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# AGENDA

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## **DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING**

**11 October 2017**

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.

## TERMS OF REFERENCE

(1) **Functions:** The Committee is responsible for:

Development Services:

The delivery of the “*Liveable Environmental Objectives*” contained in the City of Albany Strategic Plan:

- Advocate, plan and build connected, liveable communities.
- Create a community that supports people of all ages and backgrounds.
- Create vibrant neighbourhoods which are safe yet retain our local character and heritage.

Infrastructure Services:

The delivery of the “*Clean and Green Objectives*” contained in the City of Albany Strategic Plan:

- To protect and enhance our pristine natural environment.
- To promote environmental sustainability.
- To promote our region as clean and green.

(2) **It will achieve this by:**

- (a) Developing policies and strategies;
- (b) Establishing ways to measure progress;
- (c) Receiving progress reports;
- (d) Considering officer advice;
- (e) Debating topical issues;
- (f) Providing advice on effective ways to engage and report progress to the Community; and
- (g) Making recommendations to Council.

(3) **Membership:** Open to all elected members.

(4) **Meeting Schedule:** Monthly

(5) **Meeting Location:** Council Chambers

(6) **Executive Officers:** Executive Director Works & Services, Executive Director Development Services

(7) **Delegated Authority:** None

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**1. DECLARATION OF OPENING**

**2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

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

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

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

**3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE**

Mayor D Wellington

**Councillors:**

Member	P Terry
Member	J Shanahun ( <b>Chair</b> )
Member	S Smith
Member	A Goode JP
Member	A Moir
Member	R Sutton
Member	B Hollingworth
Member	J Price
Member	R Hammond
Member	C Dowling
Member	N Mulcahy
Member	G Stocks

**Staff:**

Chief Executive Officer	A Sharpe
Executive Director Development Services	P Camins
Executive Director Works and Services	M Thomson
Meeting Secretary	A Paulley

**Apologies:**

**4. DISCLOSURES OF INTEREST**

<b>Name</b>	<b>Committee/Report Item Number</b>	<b>Nature of Interest</b>

**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**6. PUBLIC QUESTION TIME**

**7. PETITIONS AND DEPUTATIONS**

**8. CONFIRMATION OF MINUTES**

**DRAFT MOTION**

**THAT the minutes of the Development and Infrastructure Services Committee meeting held on 13 September 2017, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**9. PRESENTATIONS**

DIS041 - NELSON STREET & BATHURST STREET LOCAL AREA TRAFFIC  
MANAGEMENT – Executive Director Infrastructure and Environment (M Thomson)

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

**DIS049: CONSIDERATION OF ADOPTION OF LOCAL PLANNING  
SCHEME AMENDMENT NO.29 – CITY OF ALBANY.**

<b>Land Description</b>	:	<ul style="list-style-type: none"><li>• City of Albany</li><li>• Lot 5 #437 Chester Pass Road, Warrenup WA 6330</li><li>• Lot 21 #312 Albany Highway, Centennial Park WA 6330</li><li>• Lot 304 # 63 Pioneer Road, Centennial Park WA 6330</li><li>• Lot 250 #255 Lancaster Road, McKail WA 6330</li><li>• Lots 871, 410, 411, 868 and 869 Chester Pass Road, Milpara WA 6330.</li><li>• Lot 26 #71 Shell Bay Road, Lower King WA 6330</li><li>• Lot 6906 # 11-13 Nind Street, Spencer Park WA 6330 (Reserve 26860)</li><li>• Lot 350 # 11 Shelley Beach Road, Kronkup WA 6330</li><li>• Nullaki Conservation Zone</li></ul>
<b>Proponent</b>	:	City of Albany
<b>Owners</b>	:	See attached
<b>Business Entity Name</b>	:	Nil
<b>Attachments</b>	:	Local Planning Scheme Amendment No. 29 Schedule of Amendments
<b>Report Prepared by</b>	:	Senior Planning Officer – Strategic Planning (A Nicoll)
<b>Responsible Officer</b>	:	Executive Director Development Services (P Camins)

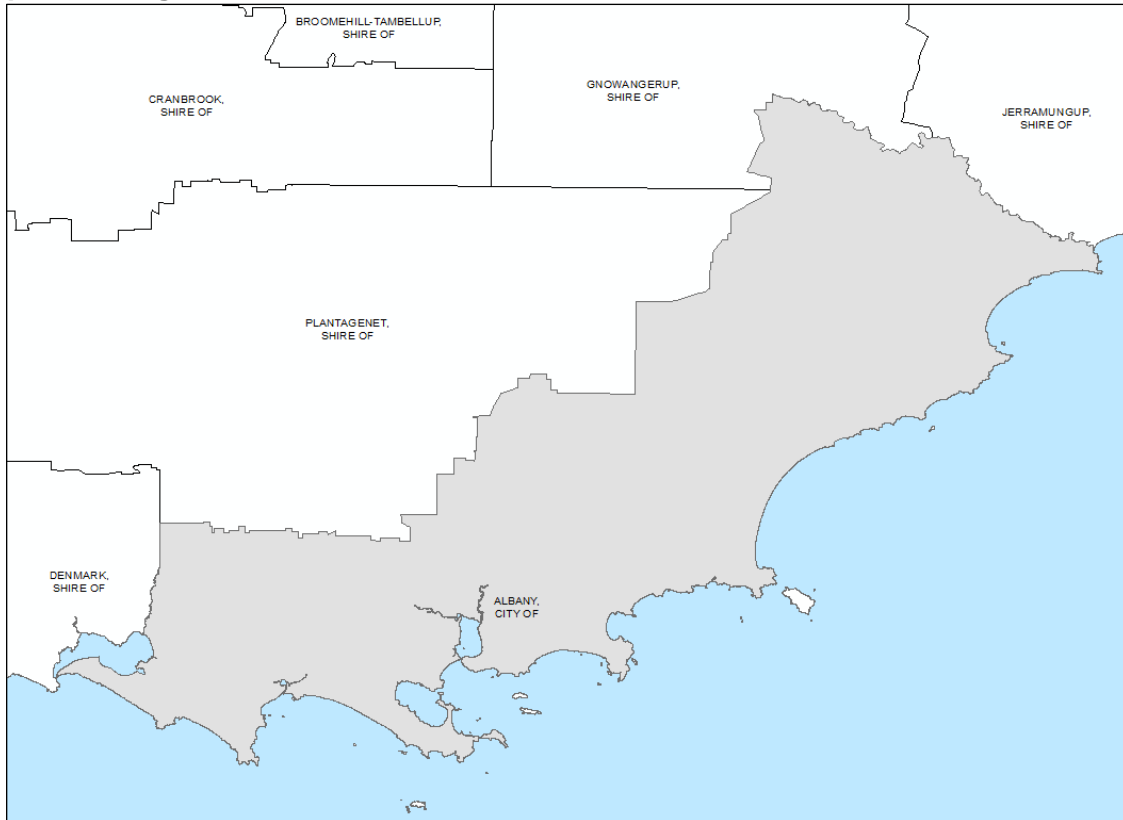
**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

**In Brief:**

- Amendment No.29 is an omnibus amendment which has been prepared to introduce the following into City of Albany *Local Planning Scheme No. 1*;
  - Consistency with 'model' and 'deemed' provisions defined in the *Local Planning (Local Planning Schemes) Regulations 2015*; and
  - Resolve minor text and mapping errors, which occurred as part of a major scheme review undertaken in 2014.
  - Change the permissibility's in the zoning table for various use and development classes to improve the operation of the scheme.
- All amendments within the omnibus are consistent with the strategic direction set in the *Albany Local Planning Strategy 2010*.
- Council is requested to adopt the amendment for the purpose of advertising.

**Maps and Diagrams:**



**RECOMMENDATION**

**DIS049: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. **PREPARE** Amendment No. 29 to amend City of Albany *Local Planning Scheme No. 1* by:
  - a) Removing provisions, terms and definitions from *Local Planning Scheme No.1* that are superseded by the 'Deemed' provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  - b) Introducing supplemental provisions to the 'Deemed' provisions;
  - c) Replacing and introducing new provisions consistent with the 'Model' provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  - d) Rezoning various land parcels not included in error at the time of gazettal of the scheme; and
  - e) Changing the permissibility's in the zoning table for various use and development classes.

**Note:** The amendment is a standard amendment in accordance with part (a), (b), (e) and (f) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

2. **ADVERTISE** the Amendment No. 29 in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.



## BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
5. The *Planning and Development (Local Planning Schemes) Regulations 2015* came into force on 25 August 2015, introducing the 'model' and 'deemed' provisions.
6. The 'model' provisions provide a template for local planning schemes. Local Governments are required to include the 'model' provisions within their local planning schemes.
7. The 'deemed' provisions are taken to be built into every local planning scheme in the State. To the extent that a Local Planning Scheme is inconsistent with the 'deemed' provisions, the 'deemed' provisions are taken to prevail. It is expected that local government planners prepare their Local Planning Scheme to align with the 'deemed' provisions, and remove the sections which are now superseded.
8. Since the scheme gazettal on 28 April 2014, various errors and anomalies have been documented. While many of these are simple typographical errors, some have more significant implications, such as zoning changes.
9. The proposed omnibus amendments include some modifications to permitted land uses especially where it is deemed that greater discretion or advertising is required.
10. Amendment No. 29 has been prepared as an omnibus to address the matters in respect to the 'model' and 'deemed' provisions in a single local planning scheme amendment.

## DISCUSSION

11. Amendment No.29 proposes to:
  - (a) Align the structure and content of the City's scheme with the 'model' provisions outlined in Schedule 1 of the *Local Planning (Local Planning Schemes) Regulations 2015*;
  - (b) Remove any duplication of the 'deemed' provisions outlined in Schedule 2 of the *Local Planning (Local Planning Schemes) Regulations 2015*;
  - (c) Include supplemental 'deemed' provisions within a 'Schedule A - Supplemental provisions to the 'deemed' provisions' within the scheme text;
  - (d) Rezone various land parcels not included in error at the time of gazettal of the scheme; and
  - (e) Change the permissibility's in the zoning table for various use and development classes.
12. Text based changes, including those relating to the model and deemed provisions, are discussed in detail in the attached table.
13. In respect to rezoning properties, Amendment No.29 proposes the following:
  - (a) Rezone Lot 5 Chester Pass Road, Warrenup from the General Agriculture zone to the Light Industry zone to correct a mapping error. Lot 5 was zoned Light Industry under former *Town Planning Scheme No. 3* and was rezoned to General Agriculture in *Local Planning Scheme No. 1* in error. As the lot is still occupied by a business and the zoning change has removed potential commercial development rights, it has been determined that the Light Industry zoning should be reinstated.

- (b) Rezone Lot 21 Albany Highway, Centennial Park from the 'Hotel/Motel' zone to the 'Highway Commercial' zone to correct a mapping error. Lot 21 was zoned Residential under former Town Planning Scheme No. 1A and was rezoned to Hotel/Motel in Local Planning Scheme No. 1 in error. As the lot is still occupied by an approved, non-conforming Veterinary Centre, the zoning change has impacted the potential for it to be developed. It has been determined that the Highway Commercial zone would be more suited to the existing development and approved use of the land as a Veterinary Centre.
  
- (c) Rezone Lot 304 Pioneer Road, Centennial Park from the Hotel/Motel zone to the Residential zone to correct a mapping error. Lot 304 was zoned Tourist Residential under former Town Planning Scheme No. 3 and was rezoned to Hotel/Motel in Local Planning Scheme No. 1 in error. As this change does not reflect the current use of the lot as an Aged Persons' Village and would preclude its planned expansion, it has been determined that the Residential zone would be the most appropriate zone.
  
- (d) Modify the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area boundary around the Timewell Road Wastewater Treatment Plant. The Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area boundary currently encompasses the residence on Lot 250 Lancaster Road McKail. This resulted from the Special Control Area boundary being modified in accordance with the recommendations of the Water Corporation during the review of the Albany Local Planning Scheme. The former owners of Lot 250 contacted the City of Albany with concerns about this situation and were referred to the Water Corporation as the responsible authority. After protracted discussions between the former owners and the Water Corporation, a meeting was organised between those parties, along with representatives from the City of Albany and a representative from the office of the Minister for Water. It was acknowledged by the Water Corporation that the inclusion of the residence on Lot 250 within the Special Control Area boundary was an 'unintended consequence' of the expansion of the Wastewater Treatment Plant Odour Buffer, in line with the recommendations of an odour modelling report prepared in March 2009. The Water Corporation advised that if the City was not opposed, it could realign the Special Control Area boundary to excise the residence on Lot 250.
  
- (e) Modify the Industrial Area IA3 boundary around the Milpara Light Industrial Estate, John Street and Morris Road Milpara to correct a mapping error and to correspond with the Scheme text. Industrial Area IA3 applies to Lots 870, 876 and 877 John Street and Lots 873, 874 and 875 Morris Road but not Lots 410, 411, 868, 869 and 871 Chester Pass Road, which have been included within the Industrial Area boundary in error.
  
- (f) Rezone a portion of Lot 26 Shell Bay Road, Lower King from the Parks and Recreation local scheme reserve to the Residential zone with the R5 residential density code to correct a mapping error. Lot 26 was zoned Rural under former Town Planning Scheme No. 3 and was rezoned to the Parks and Recreation local scheme reserve in Local Planning Scheme No. 1 in error.

- (g) Although much of the lot extends across a portion of the King River foreshore, including a large tidal wetland area, this zoning change did not reflect the fact that approximately 5800m<sup>2</sup> of the lot is developed with a single house, outbuilding and garden ground. On this basis, it has been determined that the developed portion of the lot should be rezoned to the Residential zone with the R5 residential density coding, which is consistent with the adjoining lots to the north.
  - (h) Rezone Lot 6906 Nind Street, Spencer Park from the Parks and Recreation local scheme reserve with an R80C residential density code to the Public Use: Community Purpose local scheme reserve with an R80C residential density code. Lot 6906 was zoned Private Clubs and Institutions under former Town Planning Scheme No. 1A and was rezoned to the Parks and Recreation local scheme reserve in Local Planning Scheme No. 1 in error. As Crown Land vested in the City of Albany for Community Purposes and currently used for a Community Purpose and as an Educational Establishment, it has been determined that the Public Use: Community Purpose local scheme reserve would be a more appropriate designation. The R80C density code is a result of the lot's inclusion within the Spencer Park Improvement Special Control Area and should be retained.
  - (i) Rezone Lot 350 Shelley Beach Road, Kronkup from the General Agriculture and Rural Residential zones to the Clubs and Institutions zone to correct a mapping error. Lot 350 was zoned Private Clubs and Institutions and Rural Residential under former Town Planning Scheme No. 3; however, the Private Clubs and Institutions zoned portion was rezoned to the General Agriculture zone in Local Planning Scheme No. 1 in error. As this change does not reflect the current use of the lot as an Educational Establishment and could preclude its future expansion, it has been determined that the Clubs and Institutions zone should be reinstated and expanded to encompass the entire lot.
14. The land use permissibility for 'Service Station' and a restriction on land uses within the CZ1 conservation zone has also been altered.
  15. The land use 'Service Station' is proposed to be reclassified as an "A" use in all the zones that the land use can currently be considered in. The change in classification means the land use is not permitted unless the City has granted approval. Previously, where the land use had a "P" designation, the City had very little grounds to require changes or refuse a proposal, even if the site was unsuitable.
  16. It is proposed to establish consistent provisions for land uses within the conservation zones. This is achieved through clarifying the land use intentions within the CZ1 conservation zone to be consistent with the other conservation zones within Local Planning Scheme No.1.

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

17. If a local government resolves under regulation 35(1) to prepare an amendment to a local planning scheme, the local government must advertise the amendment.
18. Section 81 of the Act requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.

19. Workshops have been conducted with the Department of Planning to ensure there is an in principle agreement with the amendment.

### STATUTORY IMPLICATIONS

20. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
21. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to prepare a standard scheme amendment for advertising and referral to relevant public authorities.
22. Voting requirement for this item is **SIMPLE MAJORITY**

### POLICY IMPLICATIONS

23. There are no policy implications relating to the proposed amendment.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Organisational Operations and Reputation</b> The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</p>	Possible	Minor	Medium	If not supported by the WAPC or Minister, the amendment and structure plan will not be progressed and the City will advise the proponent that they may submit a modified proposal.

### FINANCIAL IMPLICATIONS

25. There are no financial implications relating to the proposal to amend the *Local Planning Scheme No.1*.

### LEGAL IMPLICATIONS

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

### ENVIRONMENTAL CONSIDERATIONS

27. The referral of Amendment No.29 to the EPA will clarify if environmental implications apply.

### ALTERNATE OPTIONS

28. Council may consider alternate options in relation to this item, such as resolving:
- To prepare the amendment subject to modifications; and
  - Not to prepare the amendment.

**SUMMARY CONCLUSION**

29. Amendment No.29 proposes to.

- (a) Align the structure and content of the City’s scheme with the ‘model’ provisions outlined in Schedule 1 of the Local Planning (Local Planning Schemes) Regulations 2015;
- (b) Remove any duplication of the ‘deemed’ provisions outlined in Schedule 2 of the Local Planning (Local Planning Schemes) Regulations 2015;
- (c) Include any proposed supplemental ‘deemed’ provisions within a ‘Schedule A Supplemental provisions to the ‘deemed’ provisions’ and include this within the scheme text;
- (d) Rezone various land parcels not included in error at the time of gazettal of the scheme; and
- (e) Change the permissibility’s in the zoning table for various use and development classes.

30. It is recommended that Council initiate Local Planning Scheme Amendment No.29, as the proposal will improve the functionality of Local Planning Scheme No. 1, thereby ensuring consistent decision-making in line with current best practice.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>File Number (Name of Ward)</b>	:	City of Albany (All Wards)
<b>Previous Reference</b>	:	Not applicable

**DIS050: REQUEST FOR SUPPORT TO CHANGE ALFRESCO LIQUOR LICENCE CONDITIONS - 244-248 YORK ST, ALBANY (ALBANY HOTEL) AND POTENTIALLY OTHER PREMISES**

<b>Land Description</b>	: Lot 18 (244-248) York Street, Albany
<b>Proponent</b>	: N Walton, Albany Hotel
<b>Owner</b>	: City of Albany
<b>Attachments</b>	: Letter from proponent with supporting letters : Letter of no objection, Albany Police
<b>Report Prepared by</b>	: Manager Building, Health and Compliance (S Reitsema)
<b>Responsible Officer</b>	: Executive Director Development Services (P Camins)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. This item also relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme: 2.** Smart, Prosperous & Growing
  - **Objective: 2.1** To strengthen and grow our region's economic base.
  - **Community Priority: 2.1.1** Work with business and other stakeholders to attract investment, diversify the economy; create jobs and support small business growth.

**Maps and Diagrams:**



**In Brief:**

- Council is asked to reconsider a previous 2008 decision which restricts the Albany Hotel to only serve liquor with meals in the alfresco-dining area.
- The licensee has applied to the Department of Racing, Gaming and Liquor (DRGL) for a variation to their Liquor Licence conditions, allowing the service of liquor in the alfresco area without the requirement for it to be consumed with a meal.
- A 6 month trial period is proposed, effective from the date that the Department of Racing Gaming and Liquor issue the new Licence Conditions.
- Should no issues arise during the trial period, it is proposed that the approval carries on until such time as Council considers it appropriate to vary the condition. Confirmation of this will be reported to Council accordingly.
- It is considered appropriate to provide other businesses with a similar opportunity on a trial basis.

## RECOMMENDATION

### DIS050: RESPONSIBLE OFFICER RECOMMENDATION

- 1) **THAT Council APPROVES on a temporary (6 month) basis, effective from the date that the Department of Racing Gaming and Liquor issues the new Licence Conditions, allowing the Albany Hotel (244-248 York Street, Albany) to serve liquor in their alfresco area without a meal, consistent with the licence conditions for the balance of the premises.**

**Conditions:**

- (a) **Ongoing strict management of premises, particularly in regards to Responsible Service of Alcohol and patron behaviour in the alfresco area.**
  - (b) **Council approval may be withdrawn if either City of Albany or Police have sufficient reason.**
  - (c) **If no problems arise during the 6 month trial, then the approval will carry over on a permanent basis, subject to withdrawal if justified.**
- 2) **THAT Council agrees to approve 6 month trials of similar proposals of 'liquor without a meal' on other City of Albany owned alfresco areas, when requested by licensees, for referral to DRGL. Approval would be subject to assessment by staff to confirm no objections from Police and no history of significant compliance issues with the City of Albany. Any approval would be subject to the same conditions as item (1) of this recommendation.**

## BACKGROUND

3. The Licensee of the Albany Hotel has requested Council to support their application to the Department of Racing, Gaming and Liquor (DRGL) for a variation to their Liquor Licence conditions to allow the consumption of alcohol in the alfresco dining area without a meal.
4. In 1993, a conditional planning consent was issued by the Council, of the then Town of Albany, allowing the owner of the Albany Hotel to create an enclosed alfresco-dining area upon the York Street footpath.
5. The then owner of the Albany Hotel was also advised that approval was granted with the intention of allowing the consumption of alcohol only with meals in the alfresco dining area (which is in the road reserve) subject to annual review. A copy of this advice was passed on to the then Office of Racing and Gambling (ORG).
6. In May 2007, the Liquor Control Act 1988 (the Act) was amended to allow the consumption of alcohol in areas such as the Albany Hotel alfresco-dining area without a meal under certain conditions.
7. As the alfresco-dining area is located on a City of Albany controlled footpath and is approved and registered under the City of Albany's *Activities on thoroughfares and Public Places and Trading Local Law 2011*, the management of the Albany Hotel require City of Albany support to obtain a permit from the DRGL to allow the consumption of alcohol in the alfresco-dining area without a meal.
8. At the 17/06/2008 Ordinary Council Meeting, Council was requested to reconsider this position and the motion that "*Council reaffirms a previous decision for the Albany Hotel to serve liquor only with meals in the alfresco-dining area*" was carried 8-3.
9. Council is now requested to consider the most recent submission from the licensee to once again consider the request for the alfresco area conditions to be varied to allow for liquor without a meal.

## DISCUSSION

10. The premises in question has a long history of compliance with relevant Liquor Licensing and Public Health regulations and has not been subject to any considerable issues of anti-social behaviour or irresponsible service of alcohol.
11. A detailed letter from the proponent is attached outlining the request, along with supporting documentation about the operation of their premises and letters of support from neighbouring business owners.
12. Also attached is a copy of a letter from the Albany Police Station's Liquor Enforcement Supervisor, confirming that they have no objection to the proposal.
13. Responsible service of alcohol, as a requirement under the *Liquor Control Act 1988*, is one of the most crucial tools in providing consumers with safe, responsible venues that are committed to practicing harm-minimisation techniques.
14. There is demand from customers who wish to enjoy an alcoholic beverage without having to consume a meal. The licensee has indicated that this is particularly the case for cruise-ship tourists.
15. Any revised approval will be for the premises, not just the licensee, and will therefore roll-over to prospective operators in the future.
16. At any time Council may withdraw this approval and refer back to DRGL, who will in turn modify the licence conditions to require liquor only to be consumed with a meal in the alfresco area.
17. Other licenced premises who have an alfresco area which is also subject to the "liquor with a meal" condition may also be interested in applying to vary their conditions with DRGL.
18. Confirmation of no objection from Police and the history of compliance will be specific to each premises and will need to be assessed on a case by case basis.

## GOVERNMENT & PUBLIC CONSULTATION

19. Advice in regards to this proposal was sought from DRGL. It was confirmed that similar changes to licences have been approved for numerous comparable premises in both Metro and Regional Western Australia.

## STATUTORY IMPLICATIONS

20. The *Liquor Control Act 1988* impose mandatory training and management requirements on licensees, approved managers, supervisory staff, bar staff and crowd controllers in relation to the licensed premises and the responsible service of alcohol.
21. Voting requirement is a **Absolute Majority**.

## POLICY IMPLICATIONS

22. The City of Albany's Public Health Plan identifies a public health priority of reducing alcohol related harm and the need to address alcohol misuse in the community. It is considered that the consumption of alcohol in a licensed premises is sufficiently regulated and managed to mitigate any such risks. Licenced premises are subject to very strict licencing conditions and it is noted that discussions with the proponent confirm that the premises will not permit excessive consumption of alcohol, as per its Responsible Service of Alcohol requirements.



## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation</b> <i>Approval could result in anti-social behaviour from patrons consuming alcohol without meal in alfresco area.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Mitigation through enforcement of Responsible Service of Alcohol and possibility of approval being withdrawn if valid concerns.</i>

## FINANCIAL IMPLICATIONS

24. All costs associated with the development will be borne by the proponent.

## LEGAL IMPLICATIONS

25. Council is at liberty to use its discretion to approve or refuse the proposal.

26. Point (2) of the Responsible Officer's Recommendation requires **Absolute Majority**, as this is a delegation of power to the CEO.

## ENVIRONMENTAL CONSIDERATIONS

27. Refer to Policy Implications section of the report

## ALTERNATE OPTIONS

28. Council has the following alternate options in relation to this item, which are:

- To determine that the proposed use is unacceptable and to resolve to refuse the application; or
- To alter, amend, remove or add conditions to the approval to address potential impacts from the proposal.

## SUMMARY CONCLUSION

29. The proposal is considered to be consistent with what is currently in place in other Local Government Authorities. The liquor licence conditions imposed on the licensee by DRGL ensure the premises is operated safely and in accordance with relevant regulations.

30. It is therefore recommended that Council approve the proposal, subject to the conditions provided.

<b>Consulted References</b>	:	1. <i>Liquor Control Act 1988</i> 2. <i>City of Albany Activities on thoroughfares and Public Places and Trading Local Law 2011,</i>
<b>File Number (Name of Ward)</b>	:	A146763 (Fredrickstown Ward)
<b>Previous Reference</b>	:	OCM 17/06/08 Item 11.2.1

## **DIS051: PROPOSED COUNCIL POLICY - BEACH CLOSURE POLICY & PROCEDURE**

<b>Attachment</b>	: Beach Closure Policy & Procedures
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson)
<b>Responsible Officer</b>	: Executive Director Development Services (P Camins)

### **STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme: 1.** Leadership.
  - **Objective: 1.1** To establish and maintain accountable policy positions.
  - **Community Priority: 1.1.2** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

**Maps and Diagrams:** Detailed in attached Policy & Procedure: Beach Closure

#### **In Brief:**

- Adopt the Beach Closure Policy and associated procedure.

### **RECOMMENDATION**

#### **DIS051: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council ADOPT the proposed Beach Closure Policy & RECEIVE the associated PROCEDURE that guides the implementation of this policy.**

### **BACKGROUND**

2. The City of Albany is committed to providing a safe and welcoming place for residents and visitors.
3. The City has developed and approved an operational policy position.

### **DISCUSSION**

4. City Officers are seeking the endorsement of Council as it applies to beach areas under the care, control and management of the City of Albany (local government), excluding privately owned land and land in National Parks.
5. The purpose of this policy is to:
  - a. Provide direction for responding to shark attacks and shark sightings, as well as the broader approach to safety warnings and information provided to the public.
  - b. Guide the administration of the City of Albany Local Government Property Local Law 2011, under which a sign may be erected to regulate, prohibit or restrict specific activities on the beach or in the water and the giving of directions to swimmers to leave the water if a shark is suspected of being in the vicinity of the beach.
  - c. Provide a manageable response, while also giving the public the option of making an informed decision about personal safety with regards to entering the water after a confirmed shark sighting / attack.
6. The City's actions are guided by the following considerations:

- a. Warning the public and closing beaches is a strategy to reduce the likelihood of shark human encounters however complete protection from sharks can never be guaranteed.
- b. Sharks are very mobile and are capable of travelling large distances in a short period of time.
- c. Authorised Persons are to access credible information to inform response strategies – primarily from Water Police.

**Procedures:**

7. The attached procedure provides guidelines for beach closures in response to shark sightings and shark attacks at City of Albany managed beaches.

**Shark Response Criteria**

8. The City will mobilise Authorised Persons to respond to a confirmed shark sighting where it meets the following criteria:
  - a. **Tagged shark:** Two or more activations of receiver within one hour.
  - b. **Department of Fisheries Notification:** Confirmed sighting of a 3 metres or greater in length or 2 or more sharks 2-3 metres in length.
  - c. **Location:** Within 1km of shore of a category 1 beach, or within 500m of shore of a category 2 beach.

9. **Beach Categories**

**Category 1: Patrolled beaches.** These are limited to the following:

- o Middleton Beach (when patrolled by Surf Life Saving)
- o Ellen Cove (Swimming Enclosure).

**Category 2: Non-patrolled beaches.** These are located on the shores of King George Sound which are managed by the City of Albany. It excludes any beaches on land managed by the Department of Biodiversity, Conservation & Attractions. The following beaches are included:

- o Emu Point
- o Emu Beach
- o Whaler's Cove (Frenchman Bay)
- o Goode Beach

**Category 3: Not patrolled.** No amenities provided.

- o All other beaches within the City of Albany not identified as a category 1 or category 2 beach.

**GOVERNMENT & PUBLIC CONSULTATION**

10. Similar policies across the sector have been reviewed.

11. **Internal Consultation:**

- o Manager Ranger & Emergency Services & Associated Teams
- o Manager Governance and Risk & Executive Management Team
- o Manager Reserves & Associated Teams

**STATUTORY IMPLICATIONS**

12. The *Local Government Act 1995* (the Act), section 2.17(2) states in part, “*the council is to determine the local government's policies*”.
13. Local Government Property Local Law 2011, Part 5 – Matters Relating to Particular Local Government Property, Division 2 – Beaches, Clause 5.4 Powers of authorised persons or surf life saving club members.

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

**POLICY IMPLICATIONS**

15. There are no policy implications related to this item or existing policy positions.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i><b>Reputation:</b> As a formal policy position has not been established, there is a risk of misinformation in regards to the City's role in beach closures.</i>	Almost Certain	Moderate	High	<p><i>Public education/information made available, noting that action taken will be dependent on jurisdiction and available resources.</i></p> <p><i>This information also gives the public the option of making an informed decision about personal safety with regards to entering the water after a confirmed shark sighting / attack.</i></p>
<i><b>Opportunity:</b> Public education of City of Albany beach closure practice and enabling the public to make an informed decision about personal safety in regards to entering the water after a confirmed shark sighting / attack.</i>				

**FINANCIAL IMPLICATIONS**

17. The development of the associated procedure was influenced by current community safety resourcing levels, in particular: Beach Categories and Shark Response actions.

**LEGAL IMPLICATIONS**

18. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

19. Nil.

**ALTERNATE OPTIONS**

20. Adopt the proposed Policy, noting that Council has the option to either accept the draft Policy as presented or make amendments as it sees fit.

**CONCLUSION**

21. It is recommended that Council adopt the proposed policy.

<b>Consulted References</b>	:	Local Government Act 1995 City of Albany Local Laws
<b>File Number (Name of Ward)</b>	:	CM.STD.7
<b>Previous Reference</b>	:	Presented to the LEMC Committee on 21/09/2017

## DIS052: REVIEW OF THE ALBANY LOCAL PLANNING STRATEGY 2010

<b>Land Description</b>	: City of Albany
<b>Attachments</b>	: <b>CONFIDENTIAL</b> 1. Albany Local Planning Strategy (Albany Land Use Directions 2030)
<b>Report Prepared By</b>	: Senior Planning Officer – Strategic Planning (C Simpson)
<b>Responsible Officers:</b>	: Executive Director Development Services (P Camins)

### STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. The proposed draft Local Planning Strategy (*Land Use Directions 2030*) sets the strategic direction for settlement growth, informs amendment to the City's Local Planning Scheme No. 1 and all other decision in relation to land use and development over the next ten years.
3. Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the draft Local Planning Strategy (*Land Use Directions 2030*) must apply State and regional planning policy that is relevant to the Strategy. The majority of the strategic policy directions applicable to the Strategy will be from the Western Australian Planning Commission (WAPC). However; there are other State government agency policies which also require consideration.
4. This item also relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme: 5.** A connected and safe built environment.
  - **Objective: 5.1** To develop vibrant neighbourhoods which retain local character and heritage.
  - **Community Priority: 5.1.1** Develop and implement a contemporary Local Planning Strategy that reflects our identity and supports economic growth.

### In Brief:

- As per the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City of Albany is required review its Local Planning Strategy every five years.
- The current *Albany Local Planning Strategy* was adopted by Council on 15 June 2010. The Strategy was consequently endorsed by the Western Australian Planning Commission later in the same year.
- The current Local Planning Strategy was prepared during a period of high economic growth. As a consequence, land earmarked for future urban development was far in excess of the City's long term population growth, leaving Albany with 60 years supply of land zoned urban residential.
- The review process commenced in 2014 through the preparation of specialist studies and background papers in consultation with internal stakeholders and external agencies. Preliminary community consultation was also undertaken in August 2016.
- The review process found that the current Local Planning Strategy facilitated an oversupply of land zoned for future urban development, resulting the continued urban sprawl.
- The proposed draft Strategy sets a policy direction to not support further urban sprawl beyond the existing and planned supply of land zoned for urban purposes. This approach promotes urban consolidation by making better use of existing infrastructure and land with environmental, economic and social benefits to the City and its community.

- Council is asked to resolve to provide a copy of the draft Local Planning Strategy (*Albany Land Use Direction 2030*) to the Western Australian Planning Commission for the purpose of seeking its consent to advertise the Strategy.
- The WAPC may request the City to make modifications to the draft Local Planning Strategy prior to advertising for public comments.

## RECOMMENDATION

### DIS052: RESPONSIBLE OFFICER RECOMMENDATION

- 1) **THAT Council, in pursuance to the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to provide a copy of the Local Planning Strategy (*Albany Land Use Direction 2030*) to the Western Australian Planning Commission to certify that the Strategy complies with Clause 11 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of proceeding to advertise the Strategy.**
- 2) **In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertise the strategy once certification has been provided by the Western Australian Planning Commission.**

## BACKGROUND

1. The review process of the current Local Planning Strategy was undertaken with the following inputs;
  - The preparation of background papers in conjunction with working groups consisting of relevant staff and State agencies;
  - Specialist reports on key strategic matters; and
  - Stakeholder consultation throughout the strategy preparation.
2. The background papers undertook investigation into five subjects, namely being: population, settlement and housing; the economy & employment lands; community; environment; and infrastructure and services.
3. Working Groups were established to guide the preparation and identification of key planning implications for each of these topic areas. The Working Groups consisted of relevant State government agencies and staff and met twice during the preparation stage. All papers identified key planning implications to be addressed by the draft Strategy.
4. The specialist reports prepared are as follows:
  - *Review of Albany Activity Centres Planning Strategy (2015)*;
  - *Industrial Ecology Mapping and Industry Attraction Strategy (2015)*;
  - *Industrial Land Strategy (2017)*; and
  - *Albany Regional Hot Spots Land Supply Update (2015)*

5. The specialist reports and associated key findings are discussed in details below:

***Review of the Albany Activity Centres Planning Strategy (2015):***

This review acknowledged the policy shift that has occurred at State level in the way activity centres are planned. The current policy approach expands the functions of activity centres from a retail-centric approach (shopping centres) to include a broader spectrum of activities and interactions taking place in activity centres. Retail activity is therefore considered only a part of the wider function of activity centres. Under the revised strategy, Activity Centres are regarded as basic building blocks of the city's urban form, and the urban focus as places to shop, work, learn, live, socialise and to access community and other services.

Community and stakeholder consultation was undertaken during the preparation of the strategy to gain an understanding of the practical needs of the community and businesses, and the aspirations for the future performance of the activity centres network. Invitations were sent to business owners, residents, community organisation, councillors and local stakeholders. The consultation process took place over a 2 week period in December 2014. Two preliminary workshops and one-on-one consultation sessions were held, including an opportunity to complete a survey. Another workshop was held in March 2015 to discuss the outcomes and main recommendations.

***Industrial Ecology Mapping and Industry Attraction Strategy (2015):***

The preparation of this Strategy was a collaborative initiative between the Lower Great Southern Economic Alliance (City of Albany, Shire of Denmark and Shire of Plantagenet), LandCorp and the Great Southern Development Commission. LandCorp provided the majority of funding for the project. Funding was also received through the Great Southern Community Chest Fund.

The Industrial Ecology Mapping and Industry Attraction Strategy provides various stakeholders an oversight of potential opportunities to enhance economic development of key export industries and the resultant demand, configuration, location of land and supporting infrastructure to attract industrial investment in the Region. The resultant data informed town planning and economic development strategies.

A preliminary stakeholder consultation workshop was held in March 2015 and another in July 2015 to present the final outcomes.

***Industrial Land Strategy (2017):***

The purpose of the *Industrial Land Strategy* is to ensure adequate supply of industrial land to attract investment in the region and support the future growth of Albany. The Strategy undertook an audit of the industrial areas in the City to determine land supply and to identify opportunities and constraints associated with future development of industrial areas. The *Industrial Land Strategy* also undertook an industrial land demand analysis and made recommendations for the likely future land needs and improving development outcomes for existing industrial areas.

A stakeholder consultation workshop was held in August 2016.

**Albany Regional Hot Spots Land Supply Update (2015):**

The West Australian Planning Commission undertook this study. The role of the West Australian Planning Commission includes developing models to better understand land supply and development, and to promote this understanding as part of the land use planning and development process and better align the provision of infrastructure. The HotSpots report tracks and models land supply to assess land for future residential, industrial and commercial uses through the assessment of demand drivers, zoned land, development constraints, recent and future land development activity and existing and required physical and social infrastructure.

This document provided valuable input in the review of Local Planning Strategy and was the main determinant for the growth and development direction set out under the revised Strategy.

6. The background papers were combined to form Part 2 of the Local Planning Strategy (*Albany Land Use Directions 2030*). The main outcomes and recommendations of the specialist and Hotspots reports are summarised under the relevant sections of Part 2 of the draft strategy.
7. Following completion of background papers and part 2 of the Strategy, the preparation of Part 1 commenced. Part 1 consists of the strategies and actions which guide future growth and development in Albany. These strategies were formulated based on the planning implications identified under Part 2 of the Strategy and community input received during the consultation period.
8. City staff have worked closely with staff from the Department of Planning to ensure in-principle agreement with the directions set out in the draft Strategy.
9. In view of the detailed research and consultative approach taken, staff are confident that the Department of Planning will make a positive recommendation to the Statutory Planning Committee of the Western Australian Planning Commission to certify the Strategy for advertising.

**DISCUSSION**

10. The background papers undertook investigation into the key subjects outlined below, forming the main data for preparation of the strategy. Working Groups were established to guide the preparation and identification of key planning implications for each of these topic areas. The Working Groups consisted of relevant State government agencies and staff and met twice during the preparation stage. All papers identified key planning implications to be addressed by the draft Strategy.

**Population, Settlement & Housing:**

An analysis of the City's population as it relates to future planning for Albany was undertaken and a paper prepared. The paper further describes the urban settlement of Albany over the last 10-15 years, anticipated lot yield (urban and rural living) over the short, medium and long term, infill potential of existing suburbs and the housing profile and desired outcomes for the City. It also looks in detail at the role of rural villages in the City and their future growth potential.



**The Economy and Employment Lands:**

This paper undertook an analysis of the City’s economy as it relates to future planning for Albany. It further undertakes an assessment of land in the City which generates employment i.e. activity centres, industry, tourism, agriculture and education growth.

**Community, Social Infrastructure and Heritage:**

This paper undertook an assessment of community infrastructure and services as it relates to future planning for Albany including; sport and recreation facilities, City provided facilities, health and education. It further describes public transport, walking and cycling in the City and Aboriginal and European heritage and protection.

**Environment:**

This paper undertook an assessment of matters related to the environment including; fauna and flora protection, bushfire risk, rivers, wetlands and coastal protection and land, soil and climate change.

**Infrastructure & Services:**

This paper undertook a description of matters related to roads and rail in the City and also assessed the role of Albany Port and Albany Regional Airport. Services such as potable and non-potable water, sewer, power/energy, drainage/stormwater management, telecommunications and waste disposal/recycling are described.

11. The assessment undertaken under Part 2 of the Strategy delivered the following main findings:

Settlement	
Estimated resident population (June 2016)	37,233
Average population growth per annum	1.28%
Population forecast to the year 2026	41,260
There is currently a five year supply of serviced urban residential land	1,562 vacant lots
There is currently a 20 year supply of serviced rural living land	4,139 hectares
There is currently 60 years supply of zoned urban residential land	1,576 hectares five year lot yield: 931 lots five – 10 year lot yield: 1,571 lots
Based on the residential density codes under the Local Planning Scheme No.1, the City can significantly increase the density of neighbourhoods.	<ul style="list-style-type: none"> <li>Theoretical infill potential: 13,490 at a lower residential density code</li> <li>17,000 at a higher residential density code</li> </ul> The availability of land for greenfield development significantly reduces the take-up of infill development and urban renewal opportunities
Albany is a sprawling City.	<ul style="list-style-type: none"> <li>Low density residential development</li> <li>Detached single family homes on large lots</li> <li>Car-dependant communities</li> </ul>

	<ul style="list-style-type: none"> <li>• Retail focussed shopping centres</li> <li>• Places where people live, work, shop and recreate are far from one another</li> <li>• Public transport, walking and cycling are largely impractical</li> </ul>
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Housing	
Small households represent the majority. (one and two persons).	<ul style="list-style-type: none"> <li>• 54.6% of households</li> <li>• Higher proportion compared to Regional WA</li> <li>• Largest increase between census years</li> </ul>
There is a dominance of single detached dwellings in the City.	<ul style="list-style-type: none"> <li>• 87.5% of dwellings detached</li> <li>• Largest increase between census years</li> <li>• 51.9% of dwellings have only one or two residents</li> </ul>

Community	
The City is an attractive place to retire.	Population growth driven by people in the older age groups (50+) moving to the City
The City has an ageing population.	Increase in the age cohort 55 and over follows a national trend in the ageing of communities
There is a predicted increase in young adults.	Predicted increase in young adults (20-35 cohort) to the year 2026
There are inequities between different parts of the City.	Socio-Economic Indexes for Areas (SEIFA) index of relative socio-economic disadvantage shows that larger numbers of people of relative 'disadvantage' live in suburbia where access to public transport, walking and cycling to employment, health and community services and leisure and culture are limited.
People live a sedentary lifestyle and the City's urban form as a sprawling city, plays a fundamental role in this.	<ul style="list-style-type: none"> <li>• Almost half (49%) of Great Southern population undertake insufficient physical activity</li> <li>• Almost a third (31%) are classified as obese</li> </ul>
There is a lack of affordable housing in the City.	<ul style="list-style-type: none"> <li>• There is a demand for affordable one and two-bedroom homes</li> <li>• The majority of households under housing stress are occupied by a single person</li> <li>• There is a lack of one and two bedroom units for rent</li> <li>• There is a lack of high density housing in the City</li> <li>• There is a need for housing in close proximity to activity centres, services and facilities</li> </ul>

Employment Land	
There is a need to protect the regional centre as the primary activity centre in the City.	<ul style="list-style-type: none"> <li>The regional centre is the historic, tourism and economic heart of the City.</li> </ul>
The City's shopping centres are retail-centric.	<ul style="list-style-type: none"> <li>Shopping centres outside of the regional centre offer limited services and facilities, including entertainment opportunities, to the communities that they serve.</li> </ul>
There is a need for additional light industry land and large lots zoned for general industry.	<ul style="list-style-type: none"> <li>Based on anticipated growth rates, the City will require a total of 286 hectares of Light Industry zoned land by 2031, this and other uses.</li> </ul>
The City and the region has a comparative advantage in tourism.	<ul style="list-style-type: none"> <li>Tourism and hospitality are key industries and major contributors to the City's economy.</li> </ul>
The City and the region has a comparative advantage in agriculture.	<ul style="list-style-type: none"> <li>The Great Southern is the second largest food producing region in the State.</li> </ul>

Environment	
The district is prone to bushfires.	<ul style="list-style-type: none"> <li>The City's established pattern of development, a growing population, topography, vegetation and fuel loads, along with a drying and warming climate increase the City's susceptibility to bushfires.</li> </ul>

Infrastructure	
There is a need to complete construction of the Albany Ring Road.	<ul style="list-style-type: none"> <li>Heavy freight movement has an impact on communities and tourism</li> <li>There is potential for road conflict between heavy freight traffic and adjacent land uses</li> </ul>
There is a need to plan for, and construct strategically important road extensions.	<ul style="list-style-type: none"> <li>Improve connectivity within the City</li> </ul>

12. Based on the findings and planning implications identified under Part 2 of the Strategy, the main strategic directions set out under Part 1 are as follows:
- No further urban sprawl beyond the current supply of urban zoned and planned land will be supported;
  - Consolidation of existing developed areas is supported;
  - Build on existing strengths of the regional centre and other nodes such as the Albany Waterfront and Middleton Beach;
  - Undertake urban renewal in Spencer Park and Centennial Park;
  - Improve housing diversity;
  - Move away from retail centric shopping centres;
  - Plan for appropriate level of community facilities and services;
  - Conserve places and areas of Aboriginal and European heritage significance;
  - Provide integrated public transport linkages and provide walkable, bike friendly environments;

- Plan for sustainable rural villages and viable community hubs with a diverse economic base;
  - Improve use of commercial and industrial zoned land to attract private investment;
  - Set sufficient land aside for light and general industry to support industrial growth;
  - Enable tourist growth and diversification;
  - Enable agricultural growth and diversification;
  - Support growth of the tertiary education sector;
  - Integrate environmental and natural resource management with broader land use planning;
  - Build resilience to bushfire risk;
  - Protect natural resources, remnant vegetation and biodiversity, water resources and coastal environments;
  - Protect agricultural land and resources;
  - Advocate for the completion of the Albany Ring Road;
  - Facilitate the planning and construction of strategically important road extensions;
  - Investigate future business growth opportunities at the airport;
  - Recognise Albany Port in the economic development of the region;
  - Protect essential road infrastructure; and
  - Meet the service infrastructure needs of existing and future settlement.
13. The spatial implications of the above strategic directions are presented in map form in the Albany Local Planning Strategy (Land Use Direction 2030). It shows, amongst others, the areas in which Council will support future settlement growth of Albany (urban residential and rural living), neighbourhoods earmarked for urban renewal, existing and future shopping centres, industrial investigation areas, tourism routes, tourism nodes, education nodes, ring road, strategic important road extensions and potential general and light industrial expansion areas.
14. The Western Australian Planning Commission may require the City to modify the draft Albany Local Planning Strategy (*Albany Land Use Directions 2030*) strategy prior to providing certification that the Strategy complies with Clause 11(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
15. Following certification from the Western Australian Planning Commission, the City will advertise the draft Albany Local Planning Strategy (Albany Land Use Directions 2030) for public comment for a period of approximately two months.
16. The City will then review the draft Strategy having regard to submissions made and Council may support the Strategy without modifications or alternatively, support it with modifications to address issues raised in the submissions.
17. The draft Local Planning Strategy will then be submitted to the Western Australian Planning Commission for final endorsement.

## GOVERNMENT & PUBLIC CONSULTATION

18. The City undertook preliminary community consultation over a two week period in August 2016 to provide an opportunity for residents to comment on the future planning of Albany. The consultation consisted of an information session at the Council offices, conversation cafés in the City (Vancouver Café), rural west (Cosy Corner Café) and rural east (Nippers Restaurant). One-on-one interviews were also held to allow landowners and planning consultants to discuss specific planning and development proposals.

19. Following certification from the Western Australian Planning Commission that the Strategy complies with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City proceed to advertise for public comment. Various consultation opportunities will be offered to State government agencies, stakeholders, planning professionals (consultants), landowners and residents.

### STATUTORY IMPLICATIONS

20. The Albany Local Planning Strategy (Land Use Directions 2030) is prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
21. Clause 11(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that a Local Planning Strategy must:
- (a) Set out the long-term planning directions for the local government; and
  - (b) Apply any State or regional planning policy that is relevant to the strategy; and
  - (c) Provide the rational for any zoning or classification of land under the local planning scheme.
22. Voting requirement is a **SIMPLE MAJORITY**.

### POLICY IMPLICATIONS

23. The draft Local Planning Strategy (*Land Use Directions 2030*) sets the strategic direction for settlement growth, informs future review and amendments to the City's *Local Planning Scheme No. 1* and guides all other decisions in relation to land use and development over the next ten to fifteen years.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Community:</b> <i>There is a risk that by not establishing clear guidelines urban growth will continue to be unaffordable and lack key infrastructure services.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Mitigation of impacts by the proposed strategy being endorsed.</i>
<b>Reputation:</b> <i>The proposal may attract objections from members of the public.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Widely consulting with parties who may be affected and authorities should mitigate any risk in this regard</i>
<b>Environment:</b> <i>If greater protection of biodiversity is not given, decline of species likely.</i>	<i>Almost Certain</i>	<i>Minor</i>	<i>High</i>	<i>Preparation of best practice and a contemporary strategy. Mitigation of impacts by adoption of Strategy.</i>
<b>Opportunity:</b> <i>The draft Strategy will set a clear direction for future land use and correct issues faced by the City of Albany.</i>				

### FINANCIAL IMPLICATIONS

25. The draft Albany Local Planning Strategy (*Albany Land Use Directions 2030*) has been prepared in accordance with the allocated budget.

### LEGAL IMPLICATIONS

26. There are no legal implications related to report.

### ENVIRONMENTAL CONSIDERATIONS

27. The strategic directions set out under the draft Albany Local Planning Strategy (*Albany Land Use Directions 2030*) requires the protection of vegetation and biodiversity, rivers, estuaries, wetlands and coastal areas.
28. Environmental agencies will have the opportunity to comment on the strategy as part of the advertising process.

### ALTERNATE OPTIONS

29. Council may consider alternate options in relation to these items, such as:
- To resolve to modify the draft Local Planning Strategy (Albany Land Use Directions 2030) prior to providing Western Australian Planning Commission with a copy for certification for the purpose of proceeding to advertise the Strategy.

### CONCLUSION

30. The *Albany Local Planning Strategy 2010* was prepared in a period of economic growth and land earmarked for future urban development was far in excess of the City's population growth. This has resulted in a vast oversupply of land zoned for future urban development, which has facilitated continued urban sprawl, leaving Albany with 60 years supply of land zoned for urban residential purposes.
31. The draft Strategy sets forward a policy direction to not support further urban sprawl beyond the existing supply of future urban zoned and planned land. Instead, the Strategy promotes urban consolidation by making better use of existing infrastructure and land with environmental, economic and social benefits to the City and its community.
32. It is recommended that Council, in pursuance to the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to provide a copy of the draft Local Planning Strategy (*Albany Land Use Direction 2030*) to the Commission to certify that the Strategy complies with Clause 11 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of proceeding to advertise the Strategy.

<b>Consulted References</b>	:	1. <i>Planning and Development Act 2005</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 3. Albany Local Planning Strategy 2010 4. Local Planning Scheme No.1 5. City of Albany Strategic Community Plan 2023 6. City of Albany Corporate Business Plan 2014-2018
<b>File Number (Name of Ward)</b>	:	LP.PLA.16
<b>Previous Reference</b>	:	OCM 15/06/2010 DS Item 13.2.8

**DIS053: ADOPTION OF DOG LOCAL LAW 2017**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Schedule of Submissions Draft Dog Local Law 2017
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson)
<b>Responsible Officer</b>	: Executive Director Development Services (P Camins)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme: 1.** Leadership.
  - **Objective: 1.1** To establish and maintain sound business and governance structures.
  - **Community Priority: 1.1.2** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

**In Brief:**

- Council is requested to resolve to adopt the City of Albany Dog Local Law 2017 that is not significantly different from what was proposed.

**RECOMMENDATION**

**DIS053: RESPONSIBLE OFFICER RECOMMENDATION 1**

**THAT Council:**

- (1) **ENDORSES** the Department of Local Government, Sport and Cultural Industries suggested amendments;
- (2) **RECEIVE** the public submission, staff recommendations and **ENDORSES** those recommendations; and
- (3) **NOTE** the purpose and effect of the City of Albany Dog Local Law 2017, being:
  - **PURPOSE:** Limit the number of dogs a person is able to keep; and
  - **EFFECT:** To extend the controls over dogs which exist under the *Dog Act 1976*.

**DIS053: RESPONSIBLE OFFICER RECOMMENDATION 2**

**THAT Council in accordance with section 3.12 of the *Local Government Act 1995* AGREES to ADOPT the City of Albany Dog Local Law 2017 (as detailed in the attachments) that is not significantly different from what was proposed, subject to the following amendments:**

1. **Clause 3.1 – Confinement of dangerous dogs.** Paragraph (f) in clause 3.1 deleted and insert the following subclause:

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***(3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.***

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The deletion of the modified penalty for the confinement of dangerous dogs in item 1 of Schedule 3.

2. **Clause 3.2 – Limitation on the number of dogs.** The deletion of the modified penalties in item 2 of Schedule 1.
3. **Clause 4.9 – Compliance with conditions of approval.** The deletion of this clause entirely. Noting the modified penalty in item 3 of Schedule 3 has also been deleted.
4. **Dog prohibited areas and dog exercise areas.** The deletion of clauses 5.1 and 5.2, and the relevant modified penalties in item 4 of Schedule 3 and the deletion of the definition of “Prohibited places” under clause 1.5.
5. **Clause 5.3 – Places which are rural leashing (leash compulsory) areas.** The deletion of clause 5.3 (including the penalty) and the relevant modified penalty at item 5 of Schedule 3.
6. **Infringement notices.** The deletion of the reference in Clauses 7.3 and 7.6 that refer to Form 8 and Form 9 in Schedule 1 of the Regulations. Noting the City can create its own forms for infringement notices and withdrawal notices, or can use the relevant forms prescribed by regulation 26(2) and regulation 27(2) of the *Local Government (Functions and General) Regulations 1996*.

**BACKGROUND**

2. At the Ordinary Council meeting held on 25 July 2017, Council resolved to make the City of Albany Dog Local Law 2017.
3. Following the meeting public comment was sought.
4. At the submission closing date, Council had received two public submissions, in addition to feedback provide by the Department of Local Government, Sport and Cultural Industries.

**DISCUSSION**

5. The preparation of this local law was based on comparable local laws that have passed the scrutiny of the Joint Standing Committee on Delegated Legislation (JSCDL).
6. Administrative changes and feedback from the community have been consolidated for Council's consideration, as is detailed in the Schedule of Submission (attached).



## GOVERNMENT & PUBLIC CONSULTATION

7. Council and Public were formally advised of the proposal to make the local law at the 25 July 2017 Ordinary Meeting of Council, followed by prescribed advertising.
8. Public submissions closed on Monday 18 September 2017.
9. State Government. Recommendations were received on 15 September 2017 from the Department of Local Government, Sport and Cultural Industries and amendments made accordingly.

## STATUTORY IMPLICATIONS

10. In making a local law, a local government is to follow the procedure described in section 3.12 of the *Local Government Act 1995*.
11. After the last day for submissions (18 September 2017), the local government is to consider any submissions made and make the local as proposed or make a local law that is not significantly different from what was proposed.
12. Resolution of Council to make the local law must be carried by Absolute Majority.
13. After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister for Local Government.
14. After the local law has been published in the Gazette the local government is to give local public notice.
15. Section 3.12 of the Act requires the person presiding at a Council meeting to give notice to the meeting of the purpose and effect of the proposed local law.

## POLICY IMPLICATIONS

16. Post adoption of the proposed local law, Council will be empowered to determine dog exercise and prohibited areas through Council resolution (*Absolute Majority Required and 28 days public notice*).

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation.</b> <i>If the need for the proposed local law is not articulated and justified, negative community feedback may result.</i>	<i>Possible</i>	<i>Major</i>	<i>Medium</i>	<i>Communicate and justify rationale.</i>
<b>Community Health &amp; Safety.</b> <i>A local law is required to administer dog control, no law will restrict compliance action.</i>	<i>Possible</i>	<i>Major</i>	<i>Medium</i>	<i>Adopt a local law that meets the communities' expectation to be kept safe from dog hazards.</i>

## FINANCIAL IMPLICATIONS

18. An appropriate budget line exists for the cost of giving public notice and advertising.

**LEGAL IMPLICATIONS**

19. Section 3.12 of the Act prescribes the procedures for making Local Laws.
20. Whilst the Act does expressly prescribe a time frame in which the procedural requirements for making Local Laws are to be completed, the procedures should be undertaken with “all convenient speed’ in line with the *Interpretations Act 1984*.

**ENVIRONMENTAL CONSIDERATIONS**

21. There are no direct environmental considerations related to this item; however appropriate dog control has a direct effect on the natural environment and public safety.

**CONCLUSION**

22. It is recommended that Council ADOPT the City of Albany Dog Local Law 2017.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• <i>Local Government (Functions &amp; General) Regulations 1996</i></li><li>• <i>City of Albany Animal Local Law 2001</i></li><li>• <i>Dog Act 1976</i></li><li>• <i>Dog Regulation 2013</i></li></ul>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 25/07/2017 Resolution DIS036

## DIS054: ALBANY AGRICULTURAL SOCIETY REQUEST FOR SELF SUPPORTING LOAN

<b>Land Description</b>	: Eastern Precinct <ul style="list-style-type: none"><li>• Reserve 405, Lot 1359 Lockyer Avenue, Centennial Park</li><li>• Lot 305, Lockyer Avenue, Centennial Park</li><li>• Lot 32, North Road, Centennial Park</li><li>• Reserve 23110, No 27-47 North Road, Centennial Park</li></ul>
<b>Proponent</b>	: Albany Agricultural Society (AAS)
<b>Owner</b>	: City of Albany (as freehold or as Management Body of Crown Reserve)
<b>Attachments</b>	: <i>Items Attached under CONFIDENTIAL cover, in accordance with section 5.23(2)(c) of the Local Government Act 1995, being a contract which has been entered into:</i> <ul style="list-style-type: none"><li>• <i>Letter of Request – Albany Agricultural Society</i></li></ul>
<b>Report Prepared By</b>	: Executive Director Infrastructure and Environment (M Thomson)
<b>Responsible Officers:</b>	: Executive Director Corporate Services (M Cole) Executive Director Infrastructure and Environment (M Thomson)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Themes:**
    - 1. Leadership.
    - 5. A connected and safe built environment.
  - **Objectives:**
    - 1.2 To provide strong, accountable leadership supported by a skilled & professional workforce.
    - 5.2 To advocate, plan for and build friendly and connected communities.
  - **Community Priority:**
    - 1.2.1 Provide positive leadership that delivers community outcomes and gains a reputation for doing what is good for Albany and the surrounding region.
    - 5.2.2 Create infrastructure and connected streets that are consistent and reflect our unique heritage.

#### In Brief:

- Council consideration for a self-supporting loan to the Albany Agricultural Society (AAS) for \$150,000, for a 10-year term.

**Maps and Diagrams:**



**RECOMMENDATION**

**DIS054: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council:**

- (1) APPROVE a total of \$150,000 (excluding GST) self-supporting loan for a term of up to 10 years to the Albany Agricultural Society at the prevailing interest rates from Western Australian Treasury Corporation at the time of loan disbursement subject to the provision of three suitable personal guarantors.**
- (2) AMEND the 2017/2018 budget to reflect an internally funded self-supporting loan to the Albany Agricultural Society, through:**
  - a. Approving the transfer from the Debt Management Reserve of \$150,000.**
  - b. Approving an Expenditure line item within the 2017/18 Budget to pay the Albany Agricultural Society \$150,000.**

## **BACKGROUND**

### **Context**

2. The Albany Agricultural Society (AAS) has used Centennial Park East since the 1900s. However, a formal licence agreement was only put in place in 1980. The latest licence expired on 31 December 2010 and the AAS then occupied the site under holding-over arrangements.
3. On 26 November 2014, the City issued a termination notice to the AAS, with their occupation of the site terminating on 27 November 2015. The City came to an arrangement to permit occupation of the McCormick and Goat Pavilions for an interim period and this concluded on 13 October 2016, with final vacation of the building by 24 October 2016. All of the previous AAS buildings are demolished.
4. At Council's direction, from February 2014 through to the present, City Officers have been involved in various ongoing negotiations with the AAS inclusive of a large scale and time critical construction project. Various matters have been considered by Council on multiple occasions throughout this period.
5. The two most recent and relevant Council meetings in relation to this item are the Ordinary Council Meeting (OCM) held on the 24 May 2016 and the Special Council Meeting (SCM) on the 29 November 2016.
6. In summary, at the OCM in May 2016 Council resolved to make a direct and in-kind contribution to the AAS to deliver the 2016 Annual Agricultural Show (the Show). This contribution amounted to \$100,000.
7. At the SCM in November 2016, Council resolved to make variations to the Deed of Agreement, with the AAS to amend the lease area to accommodate a new integrated office building and remove the old Royals clubhouse from the lease agreement, thus allowing for its demolition.
8. In addition, Council noted a business plan presented by the AAS and considered tenders for the construction of the pavilions, noting that the contract was to be awarded directly by the AAS.

### **Show Delivery 2016**

9. The Show, with assistance from the City of Albany as directed by Council at the May 2016 OCM, was successfully delivered.
10. The AAS office was also relocated with City support to the Athletics Building (Centennial Park West) preceding the 2016 Show until September 2017. The City negotiated the sub-lease, provided support to the relocation and met the lease fee.

### **Construction**

11. The AAS entered into a contract with AUSPAN for the construction of the 3 main steel-framed pavilions. The City of Albany managed the projects initiation, procurement and site works in addition to acting as Superintendent for the contract. The AAS has made its own direct arrangements for the construction of the office building, with City expertise provided where required.
12. The construction project is expected to be practically completed prior to the 2017 Annual Show with the exception of the office building. The office building is well underway and

expected to reach practical completion before the New Year. The AAS is currently operating out of temporary facilities within the pavilions (relocated from the Athletics Building).

13. The AAS has had full financial control of the building project.

#### **AAS Request for Self-Supporting Loan**

14. The City of Albany has received a letter from the AAS requesting that Council consider the provision of a self-supporting loan of \$150,000 over a 10 year term.
15. The letter details the financial difficulty the AAS is experiencing from an initial cashflow perspective as they have not been able to raise income over the past year due to the construction project and their ongoing displacement from permanent facilities.
16. Prior to formalising their request City officers suggested that the provision of guarantors for the loan may assist Council in its deliberations. The AAS have provided the names of three guarantors in their letter of request.
17. Combined with some additional expenses incurred associated with the building construction, the AAS claim that they are not able to support their immediate cash flow requirements to complete the construction project while delivering the Annual Show.

#### **DISCUSSION**

18. The business plan noted by Council at the November 2016 SCM did not make provision for the loss of income (eg. through not being able to hire out their facilities) during the construction period.
19. The AAS has made a number decisions with regard to the buildings which has resulted in a positive outcome for the precinct and the community in general. In particular, the curved roof has softened the impact of the steel-framed structures from an aesthetic perspective, and the improved capacity of the ablution facilities will provide additional amenity to the precinct during a range of events.
20. The AAS has had financial control over the project and decisions could have been made to avoid the cash flow shortfall, such as scaling the project. However, under the circumstances, it is considered that an outcome has been achieved for the AAS and the community that is mutually-beneficial and, in general, the request to provide financial assistance by way of a self-supporting loan is considered reasonable.
21. Provision of the loan will see the project completed to a high standard and should enable the AAS to establish its business model to ensure the funds can be repaid to the City.

#### **STATUTORY IMPLICATIONS**

22. It is proposed to internally-fund the loan. The usual advertising requirements are therefore not necessary.
23. Voting Requirement: **Absolute Majority**.

#### **POLICY IMPLICATIONS**

24. There are no policy implications related to this report.
25. Note: The Council policy position pertaining to long term borrowing pertains to the City of Albany borrowing funds to accommodate acquisition, renewal or construction of specified assets.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Financial.</b> <i>If proposed loan is not supported, the AAS will have difficulty in funding its operations in the short term.</i>	<i>Likely</i>	<i>Major</i>	<i>High</i>	<i>Support the proposed loan or encourage the AAS to access alternative sources of funding.</i>
<b>Reputation.</b> <i>Non-approval of loan may result in elements of the project being incomplete.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Support the proposed loan or encourage the AAS to access alternative sources of funding.</i>
<b>Opportunity.</b> <i>To complete the AAS pavilions and office to a high standard and to provide the initial funds for the AAS to establish their business model.</i>				

**FINANCIAL IMPLICATIONS**

27. The Albany Agricultural Society have requested Council’s approval of a self-supporting loan up to the amount of \$150,000 to be funded from the Debt Management Reserve.

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

29. There are no direct environmental considerations related to this item.

**ALTERNATE OPTIONS**

30. Council may:
- a. Approve the self-supporting load as recommended; or
  - b. Not approve the self-supporting loan. This would require the AAS to find alternative sources of funding.

**CONCLUSION**

- 31. The AAS, as a result of the ongoing construction works, has incurred some financial loss to their usual operating income.
- 32. As a result, there is a cash flow shortfall and the completion of the pavilions and office in the Eastern Precinct of Centennial Park may be impacted.
- 33. The ASS has requested assistance from the City of Albany by way of a self-supporting loan of \$150,000 over 10 years.
- 34. This report recommends that the loan be approved subject to personal guarantors being provided.

<b>Consulted References</b>	:	Past documentation, correspondence & items to Council <i>Land Administration Act 1997</i>
<b>File Number (Name of Ward)</b>	:	CP.DEC.1; PRO411; PRO412
<b>Previous References</b>	:	<ul style="list-style-type: none"><li>• OCM 22/07/2014 Item CS011</li><li>• OCM 25/02/2014 Item CS008</li><li>• OCM 16/07/2013 Item 3.1</li><li>• OCM 23/07/2015 Item CSF1777</li><li>• OCM 15/12/2015 Item CSF214</li><li>• OCM 08/11/2016 Item CSF279</li><li>• SCM 26/11/2016</li></ul>



- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12. MEETING CLOSED TO THE PUBLIC**
- 13. CLOSURE**