



AGENDA

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 12 February 2020

6.00pm

City of Albany Council Chambers

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

VISION

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

VALUES

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

Focused: on community outcomes

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

United: by working and learning together

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

Accountable: for our actions

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

Proud: of our people and our community

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

TERMS OF REFERENCE

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

Development Services:

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

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

Infrastructure Services:

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

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

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

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

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

(4) **Meeting Schedule:** Monthly

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

(6) **Executive Officers:** Executive Director Infrastructure and Environment, Executive Director Development Services

(7) **Delegated Authority:** None

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Mayor D Wellington

Councillors:

Member	P Terry
Member	J Shanahun
Member	S Smith
Member	M Benson-Lidholm JP
Member	C Thomson
Member	R Hammond
Member	E Doughty
Member	R Sutton
Member	R Stephens
Member	A Goode JP
Member	T Sleeman
Member	G Stocks

Staff:

Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development and Environment	P Camins
Manager Planning and Building Services	J Van der Mescht
Manager City Engineering	R March
Meeting Secretary	A Paulley

Apologies:

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

6. PUBLIC QUESTION TIME

7. PETITIONS AND DEPUTATIONS

8. CONFIRMATION OF MINUTES

DRAFT MOTION

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 4 December 2019 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

DIS194: AMENDMENT TO HOLIDAY ACCOMMODATION POLICY

Land Description	: All
Proponent / Owner	: City of Albany
Attachments	: Draft Amended Holiday Accommodation Policy
Report Prepared By	: Coordinator Planning Services (A Bott)
Responsible Officers:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed policy, the Council is obliged to draw conclusion from:
 - a. 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).
 - b. Its adopted *Albany Local Planning Strategy 2019* and *Community Strategic Plan – Albany 2030*.

In Brief:

- The current City of Albany Holiday Accommodation Local Planning Policy has been in place for a number of years. During this timeframe, a large number of holiday accommodation applications have been lodged and processed.
- The current policy states that if an objection is received as part of the advertising process that the proposal will be required to be referred to Council for determination.
- It is proposed that this policy measure be removed.
- Council is requested to endorse the amended Holiday accommodation Policy for the purpose of adoption.

RECOMMENDATION

DIS194: RESPONSIBLE OFFICER RECOMMENDATION

1. **THAT Council in accordance with Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to MAKE the Holiday Accommodation Policy (as set out as an attachment to this item), as an amendment to the Holiday Accommodation Policy; and**
2. **APPROVE giving notice through the placement of a notice of the amended policy in a newspaper circulating in the Scheme area.**

BACKGROUND

3. The City of Albany deals with a large number of development applications for holiday accommodation each year.
4. All holiday accommodation planning applications are advertised and it is common to receive comments as part of the consultation process.
5. The current policy states that if an objection is received as part of the advertising process that the proposal will be required to be referred to council for determination.

6. The purpose of a local planning policy is to guide the assessment and subsequent determination of planning proposals. It is not the role or function of a local planning policy to dictate whether or not a proposal is referred to Council for determination.
7. The current policy provision results in proposals which meet the relevant policy measures being required to be referred to Council for determination, even when the objection received may not be grounded to relevant town planning matters.
8. It is proposed that the existing policy be amended in order to remove the requirement for proposals which receive any objections to be automatically referred to council.

DISCUSSION

9. The current policy provision is overly broad and conflicts with the assessment of planning proposals and essentially empowers a third party to dictate when a matter is to be referred to Council, irrespective of the town planning merits of their submission.
10. The role of the local planning policy is to guide the assessment process for holiday accommodation proposals and set out the relevant matters the City of Albany considers relevant e.g. the requirement for management plans or the number of car parking bays.
11. The purpose of public advertising is to obtain comments regarding a proposal. Comments received which are relevant to town planning matters are given consideration in the decision making process and form one of the elements of the larger assessment process.
12. The automatic referral to Council due to mere fact that an objection has been received can result time delays and the inefficient use of officer and Council time dealing with matters which can be determined under delegation.
13. The proposed removal of the automatic referral to Council does not change the current advertising process or the weighting any the submission received is given in the assessment process to the extent it is relevant to town planning matters.
14. The removal of the requirement from the current policy does not preclude holiday accommodation proposals being referred to Council by staff, or alternatively, Council requesting to determine the relevant application.
15. The removal of this element will also make the policy consistent with all other policy within the local planning policy framework.

GOVERNMENT & PUBLIC CONSULTATION

16. The proposed amendment is considered to be minor and as such is not proposed to be advertised for comment.
17. All holiday accommodation planning proposals will continue to be advertised and submissions received will be assessed against the relevant matters to be considered within the planning framework and policy.
18. It is necessary to note that the removal of the requirement from the current policy does not preclude holiday accommodation proposals being referred to Council by staff, or alternatively, Council requesting to determine the relevant application.

STATUTORY IMPLICATIONS

19. There are no statutory implications relating to endorsing the amended holiday accommodation policy.
20. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

21. The amendment is minor and removes the current requirement for proposals which receive any objection to be referred to Council for determination. All other policy considerations remain unchanged. As with all planning proposals, Council has the ability to call in proposals for determination, or alternatively, where there are substantive issues, be referred the application for determination by staff.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Business Operation, Reputation & Financial.</i> <i>Risk: Reputation. Modification of the Policy position may have a perceived impact on the way that application are determined.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>All holiday accommodation planning proposals will continue to be advertised and submissions received will be assessed against the relevant matters to be considered within the planning framework and policy. all planning applications with substantive issues are referred to Council for determination in accordance with delegations.</i>
<i>Opportunity: Consistency and efficiency; Council focus on applications with strategic importance and on substantive issues.</i>				

FINANCIAL IMPLICATIONS

23. There are no financial implications relating to resolving to amend a Local Planning Policy.

LEGAL IMPLICATIONS

24. There are no legal implications relating to resolving to amend a Local Planning Policy.

ENVIRONMENTAL CONSIDERATIONS

25. There are no environmental considerations relating to resolving to amend a Local Planning Policy

ALTERNATE OPTIONS

26. Council has the following alternate options in relation to this item, which are:
- To resolve that the draft amended policy is publicly advertised and any submissions considered prior to final adoption.
 - To resolve that the draft amended policy is unacceptable and refuse adoption
 - To resolve to further amend the proposed policy prior to adoption.

CONCLUSION

27. The City of Albany’s current holiday accommodation local planning policy requires that if any submission is received against a proposal, then the matter is required to be referred to Council for determination.
28. This policy requirement has seen a number of proposals which meet the policy and statutory framework be required to be determined by Council due to a sole submission.

29. It is proposed that this element of the policy be removed on the basis that it is not the role or function of a local planning policy to dictate whether or not a proposal is referred to Council for determination.
30. All proposals and submissions received will continue to be assessed against the relevant matters to be considered within the planning framework and policy.
31. The removal of the current policy provision does not preclude holiday accommodation proposals being referred to Council.

Consulted References	:	1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i>
File Number (Name of Ward)	:	All
Previous Reference	:	OCM December 2013 Item PD018

DIS195: AMENDING 'TRADING IN PUBLIC PLACES POLICY'

Land Description	: City of Albany
Proponent	: City of Albany
Owner	: City of Albany
Attachments	: Draft Trading in Public Places Policy
Report Prepared by	: Manager Planning and Building Services (J van der Mescht)
Responsible Officer	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed Policy, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* and *Community Strategic Plan – Albany 2030*.
3. 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 current City of Albany Public Places Policy has been in place since 2009, with minor reviews undertaken in 2010 and 2017.
- During the subsequent timeframe, a number of trading permits have been issued in accordance with the policy.
- There are a number of key matters which are consistently raised regarding this policy which will benefit from clarification and refinement in the form of a revised policy.
- Council is requested to resolve to approve the policy for advertising purposes.

RECOMMENDATION

DIS195: RESPONSIBLE OFFICER RECOMMENDATION

- 1. THAT Council APPROVE the Trading in Public Places Policy for advertising purposes.**

BACKGROUND

4. The Trading in Public Places Policy is prepared as a Council Policy in accordance with the *Local Government Act 1995*.
5. The Trading in Public Places Policy provides direction to City staff in the processing of enquiries and permit applications for trading in public places under the "*Activities on Thoroughfares and Public Places and Trading Local Law 2011*". The policy also provides a clear set of controls for operators to trade under.
6. The City of Albany deals with a number of enquiries in relation to or applications for trading permits each year. These enquiries most often relate to requests for new fixed location trading areas.

7. Staff also from time to time receive comments and or complaints from formal “brick and mortar” business owners about these traders. These comments or complaints normally relate to breaches of policy provisions or are competition/equity related.
8. The current City of Albany Public Places Policy has been in place since 2009, minor reviews were completed in 2010 and 2017.
9. The existing policy is proposed to be superseded by a revised Draft Trading in Public Places Policy.
10. The revised policy has been prepared with a view of specifically addressing the following;
 - Request for more fixed location sites and opportunities;
 - Concerns or complaints which are consistently raised;
 - Introducing a new time frame for fixed location traders and proposed additional fixed location areas; and
 - The policy also improves the operational requirements of other activities in public spaces e.g. alfresco dining.

DISCUSSION

11. The review of the policy has been primarily focused on the matters most frequently raised by the community, which mainly relates mobile food vehicles (fixed location traders and itinerant vendors) aka Food Vans. The majority of the changes in the policy therefore focuses on this element.
12. Mobile food vehicles have a role to play within the local economy, including the following;
 - Increasing the overall vibrancy of the city;
 - Activating underutilized public spaces;
 - Providing passive surveillance to public places;
 - Creating opportunity for small business to be established and perhaps progress towards a formal business; and
 - Mobile food vehicles can provide more food choices, attraction and vibrancy to residents and visitors during times that the City’s existing bricks and mortar businesses choose not to be open.
13. However, it is important to ensure that mobile food vehicles operate in a way which complements existing food businesses and do not unfairly compete with the City’s existing bricks and mortar businesses.
14. Mobile food vehicles should also not unreasonably compromise the amenity of the surrounding residential area.

15. The above mentioned was duly considered and as a result the most pertinent changes in the draft policy includes;

- Providing a number of additional proposed fixed location trader locations at:
 - Nanarup Beach;
 - Lake Weerlara Park;
 - Foundation Park;
 - Goode Beach; and
 - Surfers Beach car park.
- Allowing mobile food vehicles to stay for a set amount of hours in a location as opposed to having to move on immediately once they have served all the customers in an area. Time limits proposed include being able to stay for:
 - 2 hours if they set up a distance greater 2 km away from the CBD; and
 - 4 hours if they setup in an area greater than 10 km away from the CBD.

16. The policy also proposes to introduce a special permit that can be obtained that that will allow mobile food vehicles to trade not closer than 150 m from any shop open for business that generally offers the same type of goods for sale for the following areas:

- On Stirling Terrace on Fridays between 10pm and 2am and Saturdays between 10pm and 12am.
- In the CBD Between the following hours:
 - Saturdays between: 1 pm to dusk and
 - Sundays: All Day during daylight hours.

The policy would not obligate the City to issue any special permits and the City may choose to introduce trial periods or tie it to specific seasons or introduce additional conditions as required.

17. The changes to the policy are unlikely to really affect any of the City's existing bricks and mortar businesses because they are likely to generate additional trade and service a different market.

GOVERNMENT & PUBLIC CONSULTATION

18. The Local Planning Policy will be advertised for comment.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Newspaper	TBA (min 21 days)	Open	Yes

19. After expiry of the period within which submissions may be made, the City of Albany will be required to:

- Review the policy in light of any submissions made; and
- Resolve to adopt the policy with or without modification, or not to proceed with the policy.

STATUTORY IMPLICATIONS

20. There are no statutory implications relating to endorsing the proposed Draft Trading in Public Places Policy for advertising.

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

POLICY IMPLICATIONS

22. The proposed policy aims to refine the existing Policy and potentially create additional opportunities for traders.

RISK IDENTIFICATION & MITIGATION

23. The following indicates the risk to the City in making a decision to support or not support the Policy:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. Policy position may have an impact on business operations.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Provisions within the Policy have been drafted to provide a balanced approach to address competition with the City's existing bricks and mortar businesses and amenity concerns.</i>
<i>Opportunity: Increase controls and opportunities for small business.</i>				

FINANCIAL IMPLICATIONS

24. There are no major financial implications other than funding the advertising of the policy. Funding for this is available within the current budget.

25. The policy clarifies the ability of Council to set fixed location site hire fees annually through the budget process and also to set fees different fees depending on the location/desirability of the site.

LEGAL IMPLICATIONS

26. There are no legal implications relating to endorsing the proposed Draft Trading in Public Places Policy for advertising.

ENVIRONMENTAL CONSIDERATIONS

27. There are no environmental implications relating to endorsing the proposed Draft Trading in Public Places Policy for advertising.

ALTERNATE OPTIONS

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

- To resolve to proceed with the policy without modification;
- To resolve to proceed with the policy subject to additional modification; and
- To resolve not to proceed with the policy.

CONCLUSION

29. The City's policy has been amended and refined to better address the common issues which arise from informal trading operations and the implementation of the existing policy.
30. The policy has also been further expanded to provide a framework to providing more sites and the ability to trade in the central area when bricks and mortar offerings are closed.
31. Council is requested to accept the policy for the purpose of advertising.

Consulted References	:	1. <i>Local Government Act 1995</i> 2. <i>Activities on Thoroughfares</i> 3. <i>Public Places and Trading Local Law 2011</i>
File Number (Name of Ward)	:	All
Previous Reference	:	OCM 23/05/2017 Resolution CCCS028

DIS196: BETTER BINS FUNDING

Report Prepared By : Waste Project Officer (J Passmore)
Responsible Officers: : Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Clean, Green & Sustainable.
 - **Objective:** To identify and deliver improvements in sustainability within the City and wider community.
 - **Community Priority:** Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

In Brief:

- Council approval is sought to accept Waste Authority funding for the Better Bins Program.

RECOMMENDATION

DIS196: RESPONSIBLE OFFICER RECOMMENDATION

1. **THAT Council ACCEPT \$456,930 funding from the State of Western Australia for the Better Bins Kerbside Collection Program.**
2. **THAT Council APPROVE submission of an application for funding through the Department of Water and Environmental Regulation's Better Bins Plus Program, if that program opens for application and ACCEPT that funding should the application be successful.**

BACKGROUND

2. It is the responsibility of owners or occupiers to provide and maintain waste bins at their property.
3. In 2014 the City began a transition to Australian standard coloured lids for bins in the urban residential collection area (i.e., red for general waste, yellow for recycling and lime green for FOGO) with local suppliers agreeing to provide compliant bins and lids for new purchases and lid replacements. The transition has been gradual with upgrades occurring when required for maintenance and for new properties, creating some limitations for simple communications (i.e., messages have to include both lid colours) and confusion for visitors.
4. In October 2019, the City received notification that an application for Waste Authority funding for the Better Bins program was successful.
5. In November 2019 Council endorsed the deferral of the kerbside FOGO service until the first quarter of Financial Year 2020-21 to allow the streamlined combination of FOGO implementation with changes to bin lids.

DISCUSSION

6. Better Bins funding will provide \$30 per urban household to facilitate a one-off roll out of compliant bin lids to households who do not yet have them to enable simplified communications and maximise community education, bringing the City in line with Australian standards.
7. The retrofitting would complement the City's transition to a kerbside FOGO service and maximise the impact of complementary communications to assist householders sorting their waste, optimising outcomes of the best-practice FOGO service.

8. Residents and ratepayers will be informed of the program prior to the roll out.
9. Following the one-off roll out owners and occupiers will be responsible for the maintenance and replacement of lids as required.
10. City staff were contacted in January by the Department of Water and Environmental Regulation (DWER) to determine interest in applying for additional funding through a proposed Better Bins Plus Program. The proposed program would provide an additional \$15 per unit dwelling to approved councils already committed to implementation of a FOGO service.
11. Better Bins Plus funding would assist the City with complementary measures such as bin tagging and waste auditing to provide feedback for ongoing improvements to the FOGO service and associated communications.

GOVERNMENT & PUBLIC CONSULTATION

12. An application for Waste Authority funding for the Better Bins program was successful.
13. The City is working with DWER’s Waste Sorted program to develop communication materials for the introduction of the FOGO service and the Better Bins program.
14. Notification of the roll-out of bin lids and complementary information to assist with waste sorting and use of bins will be provided to all urban households and ratepayers. Communication will include direct mail, social media, newsletter, newspaper advertising, displays, and printed material delivered with kitchen caddies.
15. DWER contacted the City to determine interest in applying for the proposed Better Bins Plus program.
16. Community Engagement (Examples)

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Inform	Mail Out	Prior to roll-out in Q1 2020-21	All Urban Households	

STATUTORY IMPLICATIONS

17. Waste Avoidance and Recovery Act and associated Regulations.

POLICY IMPLICATIONS

18. There are no policy implications directly relating to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation</p> <p><i>Risk: The one-off provision of lids may cause some confusion around who is responsible for the supply and maintenance of bins and lids.</i></p>	Possible	Low	Low	Sufficient communication will be provided to ensure awareness that ongoing supply and maintenance of bins and lids is the responsibility of owners/occupiers.
<p>Opportunity: Consistent bin lid colours will simplify communications and improve household waste sorting to maximise resource recovery and minimise waste to landfill.</p>				

FINANCIAL IMPLICATIONS

20. If accepted by Council, an invoice for a preliminary payment of \$365,544 will be issued immediately for the Better Bins Program. An invoice for a final payment of \$91,386 will be issued following submission of a final project evaluation report after the Project End Date of 30 September 2021.
21. The proposed Better Bins Plus Program would potentially provide up to an additional \$238,000 funding.

LEGAL IMPLICATIONS

22. Acquittal of the funds is subject to the terms of the Better Bins Kerbside Collection Program Funding Agreement between the State of Western Australia, represented by the Waste Authority, and the City of Albany.

ENVIRONMENTAL CONSIDERATIONS

23. The combination of consistent bin lid colours and complementary measures will improve household waste sorting to maximise resource recovery and minimise waste to landfill.

ALTERNATE OPTIONS

24. N/A

CONCLUSION

25. It is recommended that Council accept the Better Bins funds and approve the submission of an application for Better Bins Plus funding if that program opens for application.

Consulted References	:	<ul style="list-style-type: none"> • City of Albany Community Waste Resource Strategy 2019-26 • State Waste Avoidance & Resource Recovery Strategy 2030
File Number (Name of Ward)	:	CM.STD.6 (All Wards)
Previous Reference	:	DIS180 (OCM – November 2019)

DIS197: CONTAINER DEPOSIT SCHEME INFRASTRUCTURE POLICY

Land Description	: All
Proponent / Owner	: City of Albany
Attachments	: Draft Container Deposit Scheme Infrastructure Policy
Report Prepared By	: Coordinator Planning Services (A Bott)
Responsible Officers:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed policy, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* and *Community Strategic Plan – Albany 2030*.
3. In making a decision on the proposed policy, Council is obliged to draw conclusion from its adopted *Community Strategic Plan – Albany 2030*. The policy that relates to the structure plan complies with strategic planning for the following reasons:
 - a. 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 Western Australian Government is currently preparing to implement the Container Deposit Scheme (CDS), with a start date of Tuesday, 2 June 2020.
- The Container Deposit Scheme is proposed to complement existing kerbside recycling services by providing a refund payment for people or organisations who return eligible containers through the scheme.
- The CDS will operate via container collection points. In May 2019, the Department of Planning Lands and Heritage (DPLH) released a position statement and template local planning policy for the location of CDS Infrastructure.
- The template local planning policy has been prepared to ensure that the infrastructure required to facilitate CDS is established in appropriate locations.
- At the July 2019 OCM, Council resolved to advertise the draft policy. No comments were received during the consultation process.
- Council is requested to endorse the Container Deposit Scheme Infrastructure Policy.

RECOMMENDATION

DIS197: RESPONSIBLE OFFICER RECOMMENDATION

1. **THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to proceed with the Container Deposit Scheme Infrastructure Policy.**
2. **APPROVE giving notice through the placement of a notice of the policy in a newspaper circulating in the Scheme area.**

BACKGROUND

4. In May 2019 the Department of Planning Lands and Heritage (DPLH) released a position statement for the rollout of the CDS in Western Australia.

5. The scheme has benefits including reducing litter, increasing recycling, protecting the environment and providing opportunities for social enterprise participation.
6. The CDS will allow consumers to take empty beverage containers covered by the scheme to a refund point to receive a refund of 10 cents.
7. Staff consider it pertinent to adopt the template planning policy for CDS infrastructure, in order to be in a position to have a policy position in place for when the scheme commences.
8. The template local planning policy was advertised for public comment, with no comments received.

DISCUSSION

9. DPLH has provided the following position statement for the CDS infrastructure:
 - Ensure a coordinated approach to the provision of CDS infrastructure throughout WA;
 - Ensure that appropriate locations are chosen for the installation of CDS infrastructure;
 - Ensure the timely roll out of infrastructure in support of the scheme’s establishment and ongoing operational needs; and
 - Establish minimum development requirements to exempt certain CDS infrastructure from requiring planning approval, for adoption by local governments.
10. The policy provides measures for the following types of CDS infrastructure:
 - Container collection cages;
 - In shop/ over the counter return points;
 - Reverse vending machines;
 - Container deposit recycling centres; and
 - Large-scale facilities.
11. It is considered that by adopting the proposed policy prior to the formal commencement of the CDS, it will put the City of Albany in position to be able to deal with proposals for the associated infrastructure in a pragmatic and consistent manner.
12. The draft Local Planning Policy was advertised for public comment in December 2019 via an advert in a local paper. No comments were received as part of this process.
13. On the basis that the policy is in accordance with the relevant state model local planning policy and that no comments were received consultation, it is recommended that the draft policy be adopted.

GOVERNMENT & PUBLIC CONSULTATION

14. The draft policy was advertised for comment in a local newspaper for a period of 21 days. No comments were received during the consultation process.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Newspaper	28/11/2019 - 20/12/2019	Nil	No

STATUTORY IMPLICATIONS

15. There are no statutory implications relating to endorsing the Container Deposit Scheme Infrastructure Policy
16. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

17. The proposed local planning policy is in accordance with the model local planning policy and will provide the following objectives;
- To ensure the location, design and siting of CDS infrastructure is complementary to the character, functionality and amenity of urban localities;
 - To prevent negative impacts on local amenity from the operation of CDS infrastructure;
 - To enable the timely, cost effective delivery of essential CDS infrastructure; and
 - To provide conveniently located infrastructure to ensure the CDS' effective reduction of litter, increased recycling and protection of the environment.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>Policy position may have an impact on business operations.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>The proposed policy puts in place a sound framework in accordance with the State government template and includes exemptions from requiring approval.</i> <i>Continue to consult and educate.</i>
Opportunity: <i>To facilitate the sustainability and recycling effort of community.</i>				

FINANCIAL IMPLICATIONS

19. There are no financial implications in relation to adopting this Local Planning Policy.

LEGAL IMPLICATIONS

20. There are no legal implications in relation to adopting this Local Planning Policy.

ENVIRONMENTAL CONSIDERATIONS

21. There are no direct environmental considerations in relation to adopting this Local Planning Policy.

ALTERNATE OPTIONS

22. Council has the following alternate options in relation to this item, which are:
- To resolve that the draft policy is unacceptable and refuse adoption.
 - To resolve to amend the proposed policy prior to adoption.

CONCLUSION

23. By adopting an early policy position on the matter, the City of Albany will able to provide guidance of development CDS infrastructure prior to the full rollout of the Scheme in June 2020.
24. Council is requested to resolve to proceed with the policy.

Consulted References	:	1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i> 3. <i>Position Statement: Container Deposit Scheme Infrastructure</i>
File Number (Name of Ward)	:	All
Previous Reference	:	July 2019 OCM Item DIS170

DIS198: CONTAINERS FOR CHANGE REFUND POINT (CONTAINER DEPOSIT SCHEME)

Land Description	: Hanrahan Road Waste Facility
Attachment	: CONFIDENTIAL ATTACHMENT UNDER SEPARATE COVER
Report Prepared By	: Waste Project Officer (J Passmore)
Responsible Officers:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Clean, Green & Sustainable.
 - **Objective:** To identify and deliver improvements in sustainability within the City and wider community.
 - **Community Priority:** Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

In Brief:

- Council approval is sought to establish a Containers for Change Refund Point at Hanrahan Road Waste Facility.

RECOMMENDATION

DIS198: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. **APPROVE** the establishment of a Containers for Change Refund Point at Hanrahan Road Waste Facility subject to legal review of contractual obligations.
2. **AUTHORISE** the CEO to issue a Request for Proposal (RFP) to seek a partner to operate the Refund Point facility and report back to Council in April or May 2020.

BACKGROUND

2. A Container Deposit Scheme is scheduled to commence in WA on 2 June 2020. The scheme will provide a 10 cent refund to customers and 6 cents to the Refund Point Operator for all eligible beverage containers including soft drink cans and bottles, water bottles, small flavoured milk cartons, beer cans and bottles.
3. The *Waste Avoidance and Resource Recovery Amendment (Container Deposit) Act 2019* legislates that the beverage industry is required to contribute to the costs of the scheme, including the cost of refunds.
4. In July 2019 the State government appointed not-for-profit entity WA Return Recycle Renew Limited (WARRRL) as the Scheme Coordinator in WA and announced that the branding and name for the scheme is “Containers for Change”.
5. City of Albany staff presented a preliminary overview of the scheme to the DIS Committee in July 2019.
6. Under the *Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Act 2019*, if a beverage is to be supplied in a container, various conditions must be met, including a supply agreement being in force that requires a contribution to the costs of the scheme (including the costs of refund amounts paid under the scheme); (c) a refund amount will be paid to a person who returns an empty container to a refund point;

- (d) containers that have been returned to a refund point must not be disposed of in a prohibited manner.
7. Eligible containers are between 150ml and 3 litres and include soft drink, water, flavoured milk, sports drinks, beer and premixed drinks but exclude milk, cordial, wine and health tonics.
 8. To be eligible, containers need to include a refund mark and lids must be removed.
 9. The objectives of Containers for Change are to:
 - a. increase the recovery and recycling of empty beverage containers; and
 - b. reduce the number of empty beverage containers that are disposed of as litter or to landfill; and
 - c. ensure that first responsible suppliers of beverage products take product stewardship responsibility in relation to their beverage products; and
 - d. provide opportunities for social enterprise, and benefits for community organisations, through participation in the container deposit scheme; and
 - e. create opportunities for employment; and
 - f. complement existing collection and recycling activities for recyclable waste.
 10. The refund point network will include drop-off points at established waste management facilities, reverse vending machines in approved locations, charitable organisations, shop front drop-offs, and sporting club collection points.
 11. WARRRL intends to have a minimum of 172 refund points at launch on 2 June 2020 and 114 full time refund points and 115 flexible refund points across WA by June 2021.
 12. Of those refund points, WARRRL intends for there to be two full time refund points within the City of Albany area and six flexible refund points across the Great Southern.

DISCUSSION

13. In October 2019 an application was submitted on behalf of the City of Albany to WARRRL to host a Containers for Change Refund Point (Refund Point) for the community from the shed adjacent to Fossicker's Tip Shop at Hanrahan Road Waste Facility.
14. The application was submitted subject to Council endorsement and specified that the City did not intend to compete with other applicants who would fulfil the Containers for Change goals to provide opportunities for community groups, social enterprise and potential employees experiencing vulnerability or disadvantage.
15. In December 2019 WARRRL informed City staff that the proposed site had been selected as one of the two preferred full time Refund Points to service and benefit the Albany community.
16. Council needs to consider whether operation of a Refund Point at Hanrahan Road Waste Facility is a service it would like to provide to the community.
17. A full time Refund Point is required to operate a minimum of 35 hours per week including four hours at the weekend.
18. It is estimated that 7 million eligible containers will come through Albany's two Refund Points in the first twelve months of the scheme.
19. As an operator of a Refund Point, the City would need to provide staff and infrastructure to accept, sort into nine different waste streams, and store containers prior to transport to a Processing Facility by a WARRRL appointed logistics and processing Contractor.
20. Residents would drop off eligible containers at the Refund Point and receive a 10 cent refund for each container. Refunds can be paid in cash, via bank transfer to those who have registered in advance or donated to registered charities.

21. WARRRL will provide operators of a Refund Point with software to manage electronic refunds, collections by the logistics and processing Contractor and reporting of container numbers. The City would need to provide IT hardware for these operations.
22. An eligible container will require the lid removed, some form of identifying label to confirm that it is from WA and cannot be delivered in a broken or crushed form.
23. The Refund Point Operator is required to store eligible containers in a secure covered enclosure.
24. The City would endeavour to partner with an organisation that would benefit the community such as a disability enterprise or a charity. Three potential options have been identified:
 - a. Option 1: Sub-contract entire operation of the Refund Point, including capital infrastructure, to a third party. This is the preferred option as it is likely to be cost-neutral, provide opportunity for community groups and reduce risk to the City as the operator is likely to be an organisation experienced in running this type of enterprise.
 - b. Option 2: Sub-contract partial operation of the Refund Point, e.g., City provides capital infrastructure, sub-contractor provides staff.
 - c. Option 3: City operates the Refund Point in its entirety. This is the least preferred option as it increases the operational burden to the City.
25. If Council approves the establishment of a Refund Point the next stage will involve issuing a Request for Proposal (RFP) to invite proposals from businesses and community organisations interested in operating the Refund Point. Applicants would need to demonstrate how they would work to provide opportunities for social enterprise, and benefits for community organisations, as well as create opportunities for employment.
26. These options are provided for information only and will be the subject of a subsequent agenda item for Council consideration in March/April 2020 when officers have a better understanding of potential budgetary and/or operational impacts.
27. A benefit of increased throughput at Hanrahan Road Waste Facility via the Refund Point is the opportunity to increase patronage at Fossicker's Tip Shop and awareness of other services provided at the facility.
28. World of E'Co have been using the shed proposed for the Refund Point at the Hanrahan Road Waste Facility on a trial basis while they investigate whether their business model to recycle unwanted textiles is financially viable. Due to security issues and storage requirements it is not possible for World of E'Co to continue to use this facility should Council endorse this item.

GOVERNMENT & PUBLIC CONSULTATION

29. As the State government's appointed coordinator, WARRRL will provide significant community education to encourage participation in Containers for Change.
30. Regardless of whether Council decides to establish a Refund Point or not, the City will promote commencement of Containers for Change and details of how residents can participate.
31. The City will engage with local charities, clubs, schools, and community groups to encourage and support their participation in Containers for Change for fundraising and litter reduction purposes.
32. If Council decides to establish a Refund Point, this will be promoted through newspaper and social media advertising.

33. Community Engagement (Examples)

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Inform	Newspaper and social media advertising to promote Containers for Change and how to participate.	Prior to and following 2 June 2020	20,000	
Engage	Emails and workshops with community groups to optimise participation in Containers for Change.	Prior to 2 June 2020	Unknown	

STATUTORY IMPLICATIONS

34. Waste Avoidance and Recovery Act and associated Regulations.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community Risk: Not providing a Refund Point may limit the community's opportunity to participate in Containers for Change.	Possible	Moderate	Medium	Approve the establishment of a Refund Point to service Albany's community. If not approved, promote and educate residents on how to participate anyway.
Financial Risk: There is a risk that operating a Refund Point will result in a financial loss to the City.	Unlikely	Moderate	Medium	Pursue an arrangement which limits the City's capital and staff costs.
Legal, Reputational & Operational Risk: There is a risk that if the onerous performance regime in the Refund Point Agreement are not met the City will be found to be in breach of contract, potentially resulting in cancellation of contract and loss of reputation.	Unlikely	Minor	Low	Seek legal input prior to entering into Refund Point Agreement. Develop good working relationship with scheme coordinator and any sub-contractors to ensure conditions of agreement are fulfilled. Any sub-contract will have back-to-back conditions.
People, Health & Safety Risk: Having cash and cash equivalent (containers) onsite may increase the risk of theft.	Unlikely	Major	Medium	Limit cash refunds and cash kept onsite, store containers and cash securely, increase security presence, display adequate signage, provide staff with duress alarms and provide adequate insurance against loss.
Opportunity: A Refund Point at the Hanrahan Road Waste Facility will offer a convenient location for the community to participate in Containers for Change and increase aware of other services available at the Facility. Optimal participation in Containers for Change will have a positive influence by reducing litter, increasing recycling and providing a higher quality of product for recycling. There is also potential to improve Albany's kerbside recycling by reducing glass in household bins which has a tendency to break and contaminate the current commingled recycling system.				

FINANCIAL IMPLICATIONS

37. If endorsed by Council, provision will need to be made in Council’s 2019/20 budget review with the intention of running the scheme from 2 June 2020.
38. Current indications are that the number of eligible containers within the City of Albany will be equivalent to 1.5 per person per day which is approximately 20.7m per year. It is anticipated that during the first year approximately one third (approximately 7m) will be collected through the Containers for Change Refund Point. This is a conservative estimate based on experience from other similar schemes.
39. There will be two refund points, one in Spencer Park and the other potentially at the Hanrahan Road Waste Facility. Current indications are that somewhere between 60% and 75% of the eligible containers will be delivered to the Hanrahan Road Refund Point.
40. For budgeting purposes it is assumed that 60% will go through the Hanrahan Road Refund Point for the first year. Each resident will receive 10 cents per container and the Refund Point Operator will receive an additional 6 cents per container. Payment from the Principal, WARRRL, will take five days after submission of an invoice. Therefore the Refund Point Operator will need two weeks float. For estimation purposes, the budget is based on 350,000 eligible containers per month.
41. The Refund Point could operate with minimal Capital Works investment for sorting tables and an undercover storage area. It is important to note that security needs to be considered as these containers have transitioned from waste items to items for cash.
42. Initial costs may include capital works, resources such as sorting tables, Intermediate Bulk Containers (IBC’s) and trolleys and IT hardware.

Element For this financial year (FY 2019/20) – June 2020 only	Cost \$
Capital works (site works around facility)	20,000
Expenses – Staffing, sorting tables, IT, sales, etc	60,000
Income	(56,000)

Element For this financial year (FY 2020/21)	Cost \$
Expenses – Staffing (3 staff), sales, etc.	660,000
Income	(672,000)

43. The above budget is based on the worst case scenario (Option 3 – operated by the City of Albany) with the minimal of Capital investment as stated above. However, there is a likelihood that a proponent could submit a cost neutral option. That is, the City of Albany would provide the use of the shed to the operator for a period of five years and the operator would make any necessary modifications to the building but would receive the income through container refunds via the City. This would significantly reduce the above costs and any associated risks.
44. At present, World of E’Co use approximately half of the facility that would be required for the Refund Point. Due to security issues and storage requirements it is not possible for World of E’Co to continue to use this facility while the Refund Point is in operation. Alternative accommodation is required that could be in the form of two sea containers or the lease of facilities. Currently there are no available City owned lease facilities that could be provided that are suitable for their use. Sea containers could be located on the Hanrahan Rd site with an expectation of a co-contribution from them. World of E’Co are pursuing a 3 year lease and the sea container option is currently being explored and is a viable lower-cost solution.

LEGAL IMPLICATIONS

45. Operation of a Refund Point would be subject to the terms of a Refund Point Agreement between WA Return Recycle Renew Ltd (WARRRL) and the City of Albany.
46. The terms of the Refund Point Agreement are a standard agreement throughout WA and cannot be altered by individual operators.
47. Legal advice on the terms of the Agreement is currently being sought and although the performance regime is onerous, the Refund Point Agreement is a standard for this type of agreement for this type of service.

ENVIRONMENTAL CONSIDERATIONS

48. Containers for Change seeks to increase the recovery and recycling of empty beverage containers; and reduce the number of empty beverage containers that are disposed of as litter or to landfill.
49. This is an excellent opportunity for our community to participate in a state-wide initiative to reduce litter and increase recycling.
50. Containers for Change will reduce broken glass making road verges safer and reducing contamination of materials at the Albany Material Recovery Facility.
51. Support for Containers for Change will assist both the City and the State in achieving the waste diversion targets in their respective waste strategies.

ALTERNATE OPTIONS

52. Decline to provide a City Refund Point at this time enabling WARRRL to outsource the Refund Point to an alternate provider.

CONCLUSION

53. Establishing a Refund Point at Hanrahan Road Waste Facility will ensure residents are adequately serviced by, and have ample opportunity to benefit from, Containers for Change, and increase aware of other services available at the Facility.
54. Council is requested to approve the establishment of a Refund Point at the Hanrahan Road Waste Facility.
55. Should the Officer Recommendation be supported, once operational parameters are further advanced a subsequent agenda item for Council consideration will be presented in March / April 2020.

Consulted References	:	<ul style="list-style-type: none"> • <i>Waste Avoidance & Resource Recovery Strategy 2030</i> • <i>City of Albany Community Waste Resource Strategy 2019-26</i> • <i>Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Act 2019</i>
File Number (Name of Ward)	:	WM.SPV.16 (All Wards)
Previous Reference	:	DIS170

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