;
- Inclusion of a primary school site toward the north-eastern corner of Lot 507, with provision for possible expansion onto Lot 37 Morgan Road, on the Outline Development Plan;
- Inclusion of an appropriately sized district park on the Outline Development Plan and revision of the Public Open Space calculations in the planning report;
- Inclusion of cycle and pedestrian paths on the Outline Development Plan and incorporation of a supplementary Pathways Plan;
- Increasing the Q2 house design areas on the Outline Development Plan; and
- Increasing the Trotting Track buffer on the Outline Development Plan (as per Amendment No. 271 buffer requirements).

## BACKGROUND

7. The subject lots cover a total area of approximately 70ha to the north and south of Lancaster Road and are located approximately 6km north-west of the Albany central area. Lots 1-10 and 12 are large rural-residential properties of approximately 4000m<sup>2</sup>. Lot 13 is approximately 8000m<sup>2</sup> in area. All are developed with a single dwelling and associated outbuildings.
8. Lot 66 is a vacant Public Right of Way and presents as a 20m wide unconstructed road reserve section giving access to Lot 526.
9. Lots 300, 507 and 526 are larger cleared lots, which are primarily used for grazing purposes. Lot 300 is developed with a collection of sheds and stables, Lot 507 with a shed and feed silos adjacent to the intersection of Lancaster and Timewell Roads, while Lot 526 remains undeveloped.

10. The majority of the surrounding land is zoned 'Rural', with the exception of Lot 124 Gladville Road to the north, which is zoned 'Residential Development' and subject to a separate Outline Development Plan application, Lot 113 Gladville Road to the east, which is zoned 'Special Residential', Lot 1 Lancaster Road (Harold Reid Paceway) to the south-east, which is zoned 'Places of Public Assembly', and Lots 251-254 Lancaster Road to the south, which are zoned 'Special Rural'.
11. In September 2009, a Scheme amendment (No. 277) to rezone Lots 1-10, 12, 13, 66, 507 and 526 Lancaster Road and Lot 300 Timewell Road, McKail from the 'Rural' and 'Special Rural' zones to the 'Residential Development' zone was supported by Council. The proposal was subsequently granted final approval by the Minister for Planning in July 2010 and Gazetted in August 2010.
12. A draft Outline Development Plan was then prepared, in accordance with Clause 5.5 of Town Planning Scheme No. 3, to facilitate the subdivision and development of the subject land. Council adopted the draft plan for the purposes of public advertising at its ordinary meeting on 19 February 2013.
13. Council is now requested to consider submissions received during the public advertising period and determine whether to finally adopt the draft Outline Development Plan.

## DISCUSSION

14. The *Albany Local Planning Strategy* (ALPS) identifies the subject land as part of a Future Urban Priority Development 1 Area, which indicates that it is of short-term strategic importance.
15. The draft Outline Development Plan will facilitate the subdivision and development of the subject lots to a full urban standard, with R20 and R30 residential lots and associated public open space. Locations for a local activity centre and primary school have also been identified in the south-eastern corner of the site.
16. The Department of Planning highlighted some areas in which the draft plan is deficient. These can be addressed by way of modifications to the plan and are addressed in detail in Attachment PD007\_aa\_Sept13.
17. Overall, the draft Outline Development Plan is consistent with contemporary planning principles and State policies that deal with growth and development.

## GOVERNMENT & PUBLIC CONSULTATION

18. The draft Precinct Plan was referred to Department of Planning, WA Gas Networks, Telstra, Water Corporation, Western Power, Department of Water, Department of Environment and Conservation (now Department of Parks and Wildlife), Department of Education, Department of Fire and Emergency Services, Main Roads WA and Department of Regional Development and Lands for assessment and comment.

Responses were received from Department of Planning, Telstra, Water Corporation, Western Power, Department of Water, Department of Environment and Conservation, Department of Education, Department of Fire and Emergency Services and Department of Regional Development and Lands. The content of these submissions is summarised in Attachment PD007\_aa\_Sept13 with staff providing responses to the matters raised.

19. The draft Outline Development Plan was advertised in accordance with Clause 6.9.2 of Town Planning Scheme (TPS) No. 3 (see paragraph 22 below), between 28 February 2013 and 21 March 2013 for public comment.
20. Seven submissions were received during the public consultation period. The content of these submissions is summarised in Attachment PD007\_aa\_Sept13 and staff have provided responses to the matters raised.

### STATUTORY IMPLICATIONS

21. Clauses 5.5.1 to 5.5.3 of TPS No. 3 set out the processes to develop an Outline Development Plan to facilitate the subdivision and development of land within Development Zones.

*“5.5.1 Before granting approval for any of these uses permitted within the Development Zones subject to Council approval under Table No. 1 or endorsing an application for subdivision the Council will require the submission to, and approval by, the Western Australian Planning Commission of an Outline Development Plan for such areas as are the subject of an application to develop or subdivide being not less than the area shown within the outer edge of the green border of the part of the scheme map containing the subject land, together with other areas determined by the Council having regard to:*

- (a) the major road systems under the Scheme;*
- (b) topographic conditions;*
- (c) land holdings adjacent to or in the vicinity of the subject land;*
- (d) the necessity of providing civic and public facilities;*
- (e) preservation of the environment.*

*5.5.2 Outline Development Plans shall be prepared for areas as described under clause 5.5.1 by either the owners of the land involved or by the Council and shall be submitted by the Council to the Western Australian Planning Commission.*

*5.5.3 Outline Development Plans shall show the principles under which it is proposed to develop or subdivide the land and as a minimum requirement shall show –*

- (a) the location and width of the distributor road system proposed;*
- (b) the approximate location and quantity of shopping, civic and public facilities proposed together with an analysis of the factors used in determination of such facilities;*
- (c) the distribution of the recreational and open space areas proposed;*
- (d) the population and residential densities proposed;*
- (e) the physical condition of the land having regard to the need for deep sewerage and/or main drainage.”*

22. Clauses 6.6.1 and 6.9.2(A) set out the processes for the creation and adoption of a Town Planning Scheme Policy. An Outline Development Plan must be considered as a Town Planning Scheme Policy for purposes of advertising and referral and adoption by Council.

*“6.9.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the Control of Development.*

*6.9.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:*

*(A) The Council having prepared and having resolved to adopt the Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (not being less than 21 days) representations may be made to the Council.”*

## **POLICY IMPLICATIONS**

23. The proposal is subject to the *City of Albany Speedway Noise Buffer Area Policy*, which is concerned with the effects of noise generated at the Atwell Park Speedway on surrounding residential developments and encourages the attenuation of noise both on and off-site.

The objectives of the policy are to:

- Allow for the ongoing operations of the speedway at Atwell Park and
  - Encourage the operators to incorporate additional noise attenuation measures to reduce noise impacts into adjoining residential developments.
  - Acknowledge and recognise existing approved residential developments within the buffer area.
  - Ensure that new developments incorporate measures to advise purchasers within the buffer area of the speedway operations and noise generated during their events.
24. The policy does not have any mandatory requirements, but merely advises property owners and prospective purchasers of the noise created at the speedway and encourages the application of certain construction techniques to new dwellings in order to attenuate these effects.
25. The proposal incorporates Quiet House Design Guidelines and assigns where these should be applied within the Outline Development Plan area.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Not adopting the draft Outline Development Plan will prevent the development of the land, as the requirements of Clause 5.5 of Town Planning Scheme No. 3 would not be fulfilled.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council.</i>
<i>Adopting the draft Outline Development Plan in its current form may fail to provide adequate protection to homes from noise nuisance attributed to the Atwell Park Speedway and Harold Reid Paceway.</i>	<i>Almost certain</i>	<i>Minor</i>	<i>High</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan and planning report.</i>
<i>Adopting the draft Outline Development Plan in its current form may fail to provide adequate protection to homes from odour nuisance attributed to the Timewell Road Wastewater Treatment Plant.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan and planning report.</i>
<i>Adopting the draft Outline Development Plan in its current form may result in inadequate primary school capacity in the locality.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan and planning report.</i>
<i>Adopting the draft Outline Development Plan in its current form may fail to provide adequate passive and active recreational opportunities for residents in the locality.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan and planning report.</i>
<i>Adopting the draft Outline Development Plan in its current form may fail to provide adequate movement networks through the proposed development area.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan and planning report.</i>



## FINANCIAL IMPLICATIONS

27. Subdivision in accordance with this Outline Development Plan will have additional financial implications for the City of Albany. The cost of this development is unknown as the detailed engineering design will be completed at the subdivision stage, but are likely to be significant. The financial costs to the City will necessarily include regular maintenance and end of life renewal costs. The road and drainage infrastructure, as well as Public Open Space areas, are provided by the developer at the time of subdivision and maintained by them for a fixed period of time. The initial maintenance when the infrastructure is new is generally minimal. However, after the initial period the ongoing maintenance and replacement responsibility is transferred to the City.

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

29. There are no environmental considerations relating to this item.

## ALTERNATE OPTIONS

30. Council has the following options:
- Finally adopt the draft Outline Development Plan, without modification;
  - Finally adopt the draft Outline Development Plan, subject to modification; or
  - Not to adopt the draft Outline Development Plan.

## SUMMARY CONCLUSION

31. The adoption of the draft Outline Development Plan will be necessary to facilitate the subdivision and development of Lots 1-10, 12, 13, 66, 507 and 526 Lancaster Road and Lot 300 Timewell Road, McKail.
32. Overall, the draft Outline Development Plan is consistent with contemporary planning principles and the strategic direction for settlement growth, as set by the Albany Local Planning Strategy.
33. Staff recommend that Council finally adopts the draft Outline Development Plan, subject to modifications.

<b>Consulted References</b>	:	WA Planning Commission (WAPC) State Planning Policy (SPP's) <i>SPP1 &amp; SPP3</i> ; <i>Liveable Neighbourhoods</i> ; <i>Albany Local Planning Strategy</i> ; <i>City of Albany Speedway Noise Buffer Area Policy</i>
<b>File Number (Name of Ward)</b>	:	ODP010 (West Ward)
<b>Previous Reference</b>	:	Copy of OCM 16/06/2009 – Item 11.2.3 Copy of OCM 19/02/2013 – Item 2.8

**PD008: OUTLINE DEVELOPMENT PLAN – LOTS 2, 7, 8, 9, 11, 12, 13, 14, 15 AND 16 SOUTH COAST HIGHWAY, LOTS 1, 2, 26, 27, 55, 56, 85, 86 AND 87 BALSTON ROAD, LOT 25 CUMING ROAD, LOTS 10 (NO. 4), 10 (NO. 10), 19, 20, 21 AND 23 MOORTOWN ROAD, LOTS 3, 4 AND 5 MIDDLE STREET AND LOTS 17 AND 18 SYDNEY STREET, GLEDHOW**

- Land Description** : Lots 2, 7, 8, 9, 11, 12, 13, 14, 15 and 16 South Coast Highway, Lots 1, 2, 26, 27, 55, 56, 85, 86 and 87 Balston Road, Lot 25 Cuming Road, Lots 10 (No. 4), 10 (No. 10), 19, 20, 21 and 23 Moortown Road, Lots 3, 4 and 5 Middle Street and Lots 17 and 18 Sydney Street, Gledhow
- Proponent** : Ayton Baesjou Planning (Southern Catchment Precinct) and Dykstra Planning (Small Landholdings Precinct)
- Owner** : D L Bunn, M Drummond, JM Wildman Nominees Pty Ltd, K Sunjevaric, G J Oldfield, D G Rogers, G C & R A De Boer, S Guy, T A Van Nieuwkerk & S A Lawrence, R J & J L Trigg, A A Trigg, P R & J M Williamson, T J & C R Mahoney, H C Carr & The Estate of C J Carr, H Adams, R M Potter, Trivalley Corporation Pty Ltd, Water Corporation, M J & V Gibson, Trewick Holdings Pty Ltd, Crown Land, M E Hutcheson, D R Kellow, M C and P K Northcott Pty Ltd, W B & H K Milisavljevic, W L Bowers & J M Westwood, W A Freeland, S M & R L Kolanek, I S, W M, B W & T M Phillips, K J Lucas
- Business Entity Name** : JM Wildman Nominees Pty Ltd, Trivalley Corporation Pty Ltd, Trewick Holdings Pty Ltd, M C and P K Northcott Pty Ltd
- Attachments** : Location plan  
Draft Outline Development Plans  
Summary of submissions
- Appendices** : Nil
- Councillor Workstation** : Copy of submissions  
Copy of draft Outline Development Plan planning reports
- Responsible Officer(s)** : Executive Director Planning and Development Services  
(D Putland)

**Responsible Officer's Signature:**

## STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:**
    3. A connected built environment.
  - b. **Strategic Objective:**
    - 3.2 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. Council's decision on the draft Precinct Plan should be consistent with the objectives of the *Albany Local Planning Strategy (ALPS)* as the principal land use planning strategy for the City.
3. Section 8.3.2 – Urban Lot Consolidation and Staged Incremental Development sets the following Strategic Objective:

*“Support the consolidation of serviced urban areas and facilitate staged fully-serviced incremental-development nodes”.*

The ALPS states that it *“supports incrementally-staged urban expansion based on comprehensive precinct and structure planning. The progressive development of the Future Urban areas has been classified into five Development Priority stages. The extent to which Future Urban areas are developed within the lifetime of the ALPS will be determined largely by population growth, employment opportunities, availability of infrastructure to service growth and the ability of the development and housing industry to satisfy market demand.*

*Priority 3 areas are logical extensions of the Priority 2 locations and/or existing urban areas and include parts of McKail, Gledhow, Warrenup, Walmsley and Big Grove. Priority 3 areas are expected to be rezoned with local structure planning undertaken in the near future. These areas are capable of producing lots within the medium-term.”*
4. The proposal will facilitate a coordinated approach to the subdivision and development of the subject land, which has been identified within the ALPS as a Priority 3 development area.

5. Section 8.3.3 – Urban Infill sets the following Strategic Objective:

*“Support urban infill development based on compatibility of land uses and infrastructure capacity”.*

The ALPS expands on this by stating that *“urban infill development complements the urban-consolidation strategy and aims to maximise the use of existing residential and other types of land no longer economically viable.*

*It is also expected that the Albany City Centre and urban neighbourhood centres will support new medium-density (R30 to R60) residential developments. Development will occur initially on small parcels of vacant land or as redevelopments of older housing. The increased residential densities will cater for smaller households, such as accommodation for seniors.*

*Some key issues associated with urban infill are land-use compatibility, availability and the capacity of existing services – particularly sewers and drainage – to facilitate development. Other infill factors to be addressed include existing lot sizes, achieving quality design, provision of enough of public open space, security and transport access. The key to successful infill is establishment of the most appropriate implementation mechanisms for specific developments, which can be statutory or non-statutory. In the past, rigid guided development schemes in Albany’s urban area have not been successful because they have been responsible for slow rate of development and uptake.”*

6. The proposal is considered to be consistent with these principles and objectives.

**In Brief:**

- Consider whether to finally adopt the draft Outline Development Plan for Lots 2, 7, 8, 9, 11, 12, 13, 14, 15 and 16 South Coast Highway, Lots 1, 2, 26, 27, 55, 56, 85, 86 and 87 Balston Road, Lot 25 Cuming Road, Lots 10 (No. 4), 10 (No. 10), 19, 20, 21 and 23 Moortown Road, Lots 3, 4 and 5 Middle Street and Lots 17 and 18 Sydney Street, Gledhow
- The proposal aims to facilitate a coordinated approach to the subdivision and development of the subject land.
- A number of matters have been raised by the Department of Planning, the Department of Environment and Conservation (now Department of Parks and Wildlife) and Main Roads WA through the Government consultation process.
- Staff recommend modifications to the documents to address these matters.
- Some concerns and questions have also been raised by affected landowners through the public consultation process.
- Staff have addressed these matters to allay concerns and answer questions.
- The draft Outline Development Plan is consistent with contemporary planning principles and the strategic direction for settlement growth, as set by the *Albany Local Planning Strategy*.
- Staff recommend that Council finally adopts the draft Outline Development Plan, subject to modification.

**RECOMMENDATION**

**PD008:AMENDED RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR CALLEJA**

**THAT Council:**

1. **Endorses the modification of the recommended subdivision and development provision contained in Attachment PD008\_aa\_Sept13 from:**

**“Lots which do not have access to reticulated water and sewer may be considered for subdivision where only the cartilage of an existing dwelling is subdivided from the balance of the lot. Proposed subdivision must not compromise the road and lot layout of the Outline Development Plan (ODP) and the existing dwelling must have access to sufficient potable water. A restrictive covenant will be required to be placed on the title of the balance lot prohibiting construction or placement of a single house until it can be fully serviced. Both lots will require a restrictive covenant prohibiting any further subdivision until access to reticulated water and sewer is available.”**

**To:**

**“Lots which do not have access to reticulated water and sewer may be considered for subdivision where only one additional lot is to be created. The proposed subdivision must not compromise the road and lot layout of the Outline Development Plan (ODP) and both the existing dwelling and any new dwelling must have access to sufficient potable water and the land must be capable of supporting the necessary private effluent disposal systems, in accordance with the relevant Health Regulations and Draft Country Sewerage Policy. Both lots will require a restrictive covenant prohibiting any further subdivision until access to reticulated water and sewerage is available.**

**And authorises staff to make the necessary modifications to the provision;**

**AND**

2. **Finally adopts the draft Outline Development Plan for East Gledhow, subject to the modifications contained in Attachment PD008\_aa\_Sept13, incorporating the amendment described in Part 1 above.**

**CARRIED 10-0**

PD008: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR GREGSON

THAT the Responsible Officer Recommendation is ADOPTED.

CARRIED 6-0

PD008: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council finally adopts the draft Outline Development Plan for East Gledhow, subject to the modifications contained in Attachment PD008\_aa\_Sept13 (Page 58).

## BACKGROUND

7. The subject land lies primarily to the south side of South Coast Highway, extending from Balston Road to the east to Lot 5 Middle Street to the west. It extends to Cuming Road in the south, encompassing the majority of the land between Balston Road to the east and Moortown Road to the west, and includes Lots 10-23 Moortown Road and 17 and 18 Sydney Street. However, Lots 8 and 9 Moortown Road are **not** covered by the proposal.
8. The 31 lots covered by the proposal range in size from 1204m<sup>2</sup> to 4ha, with the smaller lots primarily located along South Coast Highway. Overall, a land area of approximately 45.4ha is included in the proposal. All lots have been developed with residences and associated outbuildings, with the exception of Lot 10 Moortown Road.
9. All the lots are in private ownership, with the exception of Lot 10 (No. 10) Moortown Road, which is Vacant Crown Land. This land parcel has not been identified for development at this stage. However, should development of the land be sought in future, this can be assessed by way of a separate Local Development Plan.
10. The majority of the subject land has been cleared to some extent, with the exception of Lot 10 Moortown Road and Lots 26 and 27 Balston Road, which are covered by significant amounts of remnant native vegetation. The *Land Capability and Geotechnical Assessment* recommends that a spring survey be undertaken to establish the quality of the remnant vegetation and to identify any priority species.

11. The topography is generally level or gently sloping over most of the subject land to the north, reaching a high point of 55m AHD, where a ridge runs across Lot 23 Moortown Road and Lot 27 Balston Road, before dropping off steeply (approximately a 1:8 slope) to a low point of 20m AHD at Cuming Road.
12. In terms of surrounding land uses, a 'Residential' zoning covers the land adjacent to the eastern and northern extents of the subject land. The land to the west is predominantly zoned 'Rural', with the exception of a small 'Special Residential' zoned development, a lot that is designated as a 'Public Purposes' reserve and two heavily vegetated lots which are designated as 'Parks and Recreation' reserves. To the south of Cuming Road, the land is zoned for 'Light Industry', but is currently undeveloped.
13. In August 2010, a Scheme Amendment (No. 296) to rezone Lots 2, 7, 8, 9, 11, 12, 13, 14, 15 and 16 South Coast Highway, Lots 1, 2, 26, 27, 55, 56, 85, 86 and 87 Balston Road, 25 Cuming Road, Lots 10 (No. 4), 10 (No. 10), 19, 20, 21 and 23 Moortown Road, Lots 3, 4 and 5 Middle Street and Lots 17 and 18 Sydney Street, Gledhow from the 'Rural' zone and the 'Public Purposes' Local Scheme Reserve to the 'Residential Development' zone was supported by Council. The proposal was subsequently granted final approval by the Minister for Planning and Gazetted in May 2011.
14. A draft Outline Development Plan was then prepared in two separate precincts, in accordance with Clause 5.5 of Town Planning Scheme No. 3, to facilitate the subdivision and development of the subject land. Council adopted the draft plan for the purposes of public advertising at its ordinary meeting on 19 March 2013.
15. Council is now requested to consider submissions received during the public advertising period and determine whether to finally adopt the draft Outline Development Plan.

## DISCUSSION

16. The *Albany Local Planning Strategy (ALPS)* identifies the subject land as part of a Future Urban Priority Development 3 Area, which indicates that it is of medium-term strategic importance.
17. The draft Outline Development Plan will facilitate the subdivision and development of the subject lots to a full urban standard, with R20 and R30 residential lots and associated public open space. A location for a potential local centre has also been identified at the north-eastern corner of the site.
18. The Department of Planning, Department of Environment and Conservation (now Department of Parks and Wildlife) and Main Roads WA have highlighted some areas in which the draft plan is deficient. These matters can be addressed by way of modifications to the plan and are addressed in detail in Attachment PD008\_aa\_Sept13.
19. Overall, the draft Outline Development Plan is consistent with contemporary planning principles and State policies that deal with growth and development.

## GOVERNMENT & PUBLIC CONSULTATION

20. The draft Precinct Plan was referred to Department of Planning, WA Gas Networks, Telstra, Water Corporation, Western Power, Department of Water, Department of Environment and Conservation (now Department of Parks and Wildlife), Department of Education and Main Roads WA for assessment and comment. Responses were received from Department of Planning, Telstra, Western Power, Department of Water, Department of Environment and Conservation, Department of Education and Main Roads WA. The content of these submissions is summarised in Attachment PD008\_aa\_Sept13 with staff providing responses to the matters raised.
21. The draft Outline Development Plan was advertised in accordance with Clause 6.9.2 of Town Planning Scheme (TPS) No. 3 (see paragraph 24 below), between 4 April 2013 and 2 May 2013 for public comment.
22. Three submissions from members of the public were received during the public consultation period. The content of these submissions is summarised in Attachment PD008\_aa\_Sept13, with staff providing responses to the matters raised.

## STATUTORY IMPLICATIONS

23. Clauses 5.5.1 to 5.5.3 of TPS No. 3 set out the processes to develop an Outline Development Plan to facilitate the subdivision and development of land within Development Zones.

*“5.5.1 Before granting approval for any of these uses permitted within the Development Zones subject to Council approval under Table No. 1 or endorsing an application for subdivision the Council will require the submission to, and approval by, the Western Australian Planning Commission of an Outline Development Plan for such areas as are the subject of an application to develop or subdivide being not less than the area shown within the outer edge of the green border of the part of the scheme map containing the subject land, together with other areas determined by the Council having regard to:*

- (a) the major road systems under the Scheme;*
- (b) topographic conditions;*
- (c) land holdings adjacent to or in the vicinity of the subject land;*
- (d) the necessity of providing civic and public facilities;*
- (e) preservation of the environment.*

*5.5.2 Outline Development Plans shall be prepared for areas as described under clause 5.5.1 by either the owners of the land involved or by the Council and shall be submitted by the Council to the Western Australian Planning Commission.*

*5.5.3 Outline Development Plans shall show the principles under which it is proposed to develop or subdivide the land and as a minimum requirement shall show –*

- (a) the location and width of the distributor road system proposed;*
- (b) the approximate location and quantity of shopping, civic and public facilities proposed together with an analysis of the factors used in determination of such facilities;*



- (c) *the distribution of the recreational and open space areas proposed;*
  - (d) *the population and residential densities proposed;*
  - (e) *the physical condition of the land having regard to the need for deep sewerage and/or main drainage."*
24. Clauses 6.6.1 and 6.9.2(A) set out the process for the creation and adoption of a Town Planning Scheme Policy. An Outline Development Plan must be considered as a Town Planning Scheme Policy for purposes of advertising, referral and adoption by Council.
- "6.9.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the Control of Development.*
- 6.9.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:*
- (A) *The Council having prepared and having resolved to adopt the Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (not being less than 21 days) representations may be made to the Council."*

## POLICY IMPLICATIONS

25. There are no policy implications relating to this item.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Not adopting the draft Outline Development Plan will prevent the development of the land, as the requirements of Clause 5.5 of Town Planning Scheme No. 3 would not be fulfilled.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council.</i>
<i>Adopting the draft Outline Development Plan in its current form may fail to provide adequate control over the subdivision and development of some lots within the ODP area.</i>	<i>Almost certain</i>	<i>Moderate</i>	<i>High</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan and planning report.</i>
<i>Adopting the draft Outline Development Plan in its current form may fail to adequately protect</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan</i>

<i>remnant native vegetation and fauna species on Lots 10 (No. 10) and 19 Moortown Road and Lots 26 and 27 Balston Road from the effects of subdivision and development.</i>				<i>and planning report.</i>
<i>Adopting the draft Outline Development Plan in its current form may fail to provide adequate protection to homes bushfire risk attributed to remnant native vegetation on Lots 10 (No. 10) and 19 Moortown Road and Lots 26 and 27 Balston Road.</i>	<i>Possible</i>	<i>Severe</i>	<i>High</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan and planning report.</i>
<i>Adopting the draft Outline Development Plan in its current form may fail to provide adequate movement networks through the proposed development area.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan and planning report.</i>

## FINANCIAL IMPLICATIONS

27. Subdivision in accordance with this Outline Development Plan will have additional financial implications for the City of Albany. The cost of this development is unknown, as the detailed engineering design will be completed at the subdivision stage, but are likely to be significant. The financial costs to the City will necessarily include regular maintenance, and end of life renewal costs. The road and drainage infrastructure, as well as Public Open Space areas are provided by the developer at the time of subdivision and maintained by them for a fixed period of time. The initial maintenance when the infrastructure is new is generally minimal. However, after the initial period the ongoing maintenance and replacement responsibility is transferred to the City.

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

29. There are some areas of remnant native vegetation included in the ODP area and immediately adjacent. Taking the advice of the Department of Environment and Conservation (now the Department of Parks and Wildlife), it is recommended that the draft ODPs are modified to include notations requiring vegetation assessment in the form of a spring flora studies and bushfire management assessments for BAL setback to be undertaken and Local Development Plans to be prepared for these areas, prior to their development.

## ALTERNATE OPTIONS

30. Council has the following options:

- Finally adopt the draft Outline Development Plan, without modification;
- Finally adopt the draft Outline Development Plan, subject to modification; or
- Not to adopt the draft Outline Development Plan.

## SUMMARY CONCLUSION

31. The adoption of the draft Precinct Plan will be necessary to facilitate the subdivision and development of Lots 2, 7, 8, 9, 11, 12, 13, 14, 15 and 16 South Coast Highway, Lots 1, 2, 26, 27, 55, 56, 85, 86 and 87 Balston Road, Lot 25 Cuming Road, Lots 10 (No. 4), 10 (No. 10), 19, 20, 21 and 23 Moortown Road, Lots 3, 4 and 5 Middle Street and Lots 17 and 18 Sydney Street, Gledhow
32. Overall, the draft Outline Development Plan is consistent with contemporary planning principles and the strategic direction for settlement growth, as set by the Albany Local Planning Strategy.
33. recommend that Council finally adopts the draft Outline Development Plan, subject to modifications.

<b>Consulted References</b>	:	WA Planning Commission (WAPC) State Planning Policy (SPP's) <i>SPP1 &amp; SPP3</i> ; <i>Liveable Neighbourhoods</i> ; <i>Albany Local Planning Strategy</i> .
<b>File Number (Name of Ward)</b>	:	ODP015 (West Ward)
<b>Previous Reference</b>	:	Copy of OCM 17/08/2010 – Item 1.8 Copy of OCM 19/03/2013 – Item 2.6

**PD009: DEVELOPMENT APPLICATION: EDUCATION ESTABLISHMENT (WITHIN EXISTING HOUSE OF WORSHIP) AT 107–135 WRIGHT STREET, COLLINGWOOD PARK.**

<b>Land Description</b>	: 107–135 (Lot 697) Wright Street, Collingwood Park.
<b>Proponent</b>	: Christian Family Church (Troode Street Church
<b>Owner</b>	: Mr William & Mrs Joy White.
<b>Business Entity Name</b>	: Christian Family Church Inc. Reg No. A0823223J Alta-1
<b>Attachments</b>	: Site location plan at 1:10,000; Unconstructed Road Reserve Application details – site plan, elevations and covering letter; Letter of objection.
<b>Appendices</b>	: NIL
<b>Councillor Workstation</b>	: Provision for Access Deed.
<b>Responsible Officer(s)</b>	: Executive Director Planning & Development Services (D Putland).

**Responsible Officer's Signature:**

**STRATEGIC IMPLICATIONS**

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

**Key Theme:** 1. Smart, Prosperous & Growing

**Strategic Objective:** 1.1 To foster education, training and employment opportunities that support economic development.

2. This item relates to the following Strategic Objective of the Albany Local Planning Strategy (ALPS):

**Section 8.6.3 Community, Heritage and Cultural**

Establish and protect sustainable community facilities and services located within or near centres in the Albany town site urban area and rural settlements.

**In Brief:**

- The members of the Troode Street Church are seeking to re-use an existing building on the site to operate a care school. This would cater for year 11 & 12 students that have been unsuccessful in mainstream schooling.
- The school is requested for 11 students with 3 associated staff.
- The application has been advertised to surrounding residents with one objection received.
- It is due to the nature of this objection that the matter is referred to Council for determination.

**RECOMMENDATION**

**PD009: COMMITTEE RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA**

**SECONDED: COUNCILLOR DUFTY**

**THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Education Establishment at 107 – 135 (Lot 697) Wright Street, Collingwood Park subject to the following conditions:**

- 1) Prior to occupancy of the use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur and be maintained in accordance with the stamped approved plans**
- 2) Unless otherwise agreed in writing by the City of Albany, the number of students shall not exceed eleven (11) and the number of staff shall not exceed three (3).**
- 3) Prior to the occupancy of the use a hard and soft landscaping plan shall be submitted to and approved in writing by the City of Albany. Such landscaping plan shall indicate the areas intended for outdoor activity and physical education of the students and shall incorporate a landscaped buffer between such areas and adjoining residential properties.**
- 4) Any soft landscaping required to provide the buffer shall be planted in the first planting season prior to or following occupancy (whichever occurs first) and shall be maintained to the satisfaction of the City of Albany for a period of three years. Any plants, shrubs or trees that become damaged, diseased or die within that three year period shall be replaced in the next planting season.**
- 5) Prior to the occupancy of the use a floor plan of the internal set up for the building shall be submitted to and approved in writing by the City of Albany.**
- 6) Stormwater disposal plans and details shall be submitted for approval and constructed to the satisfaction of the City of Albany.**

***Advice relating to this condition:***

- Stormwater disposal is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines';***
- Soil capability testing will likely be required to determine if soakwell infiltration is the appropriate method of disposal for the site.***

- 7) A vehicular parking and access plan shall be submitted to and approved in writing by the City of Albany. The approved plan shall be implemented and constructed to the satisfaction of the City of Albany prior occupancy of the use.**

***Advice relating to this condition:***

- Car Parking and access is to be designed in accordance with the Australian Standard 2890;***
- The plan (and subsequent construction when approved) shall clearly indicate the intended use of all parking bays (e.g. disabled bay, loading bay etc), access areas, line marking, kerbing and sealing.***

- 8) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise.**
- 9) No signs shall be erected on the lot without the prior approval of the City of Albany.**

**CARRIED 10-0**

PD009: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR DUFTY

THAT the Responsible Officer Recommendation is ADOPTED.

CARRIED 6-0

PD009: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Education Establishment at 107 – 135 (Lot 697) Wright Street, Collingwood Park subject to the following conditions:

- 10) Prior to occupancy of the use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur and be maintained in accordance with the stamped approved plans
- 11) Unless otherwise agreed in writing by the City of Albany, the number of students shall not exceed eleven (11) and the number of staff shall not exceed three (3).
- 12) Prior to the occupancy of the use a hard and soft landscaping plan shall be submitted to and approved in writing by the City of Albany. Such landscaping plan shall indicate the areas intended for outdoor activity and physical education of the students and shall incorporate a landscaped buffer between such areas and adjoining residential properties.
- 13) Any soft landscaping required to provide the buffer shall be planted in the first planting season prior to or following occupancy (whichever occurs first) and shall be maintained to the satisfaction of the City of Albany for a period of three years. Any plants, shrubs or trees that become damaged, diseased or die within that three year period shall be replaced in the next planting season.
- 14) Prior to the occupancy of the use a floor plan of the internal set up for the building shall be submitted to and approved in writing by the City of Albany.
- 15) Stormwater disposal plans and details shall be submitted for approval and constructed to the satisfaction of the City of Albany.

*Advice relating to this condition:*

- *Stormwater disposal is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines';*
- *Soil capability testing will likely be required to determine if soakwell infiltration is the appropriate method of disposal for the site.*

- 16) A vehicular parking and access plan shall be submitted to and approved in writing by the City of Albany. The approved plan shall be implemented and constructed to the satisfaction of the City of Albany prior occupancy of the use.

*Advice relating to this condition:*

- *Car Parking and access is to be designed in accordance with the Australian Standard 2890;*
- *The plan (and subsequent construction when approved) shall clearly indicate the intended use of all parking bays (e.g. disabled bay, loading bay etc), access areas, line marking, kerbing and sealing.*

- 17) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise.
- 18) No signs shall be erected on the lot without the prior approval of the City of Albany.

## BACKGROUND

3. The subject site has frontage to the Wright Street road reserve along its southeast boundary. This section of Wright Street is unconstructed resulting in this lot being land locked with no means of access.
4. In 1983/4 the owners sought the consent of the Town of Albany for certain developments. The owners also owned the adjoining lot to the northeast fronting the same unconstructed section of Wright Street, but also having frontage and direct access to Troode Street. The Town of Albany resolved to give consent subject to the owners agreeing to the terms of a deed registered against both properties.
5. This deed provides a right of access to the subject site over the adjoining lot to the northeast. Such a right exists until such time as Wright Street is constructed or access becomes available via any other constructed road within the local road network. A plan attached to the deed stipulates where on the adjoining lot such access is to be provided.
6. It is within this provision for access stipulated in the deed that vehicular access is currently provided to the subject site.

## DISCUSSION

7. The subject site is approximately 2ha in area and is zoned 'Clubs & Institutions' under Town Planning Scheme 1A. The site is relatively flat and is predominantly cleared except for a strip of remnant vegetation along the southeast and southwest boundaries.
8. Over time a number of buildings have been constructed on the site relating to its establishment as a Place of Worship. These buildings are set back within the lot, away from the adjoining residential properties beyond the northwest boundary. Between the buildings and the residential properties there is a large expanse of hardstand area that is used for car parking.
9. The current application for a change of use to Education Establishment relates to the eastern most existing building that was approved as a shed in 2001. This existing building is a green Colorbond shed 15.2m long, 12.16m wide with an eaves height of 3.81m and a 10° pitch to the ridged roof.
10. The proponents have been made aware of the Building Code requirements for the change in classification of the building. Internal upgrades are necessary to bring the shed up to the required standard for the proposed use. As well as the existing shed the proponents intend to use an existing disabled toilet, located in close proximity, to provide the required facilities for the use.
11. The proponents have provided a covering letter detailing the intended operation as an Alta-1 campus. In brief, Alta-1 is an organisation that provides an alternative education initiative aimed at students who for one reason or another have been marginalised and/or rejected mainstream education. Alta-1 offers an alternative programme to help such disadvantaged individuals receive an education and assist in maximising their potential.
12. The proposed use would operate as a day school during the regular 9am to 3pm Monday to Friday school day during school term dates. The initial number of students would be eleven with three members of staff being one teacher; an assistant and a chaplain. There are currently no intentions to expand to other years or multiple groups of students. Any expansion of the operation would be subject to further application for planning consent.
13. While there is sufficient space available onsite for recreation areas and physical education, these areas have not been specified. This has been discussed with the proponents and they have indicated they would accept a condition of approval to provide a detailed site plan

showing such areas located away from adjoining residential properties. On such a plan they would also show areas to be landscaped to assist in providing a buffer.

14. In the zoning table of Town Planning Scheme 1A, an Education Establishment is a SA use in the Clubs & Institutions zone. SA uses require a 21 day public consultation period. The detail of the consultation undertaken is explained further in the relevant section of this report.
15. One letter of objection was received in response to the public consultation. This was a strong objection that raised the following concerns and issues:
  - Noise from the current use of the buildings – Generated from vehicles arriving and leaving as well as users of the facility and music. Noise/disturbance has resulted in sleep deprivation.
  - The access to the existing church is directly behind the back fences of properties in Ardross Crescent.
  - Heavy vehicles accessing the site cause the house to vibrate due to close proximity of the access road.
  - The noise of people and vehicles beyond the back fence upsets the dogs in the area at all hours.
  - If the proposal is approved the objector will take legal action for loss of property value and instigate a class action on behalf of residents for malfeasance and incompetence.
16. In response to the issue of property value, property values and the perceived impact of development on property values, is not a valid planning consideration.
17. It is considered that the traffic generated by this proposal will not be excessive and will be for limited duration at regular school opening and closing times during the school term. This is a proposed daytime use and will not be late at night, so will not cause disturbance to regular sleep patterns.
18. In regard to the location of the access road; this is in the location approved by the Town of Albany under the Deed arrangement. The City could seek to re-visit the terms of the Deed with the current owners of both sites, but a legal access is in place and the only other potential option would be for the City to construct Wright Street to provide direct road frontage to the subject lot.
19. The cost of constructing Wright Street would be substantial. It is considered by City staff that the proposed use is low key in terms of student numbers. Operation within a regular school day pattern is unlikely to impact significantly on local residents.
20. The proponents have stated there is a vetting/screening process before students can be enrolled at this proposed campus. In addition there are strong established rules governing behaviour. Although anti-social behaviour by students was not raised as an issue during the public consultation; measures in place to ensure this use will not pose any increased risk compared to any other small school type institution.
21. Overall, it is the opinion of City staff that the proposed use will not be detrimental to the amenity of the area and can be considered acceptable subject to general and specific conditions.



## GOVERNMENT & PUBLIC CONSULTATION

22. Consultation with State Government Departments was not required or undertaken.
23. Under the Town Planning Scheme requirements a 21 day public consultation was undertaken.
24. This public consultation commenced on Thursday 21 March, 2013, with an advertisement appearing in the public notice section of the Albany Advertiser. The City also wrote letters to 21 surrounding landowners and placed a site notice on the Troode Street road verge at the vehicular access entrance to the property. The public consultation period was open until close of business on Thursday 11 April, 2013.
25. One letter of objection was received in response to the consultation. A copy of this objection is attached to this report. In summary, the issues and concerns raised in the objection are:
  - Noise from the current use of the buildings – from vehicles arriving and leaving as well as users of the facility and music. This noise/disturbance has resulted in sleep deprivation.
  - The access to the existing church is directly behind the back fences of properties in Ardross Crescent.
  - Heavy vehicles accessing the site cause the house to vibrate due to close proximity of the access road.
  - The noise of people and vehicles beyond the back fence upsets the dogs in the area at all hours.
  - If the proposal is approved I will take legal action for loss of property value and instigate a class action on behalf of residents for malfeasance and incompetence.
26. The matters raised in the objection are discussed and addressed in the preceding discussion section above in this report.

## STATUTORY IMPLICATIONS

27. Section 73 (1) of the *Planning and Development Act 2005* states that ‘A local planning scheme is to – (b) specify the local government to be responsible for enforcing the observance of the scheme, and for the execution of any works which, under the scheme or this Act, are to be executed by a local government.
28. Clause 1.5 of the City of Albany Town Planning Scheme 1A specifies the Responsible Authority as ‘The Authority responsible for enforcing the observance of the Scheme is the Council of the Town of Albany (hereinafter called “the Council”). A note on the cover page of the Scheme states ‘On 1/7/98 Shire of Albany and Town of Albany was amalgamated to form “City of Albany”. Therefore, the City of Albany is responsible for the administration and observance of Town Planning Scheme 1A.
29. Clause 7.8A of the City of Albany Town Planning Scheme 1A specifies the Matters to be Considered by Council and states:

The Council in considering an application for planning consent is to have due regard to such of the following matters as are in the opinion of the Council relevant to the use or development the subject of the application:

- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;
  - (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
  - (i) the compatibility of a use or development with its setting;
  - (j) any social issues that have an effect on the amenity of the locality;
  - (n) the preservation of the amenity of the locality;
  - (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
  - (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
  - (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
  - (u) whether adequate provision has been made for access by disabled persons;
  - (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
  - (y) any relevant submission received on the application;
  - (za) potential impacts of noise, dust light, risk and other pollutants on surrounding land uses; and
  - (zb) any other planning consideration the Council considers relevant.
30. These relevant matters have been considered and addressed by staff in arriving at the recommendation.

## **POLICY IMPLICATIONS**

31. This matter has no direct planning policy implications.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Approving the proposed use could give rise to unacceptable detrimental impacts on the residential amenity of the area.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Proposed use is a daytime activity and suggested conditions should adequately mitigate the potential adverse impacts.</i>
<i>Approving the proposed use could give rise to a claim for compensation from adjoining landowners.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Any decision must be made on a sound basis with reasoned justification. Perceived impact on property values is not a planning consideration. Suggested conditions should adequately mitigate potential adverse impacts.</i>

## FINANCIAL IMPLICATIONS

33. All costs associated with the development will be borne by the proponent.
34. Should Council consider the objection related to proximity of the access requires further attention, the Council may wish to re-visit the terms of the Deed arrangement. However any requirement for an alternative access would be dependent on the City constructing Wright Street or an alternative and this would have substantial financial implications that have not been identified or forecast within the existing budget lines.

## LEGAL IMPLICATIONS

35. The Council may use its discretion to approve the proposal with or without conditions. This application is being assessed on its individual merits and will not set a general precedent for future development of this or any other site.
36. The proponent has the right to seek a review of the Council's decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

## ENVIRONMENTAL CONSIDERATIONS

37. The proposed development seeks to re-use an existing building on a developed lot. As such, there are no significant Environmental Considerations. However, if the proposal is supported, it is recommended that a landscaping plan for the site be provided and implemented.

### ALTERNATE OPTIONS

38. Council may determine that the proposed use is unacceptable and may resolve to refuse the application. A detailed reason for refusal would need to be provided as part of such a determination.
39. The proponent would be able to seek a review of Council's decision to refuse consent, and the City of Albany may be required to defend the reasons for refusal at a State Administrative Tribunal hearing.

### SUMMARY CONCLUSION

40. The application seeks the upgrade and re-use of an existing shed on the subject site for use as an alternative education initiative. The school is proposed for 11 students with three members of staff. The proponents have indicated a willingness to provide additional landscaping to act as a buffer to the surrounding residential properties to the northwest. Such a landscaping requirement can be secured through an appropriate condition on any approval granted.
41. The proposal has been advertised as required, with one objection received as the only response.
42. Much of the content of the objection is general in nature. It is considered by staff that the use during the regular school day and term times will not be significantly detrimental to the amenity of surrounding residential properties. The number of students is relatively small, reinforcing the view that its location in this context is acceptable.
43. Accordingly, City staff are of the opinion the proposal can be supported and recommend approval subject to conditions.

<b>Consulted References</b>	:	City of Albany Town Planning Scheme 1A.
<b>File Number (Name of Ward)</b>	:	A148537 (Breaksea Ward)
<b>Previous Reference</b>	:	Not Applicable

**PD010: DEVELOPMENT APPLICATION: INDUSTRY – RURAL AND SHOP (KANGAROO MEAT PROCESSING AND SALES) AT LOT 6, 795 LOWER DENMARK ROAD, CUTHBERT**

<b>Land Description</b>	: Lot 6, 795 Lower Denmark Road, Cuthbert
<b>Proponent</b>	: Mr J G Nicholas & Ms L J McLennan
<b>Owner</b>	: Mr J G Nicholas & Ms L J McLennan
<b>Business Entity Name</b>	: N/A
<b>Attachments</b>	: Location plan Application details – site plan, elevations and covering letter Summary of public submissions
<b>Appendices</b>	: Nil
<b>Councillor Workstation</b>	: Copy of submissions
<b>Responsible Officer(s)</b>	: Executive Director Planning & Development Services (D Putland).

<b>Responsible Officer's Signature:</b>	
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[7:05:28 PM](#) Councillor Calleja left the Chamber after declaring an Impartiality Interest in this item.

## STRATEGIC IMPLICATIONS

1. This item relates directly to the following element of the *Community Strategic Plan "Albany 2023"*:
  - a. **Key Theme:** 1. Smart, Prosperous & Growing
  - b. **Strategic Objective:** 1.1 To foster education, training and employment opportunities that support economic development.
2. Council's decision on the proposal should be consistent with the objectives of the *Albany Local Planning Strategy (ALPS)* as the principal land use planning strategy for the City.
3. Section 8.5.3 – Industry sets the following Strategic Objective:

*"Provide the necessary land and supporting infrastructure to maintain an adequate supply and range of serviced industrial land in appropriate locations."*

The ALPS expands on this by referring to a number of regionally important industrial sites, then states that *"other industrial land within Albany is constrained by the location of sites, environmental issues, accessibility, level of services and capacity to support a range of industrial activities."*

4. The proposal is for a small, isolated rural industry, rather than a significant industrial development. However, its location and environmental issues must be carefully considered. These matters are discussed in more detail in paragraphs 18 to 22 below.

**In Brief:**

- Planning Scheme Consent has been sought for the conversion of an existing small house and shed on the subject lot to a facility for the storage and processing of the carcasses of kangaroos culled in off-site locations and a shop for the sale of kangaroo meat pet food products.
- The proposed business will only employ the proponents.
- The application has been advertised for public comment and referred to surrounding residents.
- Eight objections to the proposal have been received.
- Due to the nature of these objections, the matter is being referred to Council for determination.
- Recommend that Council do not support the proposal, due to potentially harmful effects that it will have on the amenity of the locality.

**RECOMMENDATION**

**PD010: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY**  
**SECONDED: COUNCILLOR GREGSON**

**THAT Council resolves to issue a Notice of Planning Scheme REFUSAL for Industry – Rural and Shop (Kangaroo meat processing and sales) at Lot 6, 795 Lower Denmark Road, Cuthbert.**

**CARRIED 9-0**

PD010: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR GREGSON

THAT the Responsible Officer Recommendation is ADOPTED.

CARRIED 5-0

PD010: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to issue a Notice of Planning Scheme REFUSAL for Industry – Rural and Shop (Kangaroo meat processing and sales) at Lot 6, 795 Lower Denmark Road, Cuthbert.

## BACKGROUND

5. The subject land lies to the south side of Lower Denmark Road, approximately 10km west of Albany city centre, and has an area of approximately 2ha. The lot is flat and cleared, with large trees along the western boundary and parts of the southern boundary. There are also some lower trees and shrubs in the road reserve along the front boundary of the lot.
6. The existing Colorbond shed and attached carport are setback approximately 35m from the road alignment towards the middle of the lot. The Colorbond house and attendant water tank stand approximately 5m further to the south, behind the shed. Both structures are accessed from Lower Denmark Road via a gravel driveway to their east.
7. The lot is zoned 'Rural' under *City of Albany Town Planning Scheme No. 3* and is surrounded on its east, west and southern sides by 'Rural' zoned land. The road reserve and rail reserve lie immediately to the north and the land beyond is also zoned 'Rural'.
8. The lots to the east and west of the subject lot are approximately 2ha in area and each has been developed with a private dwelling and associated outbuilding. The lots to the south are larger, at 4ha, and are also developed with private dwellings and associated outbuildings.
9. The surrounding lots are used primarily for residential purposes, with some owners operating hobby farms or undertaking rural pursuits, such as the keeping of horses.
10. The proposal seeks to convert the existing house and shed on the subject lot to a facility for the storage and processing of the carcasses of kangaroos culled in off-site locations and a shop for the sale of kangaroo meat pet food products.
11. The proposal was advertised for public comment, in accordance with Clause 5.1.2.3 of *Town Planning Scheme No. 3*, between 4 July 2013 and 25 July 2013.
12. Council is now requested to consider submissions received during the public advertising period and determine whether to grant Planning Scheme Consent for the proposed business.

## DISCUSSION

13. As explained above, the proposal seeks to convert the existing house and shed on the subject lot to a facility for the storage and processing of the carcasses of kangaroos culled in off-site locations and a shop for the sale of kangaroo meat pet food products.
14. The proponents have provided an outline of how the business would operate, which is summarised as follows:
  - Shooting is conducted off-site, on properties where Mr Nicholas has permission to cull, commencing at around 5pm in the evening and returning at any time up until midnight, dependent on the location of the shoot. Shoots will take place only approximately once per week.
  - Carcasses are cleaned at the site of the shoot, with internal organs, offal, arms and legs removed and left in-situ. The bare carcasses are carried on the back of a ute fitted with the appropriate racks to Department of Environment and Conservation (now Department of Parks and Wildlife) standards.
  - The carcasses are immediately put into a cool room upon returning to the property and are processed into pet food as quickly as possible to minimise odour nuisance. All parts of the carcass are used in the production of pet food, with the exception of skins, which are immediately bagged and frozen. The skins are then taken fortnightly to a wholesaler

- in Perth. The cool room and processing area will be located in the converted house, which is located furthest from Lower Denmark Road.
- The business will only employ Mr Nicholas and Ms McLennan. Processing is undertaken mainly by hand and using a small mincing machine to minimise potential noise nuisance.
  - Wastewater from the processing operation will be discharged through a series of traps, designed to remove any meat or bone material, into a septic tank and leach drain.
  - The proposed shop will be located in the converted shed to the front of the property. A bituminised parking area will be provided and a one-way in/one-way out driveway arrangement. A disabled accessible car parking bay will be provided closest to the entrance to the shop and disabled accessible amenities will also be provided on-site.
  - A delivery service will also be offered to reduce the number of customers who travel to the property to make purchases.
  - Mr Nicholas has been shooting professionally for four years and has undertaken the appropriate courses pertaining to the industry, including the processing of meat for human consumption, which the applicants hope to expand into in the future.
  - At the time of lodging their application, Mr Nicholas and Ms McLennan had been operating in Narrogin for twelve months and had not received any complaints, including those relating to nuisance factors, such as dust, noise or odour.
15. The proposal was defined as an 'Industry – Rural' and 'Shop' for purposes of assessment, as it was considered that of the various land uses listed in *Town Planning Scheme No. 3*, this was the most appropriate description of the proposed use. Although this use is listed in *Town Planning Scheme No. 3*, no definition is provided. However, it is defined in the *Town Planning Regulations 1967 Appendix B Model Scheme Text* as "an industry handling, treating, processing or packing rural products."
16. A number of the submissions received from the public and a notice that was circulated to local residents by an unknown party during the public advertising period incorrectly describe the use as an 'Abattoir'. 'Abattoir' is not a use listed in the *City of Albany Town Planning Scheme No. 3* or *Town Planning Regulations 1967 Appendix B Model Scheme Text*. However, it is listed in a number of other Town Planning Schemes throughout the region and is typically defined, as in *Shire of Plantagenet Town Planning Scheme No. 3*, as "land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products." While this land use classification was considered, it was determined that it did not accurately describe the proposal, which is a small-scale processing operation and does not involve the holding of live animals, slaughter of live animals or handling and disposal of offal.
17. The land use classification of 'Industry – Rural' is listed in the Zoning Table within *Town Planning Scheme No. 3* as an 'A' use in the 'Rural' zone, meaning that it is a use that is not permitted unless approval is granted by the Council. The land use classification of 'Shop' is listed in the Zoning Table within *Town Planning Scheme No. 3* as an 'AA' use in the 'Rural' zone, meaning that it is a use that is not permitted unless planning consent to it is granted by the Council after notice has been given in accordance with Clause 5.1.2.3 (see paragraph 30 below).
18. Eight written submissions were received during the public consultation period. All objected to the proposal for reasons that are summarised in paragraph 26 below. Attachment PD010\_aa\_Sept13 provides a more detailed summary of the submissions, with staff providing responses to the matters raised. The proponents have also provided a written response to the submissions, which is included in the attachment.



19. While the proposed land uses are permissible in the 'Rural' zone and can be supported in principle, there are concerns over the suitability of the location based on the content of the submissions.
20. The exact scale and intensity of the proposal remains unknown, making it difficult to assess the impact of noise and disturbance caused by customers visiting the site and from late night deliveries. While these effects could be minimal, there is potential for a steady stream of customers visiting the site, which could generate sufficient demand to warrant more regular shoots. While the volume of animals processed could be restricted by a planning condition, the condition would be difficult to enforce and there is a risk that such a condition may be too punitive.
21. Many of the submissions relate to potential effects on amenity (the pleasant ambience and enjoyment – of their homes).that could result from the proposed business.
22. While the proposed business is intended to be small in scale, the *Environmental Protection Authority Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses* must be taken into account. This document refers to the separation of industries from sensitive land uses, including residential developments. In the case of 'food processing', the Guidelines recommend a generic 500m separation distance where the premises is processing meat products. This is attributed to potential nuisance from noise, dust and odour. The minimum recommended separation distance for other types of food processing is 200m.
23. In this instance it is not considered necessary to apply a 500m separation distance due to the scale of the proposed development. However, it is considered that at between approximately 70 and 135m to the nearest homes, the proposed business is too close to avoid - potentially avoid harming their amenity through noise and odour.
24. On balance, staff recommend refusal of the application.

## GOVERNMENT & PUBLIC CONSULTATION

25. Consultation with State Government Departments was not required or undertaken.
26. The proposal was advertised in accordance with Clause 5.1.2.3 of *Town Planning Scheme No. 3* (see paragraph 30 below) from 4 July 2013 to 25 July 2013. An advertisement was placed in the public notice section of the *Albany & Great Southern Weekender*. The City also wrote directly to eight surrounding landowners, seeking their comments, and placed a site notice on the road verge at the end of the driveway into the property.
27. Ten letters of objection were received in response to the consultation. The broad issues and concerns raised in the objections relate to:
  - General odour nuisance;
  - General noise nuisance;
  - Noise and disturbance caused by additional traffic and visiting customers;
  - Loss of privacy due to increased activity and visiting customers;
  - Noise and disturbance caused by the late night delivery and unloading of carcasses;
  - Distress caused to horses by the scent of blood;
  - Potential processing of other animals;
  - Sanitation;
  - Facility standards;

- Effluent disposal;
  - Contamination of groundwater;
  - Classification of the land use;
  - Scale of the proposed operation;
  - Compatibility of the proposed business with the character of the surrounding area;
  - Possibility of setting an unwanted precedent;
  - Potential for the proposed business to expand;
  - Employment;
  - Lack of consultation;
  - Road safety issues;
  - Competitive fairness; and
  - Decreased property values (both domestic and commercial).
28. The content of the submissions is summarised in more detail in Attachment PD010\_aa\_Sept13, with staff providing responses to the matters raised.

## STATUTORY IMPLICATIONS

29. Section 73 (1) of the *Planning and Development Act 2005* states that:

*“A local planning scheme is to –*

- (b) specify the local government to be responsible for enforcing the observance of the scheme, and for the execution of any works which, under the scheme or this Act, are to be executed by a local government.”*

30. Clause of *Town Planning Scheme No. 3* specifies the Responsible Authority as:

*“The responsible authority for carrying out the Scheme is the Council of the Shire of Albany (hereinafter referred to as the Council).”*

A note on the cover page of the Scheme states that:

*“On 1/7/98 Shire of Albany and Town of Albany was amalgamated to form “City of Albany”.”*

Therefore, the City of Albany is responsible for the administration and observance of *Town Planning Scheme No. 3*.

31. Clause 5.1.2.3 of *Town Planning Scheme No. 3* states that:

*“The Council shall in the case of an application for permission to carry on a use marked AA in the Zoning Table, cause:*

- (a) notice of the proposed development to be sent by post or delivered to the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of the application;*
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within 21 days from the publication thereof; and*

(c) *a sign displaying notice of the proposed development to be erected in a conspicuous location on the land for a period of 21 days from the date of publication of the notice referred to in paragraph (b) hereof.*"

32. Clause 5.1.2.4 of *Town Planning Scheme No. 3* states that:

*"Where notice is given in terms of clause 5.1.2.3, the Council shall, after the expiration of 21 days of publication of such a notice, consider the application together with any submissions which may be lodged in response to such notice, and decide whether to grant or refuse its planning consent, or to grant its planning consent subject to conditions."*

33. Clause 5.4 of *Town Planning Scheme No. 3* specifies the Matters to be Considered by Council and states that:

*"The Council in considering an application for planning consent is to have due regard to such of the following matters as are in the opinion of the Council relevant to the use or development the subject of the application:*

- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;*
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
- (i) the compatibility of a use or development with its setting;*
- (j) any social issues that have an effect on the amenity of the locality;*
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) whether adequate provision has been made for access by disabled persons;*
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (y) any relevant submission received on the application;*
- (za) potential impacts of noise, dust light, risk and other pollutants on surrounding land uses;  
and*
- (zb) any other planning consideration the Council considers relevant."*

34. These relevant matters have been considered and addressed by staff in arriving at the recommendation.

## POLICY IMPLICATIONS

35. There are no policy implications relating to this item.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Approving the proposed use could give rise to unacceptable detrimental impacts on the amenity of the area.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Mitigation entirely dependent on Council's determination.</i>
<i>Approving the proposed use could give rise to a third party appeal from adjoining landowners.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council's determination.</i>

## FINANCIAL IMPLICATIONS

37. All costs associated with the development will be borne by the proponent.
38. However, should the proponents be aggrieved by Council's decision or any attached conditions and seek a review of that decision or conditions through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

## LEGAL IMPLICATIONS

39. The Council is at liberty to use its discretion to approve the proposal with or without conditions; or to refuse the proposal. This application is being assessed on its individual merits and will not set a general precedent for future development of this or any other site.
40. The proponents have the right to seek a review of the Council's decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.
41. Due to its location within the administrative boundaries of Town Planning Scheme No. 3, any third party aggrieved by the Council's decision has the right to appeal that decision. If an appeal is lodged, the City of Albany may also be required to defend the decision at a State Administrative Tribunal hearing.

## ENVIRONMENTAL CONSIDERATIONS

42. A number of local residents have raised concerns over the septic tank discharge from the proposed development, both in terms of its content and the high water table in the area. If the application were to be approved, it is likely that significant upgrading or replacement of the existing effluent disposal system would be required, in order to avoid the discharge of nutrients to the groundwater.

43. It is also recommended that if Council determines to approve the application, a landscaping plan for the site should be required as a condition of approval to ensure that the development is adequately screened from surrounding properties.

#### ALTERNATE OPTIONS

44. Council may determine that the proposed use is acceptable and may resolve to approve the application. An alternative recommendation set of attendant conditions is provided below.
45. Council may determine that the proposed use is acceptable and may resolve to approve the application. Should this eventuate, staff would recommend:

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Industry – Rural and Shop (Kangaroo meat processing and sales) at Lot 6, 795 Lower Denmark Road, Cuthbert, subject to the following conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans dated XX/XX/2013.
2. The unloading of kangaroo carcasses shall occur entirely under cover.
3. Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries.
4. A landscaping plan detailing the size, species and location of trees/shrubs shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.

*Advice:*

- *The area marked in red and notated on the approved plan shall be screened from view from the surrounding lots and adjacent road by the use of suitable trees and shrubs.*
- *The following plant species shall not be used:*

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

*A schedule of recommended plant species is attached.*

5. All landscaped areas shall be maintained as per the approved landscaping plan(s) to the satisfaction of the City of Albany.
6. Stormwater from the lot shall be managed to the satisfaction of the City of Albany.
7. A vehicular parking and access plan shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.

*Advice:*

- *Car parking and access is to be designed in accordance with the Australian Standard 2890.*

- *The plan shall clearly indicate the intended use of all parking bays (e.g. disabled bay, loading bay, etc), access areas, line marking, kerbing and sealing.*

8. All vehicular parking and access areas shall be maintained as per the approved details and plans, to the satisfaction of the City of Albany.
9. The new crossover shall be constructed to the specifications, levels and satisfaction of the City of Albany.

*Advice:*

*A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. 97024 1/3 – 97024 3/3 (refer to the City of Albany's Subdivision and Development Guidelines).*

10. The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
11. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration or odour.
12. A plan indicating the location and type of refuse storage shall be submitted for approval by, and implemented to the satisfaction of, the City of Albany.

*Advice:*

*The refuse storage areas shall be capable of accommodating all waste produced by the development and shall be screened from public view.*

13. The City of Albany has recognised that the Cuthbert locality is an environmentally sensitive area that cannot reasonably be connected to a suitable reticulated sewerage service. The locality therefore requires appropriate consideration to the minimisation of nutrient inflow and contaminants to the identified sensitive areas. The on-site disposal system shall be designed for long-term usage and for processing solid and liquid waste in accordance with the requirements, and to the satisfaction, of the City of Albany's Health Department.

*Advice:*

*A site-specific land capability assessment may be required in order to satisfy this condition. Please contact XXXX (Health Officer) on 9841 9XXX for further advice on this matter.*

14. Temporary privacy screens (e.g. straw bales) shall be installed and maintained to the satisfaction of the City of Albany until screening vegetation has adequately matured.
15. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.

*Advice:*

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

16. Any advertisement or sign shall be maintained in good repair to the satisfaction of the

City of Albany.

17. There shall be no more than two deliveries of kangaroo carcasses to the property per week.
18. Processing shall only be undertaken between the hours of 8am to 5pm Monday to Friday.
19. Trading shall only be undertaken between the hours of 9am to 6pm Monday to Saturday.

#### SUMMARY CONCLUSION

46. The proposal seeks to convert the existing house and shed on the subject lot to a facility for the storage and processing of the carcasses of kangaroos culled in off-site locations and a shop for the sale of kangaroo meat pet food products.
47. The proposal has been advertised as required, with eight objections received during the advertising period.
48. Although the land use may be permissible in the 'Rural' zone, in principle, it is considered that in this instance there is a high likelihood of the proposed business having a harmful effect on the amenity of the locality.
49. On balance, staff recommend refusal of the application.

<b>Consulted References</b>	:	<i>City of Albany Town Planning Scheme No. 3; Environmental Protection Authority Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses.</i>
<b>File Number (Name of Ward)</b>	:	A215293 (West Ward)
<b>Previous Reference</b>	:	Not Applicable

[7:08:35 PM](#) Councillor Calleja returned to the Chamber. Councillor Calleja did not participate in the discussion or vote for this item.

**XIV. MOTIONS WITH NOTICE:**

Nil.

**XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING:**

Nil.

**XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING:**

Item 16.1: Proposed GM Canola Trial-Department of Health and Ageing

**16.1: PROPOSED GM CANOLA TRIAL – DEPARTMENT OF HEALTH AND AGEING**

- Proponent** : Department of Health and Ageing, Office of the Gene Technology Regulator (Licence Application from: Nuseed Pty Ltd).
- Attachments** :
  - Correspondence from the Department of Health and Ageing, Office of the Gene Technology Regulator (EF13109497)
  - Summary of the Risk Assessment and Risk Management Plan (Consultation Version) for Licence Application No. DIR 123
  - Questions and Answers on licence application DIR 123 – field trial of genetically modified (GM) canola.
  - Correspondence from Office of the Premier (ICR8083183) dated 16 June 2009.
- Responsible Officer(s):** : Chief Executive Officer (G Foster)

<b>Responsible Officer's Signature:</b>	
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**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:** 5. Civic Leadership
  - b. **Strategic Objective:** 5.3. To engage effectively with our community.
  - c. **Strategic Initiatives:**
    - 5.3.2. Increased interaction between councillors and the community.
    - 5.3.3. Increased interaction between city officers and the community.
1. In Brief:
  - Receive the request from the State government and determine course of action.



## RECOMMENDATION

### ITEM 16.1: RESOLUTION

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR BOWLES**

**SECONDED: COUNCILLOR CALLEJA**

**THAT Report Item 16.1: Proposed GM Canola Trial-Department of Health and Ageing, be ACCEPTED as an URGENT Item.**

**CARRIED 10-0  
ABSOLUTE MAJORITY**

### Officer's Reason (Chief Executive Officer):

Responses to the proposal for the proposed GM Canola trial must be received by Office of the Gene Technology Regulator (OGTR) no later than 16 October 2013. Therefore, this matter cannot be held over until the October 2013 Ordinary Council Meeting.

### ITEM 16.1: RESPONSIBLE OFFICER RECOMMENDATION

**VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- (1) NOTE the correspondence from the Department of Health and Ageing in regards to the GM Canola Trial.
- (2) AGREE to facilitate and fund the provision of additional local public notices in newspapers circulating throughout the district.

### ITEM 16.1: MOTION BY COUNCILLOR BOWLES

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BOWLES**

**SECONDED: COUNCILLOR CALLEJA**

THAT Council:

- (1) NOTE the correspondence from the Department of Health and Ageing in regards to the GM Canola Trial.
- (2) AGREE to facilitate and fund the provision of additional local public notices in newspapers circulating throughout the district. This provision of additional notification by the City of Albany supports our residents need to be appropriately informed and allows the opportunity to comment.
- (3) That all enquiries be directed to the Office of Gene Technology Regulator as the appropriate authority.

**CARRIED 8-2**

### Record of Vote

Against the Motion: Councillors Hammond and Gregson

## BACKGROUND

2. On 4 September 2013, the Department of Health and Ageing, Office of the Gene Technology Regulator, advised the City of Albany:

*“On 24 June 2013, the Office of the Gene Technology Regulator, issued a notification that the City of Albany has been proposed as a place where a trial site may be located for the proposed “limited and controlled release” of canola genetically modified (GM) for altered oil content.”*

3. Trials have been conducted previously in the south Stirling area of the City of Albany even though Council resolved on 21 April 2009 (carried 6 votes to 5), prompted by a tabled petition from Ms Diane Evers on behalf of concerned community members:

*THAT Council write to Hon Colin Barnett MLA, Premier of Western Australia to request the State Government use its powers to declare that no Genetically Modified (GM) crops be allowed to be grown within the City of Albany for the next 5 years.*

*Record of Vote:*

*For the Motion: Mayor Evans, Councillors Price, Torr, Paver, Stanton and Wolfe.*

*Against the Motion: Councillors Kidman, Matla, Dufty, Bostock and Walker*

4. The Premier, Honourable Colin Barnett, MLA acknowledged the Council's resolution on 16 June 2009 (Attached), however stated:

*“I fully support the initiative by the Minister for Agriculture and Food, Terry Redman, in facilitating a limited commercial-scale trial of GM canola. While recognising that there is a wide range of opinions about GM crops across the State, I believe the risks of not evaluating such technologies outweigh those of moving cautiously forward – as is the case with this particular program.*

*I also support the Minister's statements and position in regards to accommodating the view of local government authorities. While this is ultimately a matter on which State, rather than local, governments must decide...”*

## DISCUSSION

5. Comments are now being sought on the consultation version of the Risk Assessment and Risk Management Plan (RARMP) that has been prepared by the Office of the Gene Technology Regulator (OGTR).
6. There are arguments for and against the trial of GM Crops, however it is considered appropriate to facilitate community engagement through formal Council review.
7. Historically City of Albany staff have not provided comment on cropping issues as they do not have specialist scientific knowledge available, which is also acknowledged by the OGTR.
8. Council may consider it appropriate to re-affirm or alter its previous resolution it is recommended that the following issues should be considered during the debate:

- a. Should Council express a position on the growing of a crop on a land parcel within the municipality and if so, what level of intervention is considered appropriate?
  - b. Will a decision on this issue have broader ramifications to the farming community, the Albany Port and the community?
9. It is considered essential that the above answers reflect the view of the Council and not an individual elected member or officer.

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

10. At the time of writing this report, no formal or broader public consultation has been conducted by City of Albany staff.
11. **Consultation on the Risk Assessment and Risk Management Plan.** Section 52 of the *Gene Technology Act 2000* (the Act) and equivalent provisions in corresponding State legislation sets out the requirements for the consultation process in relation to finalising the RARMP, which then forms the basis of the Regulator's decision on whether or not to issue a licence.
12. **Public Consultation.** As required by section 52(1) of the Act, public notification and an invitation for written submissions on the RARMP for this application has been undertaken by the State. It is noted that advertising has included the following newspapers, The Land (NSW based publication), The Weekly Times (Victorian based publication); Farm Weekly (National Publication); The Australian; Australian Government Gazette; and published on the OGTR website.
13. If Council or members of the public have any further questions they are encourage to contact the OGRT by email: to [ogtr@health.gov.au](mailto:ogtr@health.gov.au) or by phone on 1800 181 030.

#### **STATUTORY IMPLICATIONS**

14. The Act specifies a minimum consultation period and public notice requirement which has been met.
15. However, it should be noted that if the OGTR does not receive a written comment before the close of submission date (**16 October 2013**), regulation 8(3) of the *Gene Technology Regulations 2001* requires the Regulator to proceed without regards to that advice.

#### **POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Lack of community engagement</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Community consultation is conducted by the State government as part of legislative review process and will be complimented by the City’s funding of additional public notice through newspapers circulating throughout the district.</i>
<i>Loss of GM Free Status to agricultural producers, resulting from spills. Potential economic impact on biodynamic and organic produce status in the region. .</i>	<i>Possible</i>	<i>Significant</i>	<i>High</i>	<i>Regulator’s Risk Assessment and Risk Management Plan (RARMP).  Noting effectiveness of RARMP has not been critiqued.</i>

**FINANCIAL IMPLICATIONS**

18. The purpose of this report is to help facilitate community consultation, additional public notice provided on the City of Albany website and papers circulating within the district are estimated to cost no more than \$500.
19. The broader financial implications as a result of the trial of GM in the City of Albany have not been assessed.

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

21. The environmental effects of the limited and controlled release of canola genetically modified for altered oil content is unknown and has not been assessed or commented on.
22. It should be noted that the issues such as food safety and labelling, the use of agricultural chemicals and marketing and trade implications do not fall within the scope of the evaluations that the Regulator is required to conduct.

**ALTERNATE OPTIONS**

23. Nil.

## SUMMARY CONCLUSION

24. If the Committee considers it appropriate for Council to reaffirm Council's previous position on GM crops, the following recommendation to Council has been drafted for your consideration:

*THAT Council: REAFFIRMS Council's previous policy position in regards to GM Crops, being: The City of Albany request the State Government use its powers to declare that no Genetically Modified (GM) crops be allowed to be grown within the City of Albany for the next 5 years.*

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Gene Technology Act 2000</i></li><li>• <i>Gene Technology Regulations 2001</i></li><li>• ABC News Article by Jacob Kagi : <a href="http://www.abc.net.au/news/2013-05-29/farmers-push-for-gm-restrictive-act-to-be-repealed/4721430">http://www.abc.net.au/news/2013-05-29/farmers-push-for-gm-restrictive-act-to-be-repealed/4721430</a></li></ul>
<b>File Number (Name of Ward)</b>	:	(All Wards)
<b>Previous Reference</b>	:	OCM 21/04/2009 Item 16.1

**XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION:**

Nil.

**XVIII. ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING:**

Nil.

**XIX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC:**

Item CSF021: Albany Entertainment Centre-Management and Ownership  
Item CSF022: Valuation-Cull Road Subdivision

**19.0: MOTION**

**MOVED: COUNCILLOR BOWLES  
SECONDED: COUNCILLOR DOWLING**

**THAT the motion to go behind closed doors be PUT.**

**CARRIED 10-0**

**19.0: RESOLUTION**

**MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR CALLEJA**

**THAT the meeting go behind closed doors to discuss the following items:**

**CSF021: Albany Entertainment Centre-Management and Ownership  
CSF022: Valuation-Cull Road Subdivision**

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Bostock

**19.0: RESOLUTION**

**MOVED: COUNCILLOR BOWLES  
SECONDED: COUNCILLOR DOWLING**

**THAT the motion to go behind closed doors be PUT.**

**CARRIED 10-0**

[7:28:08 PM](#) Members of the media and public left the Chamber.

**19.0: RESOLUTION**

**MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR GREGSON**

**THAT Standing Orders- 5.7 Order of Call in Debate be SUSPENDED to allow discussion.**

**CARRIED 10-0**

**19.0: RESOLUTION**

**MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR BOWLES**

**THAT Standing Orders- 5.7 Order of Call in Debate be RESUMED.**

**CARRIED 10-0**

**19.0: RESOLUTION**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR BOWLES**

**THAT the Meeting come out from behind closed doors.**

**CARRIED 10-0**

Two members of the media returned to the Chamber.

**Details of the Resolutions of CSF021 and CSF022 are contained in the report items.**

**XX. NEXT ORDINARY MEETING DATE: 6.00pm 29 October 2013**

**XXI. RESUME STANDING ORDERS 3.1:**

**PROCEDURAL MOTION**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR DOWLING**

**THAT Standing Order 3.1 be RESUMED to stop recording of proceedings.**

**CARRIED 10-0**

**XXII. CLOSURE OF MEETING:**

[7:55:35 PM](#) There being no further business the Presiding Member declared the meeting closed.



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Dennis W Wellington  
**MAYOR**



**XXIII. STATUS REPORT ON DEFERRED ITEMS FROM PREVIOUS MEETINGS:**

<b>Meeting Date</b>	<b>Committee/ Report Item Number</b>	<b>Details/Status</b>
		<b>Nil</b>