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# MINUTES

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**Ordinary Meeting of Council**

**Tuesday 18 December 2018**

6.00pm

City of Albany Council Chambers

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



ORDINARY COUNCIL MEETING  
MINUTES 18/12/2018

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**1. DECLARATION OF OPENING**

**6.00PM** The Mayor declared the meeting open.

**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:**

Breaksea Ward

R Hammond

Breaksea Ward

P Terry

Frederickstown Ward

G Stocks (Deputy Mayor)

Kalgan Ward

E Doughty

Vancouver Ward

J Shanhun

West Ward

S Smith

West Ward

A Goode JP

Yakamia Ward

A Moir

Yakamia Ward

R Sutton

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate Services

M Cole

Executive Director Development  
Services

P Camins

Executive Director Infrastructure  
& Environment

M Thomson

Executive Director Community Services

S Kay

Meeting Secretary

J Williamson

**Apologies:**

Kalgan Ward

B Hollingworth (Apology)

Frederickstown Ward

R Stephens (Apology)

Vancouver Ward

T Sleeman (Apology)



**4. DISCLOSURES OF INTEREST**

Name	Report Item Number	Nature of Interest
Nil		

**5. REPORTS OF MEMBERS**

**6.01pm Councillor Terry**

**Summary of key points:**

- Congratulated Councillors Sleeman, Smith, Goode, Doughty and Stephens on representing the City at the Christmas Pageant with their Float.
- Attended the unveiling of a Purple Bench to honour victims of domestic homicide, an initiative supported by Local Government Councils and Members of Parliament.
- Attend the movie screening at Spencer Park Primary School as part of the Growing Spencer Park project.

**6.02pm Councillor Stocks**

**Summary of key points:**

- Expressed concern regarding the intent and scope of the draft WALGA Communications and Social Media Policy for Elected Members.

**6.03pm Councillor Shanahun**

**Summary of key points:**

- Reflected on the very busy schedule undertaken by Elected Members in 2018.
- Attended the Mount Lockyer Primary School Graduation, with 90 students moving to secondary education, and the Little Grove Primary School Graduation.
- Congratulated all those involved in making the Christmas Pageant a fantastic success.

**6.04pm Councillor Moir**

**Summary of key points:**

- Reflected on the past year, and was pleased that the City was embracing the reduction of waste and resources.

**6.06pm Councillor Sutton**

**Summary of key points:**

- Commented on his recent trip to Turkey, and the high quality of major roads due to the introduction of toll roads to increase road funding. Suggested that all major roads in the region should have separation to reduce accidents.

- 6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE-**Mr Wayne Monks tabled an address containing questions he asked during Public Question Time at the Ordinary Council Meeting held on Tuesday 27 November 2018. Those questions were responded to verbally by the Executive Director Development Services at that meeting. No questions were required to be taken on notice.

**7. PUBLIC QUESTION TIME**

**6.11pm Mrs Janelle Price, 73 Caronia Road, Kalgan**

**Summary of key points:**

- Mrs Price requested that the City consider reviewing Infringement Notices received by her as a result of her stock wandering after storms caused trees from a City Reserve bounding her property to fall on her fences.
- Mrs Price tabled the Infringement Notices.

**6.15pm Mr Christopher Saurin, Jefferies Street, Albany**

**Summary of key points:**

- Addressed Council regarding their decision not to award a lease for the Coffee Kiosk at the Tourism and Information Hub.
- Stated that there had been several erroneous statements made during the Public Question Time at the November 2018 Ordinary Council Meeting. The cost of the fit out to the Coffee Kiosk was the responsibility of the lessee, and not the City of Albany, and the rental cost per square metre was in line with current commercial tenancy rates.
- Mr Saurin tabled a Petition (Appendix A) requesting that Council reconsider their decision.

**8. APPLICATIONS FOR LEAVE OF ABSENCE Nil**

**9. PETITIONS AND DEPUTATIONS**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY**

**SECONDED: COUNCILLOR MOIR**

**THAT the submission from Albany Community Environment Centre Inc. regarding the gazettal of Lake Mullocullup for water skiing be RECEIVED.**

**CARRIED 10-0**

**Officer Comment (Chief Executive Officer):**

On 11 December 2018 I received a submission (Appendix A) from the Albany Community Environment Centre Inc. regarding the gazettal of Lake Mullocullup for water skiing. Noting that the process of gazettal has already commenced, the submission will be forwarded to the Department of Transport for their information.

The submission requested that receipt of the correspondence be formally acknowledged in the minutes of an Ordinary Council Meeting.

**10. CONFIRMATION OF MINUTES**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOUGHTY**

**SECONDED: COUNCILLOR SHANHUN**

**THAT the minutes of the Ordinary Council Meeting held on 27 November 2018, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 10-0**

**11. PRESENTATIONS Nil**

**12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

**DIS093: Recommend Adoption of Local Structure Plan No. 10- Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley.** This report has been deferred at the request of the applicant.

## CCS112: FINANCIAL ACTIVITY STATEMENT – OCTOBER 2018

**Proponent** : City of Albany  
**Report Prepared by** : Manager Finance (D Olde)  
**Responsible Officer** : Executive Director Corporate Services (M Cole)

### RECOMMENDATION

**CCS112: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR MOIR**

**THAT the Financial Activity Statement for the period ending 31 October 2018 be RECEIVED.**  
**CARRIED 10-0**

**CCS112: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR MOIR**  
**SECONDED: COUNCILLOR STEPHENS**

**THAT the Responsible Officer Recommendation be ADOPTED.**  
**CARRIED 11-0**

**CCS112: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Financial Activity Statement for the period ending 31 October 2018 be RECEIVED.**

### BACKGROUND

1. The Statement of Financial Activity for the period ending 31 October 2018 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 \$100,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

## STATUTORY IMPLICATIONS

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

## POLICY IMPLICATIONS

8. The City's 2018/19 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

## FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 October 2018 has been incurred in accordance with the 2018/19 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	FM.FIR.7 - All Wards
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**CCS113: LIST OF ACCOUNTS FOR PAYMENT – NOVEMBER 2018**

**Business Entity Name** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared By** : Manager Finance (D Olde)  
**Responsible Officers:** : Executive Director Corporate Services (M Cole)

**RECOMMENDATION**

**CCS113: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE**  
**SECONDED: COUNCILLOR SMITH**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2018 totalling \$6,821,089.05 be RECEIVED.**

**CARRIED 10-0**

**CCS113: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SMITH**  
**SECONDED: COUNCILLOR MOIR**

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

**CARRIED 11-0**

**CCS113: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2018 totalling \$6,821,089.05 be RECEIVED.**

**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 November 2018. Please refer to the Attachment to this report.

<b>Municipal Fund</b>	
Trust	\$8,892.00
Credit Cards	\$18,799.69
Payroll	\$1,568,059.64
Cheques	\$116,808.98
Electronic Funds Transfer	\$5,108,528.74
<b>TOTAL</b>	<b><u>\$6,821,089.05</u></b>

As at 15 November 2018, the total outstanding creditors, stands at \$1,051,914.68 and made up as follows:-

Current	\$303,022.93
30 Days	\$749,284.39
60 Days	\$7.52
90 Days	\$(400.16)
<b>TOTAL</b>	<b><u>\$1,051,914.68</u></b>
<b>Cancelled Cheques</b>	<b>Nil</b>

### **STATUTORY IMPLICATIONS**

3. 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.
4. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
5. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

### **POLICY IMPLICATIONS**

6. Expenditure for the period to 15 November 2018 has been incurred in accordance with the 2018/2019 budget parameters.

### **FINANCIAL IMPLICATIONS**

7. Expenditure for the period to 15 November 2018 has been incurred in accordance with the 2018/2019 budget parameters.

### **CONCLUSION**

8. That list of accounts have been authorised for payment under delegated authority.
9. It is requested that any questions on specific payments are submitted to the Executive Director Corporate Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

<b>File Number (Name of Ward)</b>	<b>:</b>	FM.FIR.2 - All Wards
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**CCS114: DELEGATED AUTHORITY REPORTS – OCTOBER TO NOVEMBER 2018**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Executed Document and Common Seal Report
<b>Report Prepared by</b>	: Personal Assistant to the ED Corporate Services (H Bell)
<b>Responsible Officer</b>	: Chief Executive Officer (A Sharpe)

**RECOMMENDATION**

**CCS114: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR MOIR**

**THAT the Delegated Authority Reports 16 October 2018 to 15 November 2018 be RECEIVED.**

**CARRIED 10-0**

**CCS114: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR STEPHENS**  
**SECONDED: COUNCILLOR HAMMOND**

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

**CARRIED 11-0**

**CCS114: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Delegated Authority Reports 16 October 2018 to 15 November 2018 be RECEIVED.**



## CCS116: FINANCIAL ACTIVITY STATEMENT – NOVEMBER 2018

**Proponent** : City of Albany  
**Report Prepared by** : Manager Finance (D Olde)  
**Responsible Officer** : Executive Director Corporate Services (M Cole)

### RECOMMENDATION

**CCS116: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOUGHTY**  
**SECONDED: COUNCILLOR SHANHUN**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 30 November 2018.**

**CARRIED 10-0**

### BACKGROUND

1. The Statement of Financial Activity for the period ending 30 November 2018 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 \$100,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

## STATUTORY IMPLICATIONS

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

## POLICY IMPLICATIONS

8. The City's 2018/19 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

## FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 30 November 2018 has been incurred in accordance with the 2018/19 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	FM.FIR.7 - All Wards
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**AR052: INTERNAL AUDIT – APPOINTMENT OF INTERNAL AUDITOR**

**Business Entity Name** : City of Albany  
**Report Prepared By** : Manager Finance (D Olde)  
**Responsible Officers:** : Executive Director Corporate Services (M Cole)

**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:** Leadership.
  - **Objective:** To establish and maintain sound business and governance structures.
  - **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflects the level of associated risk and is adequately explained to the community.

**RECOMMENDATION**

**AR052: RESOLUTION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SMITH  
SECONDED: COUNCILLOR SUTTON**

**THAT Council:**

- 1) **AUTHORISE the Chief Executive Officer (CEO) to seek expressions of interest for the provision of suitably qualified auditor to provide internal audit services for the period of three (3) years, for appointment at the next Audit & Risk Committee Meeting; and**
- 2) **NOTE that the request for internal audit services will include, but not limited to, the following functions:**
  - **Expenditure - salary and wage costs and other expenditure**
  - **IT Security - Password change regime, complexity (reduction in potential data breaches) and SPAM and Phishing emails/phones calls.**
  - **Human Resources - Pre-employment screening and OSH – Actions to resolve/mitigate reported hazards**
  - **Governance - Assessment of attractive asset control – i.e. phones, tablets and fraud awareness**
  - **Current Assets – bank, short term investments, receivables and cash handling**
  - **Non-Current Assets - property, plant and equipment and depreciation**
  - **Liabilities - creditors**
  - **Procurement – quotes, tenders and validation of authorised persons to commit expenditure**
  - **Statutory - fines and infringement management**
  - **Compliance with Local Government Act 1995 and local laws**
  - **Capital Commitments - management of major capital projects**
  - **Other functions and activities at the request of the Audit and Risk Committee**
- 3) **NOTE that the Audit and Risk Committee will meet with the Internal Auditor prior to the commencement of the audit to address the scope of the audit.**
- 4) **REQUEST the development of a reporting framework and present all findings and recommendations of the internal audit to the Audit and Risk Committee.**

**CARRIED 10-0  
ABSOLUTE MAJORITY**

**AR052: COMMITTEE RECOMMENDATION (AMENDED RESPONSIBLE OFFICER  
RECOMMENDATION**

**MOVED: COUNCILLOR TERRY**

**SECONDED: COUNCILLOR STEPHENS**

**THAT Council:**

- 1) **AUTHORISE** the Chief Executive Officer (CEO) to seek expressions of interest for the provision of suitably qualified auditor to provide internal audit services for the period of three (3) years, for appointment at the next Audit & Risk Committee Meeting; and
- 2) **NOTE** that the request for internal audit services will include, but not limited to, the following functions:
  - Expenditure - salary and wage costs and other expenditure
  - IT Security - Password change regime, complexity (reduction in potential data breaches) and SPAM and Phishing emails/phones calls.
  - Human Resources - Pre-employment screening and OSH – Actions to resolve/mitigate reported hazards
  - Governance - Assessment of attractive asset control – i.e. phones, tablets and fraud awareness
  - Current Assets – bank, short term investments, receivables and cash handling
  - Non-Current Assets - property, plant and equipment and depreciation
  - Liabilities - creditors
  - Procurement – quotes, tenders and validation of authorised persons to commit expenditure
  - Statutory - fines and infringement management
  - Compliance with Local Government Act 1995 and local laws
  - Capital Commitments - management of major capital projects
  - Other functions and activities at the request of the Audit and Risk Committee
- 3) **NOTE** that the Audit and Risk Committee will meet with the Internal Auditor prior to the commencement of the audit to address the scope of the audit.
- 4) **REQUEST** the development of a reporting framework and present all findings and recommendations of the internal audit to the Audit and Risk Committee.

**CARRIED 4-0**

**AR052: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

- 1) AUTHORISE the Chief Executive Officer (CEO) to seek expressions of interest for the provision of suitably qualified auditor to provide internal audit services for the period of three (3) years, for appointment at the next Audit & Risk Committee Meeting; and
- 2) NOTE that the request for internal audit services will include, but not limited to, the following functions:
  - Expenditure - salary and wage costs and other expenditure
  - IT Security - Password change regime, complexity (reduction in potential data breaches) and SPAM and Phishing emails/phones calls.
  - Human Resources - Pre-employment screening and OSH – Actions to resolve/mitigate reported hazards
  - Governance - Assessment of attractive asset control – i.e. phones, tablets and fraud awareness
  - Current Assets – bank, short term investments, receivables and cash handling
  - Non-Current Assets - property, plant and equipment and depreciation
  - Liabilities - creditors
  - Procurement – quotes, tenders and validation of authorised persons to commit expenditure
  - Statutory - fines and infringement management
  - Compliance with Local Government Act 1995 and local laws
  - Capital Commitments - management of major capital projects
  - Other functions and activities at the request of the Audit and Risk Committee.

**BACKGROUND**

2. Internal audit is an important element of our governance structure. It gives Council and the Executive Management Team independent assurance that a robust internal control structure is in place and our outputs are operating effectively, efficiently and lawfully.
3. The objective of this report is to provide the Audit and Risk Committee with an opportunity to define the scope of the internal audit.
4. In addition, the Office of the Auditor General will be undertaking a performance audit in local governments (LGs) with different focus areas.

**DISCUSSION**

5. The internal audit complements the Audit & Risk Committee's responsibilities prescribed under Regulation 17 of the *Local Government (Audit) Regulations 1996*.
6. It is considered good governance to appoint an internal auditor as an additional control and oversight on City operations.
7. The City has appointed internal auditors in the past. The most recent internal audit report was tabled at the Audit and Risk Committee held on 6 December 2016. The contract for this service has expired.
8. The recommendation is to enter into a contract for three years to allow the appointed internal auditor to gain a good understanding of the City operational environment.

**GOVERNMENT & PUBLIC CONSULTATION**

9. No government or public consultation was conducted in preparing this report.

## STATUTORY IMPLICATIONS

10. The *Local Government Amendment (Auditing) Regulations 2017* states, in part:

**16. Functions of audit committee:** *An audit committee has the following functions –*

*(a) to guide and assist the local government in carrying out –*

*(i) its functions under Part 6 of the Act; and*

*(ii) its functions relating to other audits and other matters related to financial management;*

## POLICY IMPLICATIONS

11. Nil

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Financial &amp; Business Interruption.</b> <i>Identified risks are not appropriately addressed resulting in the impairment of service delivery.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Ongoing: Risk management is integrated into the day to day decision making. Review of current process based on findings of probity audits from across the sector.</i>

## FINANCIAL IMPLICATIONS

13. The 2018/19 Annual Budget has an allocation of funds for audit services of \$74 990, which includes the statutory audit, audits required for grant acquittals, and the internal audit.

## LEGAL IMPLICATIONS

14. Nil.

## ENVIRONMENTAL CONSIDERATIONS

15. Nil.

## ALTERNATE OPTIONS

16. Nil.

## CONCLUSION

17. That the Responsible Officer Recommendation be received.

Consulted References	:	<ul style="list-style-type: none"> <li>Local Government Act 1995</li> <li>Local Government Amendment (Auditing) Act 2017</li> <li>Auditor General Act 2006</li> </ul>
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	Audit & Risk Committee - 22/11/2018 – Report AR051 Audit & Risk Committee - 8/10/2018 - Report AR049

## DIS137: NATURE-BASED CAMPING STRATEGY AND ACTION PLAN

<b>Land Description</b>	: Various COA Reserves
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Nature Based Camping Strategy Community Engagement Report and Draft Nature Based Camping Strategy & Action Plan 2018-2022
<b>Report Prepared By</b>	: Manager City Reserves (J Freeman)
<b>Responsible Officers:</b>	: 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:
  - **Theme:** Community Health & Participation
  - **Objective:** To develop and support a healthy inclusive and accessible community.
  - **Community Priority:** Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages.
  - **Theme:** Clean, Green and Sustainable
  - **Objective:** To protect and enhance our natural and built environment in a changing climate
  - **Community Priority:** Sustainably protect and enhance our iconic coastline, reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves.

### In Brief:

- The City of Albany's Nature Based Camping Strategy and Action Plan is a five year strategic plan designed to provide a framework for the management of nature based camping in City managed reserves.
- The plan identifies key strategies and actions to continue to provide and further enhance the camping experience available to residents and visitors, while also protecting the environmental values of our reserves. The long term goal is to increase the number of people able to experience camping in the region while enhancing the overall condition of the environment in surrounding areas.
- The Plan is an integral part of the City's Natural Reserves Strategy and is important to informing the Community Strategic Plan, Albany 2030 and a range of other related plans.

### RECOMMENDATION

**DIS137: RESOLUTION (AMENDED MOTION BY COUNCILLOR SMITH)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH  
SECONDED: COUNCILLOR HAMMOND**

**THAT the Nature Based Camping Strategy & Action Plan 2018-2022 be ADOPTED with the following amendments:**

- **Recommendation No. 3 becomes a high/short term priority;**
- **Recommendation No. 23 becomes a high/short term priority.**

**CARRIED 10-0**

**DIS137: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Nature Based Camping Strategy & Action Plan 2018-2022 be ADOPTED.

**DIS137: COMMITTEE RECOMMENDATION**

MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

**DIS137: RESPONSIBLE OFFICER RECOMMENDATION**

THAT the Nature Based Camping Strategy & Action Plan 2018-2022 be ADOPTED.

**BACKGROUND**

2. In 2014, a Camping Ground Working Group was established made up of industry and community representatives, City of Albany councillors and staff.
3. There continues to be an increasing strong demand for low cost nature-based camping opportunities.
4. During 2015-2017, the City of Albany completed some basic modifications and improvements to the City-managed campsites including installation of toilets and site definition.
5. The need for the development of a Nature-Based Camping Strategy was identified through community consultation during the development of the City's Natural Reserves Strategy in 2017.
6. In 2017, a consultant developed a background paper which helped in identifying a range of issues and opportunities that have guided the development of the Nature-Based Camping Strategy.
7. The draft Strategy has been advertised for public comment and modified where appropriate as a result of community comment after further review by internal stakeholders.

**DISCUSSION**

8. The City of Albany currently manages a large number of reserves and public open spaces which the community uses for a variety of purposes including camping.
9. Human interaction with the natural environment can provide a wide range of positive benefits (physical & mental health, etc.) but can also result in a range of negative issues if not managed appropriately.
10. The City of Albany's Nature-Based Camping Strategy and Action Plan is a 5-year strategic plan designed to provide a framework for the management of nature-based camping in City-managed reserves.
11. The plan identifies key strategies and actions to continue to provide and further enhance the camping experience available to residents and visitors, while also protecting the environmental values of our reserves. The long term goal is to increase the number of people able to experience camping in the region while enhancing the overall condition of the environment in surrounding areas.
12. The Plan is an integral part of the City's Natural Reserves Strategy and is important for informing the Community Strategic Plan, Albany 2030 and a range of other related plans.



## GOVERNMENT & PUBLIC CONSULTATION

13. See attached Community Engagement Report.

## STATUTORY IMPLICATIONS

14. There is a range of Western Australian legislation applicable to the Strategy including the items listed below.

Table 1: Western Australian legislation applicable to the Strategy

Legislation	Administrator	Intent of document
<i>Caravan Parks and Camping Grounds Act 1995</i>	Government of WA, local government	To improve and promote caravanning and camping ensuring design and layouts conform to statutory requirements.
<i>Environmental Protection Act 1986</i>	Department of Water and Environmental Regulation	States guiding regulatory instrument for compliance on environmental provisions.
<i>Land Administration Act 1997</i>	Department of Planning, Lands and Heritage (DPLH)	Provides for disposition and management of State land.
<i>Planning and Development Act 2005</i>	DPLH, local government	Provides for a system of land use planning and development.
<i>Health Act 1911</i>	Department of Health	Protect and promote health in the State.
<i>Wildlife Conservation Act 1950</i>	DBCA	Protection of threatened species.
<i>Caravan Parks and Camping Grounds Regulations 1997</i>	Government of WA, local government	Regulates caravan parks and camping grounds.
<i>Planning and Development (Local Planning Schemes) Regulations 2015 (2015)</i>	DPLH, local government	Regulates the planning process.
<i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i>	Department of Water and Environmental Regulation	Regulates the clearing of native vegetation.
<i>Health Local Law 2001</i>	CoA	Regulates local public and environmental health.
<i>Fire and Emergency Services (Bush Fire Prone Areas) Order 2015</i>	Department of Fire and Emergency Services	The areas of the state described in the Bushfire Prone Areas dataset are designated as bush fire prone areas.

## POLICY IMPLICATIONS

15. There are no policy implications relating to this report.

## 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
<b>Community:</b> The Nature-Based Camping Strategy and Action Plan raises community expectations and actions are not delivered as per the Plan.	Possible	Moderate	Medium	If adopted, Council allocates resources to accommodate actions identified in the Plan in a timely manner.
<b>Reputation:</b> There is a risk that by not establishing a clear strategy for the management of Nature-Based Camping, there will be continued confusion in the community and criticism of Council.	Likely	Moderate	High	Adopt the Plan and continue ongoing communication with the public and relevant stakeholders as to progress of actions within the Plan.  If the proposed Strategy is not endorsed, staff will review and address areas of concern while informal management of the campsites will continue.
<b>Environment:</b> Continued degradation of vegetation if campsites are not designed and managed for increased use.	Almost Certain	Moderate	High	Adopt the Plan and undertake design and implementation of campsites to manage impact of users.
<b>Opportunity:</b> Campsites are better managed within the City of Albany.				

## FINANCIAL IMPLICATIONS

17. Ongoing costs for the maintenance and renewal of assets will be the responsibility of the City of Albany. The Nature-Based Camping Strategy will require linking to the Long Term Financial Plan for some of the proposed actions to be achieved. Allocations to achieve specific actions will be considered as part of the annual budget and review processes.
18. The Strategy will support the City in applying for external funding to undertake some of the larger capital works activities should suitable funding opportunities arise.

## LEGAL IMPLICATIONS

19. There are no legal implications related to this report.

## ENVIRONMENTAL CONSIDERATIONS

20. The Strategy is designed to help address the key issues of environmental protection and sustainable management associated with nature-based camping.
21. The Strategy reflects current environmental best practice. However, specific environmental impact assessments will be undertaken for all new actions/works prior to implementation, and any necessary environmental conditions will be implemented at this stage.

## ALTERNATE OPTIONS

22. Council may choose not to adopt this Strategy. However, this is not recommended as Albany continues to see a steady growth in visitors seeking nature-based camping experiences and is part of only two identified unique biodiversity hotspots in Australia. As such, there is an expectation that the City will manage camping in a way that will ensure we preserve and protect the unique environmental biodiversity values within our natural reserves.
23. Council may wish to modify the Strategy.

## **CONCLUSION**

24. The City's nature-based campsites are a significant asset for the City in terms of access by residents and visitors to natural areas, as well as generating economic, and health and wellbeing benefits for the City and broader community.
25. The need for the development of a Nature-Based Camping Strategy was identified through community consultation during the development of the City's Natural Reserves Strategy in 2017.
26. The Nature-Based Camping Strategy and Action Plan is a 5-year strategic plan designed to provide a framework for the management of nature-based camping in City-managed reserves.
27. It identifies key strategies and actions to provide access for the community and protection of the environmental values of the campsites and surrounding areas.
28. Specific concept plans for each site will be developed and all appropriate environmental checks and approvals completed in due course and prior to any significant on-ground works being undertaken.
29. This report recommends that the Nature-Based Camping Strategy and Action Plan 2018-2022 be adopted.

<b>Consulted References</b>	:	Natural Reserves Strategy and Action Plan 2017-2021
<b>File Number (Name of Ward)</b>	:	PR.PLA.4 Parks and Reserves – Planning – Camping (West and Kalgan Wards)
<b>Previous Reference</b>	:	Presentation to DIS Committee July 2018

**DIS138: LOCAL STRUCTURE PLAN NO.7 – LOT 9000  
LANCASTER ROAD, MCKAIL**

<b>Land Description</b>	: Lot 9000 Lancaster Road, McKail
<b>Proponent</b>	: Harley Dykstra
<b>Business Entity Name</b>	: J Belfield, K Belfield, B Lucas, A Lucas & J Lucas
<b>Attachments</b>	: 1. Local Structure Plan 7 Document 2. Local Structure Plan 7 Map 3. Original Subdivision Guide Plan 4. Schedule of Submissions and Recommendations
<b>Report Prepared By</b>	: Senior Planning Officer – Strategic Planning (A Nicoll)
<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 application for consideration proposes a structure plan to guide future subdivision and development of land in the McKail area.
3. In making a decision on the proposed structure plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*. The structure plan complies with strategic planning for the following reasons:
  - a) The Albany Local Planning Strategy (2010) seeks to encourage the development of the Structure Plan area for 'Rural Residential' (Min 1ha lots).
  - b) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

**In Brief:**

- The subject land is zoned 'Rural Residential'. A 'Subdivision Guide Plan' has already been adopted to guide subdivision of the land into 18 lots.
- A new plan (Structure Plan) has been submitted requesting changes including:
  - Adjusting the lot layout and number of lots from 18 to 14;
  - Realigning internal road design; and
  - Including bushfire management criteria.
- Council is requested to consider submissions received on the Local Structure Plan No.7 and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

**Maps and Diagrams:** Subject Site – Lot 1000 Lancaster Road, McKail.



**RECOMMENDATION**

**DIS138: RESOLUTION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MOIR  
SECONDED: COUNCILLOR SHANHUN**

**THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Regulation 20. (2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:**

- 1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No.7 subject to the following modifications:**
  - a) It is recommended that the following conditions are included on the structure plan map:**
    - i. At the time of subdivision/development of lots 6, 7, 8, 9, 13 and/or 14, a land capability assessment is undertaken in late winter to confirm that a minimum 0.5m separation distance between ground level and ground water can be achieved.**
    - ii. A notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:**

***“This lot is in close proximity to existing agriculture activities and may be adversely***



***affected by virtue of odour, noise, dust and/or light emissions from that land use.”***

- iii. Habitable buildings are to be surrounded by an asset protection zone, with a size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m<sup>2</sup>. The APZ is to be managed in accordance with the requirements of ‘Standards for Asset Protection Zones’.***
- iv. The development of Battle-axes is to comply with standards in Table 4, column 3 (vehicle access technical requirements) of the Guidelines for Planning in Bushfire Prone Areas.***
- v. Habitable development proposed within the ‘MRWA Noise Line (50db)’ area is to undertake a detailed acoustic assessment and determination of appropriate mitigation treatments as per the State Planning Policy 5.4 – Road and Rail Transport Noise and freight Considerations in Land Use Planning.***
- vi. A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) 1, 3, 4, 6, 7 & 9 8, 9, 110, 15, 16 and 17. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:***

***“The lot(s) are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.”***
- vii. A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lots 1, 2, 10 and 11 advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:***

***“The land may be subject to temporary high noise levels from activities conducted at the Attwell Park Speedway.”***
- b) In accordance with the land evaluation assessment, it is recommended that the structure plan is amended to illustrate an additional building exclusion area to the western boundary.**
- c) It is recommended that the wording in the bushfire assessment is revised to avoid any confusion with ‘vegetation exclusions’, as follows:**

***Class G Grassland has intentionally been omitted from the calculation of the BAL ratings within the BAL Contour Map. To ensure the potential radiant heat impact of a bushfire to a habitable dwelling does not exceed 29kW/m<sup>2</sup>, an asset protection zone around habitable dwellings is to be developed and managed in accordance with the requirements of ‘Standards for Asset Protection Zones’.***
- 2. Forward structure plan documentation and submissions to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan (with modifications).**
- 3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.**

**CARRIED 10-0**

DIS138: COMMITTEE RECOMMENDATION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)

MOVED: COUNCILLOR DOUGHTY  
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED including the following amendment:-

Item a) vi. with correct lot numbers 1, 3, 4, 6, 7 & 9.

CARRIED 10-0

DIS138: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Regulation 20. (2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No.7 subject to the following modifications:
  - a) It is recommended that the following conditions are included on the structure plan map:
    - i. *At the time of subdivision/development of lots 6, 7, 8, 9, 13 and/or 14, a land capability assessment is undertaken in late winter to confirm that a minimum 0.5m separation distance between ground level and ground water can be achieved.*
    - ii. *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*  
  
*“This lot is in close proximity to existing agriculture activities and may be adversely affected by virtue of odour, noise, dust and/or light emissions from that land use.”*
    - iii. *Habitable buildings are to be surrounded by an asset protection zone, with a size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m2. The APZ is to be managed in accordance with the requirements of ‘Standards for Asset Protection Zones’.*
    - iv. *The development of Battle-axes is to comply with standards in Table 4, column 3 (vehicle access technical requirements) of the Guidelines for Planning in Bushfire Prone Areas.*
    - v. *Habitable development proposed within the ‘MRWA Noise Line (50db)’ area is to undertake a detailed acoustic assessment and determination of appropriate mitigation treatments as per the State Planning Policy 5.4 – Road and Rail Transport Noise and freight Considerations in Land Use Planning.*
    - vi. *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) 1, 3, 4, 6, 7 & 9 8, 9, 110, 15, 16 and 17. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*  
  
*“The lot(s) are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.”*
    - vii. *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be*

placed on the certificate(s) of title of the proposed lots 1, 2, 10 and 11 advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

*“The land may be subject to temporary high noise levels from activities conducted at the Attwell Park Speedway.”*

- b) In accordance with the land evaluation assessment, it is recommended that the structure plan is amended to illustrate an additional building exclusion area to the western boundary.
- c) It is recommended that the wording in the bushfire assessment is revised to avoid any confusion with ‘vegetation exclusions’, as follows:

*Class G Grassland has intentionally been omitted from the calculation of the BAL ratings within the BAL Contour Map. To ensure the potential radiant heat impact of a bushfire to a habitable dwelling does not exceed 29kW/m<sup>2</sup>, an asset protection zone around habitable dwellings is to be developed and managed in accordance with the requirements of ‘Standards for Asset Protection Zones’.*

- 2. Forward structure plan documentation and submissions to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan (with modifications).
- 3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

## 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.
- 5. A new proposed Local Structure Plan No.7 has been submitted seeking to modify the lot design and road layout of an approved Subdivision Guide Plan.
- 6. The City of Albany advertised the proposed Local Structure Plan No.7 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 7. At the close of advertising, the City of Albany received seven (7) submissions commenting on the proposed structure plan.
- 8. Council is requested to consider the submissions received and determine whether to recommend that the Commission support the structure plan with modifications.

## DISCUSSION

- 9. The property is located approximately 7km north-west of the Albany town centre.
- 10. The subject site is currently zoned Rural Residential Area No.34 (RR34) in accordance with the City of Albany *Local Planning Scheme No. 1*. The RR34 standards currently allow for the subdivision of Rural Residential lots down to a minimum size of 1 hectare, based upon land capability, service availability and an existing approved Subdivision Guide Plan.
- 11. There are no significant topographical features located on the site including watercourses, wetlands, flood plains or dams.
- 12. The property is predominantly cleared of vegetation with a small cluster of trees located midway along the eastern portion of the site. The amended Structure Plan seeks to retain all existing vegetation where possible. The Structure Plan seeks to include revegetation to improve privacy and amenity, without increasing bushfire risk.
- 13. The new modified Structure Plan No.7 has been submitted to propose changes including:
  - a) Larger lot sizes and improved shape to address market feedback and current bushfire practices.



- b) Realigning the future road reserve to provide vehicle access and street frontage to all lots.
  - c) Adjusting revegetation areas to align with the revised lot layout;
  - d) Inclusion of an emergency access way to ensure two points of access and egress in the event of a bushfire, and to comply with the requirements of SPP 3.7 – Planning in Bushfire Prone Areas.
14. The structure plan denotes noise contours associated with the future development of Link Road as a heavy vehicle transport route and the speedway located on Reddale Road, McKail.
15. Access to the subject land is to occur via a single access road, joining to Lancaster Road, which will connect to an east-west connection at the southern portion of the subject site. The structure plan proposes the development of a temporary 6m wide emergency access way to allow emergency and other vehicles to move through the subject land easily and safely at all times.
16. A Bushfire Management Plan has been prepared outlining various measures that enable the structure plan to comply with State Planning Policy 3.7, including maintaining low fuel areas, constructing driveways to enable emergency egress and constructing a temporary 6m wide emergency access way.
17. Reticulated sewerage is not available within the locality, which means development needs to connect to on-site septic systems with leach drains in accordance with the draft Government Sewerage Policy 2016. A land capability assessment was prepared over the land confirming suitable clearances from the ground surface to ground water levels.
18. As part of the advertising process, the following key comments were received:
- a) There is a low lying area on the south-western boundary that should be identified as a 'Building Exclusion Zone';
  - b) The land evaluation assessment should have been conducted in a winter month and not March;
  - c) Concern about existing and potential agricultural activities on surrounding land and the possible resultant spray drift from chemical applications.
  - d) It is unclear what enforceable mechanism exists to ensure existing dwellings will be protected from bushfire threat.
  - e) The structure plan should be designed to show two access routes to two different destinations.
  - f) The creation of battle-axe lots should be avoided in bushfire prone areas.

Building Exclusion Zone

19. The Department of Health commented that a low lying area on the south-western boundary should be identified as a Building Exclusion Zone.
20. In relation to Department of Health comment, it is recommended that Council agree to advise the Western Australian Planning Commission that the structure plan should be amended to show a Building Exclusion Zone on the south-western boundary.

Land Evaluation assessment

21. The Department of Health suggested that the land evaluation assessment undertaken to determine groundwater depth should have been undertaken in winter months and not March.
22. In relation to Department of Health comment, it is recommended that Council agree to advise the Western Australian Planning Commission that in this instance, an additional winter land evaluation assessment is not necessary for the following reasons:

- a) The results from the hydrological logs show that ground water was not intersected in any of the test holes (which went to depths of up to 1380mm deep). This gives the City confidence that the proposed lots will be able to achieve the min 0.5m separation distance to groundwater.
  - b) The decreased lot yield and increased lot size of almost all the proposed lots is a benefit in regards to onsite effluent disposal.
23. For assurance, it is recommended that the following condition is included on the structure plan map, applicable to the lower lying lots 6, 7, 8, 9, 13 and 14:
- At the time of subdivision/development of lots 6, 7, 8, 9, 13 and/or 14, a land capability assessment is undertaken in late winter to confirm that a min 0.5m separation distance between ground level and ground water can be achieved.*

#### Agricultural Activities

24. The Department of Health expressed concern about existing and potential agricultural activities on surrounding land and the possible resultant spray drift from chemical applications.
25. In relation to Department of Health comment, it is recommended that Council agree to advise the Western Australian Planning Commission that the following condition is placed on the structure plan map:
26. A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
- "This lot is in close proximity to existing agriculture activities and may be adversely affected by virtue of odour, noise, dust and/or light emissions from that land use."*

#### Asset Protection Zones

27. The Department of Fire and Emergency Services questioned what mechanism is proposed to ensure existing dwellings will be protected from bushfire threat.
28. In relation to Department of Fire and Emergency Services comment, it is recommended that Council agree to advise the Western Australian Planning Commission that the following condition is included on the structure plan map:
- Habitable buildings are to be surrounded by an asset protection zone, with a size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m2. The APZ is to be managed in accordance with the requirements of 'Standards for Asset Protection Zones'.*

#### Access

29. The Department of Fire and Emergency Services commented that the structure plan should be designed to show two access routes to two different destinations.
30. It is recommended that Council agree to advise the Western Australian Planning Commission that the intent to provide two access routes to two different destinations has been complied with in accordance with the Commissions Guidelines for Planning in Bushfire Prone Areas, 'Performance Principle (P3)'.
31. The 'Performance Principle (P3)' states:
- The internal layout, design and construction of public and private vehicular access and egress in the subdivision/development allow emergency and other vehicles to move through it easily and safely at all times.*
32. The structure plan shows a public road and a 6m wide emergency access way to allow emergency and other vehicles to move through the subject land easily and safely at all times.

#### Battle-axe lots

33. The Department of Fire and Emergency Services commented that the creation of battle-axe lots should be avoided in bushfire prone areas.
34. In relation to Department of Fire and Emergency Services comment, it is recommended that Council agree to advise the Western Australian Planning Commission that the intent for subdivision design to include battle-axe lots complies with the Commissions 'Acceptable Solution A3.4'.
35. The 'Acceptable Solution A3.4' states:
- a) Battle-axe access leg should be avoided in bushfire prone areas. Where no alternative exists, (this will need to be demonstrated by the proponent) all of the following requirements are to be achieved:
    - Requirements in Table 4, Column 3;
    - Maximum length: 600 metres; and
    - Minimum width: six metres.
36. Battle-axe legs shown on the structure plan do not exceed 600m and are a minimum 6m in width.
37. It is recommended that the following condition is included on the structure plan map to ensure compliance with Table 4, Column 3 of the Commissions Guidelines for Planning In Bushfire Prone Areas:
- The development of Battle-axes is to comply with standards in Table 4, column 3 (vehicle access technical requirements) of the Guidelines for Planning in Bushfire Prone Areas.*
38. Table 4, Column 3 of the Commissions Guidelines for Planning In Bushfire Prone Areas states:

TECHNICAL REQUIREMENTS	3 Private driveway
Minimum trafficable surface (m)	4
Horizontal clearance (m)	6
Vertical clearance (m)	4.5
Maximum grade <50 metres	1 in 10
Minimum weight capacity (t)	15
Maximum cross fall	1 in 33
Curves minimum inner radius (m)	8.5

39. Council is requested to consider comments and staff recommendations pertaining to the Local Structure Plan No.7, and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

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

40. The Structure Plan No.7 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
41. Submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors as an original and as summarised in the attached Schedule of Submissions.
42. Commentary on the submissions has been provided in this report item and in the attached Schedule of Submissions.

#### **STATUTORY IMPLICATIONS**

43. Local Structure Plans undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

44. Schedule 2, Part 4, clause 19 requires the local government to consider the submissions made within the period specified in the notice advertising the structure plan.
45. Schedule 2, Part 4, clause 20 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed structure plan should be approved by the Commission.
46. Voting requirement for this item is **SIMPLE MAJORITY**

### **POLICY IMPLICATIONS**

47. The following applicable policies have been considered during the assessment of the structure plan:
  - a) *Draft Government Sewerage Policy; and*
  - b) *State Planning Policy 3.7 Planning in Bushfire Prone Areas;*

#### Draft Government Sewerage Policy

48. This policy requires all subdivision and development to be connected to reticulated sewerage unless exemptions of the policy apply.
49. As the subject land is zoned 'Rural Residential' with a minimum lot size of 1ha, an exemption applies in accordance with provision 6.2 (1).

#### State Planning Policy 3.7 Planning in Bushfire Prone Areas

50. The publicly released Bushfire Prone Area Mapping (DFES, 2017) shows that the subject land is located within a Bushfire Prone Area (situated within 100m of >1 ha of bushfire prone vegetation).
51. An assessment of bushfire criteria, submitted as an appendix to the structure plan, confirms that subdivision and development may occur in accordance with the Commission's Guidelines for Planning in Bushfire Prone Areas.

### **RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If the Structure Plan is not supported by the WAPC the City may be required to make modifications.</i>
<b>Opportunity:</b> <i>Increase opportunity for servicing and development.</i>				

### **FINANCIAL IMPLICATIONS**

53. If the local government does not provide a recommendation and report on the structure plan, to the Commission, the Commission may take reasonable steps to obtain the services or information on its own behalf. All costs incurred by the Commission may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

55. Measures have been recommended to:

- a) Exclude development from environmentally sensitive areas;
- b) Protect existing vegetation; and
- c) Plant trees for screening.

## ALTERNATE OPTIONS

56. Council may consider alternate options in relation to the structure plan, including;

- a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed structure plan; or
- b) Recommend that the Western Australian Planning Commission approve the proposed structure plan without modification; or
- c) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to additional modifications.

## CONCLUSION

57. The structure plan proposes Rural Residential lots with a minimum lot size of 1ha.

58. The structure plan was advertised and provisions have subsequently been recommended to address issues raised.

59. Council is requested to agree to recommend that the Western Australian Planning Commission approve the structure plan subject to modifications.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme No.1: Albany Speedway Noise Special Control Area.</i> 2. <i>Local Planning Strategy 2010;</i> 3. <i>Draft Government Sewerage Policy;</i> 4. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas.</i>
<b>File Number (Name of Ward)</b>	:	LSP7 (Vancouver Ward)
<b>Previous Reference</b>	:	Nil

## DIS139: COUNCIL POLICY - MAINTENANCE OF WATERCOURSES AND DRAINAGE CHANNELS

<b>Land Description</b>	: City of Albany
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Draft Council Policy - Maintenance of Watercourses and Drainage
<b>Report Prepared By</b>	: Manager City Engineering (D King)
<b>Responsible Officers:</b>	: Executive Director Infrastructure & 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:
  - **Theme:** Clean Green and Sustainable.
  - **Objective:** To Build, maintain and renew city assets sustainably
  - **Community Priority:** Design construct and maintain infrastructure cost effectively in a manner that maximises it's life, capacity and function.

#### In Brief:

- This policy recognises that watercourses, drainage channels and their associated vegetation should be left as undisturbed as possible, unless extraordinary circumstances apply.
- The City recognises that there are instances in which the condition of watercourses may deteriorate as a result of erosion and/or sedimentation, overgrowth with weeds or dumping or accumulation of rubbish. In such cases, it is recognised that maintenance and/or rehabilitation of these waterways may be required.

### RECOMMENDATION

**DIS139: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: Councillor Sutton**  
**Seconded: Councillor Shanahun**

**THAT the Policy for Maintenance of Watercourse and Drainage Channels be ADOPTED.**

**CARRIED 10-0**

DIS139: COMMITTEE RECOMMENDATION

Moved: Councillor Hammond  
Seconded: Councillor Moir

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS139: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Policy for Maintenance of Watercourse and Drainage Channels be ADOPTED.

## BACKGROUND

2. Albany townsite was developed over a number of decades when open drainage was accepted as suitable infrastructure. As community expectations change, some areas of Albany have been upgraded with kerb and pipe drainage systems.
3. However, there are a number of instances where drainage channels exist. Sometimes these channels exist as open drains alongside a roadway but more significantly, larger capacity trunk drains exist to convey stormwater to a natural watercourse.
4. The City of Albany has a number of natural watercourses, the most significant example of this is the Yakamia Creek. The definition of a watercourse is 'A stream of water whether perennial or intermittent, flowing in a depression of a natural channel or a natural channel artificially improved or in an artificial channel, which has changed the course of the stream.'
5. Although a number of the above drains and channels sit within City of Albany-controlled land, there are many instances where they sit in private ownership.
6. There is no current policy to guide officers in the decision-making on maintenance of drainage channels and watercourse in private or City ownership.

## DISCUSSION

7. The objective of the policy is to define Council's obligations and policy regarding the maintenance, improvements and rehabilitation of watercourses including drainage reserves and channels.
8. The policy makes statements on maintenance and improvement issues regarding drainage easements and natural watercourses.

## GOVERNMENT & PUBLIC CONSULTATION

9. Formal advertising of the proposed policy via newspapers has been undertaken from 12 July 2018 giving details of:-
  - Where the draft policy can be inspected;
  - The subject and nature of the draft policy; and
  - In what form and during what period (30 days which exceeds the 21 minimum requirement).
10. Four (4) submissions were received and the key points have been tabled below and include a response. Full submissions will be made available to Council under separate cover.

Comment	Officers Response
<i>Drainage maintenance request on a City of Albany owned waterway on an annual basis.</i>	<i>The City of Albany maintenance teams conduct both periodic and reactionary drain maintenance. Specific annual attention falls outside of the scheduled maintenance service level at this time. Customer advised to submit a Customer Service Request when the drain requires clearing and this will be attended to on an as required basis.</i>
<i>Incoming easements to private property should be extended and maintained to the creek line</i>	<i>The City of Albany draft policy states that the City will maintain drains and watercourses within easements. Where easements are not connected to a natural low/soak/watercourse or pond the City would seek to take an easement. In this instance, the easement connects to a natural soak/pond and does not contribute any additional stormwater runoff to that soak. As such the City would not seek to obtain an easement to drain the private soak/pond</i>
<i>Development of Yakamia creek to incorporate staggered silt ponds or the similar prior to Lower King Bridge</i>	<i>Yakamia creek runs through primarily private land that is zoned agricultural.</i>

	<i>Development of Yakamia creek through the Private property is cost prohibitive at this time and not appropriate or aligned with the current level of urban development along the creek.</i>
<i>Multiple Comments with regards to set policy around environmental considerations to maintains of drains and natural waterways</i>	<i>This draft policy seeks to provide guidance on <u>when</u> the City of Albany should consider use of funds to carry out works. It does not seek to identify <u>how</u> or set guidelines on education of private landowners.  Identification of maintenance policies shall be addressed in the City of Albany's Environmental Code of Conduct and State department guidelines.</i>
<i>Recommendation to include DWER guidelines and policy's as associated documents</i>	<i>Accepted and included as Amended version 0.2</i>

**STATUTORY IMPLICATIONS**

11. There are no statutory implications relating to resolving to advertise the proposed Policy.

**POLICY IMPLICATIONS**

12. The proposed policy aims to provide officers with guidance on decision-making with regard to maintenance and improvements of drainage channels and natural watercourses.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<b>Reputation</b> <i>Risk: Policy position may have an impact on property owners that have private drainage channels or watercourses.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Advertising the proposed policy, has been undertaken to manage expectation.</i>
<b>Opportunity:</b> <i>Increase consistency and equity with regard to decision-making</i>				

**FINANCIAL IMPLICATIONS**

14. Minimal advertising costs already budgeted.

**LEGAL IMPLICATIONS**

15. There are no legal implications relating to resolving to advertise the proposed Policy.

**ENVIRONMENTAL CONSIDERATIONS**

16. Nil

**ALTERNATE OPTIONS**

17. Council has the following alternate options in relation to this item, which are:-
- Not to proceed with adopting the policy.
  - Adopt previous version 1.0 of the policy

**CONCLUSION**

18. The proposed policy seeks to provide guidance and clarification on the application of City funds to maintain and improve drainage channels and natural watercourses.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	<i>EM.PLA.26 (All Wards)</i>
<b>Previous Reference</b>	:	<i>DIS099 (OCM June 2018)</i>



## DIS140: COUNCIL POLICY – ADVERTISING AND GUIDANCE SIGNAGE ON PUBLIC LAND AND ROAD RESERVE

<b>Land Description</b>	: City of Albany
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: 1. Draft Council Policy – Advertising and Guidance Signage on Public Land and Road Reserve Version 0.3 2. Service Information and Tourist Signs Policy Version 3.0 3. Signs on Public Land Information Sheet
<b>Report Prepared By</b>	: Manager City Engineering (D King)
<b>Responsible Officers:</b>	: Executive Director Infrastructure & 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:
  - **Theme:** Clean Green and Sustainable.
  - **Objective:** To Build, maintain and renew city assets sustainably
  - **Community Priority:** Design construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.

### In Brief:

- This policy seeks to provide guidance to the public (in particular the visiting public) in locating community services and commercial tourism-related facilities within the City of Albany through clear and uniform information.
- The policy enables authorised people to undertake compliance and enforcement functions under local laws and legislation in a manner that is consistent with this signage policy.

### RECOMMENDATION

**DIS140: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOUGHTY**  
**SECONDED: COUNCILLOR SMITH**

**THAT the proposed Advertising and Guidance Signage on Public Land and Road Reserves Policy be ADOPTED, and the current *Services Information and Tourist Signs Policy* be RESCINDED.**

**VOTE TIED 5-5**  
**MAYOR EXERCISED HIS CASTING VOTE**  
**CARRIED 6-5**

DIS140: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY  
SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-3

### Record of Vote:

Against: Councillors Goode, Stocks and Hammond.

**DIS140: RESPONSIBLE OFFICER RECOMMENDATION**

THAT the proposed Advertising and Guidance Signage on Public Land and Road Reserves Policy be ADOPTED, and the current Services *Information and Tourist Signs Policy* be RESCINDED.

**BACKGROUND**

2. Current related policy and associated information sheets refer only to Tourist Signs (brown background and white lettering) and Service Signs (blue background and white lettering).
3. There is no current policy to guide officers in the decision making of approval of advertising and guidance signage on public land or road reserves, which includes numerous other types over and above the Tourist and Service signage.

**DISCUSSION**

4. The draft policy proposes alterations to the current guidelines for Service Signage. The draft policy identifies service facilities which are applicable for Service Signage. The list has been made finite which reduces ambiguity as to the suitability of a Service facility.
5. Service signage across the City of Albany urban areas has unintentionally become a form of advertising, with numerous accommodation facilities utilising business names. This is leading to a growing issue of signage clutter, particularly in accommodation-rich areas.
6. For urban areas, it is considered that visitors staying at general accommodation facilities will have pre-booked and should use modern guidance technologies, as well as more traditional methods of wayfinding.
7. To address point 5 and 6 above, for urban areas, the policy does not allow for general accommodation signage and prohibits the display of business naming on the sign.
8. It is considered that for existing signage, the City of Albany will leave it in place until such time as the signs require maintenance and or become unsightly with vandalism or wear and tear.
9. Under section 3 of The *Activities on Thoroughfare Public Places Trading Local Law 2011* the Local Government may permit certain signage. The draft policy provides guidance to officers of the types of signage permitted within the provision of this law.
10. Permitted portable signs under the policy include:-
  - a. Temporary Community Advertising Signs
  - b. Service Club Signs
  - c. Commercial Temporary Signage (e.g. Sandwich Boards Signage)
  - d. Open House and Garage Sale Signs
11. Permitted advertising signs under the policy include:-
  - a. Land Estate Development Signs
  - b. Commercial and Industrial Estate Signs
  - c. Bus Shelter Advertising and Roadside Seat Advertising.

**GOVERNMENT & PUBLIC CONSULTATION**

12. Formal advertising of the proposed policy via newspapers has been undertaken from 11 October 2018, giving details of:-
  - Where the draft policy can be inspected;
  - The subject and nature of the draft policy; and
  - In what form and during what period (30 days which exceeds the 21 minimum requirement).

13. One (1) submission was received and the key points have been tabled below and include a response. A full copy of the submissions will be made available to Council under separate cover.

Comment	Officers Response
<i>Request for developments such as health precincts to be included in the signage policy.</i>	<i>Service signage is aimed as visitors and not the local public. Government facilities such as Hospitals are included in the permitted list for advertising signage. This is because Government Hospitals have emergency departments that would be frequently used by visitors (ie. non local). It is the officer position that other types of health precincts, and in particular private operations, would not attract a significant portion of visitors.</i>

## STATUTORY IMPLICATIONS

14. Nil.

## POLICY IMPLICATIONS

15. The proposed policy aims to provide officers with guidance on decision-making with regard to advertising and guidance signage on public land and road reserves.

## 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
<b>Reputation</b> <i>Risk: Policy position may have an impact on businesses which are using signage that does not conform to the policy.</i>	Possible	Moderate	Medium	<i>Advertising the proposed policy, has been undertaken to manage expectation.</i>
<i>Risk: Not removing non-conforming permanent signage (such as service signage for accommodation that includes business name) may cause unrest to other business owners that otherwise would have had similar signage installed.</i>	Possible	Moderate	Medium	<i>Where existing signage that is non-conforming exists in a permanent state, it is proposed that this signage is not removed until it requires replacement or deemed to require maintenance.</i>
<b>Opportunity:</b> <i>Increase consistency and equity with regard to decision-making.</i>				

## FINANCIAL IMPLICATIONS

17. Nil.

## LEGAL IMPLICATIONS

18. Nil.

## ENVIRONMENTAL CONSIDERATIONS

19. Nil.

### ALTERNATE OPTIONS

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

- Not to proceed with adopting the policy.
- Proceed with the policy and direct officers to regulate all existing signage to conform to the new policy.

### CONCLUSION

21. The proposed policy seeks to provide guidance to the public (in particular the visiting public) in locating community services and commercial tourism-related facilities within the City of Albany through clear and uniform information.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• <i>Activities on Thoroughfares and Public Places and Trading Local Law 2011</i></li><li>• <i>Signs Local Law 2006 (As Amended)</i></li></ul>
<b>File Number (Name of Ward)</b>	:	EM.PLA.26 (All Wards)
<b>Previous Reference</b>	:	Nil

**DIS141: LOCAL PLANNING SCHEME AMENDMENT NO.33 – LOT 1  
FRENCHMAN BAY ROAD, LITTLE GROVE.**

<b>Land Description</b>	: Lot 1 Frenchman Bay Road, Little Grove
<b>Proponent / Owner</b>	: Ayton Baesjou
<b>Business Entity Name</b>	: C Wallrodt
<b>Attachments</b>	: 1. Local Planning Scheme Amendment No. 33 2. Schedule of Submissions
<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. The application for consideration proposes an amendment to the City's *Local Planning Scheme No.1*. The amendment proposes to enable the development of grouped and multiple housing at a portion of Lot 1 Frenchman Bay Road, Little Grove (vacant land adjacent to local shop).
3. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010*, *Activities Centre Planning Strategy (2010)* and *Community Strategic Plan – Albany 2030*. The amendment complies with strategic planning for the following reasons:
  - a) The *Albany Local Planning Strategy 2010* recommends development of the subject land as a local centre. Shops, offices and residential development is encouraged in local centres to serve the local community.
  - b) The *Activities Centre Planning Strategy (2010)* encourages the development of local-serving uses at an appropriate scale within local activity centres. Such uses could include local offices and residential development.
  - c) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

**Maps and Diagrams:**



**In Brief:**

- The subject land is zoned 'Local Centre' under *Local Planning Scheme No. 1*.
- Council previously initiated and then advertised the scheme amendment. A total of four submissions were received. No major issues were raised as a result of submissions.
- Council is requested to finally adopt the Scheme Amendment No. 33, which proposes to:
  - Designate a portion of Lot 1 as an 'Additional Use' site; and
  - Provide the ability to apply for group and multiple dwellings, in addition to currently permitted commercial land uses.
- City planning staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the Albany Local Planning Strategy 2010, Activities Centre Planning Strategy (2010) and Albany Community Strategic Plan – Albany 2030.
- Council is requested to consider submissions and to recommend that the Western Australian Planning Commission support the amendment without any modifications.

**RECOMMENDATION**

**DIS141: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY**

**SECONDED: COUNCILLOR SMITH**

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

- 1. SUPPORT Amendment No. 33 to amend City of Albany *Local Planning Scheme No. 1* by:**
  - a) Incorporating portion of Lot 1, Frenchman Bay Road within 'Additional Use' site no. 33;**
  - b) Amending 'Schedule 2 – Additional Uses (CL 4.5) No. AU 33' by including Lot 1 within the second column under 'Description of Land';**
  - c) Amending 'Schedule 2 – Additional Uses (CL 4.5) No. AU 33' Condition II within the fourth column under 'Conditions' by replacing the R 30 code with the R 40 code; and**
  - d) Amending the Scheme Maps accordingly.**
- 2. Forward amendment documentation and submissions to the Western Australian Planning Commission with a request that the Hon. Minister for Planning grant approval to the amendment and its gazettal - without modifications.**
- 3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.**

**Note: The amendment is a 'Standard' amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:**

- **The amendment is consistent with the Albany Local Planning Strategy, which sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity;**
- **The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and**
- **The amendment does not result in any significant environmental, social, economic or governance impact on land in the scheme area.**

**CARRIED 10-0**

DIS141: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS141: RESPONSIBLE OFFICER RECOMMENDATION

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

1. SUPPORT Amendment No. 33 to amend City of Albany *Local Planning Scheme No. 1* by:
  - a) Incorporating portion of Lot 1, Frenchman Bay Road within 'Additional Use' site no. 33;
  - b) Amending 'Schedule 2 – Additional Uses (CL 4.5) No. AU 33' by including Lot 1 within the second column under 'Description of Land';
  - c) Amending 'Schedule 2 – Additional Uses (CL 4.5) No. AU 33' Condition II within the fourth column under 'Conditions' by replacing the R 30 code with the R 40 code; and
  - d) Amending the Scheme Maps accordingly.
2. Forward amendment documentation and submissions to the Western Australian Planning Commission with a request that the Hon. Minister for Planning grant approval to the amendment and its gazettal - without modifications.
3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

Note: The amendment is a 'Standard' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is consistent with the Albany Local Planning Strategy, which sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity;
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- The amendment does not result in any significant environmental, social, economic or governance impact on land in the scheme area.

**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. Lot 1 Frenchman Bay Road, Little Grove is zoned 'Local Centre' under *Local Planning Scheme No.1*.
6. The subject Lot is 3,197m<sup>2</sup> in area and approximately 2,065m<sup>2</sup> or 65% of the site has been developed with a service station, convenience and liquor store, associated office space, storage, car parking and loading/service area.
7. The balance of the site is 1,132m<sup>2</sup> and is currently vacant. The owner of the property requests the flexibility to develop residential units and/or a mixture of residential and commercial/office on the site.
8. A scheme amendment has recently been adopted to designate the adjacent Lot 312 as an 'Additional Uses' site, to allow for the option of developing residential and/or

commercial development. The owner of Lot 1 wishes to extend the 'Additional Uses' site over the vacant portion of their property, in order to also allow for the option of residential/commercial development.

9. The Council resolved in August 2018 to advertise Amendment No.33. Prior to advertising, the amendment was referred to the Environmental Protection Authority, where it was determined that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act.
10. Following notice from the EPA, the amendment was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. At the close of advertising, four submissions were received. No vital issues were raised as a result of the submissions received.

## DISCUSSION

11. In order to provide for the flexibility to develop residential and/or commercial development on the vacant portion of Lot 1, it is proposed to incorporate the lot with an 'Additional Uses' site classification.
12. This means that the site can be developed for commercial uses in accordance with the underlying 'Local Centre' zone and residential uses under the 'Additional Use' provisions.
13. The proponent's preference at this stage is to develop up to four residential units on the site, which would also have potential to incorporate suitable commercial use such as a small scale office.
14. It is recommended that an R40 density code apply in order to allow greater scope for the possibility of commercial and residential development.
15. The City's planning Staff support the proposed local planning scheme amendment, as it is consistent with the *Activity Centres Planning Strategy (2010)* and will facilitate the development of the land, while also retaining the ability for commercial land uses to be developed as demand requires.

## GOVERNMENT & PUBLIC CONSULTATION

16. The Amendment No.33 was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
17. Four submissions were received from agencies. A 'Schedule of Submissions' has been developed to summarize comments. A copy of each submission is also available (see attachments). No modifications are recommended to address comments.

## STATUTORY IMPLICATIONS

18. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
19. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.
20. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a standard amendment, with or without modification.
21. Voting requirement for this item is **SIMPLE MAJORITY**



**POLICY IMPLICATIONS**

22. There are no policy implications relating to the proposed amendment. While not specifically applicable to this proposal, the amendment is attentive to the *State Planning Policy 4.2, Activity Centres for Perth and Peel*. This policy states:

*Activity centres are community focal points. They include activities such as commercial, retail, higher density housing, entertainment, tourism, civic/community, higher education, and medical services.*

**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>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If not supported by the WAPC or Minister, the amendment will not be progressed and the City may be required to make modifications.</i>
<b>Opportunity:</b> <i>Increase opportunity for development and ultimately an active local centre.</i>				

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

26. There are no environmental implications relating to the proposal to amend the *Local Planning Scheme No.1*.
27. As per Section 48(A) of the *Environmental Protection Act 1986*, the proposal was referred to the Environmental Protection Authority and environmental assessment was not deemed necessary.

**ALTERNATE OPTIONS**

28. Council may consider alternate options in relation to this item, such as:
- To resolve to support the scheme amendment with modification(s); or
  - To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

**CONCLUSION**

29. This scheme amendment proposes to extend the 'Additional Use' designation applying to Lot 312, within the Little Grove Local Centre zone, to the vacant portion of Lot 1, which is also zoned 'Local Centre'.
30. The proposal provides an opportunity to develop medium density housing in close proximity to a Local Centre.
31. An R40 density code is recommended to provide greater scope for mixed use development (commercial and residential).
32. The proposed Amendment No. 33 is consistent with the current strategic direction set within the *Albany Local Planning Strategy (2010)*, the *Activity Centres Planning Strategy (2010)* and objectives for activity centres identified in the *State Planning Policy 4.2, Activity Centres for Perth and Peel*.

33. The amendment was advertised, with no vital issues raised.
34. It is recommended that Council adopt Local Planning Scheme Amendment No. 33, without modification.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2010)</i> 3. <i>Activity Centres Planning Strategy (2010)</i> 4. <i>State Planning Policy 4.2, Activity Centres for Perth and Peel</i>
<b>File Number (Name of Ward)</b>	:	LAMD33 (Vancouver Ward)
<b>Previous Reference</b>	:	DIS117 - 28 August 2018

## DIS142: AWARD OF TENDER C18015 FOR ALAC RE-ROOF OF COURT BUILDING

**Proponent / Owner** : City of Albany  
**Report Prepared By** : Team Leader Asset Management (B Aris)  
**Responsible Officers:** : Executive Director Infrastructure & Environment –  
(M Thomson)

*Note: A Confidential Briefing Note was distributed under separate cover in accordance with section 5.23 of the Local Government Act 1995(2)(e)(iii), being a matter that if disclosed, would reveal information about the commercial affairs of a person other than the Local Government.*

### 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:** 3. Clean, Green & Sustainable
  - **Objective:** 3.2 To build, maintain and renew city assets sustainably
  - **Community Priority:** 3.2.1 Deliver environmentally & financial sustainable long term planning for infrastructure via a forward capital works program that meets the needs of our community

#### In Brief:

- Council approval is sought to appoint preferred contractors to replace the roof on the old sport stadium at the Albany Leisure and Aquatic Centre.
- Contract to commence on the date of award. With scaffolding to be completed prior to the Christmas break with the commencement of roof from Monday 7 January 2019. Project completion Friday 22 February 2019.

### RECOMMENDATION

**DIS142: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HAMMOND**  
**SECONDED: COUNCILLOR SHANHUN**

#### THAT Council:

1. **ACCEPT** the tender from Smith Constructions and award Contract C18015 ALAC Re-Roof of Court Building excluding south elevation eaves replacement.
2. **AUTHORISE** over budget expenditure as described in the confidential report and address in the mid-year budget review.

**CARRIED 10-0**

#### DIS142: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR HAMMOND**  
**SECONDED: MAYOR WELLINGTON**

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

**CARRIED 10-0**

**DIS142: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

1. ACCEPT the tender from Smith Constructions and award Contract C18015 ALAC Re-Roof of Court Building excluding south elevation eaves replacement.
2. AUTHORISE over budget expenditure as described in the confidential report and address in the mid-year budget review.

**BACKGROUND**

2. The old sport stadium roof has localised defects, compromising the structural integrity and has reached the end of its life. Maintenance expenditure is increasing and the level of service to the community will decline if the roof is not replaced at this time.
3. The proposed works shall include replacing the roof cladding, capping and flashings. Replace gutter and deteriorating purlin on box gutter elevations. Install roof safety access system and removal of waste to Hanrahan Waste Facility.

**DISCUSSION**

4. A total number of eighteen (18) documents were issued by the City of Albany.
5. Seven (7) completed tender documents were submitted on or before the stipulated closing date and time.
6. The tenders were evaluated using the weighted attributed methodology. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:-

Criteria	% Weight
Cost	50
Relevant Experience	20
Demonstrated Understanding	25
Corporate Social Responsibility	5
<b>Total</b>	<b>100%</b>

7. The following table summarises the tenderers and overall evaluation score.

Tender	Total Evaluation Score
Smith Constructions	816.69
Tenderer B	812.50
Tenderer C	779.67
Tenderer D	735.63
Tenderer E	726.72
Tenderer F	363.67
Tenderer G	277.50

**GOVERNMENT & PUBLIC CONSULTATION**

8. A request for tender was published in the West Australian on 17 October 2018 and the Albany Weekender on 18 October 2018. The tender closed at 2pm on Wednesday 7 November 2018.

## STATUTORY IMPLICATIONS

9. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$150,000.00.
10. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
11. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

## POLICY IMPLICATIONS

12. Councils Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>People Health &amp; Safety</b> <i>Roof failure causes injury to person or property</i>	<i>Unlikely</i>	<i>Severe</i>	<i>High</i>	<i>Appropriate condition intervention in capital works planning</i>
<b>Reputation</b> <i>Roof leaks cause interruption to the community</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Roof replacement will provide a safe environment for users</i>
<b>Finance</b> <i>Non-compliance with contract</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Standard general conditions of contract protect the City by allowing for contractual remedies on the basis of failure to execute works in accordance with contract.</i>
<b>Opportunity</b> <i>By replacing the roof it has provided an opportunity to include translucent sheeting like on the design of the new stadium roof. This will reduce the need for lighting at times during the day, further reducing the energy costs of the building.</i>				

## FINANCIAL IMPLICATIONS

14. The value of this tender is in excess of the allocated budget and therefore the approval is referred to Council for consideration of budget review.
15. The preferred tender price exceeds the budget as per the confidential report.
16. The shortfall will be addressed in the mid-year budget review.

## LEGAL IMPLICATIONS

17. Nil

## ENVIRONMENTAL CONSIDERATIONS

18. Nil

## ALTERNATE OPTIONS

19. Council may accept or reject tenders as submitted.

## CONCLUSION

20. On reviewing the submissions, the evaluation team assessed Smith Constructions as being the most suitable tenderer across the evaluation criteria. Smith Construction is recommended to be awarded the ALAC Re-Roof of Court Building.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• Local Government (Functions and General) Regulations 1995</li><li>• Council Policy – Purchasing Policy (Tenders &amp; Quotes)</li><li>• Council Policy – Buy Local Policy (Regional Price Preference)</li></ul>
<b>File Number (Name of Ward)</b>	:	C18015 (Frederickstown Ward)
<b>Previous Reference</b>	:	Not Applicable

**DIS143: PLANNING AND BUILDING REPORTS NOVEMBER 2018**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports November 2018  
**Report Prepared By** : Administration Officer – Planning (J Ferrell)  
Administration Officer – Development Services (Z Sewell)  
**Responsible Officers:** : Executive Director Development Services (P Camins)

**RECOMMENDATION**

**DIS143: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOUGHTY**  
**SECONDED: COUNCILLOR SUTTON**

**THAT Council NOTE the Planning and Building Reports for November 2018.**

**CARRIED 10-0**

**DIS144: AWARD OF TENDER C18023 FOR CIVIL WORKS –  
CENTENNIAL PARK CENTRAL PRECINCT**

**Proponent / Owner** : City of Albany  
**Report Prepared By** : Manager City Engineering (D King)  
**Responsible Officers:** : Executive Director Infrastructure & Environment –  
(M Thomson)

*Note: A Confidential Briefing Note was distributed under separate cover in accordance with section 5.23 of the Local Government Act 1995(2)(e)(iii), being a matter that if disclosed, would reveal information about the commercial affairs of a person other than the Local Government.*

**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:** 3. Clean, Green & Sustainable
  - **Objective:** 3.2 To build, maintain and renew city assets sustainably
  - **Community Priority:** 3.2.1 Deliver environmentally & financial sustainable long term planning for infrastructure via a forward capital works program that meets the needs of our community

**In Brief:**

- Council approval is sought to appoint a preferred contractor to complete the Civil Component of Centennial Park Central Precinct.
- Works form part of the State funded Stage 2 of Centennial Park Sporting Precinct (CPSP)
- Work are scheduled to commence late January 2019 with a construction timeframe of eight (8) weeks.

**RECOMMENDATION**

**DIS144: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR SHANHUN**

**THAT Council ACCEPT the tender from Tricoast Civil and award Contract C18023 Civil Works – Centennial Park Central Precinct.**

**CARRIED 10-0**

6.51PM

**DIS144: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS**  
**SECONDED: COUNCILLOR SUTTON**

**THAT the meeting be RE-OPENED to the public and media.**

**CARRIED 10-0**



6.44PM

**DIS144: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR SHANHUN**

**THAT the meeting go behind closed doors in accordance with 4.1 of the City of Albany Standing Orders Local Law 2014.**

**CARRIED 10-0**

**BACKGROUND**

2. Stage 2 of CPSP includes remediation of the Central Precinct. This work is to include a re-design of the Central Lakes by consolidation into a single waterbody in order to provide enhanced recreational space for the model yacht club, irrigation storage improvements and stormwater re-use.
3. Other features of the Central Precinct include the Promenade connection from Lockyer Avenue to Sanford Road and the increase in area available for event of turf based recreational activities to the East. .

**DISCUSSION**

4. The tender for the Civil Works – Centennial Park Central Precinct include demolition, lake construction and completion of the Promenade.
5. A breakdown of the project budget is included in the confidential briefing note associated with this report.
6. A total number of 19 documents were issued by the City of Albany.
7. Four (4) completed tender documents were submitted on or before the stipulated closing date and time.
8. The tenders were evaluated using the weighted attributed methodology. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:-

Criteria	% Weight
Cost	50
Relevant Experience	20
Demonstrated Understanding	25
Corporate Social Responsibility	5
<b>Total</b>	<b>100%</b>

9. The following table summarises the tenderers and overall evaluation score.

Tender	Total Evaluation Score
Tricoast Civil	655.46
Tenderer B	585.75
Tenderer C	448.80
Tenderer D	389.99

## GOVERNMENT & PUBLIC CONSULTATION

10. A request for tender was published in the West Australian on Thursday 8 November 2018 and the Albany Weekender on Thursday 8 November 2018. The tender closed at 2pm on Wednesday 28 November 2018.

## STATUTORY IMPLICATIONS

11. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$150,000.00.
12. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
13. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

## POLICY IMPLICATIONS

14. Councils Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Finance</b> <i>Non-compliance with contract</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Standard general conditions of contract protect the City by allowing for contractual remedies on the basis of failure to execute works in accordance with contract.</i>
<i>Works go over budget due to variations as a result of latent conditions</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Detailed Pre-investigation works to identify risks to project that have been included as provisional sums that form part of the contract.</i>
<b>Opportunity</b> <i>By carrying out Civil works to consolidate the Central Precinct the lake will increase in functionality for irrigation, stormwater water re-use and recreational activities such as model yacht competitions.</i>				

## FINANCIAL IMPLICATIONS

16. The value of this tender is within the Centennial Park Sporting Precinct project allocated budget

## LEGAL IMPLICATIONS

17. Nil

## ENVIRONMENTAL CONSIDERATIONS

18. Nil

## ALTERNATE OPTIONS

19. Council may accept or reject tenders as submitted.

## CONCLUSION

20. On reviewing the submissions, the evaluation team assessed Tricoast Civil as being the most suitable tenderer across the evaluation criteria. Tricoast Civil is recommended to be awarded the Civil Works - Centennial Park Central Precinct contract.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• Local Government (Functions and General) Regulations 1995</li> <li>• Council Policy – Purchasing Policy (Tenders &amp; Quotes)</li> <li>• Council Policy – Buy Local Policy (Regional Price Preference)</li> </ul>
<b>File Number (Name of Ward)</b>	:	All
<b>Previous Reference</b>	:	Not Applicable

**BFAC007: RECEIVE THE CONFIRMED MINUTES OF THE BFAC MEETING JUNE 2018 AND NOTE UNCONFIRMED MINUTES NOVEMBER 2018**

<b>Proponent / Owner</b>	: City of Albany.
<b>Attachments</b>	: Confirmed Minutes of the BFAC June 2018 and Unconfirmed Minutes November 2018
<b>Report Prepared By</b>	: Administration Coordinator – Rangers (S Lees)
<b>Responsible Officers:</b>	: Executive Director Development Services (P Camins)

**RECOMMENDATION**

**BFAC007: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MOIR  
SECONDED: COUNCILLOR SMITH**

**THAT:**

- 1. The Confirmed Minutes of the Bush Fire Advisory Committee meeting held on 21 June 2018 be RECEIVED; and**
- 2. The Unconfirmed Minutes of the Bush Fire Advisory Committee Meeting held on 19 November 2018 be NOTED.**

**CARRIED 10-0**

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL** Nil
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN** Nil
16. **REPORTS OF CITY OFFICERS** Nil
17. **MEETING CLOSED TO PUBLIC**  
  
DIS144: Award of Tender C18023 for Civil Works-Centennial Park Central Precinct.
18. **CLOSURE** There being no further business the Mayor declared the meeting closed at 6.54pm.

*(Unconfirmed Minutes)*

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Dennis W Wellington  
**MAYOR**

# Petition to review the Council decision to reject a Coffee Kiosk in the Tourism Hub

We respectfully ask the City of Albany council to reconsider their decision to reject a proposed Coffee Kiosk at the Albany Tourism Hub

- The decision by the council on the 27<sup>th</sup> of November is believed to be under the pretences of false information.
- Mr. Christopher Saurin who had been awarded the tender, refrained from speaking in defence of his business under the belief he was promised support by the majority of the councillors.
- A representative from the Albany Chamber of Commerce and Industry represented non-members to get this tender rejected, with no correspondence between the ACCI and Mr Saurin.
- Rather than a rejection, a mediation should have been undertaken between the plaintiffs and leaser to negotiate terms of the lease agreement.

Name	Phone	Address	Signature
Denise Vaughan	0402628653	David St Spencer Park	Denise Vaughan
Catherine Lynch	04297104289001	25 Duke St	Catherine Lynch
Alisa Coyne	0484554369	2 Sherwood Drive	Alisa Coyne
Clairine Kowalsky	0437487252	252 Middleton Rd	Clairine Kowalsky
Rose Butler	0427270461	337 Serpentine Rd	Rose Butler
Naree Ashford	0408319231	91 Douglas Ave	Naree Ashford
Scrava Majidi	0421104161	68 Grove St West	Scrava Majidi
Dora Adeline	0429370070	73 MINOR RD ORANA	Dora Adeline
Ann-Kate Whitten	0427024024	11 Abercrombie St Orana	Ann-Kate Whitten
Ria Cookson	0406748479	13 O'Keefe Rd	Ria Cookson
Hayley Macdonald	0428170284	8 Whidby Street Orana	Hayley Macdonald
Kristy Treen	0487522636	31 Kampong Rd Yakamih	Kristy Treen
Callie Watson	0417467109	2124 Galt Rink Rd	Callie Watson
Jamie Scally	0407048204	73a minor Rd ORANA	Jamie Scally
TREVOR WAKROPT	0408073389	505 LOWER HINDS ROAD	TREVOR WAKROPT
Peter Hill	0459411717	11 BUNDARA CROSS LG	Peter Hill
Julie Peck	0427098526	5 Gordon St LG	Julie Peck
Tracy Calvert	0438890893	9 Albert St Little Grove WA	Tracy Calvert
Alan De	0468195345	18 ILUKA AVE DENMARK WA	Alan De
L. DeHof	0419869501	6 BORDEN ST LITTLE GROVE	L. DeHof
M Goodwin	0409393343	8 Woodlides Rd Elleker.	M Goodwin
John O'Neil	0418642758	Belby 1959	John O'Neil
A. Hogg	04422822	1 BURNHILL LANE	A. Hogg
Wayne Long	0424364842	48 DICKS STREET	Wayne Long
Joe Cream	0800000000	WE WANT MORE ST NO 2	Joe Cream
John Davis	0444609686	22 CONA STREET	John Davis
Michael Lee	0427929388	1331 Bettel Way	Michael Lee
JONATHAN CURNY	0404999549	49 MCNEAL LOOP	JONATHAN CURNY
Phil Daerty	0448921657	5 FREEMING Gase Roy Hear	Phil Daerty
Nicole Kniman	0417181791	20 Campbell Rd, Albany	Nicole Kniman
Sue Gibson	0417991238	429 Albany Hwy Orana	Sue Gibson
LEITH SCOTT	0457260586	25740 ALBANY HWY	LEITH SCOTT
J. STEELE	0447600602	39 GOLF LINKS	J. STEELE



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- The decision by the council on the 27<sup>th</sup> of November is believed to be under the pretences of false information.
- Mr. Christopher Saurin who had been awarded the tender, refrained from speaking in defence of his business under the belief he was promised support by the majority of the councillors.
- A representative from the Albany Chamber of Commerce and Industry represented non-members to get this tender rejected, with no correspondence between the ACCI and Mr Saurin.
- Rather than a rejection, a mediation should have been undertaken between the plaintiffs and leaser to negotiate terms of the lease agreement.

Name	Phone	Address	Signature
Cameron Neyer	0403 953 621	28 MARCON ROAD, YAKAMICA	
WARWICK MEYER	0438 928 404	41 SYDNEY ST YAKAMICA	
REGINA JOHNSON	0428 942 806	8 NINA ST PRINCE ALBERT	
Dana Gardiner	0429 116 752	38 BISHOP RD LOWERE	
Sam Hulme	0412 951 705	17 Dorado Bend McKay	
Kristy Ridgway	0438 550 573	48870 South Coast Hwy. Morley	
Beverly Mahleson	0417 998 450	4/9 BLUFF ST MIRA MAR	
Goodall-Mitch	0428 622 747	7 Hay St ALBANY	
PAUL EDWARDS	0408 566 809	17 DOUGLAS ST	
Brady Marsh	0447 114 1295	4 Lahill court	
BRAD SIMPSON	0418 792 75	135 STERLING RD	
Shane Curtis	0427 968 527	18 ELARAY WAY	
CAIN PIETROPOLO			
Eloxy Keymer	0400 428 406	235 Rocky Gowing Rd	
Gillian Deaton	0467 418 925	411 Coogee Street	
Helen McCusker	0428 415 600	27 Seymour St	
Dave Bloomfield	0427 543 252	19 Hill St	
Jacky Breckamp	0429 964 150	4 Merlin road.	
Melissa Keys	0458 305 834	548 Albany Hwy	
Dean Harper	0416 383 014	31 Baker st Nth	
MICK ROWE	0427 091 926	GLACE ALB	
Michael Scotland	0475 116 060	42 SOUTH COAST HIGHWAY	
Kenneth Keys	0418 936 011	548 Albany Hwy ALBANY	
JADE SHELTON	0475 250 033	1 UNION CL, BAYONET HEAD	
Kim Cooper		986 David St	
Chris Barker	0428 238 263		
TV. Stan McEwan		155 Albany Hwy	
Greg Elliott	0428 945 960	39 Innes St.	
MATT NORTCOTT	0417 267 025	76 MUELLER ST ALBANY	
FRED CARTER	0484 573 026	25 VIEW ST ALBANY	
Jesse Atwell	0427 941 247	31 Knight Road Robinson	
SARAH DEAN	0424 714 046	59 FERRIS ST MCKAY	



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Name	Phone	Address	Signature
J. TRENDALL	0427767845	Po Box 5163 ALBANY 6332	[Signature]
D. Whately	0406861483	13 Stephen St Milpara	[Signature]
Shelley Bowden	0499 500 355	55 Fifth Ave Kendenup	[Signature]
Christine Hawkes	0119935155	4150 Lion St. C. Park	[Signature]
Alexander Beveridge	98441369	6 GREEN ISLAND CRES ALBANY	[Signature]
Tania Ackerschoff	0411582704	6 Collingwood rd Mirra Mar	[Signature]
Carol Evans	0418910028	8 DREW/ONE ALBANY	[Signature]
Sue Kenworthy	98443324	902 Takemup Rd Napier	[Signature]
Brian Davis	98447663	630 Howeking Rd Albany	[Signature]
Melissa Sims	0400899274	44 Barnesby drv	[Signature]
MS Gibbs	0414152422	16 Lower Kyn Rd	[Signature]
R. Kipatun	98448047	15 Swanbrick Emu Point	[Signature]
Marylyn Beleck	0429684949	43 m'Gonnell Rd	[Signature]
Elani Chooir	0403551355	1107 Yelland Rd Narrikup	[Signature]
Alexander Saurin	0439 241 194	22 The Village Way, Millbrook	[Signature]
Margaret Glover	0429012218		[Signature]
LESLIE PARKER	0411148030	12 BOMBERAY ROAD	[Signature]
Mijin Howarth	0416 716 035	56 McGonnell Rd Orana	[Signature]
TRACEY JACKMAN	0429425427	4 COV-DOBT W. W. A. Albany	[Signature]
Guliga Burns	0423831141	362 Old Elliker Road	[Signature]
A.K. Murdoch	0436332654	19 Crossman St	[Signature]
J.R. BARRETT	0428213949	139 WILSON RD. 6324	[Signature]
J. DART	02465157	31 MURSTEN RD	[Signature]
M Chambers	0418912632	WILSON	[Signature]
A.M. Welch	0427293143	McLure St Murrumbidgee	[Signature]
Karen Mackereth	0419967774	4114 Hillman St St	[Signature]
KRISTIN TURNER	0400 671 521	33 TREESOR RD	[Signature]
D. Tipler	0108700008	114 Park St	[Signature]
J. Tipler	0408909111	10 H. St Albany	[Signature]
J. Green Ball	0419876510	Lyella Street Falcon	[Signature]
M Hunter	0447976517	Cuthbert St Albany	[Signature]
M Crossen	0417212742	30 Burt St Mt Clarence	[Signature]
R.F. Williams	0427094824	108 Collingwood Rd Sippings	[Signature]



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Name	Phone	Address	Signature
Alex Inham	0400356277	P.O. Box 1640	[Signature]
Brady Jennings	0402595602	16 Yang St	[Signature]
Pam Adams	0407779601		[Signature]
Bernadette Reluna	0405127657		[Signature]
RICHARDSON		YAKAMIA	[Signature]
Collett		Yakamia	[Signature]
John		McKail	[Signature]
Jim Overman	0429889324	Frederickstown	[Signature]
PETER BROWN		PARADE ST ALBANY	[Signature]
Sirio Head		1st Floor Cheltenham	[Signature]
Ruby Cabarrus	0425145553	86 Bayview DR Little Grove	[Signature]
Maurie Lally	0455461930	"	[Signature]
JACKIE MCCOY	0437410960	88 Lower View Rd.	[Signature]
B. LAWES	0419422916	Plumier PH	[Signature]
PAUL ARON	0438711747	RIVER Exp. Docklands Vic	[Signature]
Jude Enoch	0448882284	3a Innes St Albany	[Signature]
Chris Holman	0437593045	YAKAMIA	[Signature]
VERU ADRIAN	0429541022	150R 299 MT RICKER	[Signature]
DIES KINGMAN	0499489657	7.75 Festing St	[Signature]
Kate Hadererani	0450522729	82 Brunswick Road	[Signature]
Chelsea Lange	0438511828	Frankland River	[Signature]
Raf. Corne	98442770	4 Green Wood Drive	[Signature]
Brydie Creagh	0400992466	156A Burgoyne Road	[Signature]
HOUSE ANDERTON	0427541578	" " "	[Signature]
WYNDY ANDERTON	0448014167	136A BURGYNNE RD	[Signature]
Anthony Lolley	0428427389	44 Wilkes Rd. Ingham	[Signature]
Rebecca Lolley	" " "	" " "	[Signature]
Cerys Lolley	0467507540	" " "	[Signature]
Karen Tomkins	0407192456	28 Oxford St	[Signature]
Andrea Waugh	98404132	76 Bayview Pl. 6330	[Signature]
ANNIE WYNDY	0477917132	76 Bayview Dr 6330	[Signature]
Gracie Gendron	0472004057	10 Summers St	[Signature]
Cathy Stone	0458963796	16 Warthage Crt	[Signature]



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Name	Phone	Address	Signature
Alex Beveridge	98441369	6 GREEN ISLAND CRE	
Chloe Hepburn		8 DAND ST	
LAURA BECK	98425352	15 HANSON ST ALBANY	
W. STEBECK	0447684949	453 MCGONNELL	
Kirstie Cooper	0414819115	16 greenwood drive	
Billie Jo Whitbread	0408707778	116 Innes St	
Stella Westcott	—	425 - Elleker Rd	
Lee Ransley	0487835751	51, GLENFELL DRIVE	
Stephanie Fathos	043402688	40 green island cres	
Michael Fear	0422780749	62 ulster Road	
DIMPSEY AUGUSTSON	0484341284	169 ALBANY HIGHWAY	
Li Li	0431266140	9 MCKAIL ST	
Scott Middleton	0426251261	12 Brady Cnr McKail	
Emma Brady	0420941657	2 Lennard St Orana	
Senore Cooper	0448426887	Mullbrook Rd.	
Dayna Bastian	0407054568	20 MAWARD RD	
BARRY PRANE	0428555224	SPEINCEIL PARK	
ANNA PAGE	0451783536	GLENDON, ALBANY	
ERICA SHENFIELD	0420902010	12 SIERRA CRES	
Jarrad Smith	0435922413	166 Dairing Drive	
B'D GARNETT	0429574040	53 LEONORA ST	
CAMIE HESSENE	049661268	ROSS ALBANY	
VICKY RUSSELL	0898423802	SANITY	
Ben Deulia	0429895334	293 ALBANY HWY	
JASMINE THOMSON	0497929759	47 Southcoast Hwy	
Kim Nordes	0428426425	65 Festing St Albany	
Bronie Street	08041151772	35 LOWER KING ROAD	
Natasha Dunham	0459332566	70 Hessel Street 6324	
Kat Fjastad	0481313982	63 Stead Rd, 6330	
Roman Fisher	040624186	12 Leona St 6330	
Corky Hart	046615944	10 Stoddart Cnr McKail 6330	
RICHARD KEEFER	0407195006	35 JOHN ST, MCKAREN	
Jordan Wilson	0417567573	61 MCKAIL STREET, ORANA	



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Name	Phone	Address	Signature
Mark Nelson	0429422388	180 Frenchman Bay Rd Albany	[Signature]
William Matson	0431214532	9 Vaughan Vista	[Signature]
IAN WAUGH	0438169654	3 MICHAELMAS WAY	[Signature]
GAVIN GROSE	0439 412085	13 HARGOUR VIEW Pt	[Signature]
SHANE MARTIN	0427916996	1044 MILLBROOK RD	[Signature]
MICHAEL FISHER	047983175	161 LAITHWOOD CRT	[Signature]
JASON WILSON	0449067226	38 Gladite Rd	[Signature]
Tom Wilson	0428967497	693 ALBANY HIGHWAY ALBANY	[Signature]
DARRELL BOADLEY	0638198473	125 LANCASTER ROAD	[Signature]
JOHN WILSON	04504042380644	2 Newby St	[Signature]
GRAHAM DUKER	0427447523	600 Albany Highway	[Signature]
STUART EYLES	04276048304	8 LITTLE HEARTS PLACE	[Signature]
DAVE JONES	04182449454	49 KELLY VIEW WILLYARD	[Signature]
BRAD WILLIAMS	0427938440	454 CHIRIANA DRIVE LITTLE CHIRIA	[Signature]
JAMES LANRIDGE	0427158323	2-6 Kait Street Wt	[Signature]
Stephen Hutchings	04371757096	21 Vernon Lane McKell	[Signature]
PETER STRICKLAND	0429916164	219 SELBIE HT 1116	[Signature]
Steven Pickin	0427997691	44/241a Albany Hwy	[Signature]
Chris Grant	0427389047	18 Gairdner Rd Albany Wt	[Signature]
523 Cornwell	0427931459	755 Frenchman Bay Rd Albany	[Signature]
Dylan Naivin	0439082029	31 SOUTH COAST HWY	[Signature]
Ashley Lock	0448926260	46 Edin burgh rd	[Signature]
Shane Weir	0427581332	63 3rd Ave Benderop	[Signature]
Callum Foran	0431179067	7 Hofrad Court	[Signature]
ANDREW TAYLOR	0415704560	59 Federal St.	[Signature]
Matthew Wahlisch	0408039475	3 Summerts Place Parramatta	[Signature]
Jonie Hicks	0402646129	55 Hanson Street	[Signature]
DAVID SHEPHERD	0158668554	UNIT 32 BOLTON CL DONMILLANA	[Signature]
NEVILLE BLACKBURN	0438934827	103 HENRY ST	[Signature]
CRAIG ANDERSON	0427415279	18 OXFORD ST GLEDITOW	[Signature]
Andrew Lyden	0456617075	24 La Perouse CRT	[Signature]
CRAIG TORRIN	0429866546	92 NOBLEY ST	[Signature]



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Name	Phone	Address	Signature
MERV AYLMORE	9844 8664	ALBANY	Merv Aylmore
CHRIS O'H	013 996 7774	ALBANY	Chris O'H
Simon Mackereth	9842 9994	ALBANY	Simon Mackereth
Anne Parker	0447 812347	Little Grove	Anne Parker
Georgia Scott	0437 875703	ALBANY	Georgia Scott
Emma Mitchell	01092 07865	MT Melville	Emma Mitchell
Steve Mackie	0428 211793	ALBANY	Steve Mackie
Lesley Rose		ALBANY	Lesley Rose
Emily Shall	0487 632442	ALBANY	Emily Shall
Beau Ingram	0456 01183	ALBANY W.A	Beau Ingram
Sue Bennett	0427 835337	ALBANY	Sue Bennett
Stuart McQuinn	0417 742186	ALBANY	Stuart McQuinn
Mei Whiting	0433 99522	ALBANY	Mei Whiting
J Robertson	0419 211952	ALBANY	J Robertson
Ahmed Saleh	0424 94521	Perth	Ahmed Saleh
S Bryant	0417 957383	Denmark	S Bryant
C LILLEY	0417 746848	"	C Lilley
A. Lee	0497 366 016	ALBANY	A. Lee
Heather Power	0447 132316	ALBANY	Heather Power
Simon Downes	0405 335 404	ALBANY	Simon Downes
Ann-maree Ullmer	0408 354025	ALBANY	Ann-maree Ullmer
John McFarlane	0438 930 238	ALBANY	John McFarlane
D Waters	0401 547458	Hillangas	D Waters
ALISON ABSC	0416 042336	Kalamunda	Alison Abse
CARIS SAURIN	0457 443315	MT MELVILLE ALBANY	Caris Saurin
Regan Lloyd	0400 413606	135r Road, Gungahlin Heights	Regan Lloyd
Ann Robinson	0425 70124	BUNDOORA, VIC	A. Robinson
Steph Mamma	0408 372 817	ALBANY	S. Mamma
Kate Kahane	0923 497	ALBANY	Kate Kahane
Ann Doherty	0419 954834	ALBANY	Ann Doherty
Lara Roznecny	048 325197	ALBANY	Lara Roznecny
Marg McRae	0407 225774	ALBANY	Marg McRae
Daniel Farmers	0498 6627 01	Beyond head	Daniel Farmers



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Name	Phone	Address	Signature
Renee Salmon	0407255002		Renee Salmon
Edric Smithers	0418887655		Edric Smithers
RIO CAPARAO	98611179		RIO CAPARAO
D. Bastian	0427448665		D. Bastian
N. BASTIAN	0427443665	20 Mallard Road, Albany	N. Bastian
SAM DAWSON	0459300263	8 Finlay St, Albany	SAM DAWSON
Amy Smaller	0404448692	223 Serpentine Rd	Amy Smaller
Tim Auty	0416137122	Mt Melville	Tim Auty
Angela Kelton	0428381379	1/43 Premier Albany	Angela Kelton
LEO WATSON	0417467109	2/24 Galf Links Rd	Leo Watson
Taylor Jess	0431117882	5/9 Lambeth Place	Taylor Jess
Joshua Watson	0400188334	5/9 Lambeth Place	Joshua Watson
Savannah Orzel	0409288613	15a Melville St, Mt Melville	Savannah Orzel
Vanessa Orzel	0409447264	15a Melville St, Mt Melville	Vanessa Orzel
DIANE WATSON		99 a Middleton Rd	Diane Watson
Jodie Paine	0409885390	318 Bonaccord Rd	Jodie Paine
Cobie Fitcher	0407240040	90 Wylie Cres	Cobie Fitcher
THOMAS POWELL	08984312	3-35 ST SHAFORT RD PREMIER	THOMAS POWELL
James Barrett	0428213949	Wilson Rd Mt Barker	James Barrett
John Maddam	0427883650	Bramley Ct Louisa King	John Maddam
NOA BOKES	0418994240	Albany	NOA BOKES
Jay Graham	0437781297	Speed Rd, Albany	Jay Graham
Bethinda	0411917457	3 Turner St	Bethinda
Pete Richardson	0473184469	20 Hobson Rd, Yukanin	Pete Richardson
J. Davies	0415240192	88A Gallipoli St, Kathlain	J. Davies
S LINDSAY	0499057647	12 Mt Wood St	S LINDSAY
Bodhi Summerston	0413258224	12 Molead St	Bodhi Summerston
MATT OWEN	0427857146	95 HOME RD ALBANY	MATT OWEN
Kylie Owen	0420856783	95 HOME RD Albany	Kylie Owen
Jim Morrison	0430861531	64 Hill St Albany	Jim Morrison
Vickie Hutchings	0428170261	21 Vernon Lane McKail	Vickie Hutchings
A. MYRTLE	0428936382	ALBANY	A. MYRTLE

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[illegible]





Albany Community Environment Centre Inc.  
PO Box 1780, Albany 6331  
0438 957 504  
[albanycec@gmail.com](mailto:albanycec@gmail.com)  
12<sup>th</sup> December 2018

Mr Andrew Sharpe  
CEO  
City of Albany

Phone: (08) 6820 3002  
Email: [ceo@albany.wa.gov.au](mailto:ceo@albany.wa.gov.au)  
PO Box 484, ALBANY, WA 6331

**Attention: Andrew Sharpe**

Dear Mr Sharpe,

**RE: Warriup Swamp/Lake Mullocullup and proposal for water skiing gazettal**

We write to you in relation to the proposal to gazette the Lake Mullocullup site for approved use by water skiers and motor boating. *Would you please formally acknowledge receipt of this letter in Council minutes?*

The Albany Community Environment Centre Inc. (ACEC) consists of around 25 active financial members and an even broader base of affiliate community groups and partner organisations. We are a not-for-profit community based association, who advocate and educate on matters relating to protection of our environment and developing more sustainable communities and economies.

Our community work has spanned almost 25 years and includes revegetation, restoration, landscaping, mulching and weeding of the Yakamia Creek Project/Friends of Yakamia Creek in conjunction with local government and state government, as well as implementing the first co-mingled recycling bins for a Great Southern Shopping Precinct, at North Road Shopping Centre with our recent Waste Authority Grant.

## Executive Summary

Our top 8 considerations we request you consider in relation to the gazettal issue are as follows:

1. Prior to any proposal for gazettal, an environmental, ecological and water quality monitoring and reporting period of 12 months should be approved, implemented and jointly funded by the City of Albany and the Department of transport (see recent Minutes of local council meeting (DIS123) setting aside readily available budget funding for monitoring reports and signage (total \$23,000). This is because without baseline studies and control lake studies, impact monitoring would be less effective if gazettal occurred immediately.
2. The City of Albany should consider **introducing by-laws and fines** to deter unauthorised access of the Lake, and any revenue raised should be placed into the above monitoring plan. The narrow access to site, the risk of the generally shallow lake and tree-lined shore makes it unacceptable to gazette for water-skiing and motor boating.
3. Any ongoing management and stewardship of the Lake should involve stakeholders in an **environmental management plan (EMP)** including ACEC members, local community members and scientists, landholders and indigenous interests.
4. Access to the Lake is by the **one fire track and this deters “multiple users”** at the site as any water skiers would dominate the shoreline and quiet enjoyment of the Lake at any given time, unlike other more peaceful use of the lake for canoeing and picnicking. There is significant community opposition to the gazettal proposal to allow for water skiing and this should be weighed up against the small group of local farmers wanting to continue their unauthorised water skiing on the Lake.
5. If gazettal does proceed, further consultation should occur if any ground is disturbed, given the relevance and **importance of s 18 of the Aboriginal Heritage Act** provisions (for example, we understand disturbance of site could include placement of signage and buoys or markers in the waterbody, boat ramps, erection of toilets or facilities or carving out an alternative access track. Consultation and other matters required under the relevant Act (including a Noongar Standard Heritage Agreement should be adhered to and budgeted for.
6. **Conditions** to be **attached to any permits** for water skiing and motor boating, or conditions relating to the gazettal should include:
  - Strict prohibition of motor boats and water skiing at fish, turtle and **bird breeding seasons**;
  - Other conditions to support ecological health of ecosystem of the Lake;



- Time limit on any permit allowing water skiing to allow the government to withdraw permission to use the Lake for same purpose if Lake health is negatively impacted in association with the gazettal.
7. Joint management of the Lake should include indigenous members of our community and utilised through the **Ranger program** that has recently been introduced by government and is in the development stages, as well as Gondwana's wetlands capability project.
  8. **Whole of ecosystem approach** to considering monitoring control sites, and other impacted freshwater systems should be embraced by the ongoing research and review in the management of the Lake funded by any permit system that allows for water skiing and utilises citizen scientists as legitimate data collectors with appropriate training and support. We support a targeted education campaign and active management to reduce impacts from nutrient run-off from surrounding farms and broader land management issues that feed the **blue-green algae problem** at the Lake in late summer. This issue should be addressed as part of the EMS and ongoing research, so that the lake's fragile health and resilience be considered and actively responded to in the context of compounding negative impacts on the Lake's ecological health from water-skiing and motor boats.

We set out our detailed objections and synthesis report below.

### **Economic considerations**

Safety is an economic risk for the Department of Transport, Local Government and an insurance risk. With reports of water-levels being obtained during high water depth periods (mid-winter) and very few sites in the waterbody being over 3m deep (safe area) we argue that this issue needs further consideration before gazetting the Lake for water-skiing. Please refer to information on water depths in the objections by Dale Roberts. A recent expedition to the Lake led by indigenous elder Carol Pettersen and over 20 families and community members found only 2 places with over 2m in depth.

The economic cost of disturbing another freshwater wetland and the unquantified cost of losing breeding sites potentially for birds and turtles should be weighed up against benefiting the social desire for water-skiing of a small section of the human community. Our wetlands are the heart and soul of our ecosystem: freshwater is vital to all living systems, and particularly the south-west of WA. We are experiencing loss and degradation of our freshwater swamps and lakes all across the globe, and WA has a huge history of this destruction and lack of ecological sensitivity and appreciation. Therefore, given the increasing drying climate, we need to adopt precautionary measures before negatively impacting our environment further. For

example: what do we know of the Lake's resilience to climate change and water-skiing impacts?

We need to have ongoing monitoring budgets to maintain wetland health or have any chance of limiting the impact to the Lake.

The cost of policing any unauthorised use of the Lake once gazettal has occurred is also an ongoing budgeting constraint. The Lake is over 1 hour's drive from Albany, and any real "oversight" or adequate "response times" is surely lacking. There is a history of dangerous and bad behaviour by water skiers and motor boaters in the past. Again, the City of Albany and Department of Transport should weigh up the risk to safety and the associated cost in the case of a terrible disaster. (Perhaps fines for unlawful access to the Lake could assist in raising revenue to manage the Lake's health.)

Dr Myles Mitchell's report on Aboriginal Heritage & Consultation 2018 detailed the need for further consultation with Aboriginal people before any impact on the Lake is proposed to be authorised. The costs of further consultation should be considered.

Interpretive signage, indigenous significance signage and education signage should be integral to any increase of use of the Lake. The budget for this signage should be considered, with adequate consultation and research for community-engaged signage.

Camping and access to the Lake as well as amenities as toilets and picnic tables should be considered and weighed up in any budget constraints on broadening the current use of the Lake for conservation and quiet enjoyment. Bringing more people on site with a gazettal means these amenity considerations should be realistically budgeted for, perhaps over a staggered period. The evidence demonstrates that littering and fires is a problem with a disregard for caring for the environment with no oversight or regulation of use of the site.

## **Ecological considerations**

Please refer to the other reports noted below (particularly CENRM report which states further monitoring and reporting is required) and other objection letters addressed to the Department from Basil Schur, Green Skills and Dale Roberts.

Regarding bird species and reliance on the Lake – out of 3 lakes in the vicinity, this Lake Mullocullup supports a threatened species, the Carnaby cockatoo, and boasts to be the lake with the largest number of birdlife as compared to the other local lakes in the vicinity (Anne Bondin report).

In summary, we do not think the ecological impacts are properly understood so further research is required. Freshwater lake systems are notoriously under researched, and so it is illogical to rely on limited reports of the health and resilience of the Lake.

In the meantime, during a precautionary monitoring and reporting period for 12 months, the community has sufficient already-existing water-skiing areas for the community's enjoyment.

### **Social, Cultural, Health and Safety Considerations**

What is a Lake worth? And what is one person's perspective on their "entitlement" to use the Lake for water-skiing?

How can we be so short sighted as to assume a Lake should be able to absorb the impact of water-skiing and fuel from motorboats and other associated damage?

The Lake is already impacted from farming and associated land management practices. Why not consider restoring the Lake from ongoing blue-green algae problems? The monitoring and research required needs a time without water-skiing for the results to be meaningful. Impact cannot be assessed otherwise.

Why should one group of people be allowed to water-ski when other people cannot enjoy the serenity while they are water-skiing?

Why cannot we re-train ourselves and our children to enjoy canoeing and bird watching and picnics? With a drying climate, fragile eco-systems like Lake Mullocullup need better care.

The "mental health" of some local farmers needs to be flexible such that they can acknowledge and decide to be "happy" to look at using their petrol to attend five (5) other already gazetted water-skiing locations in the Albany area, or simply attend the Lake for peaceful walking and picnicking. We note other landholders in the area are concerned for the Lake's ecological health.

The site has been accepted as an Aboriginal Heritage site (Site 37628) for good reasons. This should not be overlooked in any decision to gazette the area for water-skiing. It is argued these uses are not compatible. With limited access to the water's edge to engage in spiritual welcomes to the Lake and enjoying the natural beauty of the lake when water-skiers are about, means that motor boating conflicts in a major way with other uses at the Lake.

### **Report Synthesis Acknowledgement List**

We trust you have access to and will consider the following relevant reports:

- a) Dr Myles Mitchell report on Aboriginal Heritage & Consultation 2018;
- b) Great Southern Institute of Technology – Mireembin Lake Ecology Report (Silvia Leighton) 2014;
- c) Anne Bondin Birds Australia Report 2008/Feb 2016 (Fauna report);
- d) CALM Report 1980;
- e) Centre of Excellence in NRM Report Sept 2018 Dr B Cook;
- f) Dr Dale Roberts report/objection letter addressed to you recently;

- g) Department of Water, Tracey Calvert 2008 report;
- h) ITC Fauna Survey Greenskills 2009;
- i) Correspondence to the Minister Rita Saffiotti, Minister Dawson from various community members and groups;
- j) Local Council minutes from relevant meetings involving the Lake.

If you would like a copy of any of the abovementioned reports, please contact us.

## Conclusions

There is an outstanding issue of legal interpretation of permitted purpose of the Lake (Class C Nature Reserve) for camping, conservation of flora and fauna and stock water use under s 46 (1) of the *Land Administration Act 1997*. We do not consider water-skiing and motor boating to be a logical inclusion in this purpose, or an ancillary purpose (with consideration of relevant case law). We emphasise the Lake should be managed with a plan as detailed at s 49 (3) of that Act.

Thank you for considering our objections and briefing report. We trust you will value the community input into your decision-making, as we understand the difficult nature of weighing up competing factors.

If you would like to contact us to clarify anything in our correspondence, or have inquiries into what involvement the ACEC may have in the future of Lake Mullocullup's management and stewardship, please email [albanycec@gmail.com](mailto:albanycec@gmail.com) or contact Committee member Lara Norman on 0412 358 987.

Kind Regards



David Rastrick on behalf of  
ACEC Inc. Co-ordinating Committee