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# MINUTES

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

**Monday 13 November 2017**

6.00pm

City of Albany Council Chambers

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

**VISION**

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

**VALUES**

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

**Focused: on community outcomes**

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

**United: by working and learning together**

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

**Accountable: for our actions**

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

**Proud: of our people and our community**

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

## TERMS OF REFERENCE

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

Development Services:

The delivery of the “*A Connected and Safe Built Environment Objectives*” contained in the City of Albany Strategic Plan:

- To develop vibrant neighbourhoods which retain local character and heritage.
- To advocate, plan for and build friendly and connected communities.
- To develop and support a healthy inclusive and accessible community.

Infrastructure & Environment Services:

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

- To protect and enhance our natural and built environment in a changing climate.
- To build, maintain and renew city assets sustainability.
- To identify and deliver improvements in sustainability within the City and wider community.

(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 & Environment,  
Executive Director Development Services

(7) **Delegated Authority:** None

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1. **DECLARATION OF OPENING [6:00:16 PM](#)**

The Chief Executive Officer declared the meeting open and called for nominations for the position of Chairperson and Deputy Chairperson.

**Chair**

Nominations were received from Councillor Sutton and Councillor Shanhun.

A secret ballot was conducted.

The result of the ballot

Councillor Shanhun

**Deputy Chair**

Nomination was received from Councillor Sutton.

Councillor Sutton Deputy Chair

**DRAFT COMMITTEE RECOMMENDATION**

**MOVED: MAYOR WELLINGTON**

**SECONDED: COUNCILLOR GOODE**

**THAT Council APPOINT Councillor Shanhun as the Chairperson of the Development and Infrastructure Committee.**

**THAT Council APPOINT Councillor Sutton as the Deputy Chairperson of the Development and Infrastructure Committee.**

**CARRIED: 13-0**

On election of the Chairperson the Chief Executive Officer, handed the meeting over to the Chair.

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

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

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

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

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

Mayor

D Wellington

**Councillors:**

Member

P Terry

Member

J Shanhun (**Chair**)

Member

S Smith

Member

A Goode JP

Member

A Moir

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Member	R Sutton ( <b>Deputy Chair</b> )
Member	B Hollingworth
Member	R Stephens
Member	R Hammond
Member	E Doughty
Member	T Sleeman
Member	G Stocks

**Staff:**

Chief Executive Officer	A Sharpe
Executive Director Development Services	P Camins
Executive Director Infrastructure and Environment	M Thomson
Manager City Engineering	Dave King
Manager Governance and Risk	Stuart Jamieson
Meeting Secretary	J Cobbold

**Apologies:**

**4. DISCLOSURES OF INTEREST**

Name	Committee/Report Item Number	Nature of Interest
Cr Sandie Smith	DIS059	Proximity

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

**6. PUBLIC QUESTION TIME**

[6:06:13 PM](#) Mr Robin Budden, 94 La Perouse Rd, Goode Beach

**Summary of key points:**

- Mr Robin Budden spoke against Local Structure Plan at Lot 660 La Perouse Road Goode Beach. Mr Budden's tabled address is detailed at Appendix A
- **QUESTION ON NOTICE** – "What new environmental information has emerged that supports such a radical change to size of the resort? The site has long been recognised as being fragile so why is it now less fragile and able to cope with a larger impact."

**RESPONSE:**

*The Minister for Environment 1993 EPA Bulletin 672 previously concluded that a proposal to subdivide the land into 15 lots and to develop onsite effluent disposal is environmentally acceptable subject to conditions.*

*The current Special Use site permits 10 chalets to be developed without specific limitations on bedrooms or beds, the proposed development proposes a specific number of beds that could be considered as a marginal increase to what is already allowed. This proposal is therefore not considered a 'radical' change*

- **QUESTION ON NOTICE** – “Clarification – is it a legal requirement for the proponents to consult with the community while the Structure Plan was being drawn up.”

**RESPONSE:**

*No it is not a legal requirement for the proponents to consult with the community while the Structure Plan was being drawn up.*

*Consultation must take place if an application for a structure plan has been received and has been accepted by the local government in accordance with the regulations.*

[6:10:58 PM](#)     **Mr Mark McRae, 37 Nelson Street, Mira Mar**

**Summary of key points:**

- Mr McRae spoke regarding DIS041 Nelson Street and Bathurst Street Local Area Traffic Management, and supported the application.

[6:13:44 PM](#)     **Mr Bob van den Berg, Warrenup Place, Albany**

**Summary of key points:**

- Mr van den Berg spoke against DIS062 – Gazettal of Lake Mullocullup for water skiing.

[6:18:07 PM](#)     **Ms Jane Jefferies, 1251 Warrenup Rd Green Range**

**Summary of key points:**

- Ms Jefferies spoke against DIS062 – Gazettal of Lake Mullocullup for water skiing.

[6:22:12 PM](#)     There being no further members of the public who wished to address Committee, the Chair declared Public Question Time Closed.

**7. PETITIONS AND DEPUTATIONS - NIL**

**8. CONFIRMATION OF MINUTES**

**DRAFT RESOLUTION**

**MOVED: COUNCILLOR GOODE**

**SECONDED: COUNCILLOR TERRY**

**THAT the minutes of the Development and Infrastructure Services Committee meeting held on 11 October 2017, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED: 13-0**

**9. PRESENTATIONS**

- David King presented to the Committee options for Nelson Street and Bathurst Street Local Area Traffic Management.

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The following presentation was held over until the conclusion of the Committee Meeting – There were no Objections.

- Emu Point to Middleton Beach Coastal Hazard & Vulnerability Study.  
Charlie Bicknell from EvoCoast. (Emma Evans – Major Projects)

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - NIL**



**DIS041: NELSON STREET AND BATHURST STREET LOCAL AREA  
TRAFFIC MANAGEMENT.**

<b>Land Description</b>	: Road Reserve – Nelson and Bathurst Streets
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Concept Layout Plan
<b>Report Prepared By</b>	: Manager City Engineering (David King)
<b>Responsible Officers:</b>	: Director of Works and Services (Matt Thomson)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
  - a. **Key Theme: 5.** A Connected Built & Safe Environment
  - b. **Objective: 5.2.** To advocate, plan and build friendly and connected communities.
  - c. **Community Priority: 5.2.1.** Improve connectedness and traffic flows via a well-designed and safe transport and pathway network that connects people and services and encourages pedestrians and cyclists.

**In Brief:**

- Issues concerning traffic speed on Bathurst and Nelson streets have been ongoing since 2010.
- Speed cushions were installed in 2010 but noise concerns have since seen them removed in early 2015.
- Options to realign the road in line with the Local Area Traffic Management (LATM) Plans have been proposed but unsupported by Council.
- This report proposes an alternative LATM treatment that will reduce traffic speeds whilst minimising additional noise.

**RECOMMENDATION**

**DIS041: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR TERRY  
SECONDED: COUNCILLOR MOIR**

**THAT the Responsible Officer Recommendation be ADOPTED**

**CARRIED: 13-0**

**DIS041: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

1. SUPPORT the permanent installation of six (6) Local Area Traffic Management Devices on Bathurst Street and Nelson Street in accordance with the attached plans, subject to a Road Safety Audit and approval by Main Roads Western Australia.
2. NOTE that following approval, Council will consider the allocation of \$25,000 in the capital budget through a budget amendment for the installation in 2017/2018

DIS041: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY  
MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR GOODE

THAT this matter be deferred for two months to allow officers to present further options for the consideration of Council.  
CARRIED 10-2

### Record of Vote

Against the Motion: Councillors Terry and Moir

DIS041: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY  
MOVED: COUNCILLOR MOIR  
SECONDED: COUNCILLOR SHANHUN

THAT Council:

1. SUPPORT the permanent installation of six (6) Local Area Traffic Management Devices on Bathurst Street in accordance with the attached plans, subject to a Road Safety Audit and approval by Main Roads Western Australia.
2. NOTE that following approval, Council will consider the allocation of \$25,000 in the capital budget through a budget amendment for the installation in 2017/2018.

DIS041: COMMITTEE RECOMMENDATION  
MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS041: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. SUPPORT the permanent installation of six (6) Local Area Traffic Management Devices on Bathurst Street in accordance with the attached plans, subject to a Road Safety Audit and approval by Main Roads Western Australia.
2. NOTE that following approval, Council will consider the allocation of \$25,000 in the capital budget through a budget amendment for the installation in 2017/2018.

### BACKGROUND

2. Issues concerning the geometry of the intersection of Bluff, Nelson and Bathurst Streets resulted in the intersection being reconfigured in 2009/10. Ongoing concerns led to the installation of rubberised speed cushions in 2012.
3. Whilst effective at reducing traffic speeds, the City received a number of complaints due to the excessive additional noise created by the cushions. In addition, a number of erratic traffic actions in attempt to avoid the cushions were observed. This prompted further consultation and ultimately to their removal in early 2015.
4. Since the removal of the speed cushions traffic speeds have increased to previous levels. Initiatives such as campaigned speed enforcement have not resulted in any long lasting impacts.

5. Traffic numbers and speeds have been monitored continually throughout the period 2009 to present, and City officers have continued to receive public complaints about speeding on Bathurst and Nelson Streets.
6. The installation of Local Area Traffic Management treatments (such as traffic calming devices) are often effective however their installation can have unintended consequences and therefore careful consideration needs to be given before installing any treatments on a permanent basis.

## DISCUSSION

7. The 85<sup>th</sup> percentile speed is the standard measure that is analysed to determine if a road environment and associated speed zone is appropriate. Typically, the 85<sup>th</sup> percentile speed should be on or around the posted speed limit.
8. Without Local Area Traffic Management (LATM) treatments, Bathurst and Nelson Streets have 85<sup>th</sup> percentile speeds of 62km/hr and 55.8km/hr respectively.
9. Whilst not uncommon for streets in Albany to record speeds in this range, they are usually found on long, straight, wide streets where the environment is conducive to higher operating speeds.
10. In this case Bathurst and Nelson Street are narrow with variable vertical and horizontal geometry which indicated the measured operating speeds are at a point where intervention is warranted.
11. In these cases, City officers often receive requests to support a reduced speed limit to Main Roads Western Australia (MRWA). However, this is generally not the solution and MRWA often do not support this as usually the only outcome is an increased non-compliance.
12. LATM's or traffic calming devices are often the preferred solution and can be a number of different treatments. LATM's attempts to reduce the speed environment and therefore 85<sup>th</sup> percentile speeds.
13. City Engineers have investigated alternatives and given the constraints of the site the most appropriate treatment is slow points as shown in the attachment.
14. Six (6) temporary slow points were installed as a two week trial between 06/02/2017 and 20/02/2017 to gauge both traffic and public reaction to the treatment.
15. The slow points are a treatment that can be installed between the kerbs which essentially narrows the road to a single lane width, and gives priority of movement in a particular direction.
16. By staging a number of the devices in succession, travelling vehicles have to give way at some point therefore reducing speed and encouraging more cautious driving. The slow points were effective at reducing both speed and vehicle numbers as shown in table A below:

**TABLE A**

	Location	Post Trial	During Trial
VPD (Average)	Bathurst	1012	995
	Corner	951	875
	Nelson	937	862
85%ile Speed (Km/h)	Bathurst	62.0	52.2
	Corner	47.2	46.1
	Nelson	55.8	50.4
VPD ( )	Bathurst	479	193

	Corner	68	46
	Nelson	353	130
VPD (avg) 60-70 km/hr	Bathurst	197	28
	Corner	3	3
	Nelson	53	14
VPD (avg) >70 km/hr	Bathurst	31	4
	Corner	0	1
	Nelson	4	3

Note: **VPD** denotes vehicles per day.

17. During the trial there was one minor incident. A rear end collision caused by the forward vehicle braking heavily for a give way sign with the following vehicle not responding in time.
18. The incident was considered driver error, and was not considered a result of insufficient signage or advance warning of LATM devices.
19. Prior to installation of any permanent treatments, a Road Safety Audit of the design will be undertaken by an accredited auditor.

#### GOVERNMENT & PUBLIC CONSULTATION

20. Community feedback was directed at major stakeholders, those being the immediate residents and property owners on Bathurst and Nelson Streets. Consultation was in the form of a letter drop requesting comment and a number of community workshops post-trial to discuss any issues, advantages and disadvantages.
21. 88% of the respondents that lived on Bathurst and Nelson Streets were supportive of the trial and wanted to see the slow points installed permanently and cited reduced speed and increased safety of the Street.
22. However, seven (7) residents from the wider area contacted officers to register their opposition to the treatments. It is thought that these respondents use Bathurst and Nelson as a through route, and as such it is not surprising to receive negative feedback.
23. Given the overwhelming support from street residents, and the positive reduction in speeds, particularly on the corner of Bluff and Bathurst, it is considered appropriate to proceed with a permanent installation.
24. If permanent installation is supported, a further detail design and additional consultation will be undertaken with the street residents to determine the best locations, and to finalise a resolution to minor issues with the placement of the trial treatments discussed at the workshops.
25. Consultation with MRWA will be required to support permanent regulatory signage required in the installation of the treatments.
26. Extensive consultation including letters and two on site workshops have been undertaken with the residents of Bathurst and Nelson Street (Bathurst to Seymour).

#### STATUTORY IMPLICATIONS

27. The plans of the proposed LATM require approval from Main Roads Western Australia as the agency that is responsible for regulatory line marking.
28. There are no other statutory implications.

## POLICY IMPLICATIONS

29. Nil

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputational:</b> A vehicle accident occurs because of excessive speed exposing council to negative publicity.	Possible	Moderate	Medium	Address the unresolved safety issues by completing the LATM process and installing identified treatment.
<b>Financial:</b> An inappropriate LATM strategy is chosen and an accident occurs increasing council liability.	Unlikely	Major	Medium	Conduct a post design road safety audit to identify any outstanding issues.
<b>Reputational Opportunity:</b> There is an opportunity to positively respond to the continued concerns being raised by residents on this street.				

## FINANCIAL IMPLICATIONS

31. The cost of the treatment is approximately \$25,000 and will require a capital budget line allocation. At this stage, there is no allocation made. If the permanent installation is supported by Council, City Engineers will progress the full design and approvals process and will look to seek Council's approval to allocate funds through the budget review process.

## LEGAL IMPLICATIONS

32. There are no direct legal implications related to this item.

## ENVIRONMENTAL CONSIDERATIONS

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

## ALTERNATE OPTIONS

34. Nil.

## CONCLUSION

35. The proposed LATM treatment option is to install up to six (6) slow points on Bathurst and Nelson Streets in order to reduce the incidence of excessive traffic speeds.

36. A trial has been conducted and resulted in a reduction of speed.

37. The trial received positive feedback from the street residents but a lack of support from local residents that do not live on the street.

38. This report recommends that Council support a permanent installation subject to relevant approvals being obtained through Main Roads Western Australia.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	RD.PRG.2 (Breaksea and Frederickstown Wards)
<b>Previous Reference</b>	:	OCM 19/04/2011 - Item 3.1 OCM 25/02/2014 – Item WS027 OCM 27/05/2014 – Item WS039

## DIS058: CONSIDERATION OF CITY OF ALBANY RIGHT OF WAY POLICY

<b>Land Description</b>	:	Land parcels within the City of Albany that have a purpose of Right of Carriageway
<b>Proponent / Owner</b>	:	City of Albany / Private freehold, City of Albany freehold & Crown
<b>Attachments</b>	:	<ul style="list-style-type: none"><li>• Draft <i>Right of Way</i> policy</li><li>• <b>CONFIDENTIAL</b> <i>Right of Way Inventory (Commercial in Confidence)</i></li></ul>
<b>Report Prepared By</b>	:	Lands Officer (A Veld)
<b>Responsible Officers:</b>	:	Executive Director Development Services (P Camins)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Themes:** 1. Leadership & 5. A connected and safe built environment.
  - **Objectives:**
    - 1.2 To provide strong, accountable leadership supported by a skilled and professional workforce
    - 5.1 To develop vibrant neighbourhoods which retain local character and heritage.
  - **Community Priorities:**
    - 1.2.1 Provide positive leadership that delivers community outcomes and gains a reputation for doing what is good for Albany and the surrounding region.
    - 5.1.2 Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.

### In Brief:

- Council is requested to consider whether it wishes to adopt the draft *Right of Way* policy.
- The main objective of this policy is to provide a consistent approach to managing the future use of land parcels that currently have a primary purpose as a right of carriageway.
- City Staff are supportive of proceeding with the draft *Right of Way* policy, as it will ensure a consistent approach to resolving customer enquiries on these land parcels and provide a starting point for resolving matters relating to ownership and maintenance.
- It is requested that Council resolves to adopt the draft *Right of Way* policy.

### RECOMMENDATION

#### DIS058: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR HAMMOND**  
**SECONDED: COUNCILLOR SUTTON**

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

**CARRIED: 13-0**

DIS058: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ADOPT the Draft *Right of Way* policy without modification, and THAT Council notes the Right of Way Inventory.

**BACKGROUND**

2. Creation of land parcels (lots) with the purpose of right of carriageway stem from historical subdivision practices. Often these lots were created to facilitate sanitary collections from the rear of properties, prior to the installation of reticulated sewerage.
3. This has created issues relating to the responsibility for maintenance of these often now landlocked and alienated lots, many of which remain in the ownership of the original developers from the late 1800s to the early 1900s, who are now deceased.
4. In 2008 the Works and Services Directorate put a *Right of Way Strategy* to Council, which was adopted at the Ordinary Council Meeting on 21 October 2008. This document identified 124 lots with the purpose of right of carriageway.
5. The Strategy attempted to address matters around responsibility for maintenance and future planning and development, highlight potential risks and understand mitigation strategies relating to these lots. Some of the key processes were to;
  - a. Identify those lots in private ownership (hence landowner responsibility for maintenance) and assess suitability for dedication as public roads;
  - b. Identify and assess Crown and City owned lots for suitability for dedication as public roads; and
  - c. Highlight lots within the City's Central Business District for attention.
6. It was intended that this would facilitate the creation of a spreadsheet of priority ranked lots for attention and create a works program to resolve land tenure relating to these identified lots. The final spreadsheet listed 132 lots, of which 35 were given a priority ranking from 1-35 for dedication as public roads. To date, only one lot has been dedicated (Kwernt Lane) with two other lots (Goss Street & Connelly Street) pending dedication within the next two years.
7. Council adopted the *Albany City Centre: Parking Strategy* at the Ordinary Council Meeting on 26 November 2013 to address those lots identified in the *Right of Way Strategy* as being of priority within the Central Business District.
8. The *Right of Way Strategy* was handed over to the Planning Directorate's Lands Officer in October 2013. A comprehensive review was deemed necessary due to the age of the original document and upgrades to the Geographical Information Systems within both the City of Albany and Landgate.
9. A thorough review process has been undertaken and is now complete.
10. The reviewed document the will now be used as an internal *Right of Way* Inventory.
11. The City now considers that a right of way policy is a more appropriate format than a strategy, given the often complex and lengthy process required to investigate and then dedicate these type of lots as public roads. There is also the need to consider the budget allocation for both the proposed dedication and ongoing future maintenance of any new roads created from this process.

**DISCUSSION**

12. There are a number of lots in private freehold ownership that are being used by adjoining landowners as the primary access to their properties, despite having legal frontage to a public road.

13. For some of these properties, access from the legal frontage is problematic (generally due to steeply sloping blocks) and poses road safety concerns (line of sight). However, the cost to dedicate, upgrade and maintain these lots as public roads has historically been deemed not to the benefit of the greater community; therefore, they have remained in private ownership.
14. These landowners regularly contact the City and have been given conflicting information as to the responsibility for ongoing maintenance and future plans for upgrading or dedicating as a public road.
15. There is a need for the City to have a consistent approach to resolving customer enquiries on these type of lots and having documentation that details future management options and is readily accessible by City employees will assist in this regard.
16. There is also a need for a process where these lots can be further investigated and, if deemed in need of dedication as a public road, a budget can be allocated and the proposed dedication scheduled for attention.
17. The previous *Right of Way Strategy* was incomplete and unrealistic in its intentions. Additionally, the responsibility for proposed road dedications was managed on an ad hoc basis.
18. This revised document will now be used as a *Right of Way* inventory and assist with decision making in accordance with the *Right of Way* policy
19. The draft *Right of Way* policy will allow for jobs arising from the policy to be scheduled into the Lands budget for further investigation.

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

20. The Department of Lands, Planning & Heritage have been informally consulted. The actions relating to proposed right of carriageway closures for amalgamation into adjoining lots, which are referred to in Appendix 2, are the result of these discussions.
21. No public consultation is required at this time. Customer enquires relating to specific lots have been recorded. Initial responses have been provided by the City to these landowners, as per the recommendations made in Appendix 1, pending further investigation once the draft *Right of Way* policy has been considered by Council.

#### **STATUTORY IMPLICATIONS**

22. Under Section 3 of the *Land Administration Act 1997* a private road means “any alley, court, lane, road, street, thoroughfare or yard on alienated land which is shown on a plan or diagram deposited with the Registrar and which;
  - a. is not dedicated, whether under written law or at common law, to use as such by the public;
  - b. forms a common access to land, or premises, separately occupied; or
  - c. is accessible from an alley, court, lane, road, street, thoroughfare, yard or public place that is dedicated, whether under written law or at common law, to use as such by the public.”
23. Under Section 52 of the *Land Administration Act 1997* a local government may request the Minister for Lands to acquire as Crown land any private road.
24. Under Section 56 *Land Administration Act 1997* and Regulation 8 of the *Land Administration Regulations 1998* the local government may request the Minister for Lands to dedicate private roads.
25. Under Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998* allows for a local government to request the Minister for Lands to close a right-of-way for ceding to the Crown as an unencumbered lot. This lot can then be disposed of by the Crown, amalgamated into adjoining lots.



## POLICY IMPLICATIONS

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

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Organisational Operations</b></p> <p><i>Risk: By not proceeding with the draft Right of Way policy, the City risks continuing on with an ad hoc assessment and prioritisation process for right of carriageway road dedications.</i></p>	<i>Likely</i>	<i>Minor</i>	<i>Moderate</i>	<i>Adopting the draft Right of Way policy to allow the City to make informed decisions on the future management of rights of carriageway and will ensure that consistent information is provided to customers.</i>
<p><b>Reputation</b></p> <p><i>Risk: By not proceeding with the draft Right of Way policy, the City risks a lack of consistency in addressing customer enquiries regarding rights of carriageway</i></p>	<i>Almost certain</i>	<i>Minor</i>	<i>High</i>	<p><i>Adopting the draft Right of Way policy to ensure that consistent information is provided to customers.</i></p> <p><i>Creating a process for registering customer enquiries against these land parcels for future reference will allow for prioritising of problem land parcels and keep track of customer queries and City responses.</i></p>
<p><b>Opportunity:</b> <i>Developing a reference document that can be used when assessing a right of carriageway for proposed road dedication.</i></p> <p><i>Clearly define the process for dealing with right of carriageway enquiries.</i></p>				

## FINANCIAL IMPLICATIONS

28. The Lands budget has limited scope to pursue multiple proposed road dedications from this policy each financial year. Should it be considered necessary to prioritise and expedite any proposed actions from this draft policy, a specific budget for this work will be required. The Works and Services Directorate will also have to be consulted regarding the ongoing maintenance of any proposed road dedications.

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

30. There are no environmental considerations directly relating to this item.

## ALTERNATE OPTIONS

31. Council may consider alternate options in relation to this item, such as:
- Proceeding with the draft *Right of Way* policy with modification; or
  - Not proceeding with the draft *Right of Way* policy.

## CONCLUSION

32. The City receives a number of enquiries relating to parcels of land that have the primary purpose of a right of carriageway. The previous *Right of Way Strategy* from 2008 has been in need of review, particularly in light of advances in GIS technology.

33. The *Right of Way* inventory has identified an additional 48 land parcels and contains up-to-date information on the land tenure. Additionally it will provide recommendations for future use, in accordance with the policy, that is readily available to any City staff member.
34. A new process for registering customer queries or internal staff discussions over future use of specific rights of carriageway is being created in addition to the information contained in the *Right of Way* inventory.
35. Adoption of the draft *Right of Way* policy will allow the City to make informed decisions on the future management of these rights of carriageway and will ensure that consistent information is provided to Customers.

<b>Consulted References</b>	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i> <i>City of Albany Strategic Community Plan 2023</i> <i>Albany City Centre: Parking Strategy</i>
<b>File Number (Name of Ward)</b>	:	NP1767212 (All Wards)
<b>Previous Reference</b>	:	O.C.M 21/10/2008 – Item 13.8.1 O.C.M 26/11/2013 – Item WS017

## DIS059: PROPOSED REALIGNMENT OF FLINDERS PARADE – MIDDLETON BEACH

<b>Land Description</b>	: Flinders Parade between Barret Street and Adelaide Crescent.
<b>Proponent / Owner</b>	: Landcorp.
<b>Attachments</b>	: Middleton Beach Activity Centre Structure Plan.
<b>Report Prepared By</b>	: Lands Officer (A Veld)
<b>Responsible Officers:</b>	: Executive Director Development Services (P Camins)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme: 1. Leadership & 5. A connected and safe built environment.**
  - **Objective:**
    - **1.2** To provide strong, accountable leadership supported by a skilled and professional workforce
    - **5.2** To advocate, plan for and build friendly and connected communities.
  - **Community Priorities:**
    - **1.2.1** Provide positive leadership that delivers community outcomes and gains a reputation for doing what is good for Albany and the surrounding region.
    - **5.2.1** Improve connectedness and traffic flows via a well-designed and safe transport and pathway network that connects people and services and encourages pedestrians and cyclists.
    - **5.2.2** Create infrastructure and connected streetscapes that are consistent and reflect our unique heritage

Maps and Diagrams:





**In Brief:**

- Council is asked to formally resolve to close portion of Flinders Parade between Barnett Street and Adelaide Crescent in order to allow the proposed new road being constructed through Lot 8888 to be named Flinders Parade.
- This supports Council's adoption of the Middleton Beach Structure Plan at the Ordinary Council Meeting held on 24 May 2016 which detailed the realignment of Flinders Parade.

6:51:42 PM Councillor Smith left the Chambers

**RECOMMENDATION**

**DIS059: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR STOCKS**

**SECONDED: COUNCILLOR SUTTON**

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

**CARRIED 12-0**

DIS059: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RESOLVE to close portion of Flinders Parade between Barnett Street and Adelaide Crescent, Middleton Beach.

[6:52:39 PM](#) Councillor Smith returned

**BACKGROUND**

2. The City of Albany Council adopted the Middleton Beach Structure Plan in May 2016.
3. In adopting the Plan, the City agreed to facilitate realignment of portion of Flinders Parade, being Stage 1, as described in the Structure Plan.
4. For the realignment to occur, the current portion of Flinders Parade adjacent to Lot 8888 now needs to be closed.

**DISCUSSION**

5. Section 58 of the *Land Administration Act 1997* requires public advertising of any proposed road closure for a period of 35 days.
6. The public advertising period has been completed and the City now refers this matter to Council for formal resolution, as required under delegation 2017:036 of the City of Albany Delegations Register.
7. Until Stage 2 of the Middleton Beach Activity Centre is constructed, the section of closed road will continue to be used for public parking.

**GOVERNMENT & PUBLIC CONSULTATION**

8. The proposal was advertised in the local newspapers and also via the public comments page on the City of Albany website on August 24 2017. Submissions closed on 29 September 2017. No submissions were received

**STATUTORY IMPLICATIONS**

9. There are no statutory implications directly related to this item

**POLICY IMPLICATIONS**

10. There are no policy implications directly related to this item.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Organisation’s Operations</b></p> <p><i>Risk: There is a risk that by not closing this portion of Flinders Parade, the Middleton Beach Structure Plan will not be able to proceed.</i></p>	<p><i>Almost Certain</i></p>	<p><i>Major</i></p>	<p><i>Extreme</i></p>	<p><i>Resolve to close this portion of Flinders Parade so the road realignment can take place.</i></p>
<p><b>Reputation</b></p>		<p><i>Major</i></p>	<p><i>Extreme</i></p>	

<p><b>Risk:</b> Public perception that the City of Albany and Council are unable to deliver on community expectations for development of the Middleton Beach site.</p>	<p>Almost Certain</p>			<p>Resolve to close this portion of Flinders Parade so Stage 1 of the Middleton Beach Structure Plan can be delivered upon.</p>
<p><b>Opportunity:</b> Demonstrate the City of Albany and Council are committed to the Middleton Beach Structure Plan and can follow through with community expectation for development to occur on the old Esplanade site.</p>				

**FINANCIAL IMPLICATIONS**

12. There are some minor administration costs associated with advertising of the road realignment which are able to be met by the current Lands budget.

**LEGAL IMPLICATIONS**

13. There are no legal implications directly in relation to this item.

**ENVIRONMENTAL CONSIDERATIONS**

14. There are no environmental considerations in relation to this item.

**ALTERNATE OPTIONS**

15. Keep the current portion of Flinders Parade open.

**CONCLUSION**

16. As Stage 1 of the Middleton Beach Structure Plan, the realignment of portion of Flinders Parade is required.
17. The City has complied with the relevant section of the *Land Administration Act 1997* and now requires a formal resolution from Council in order to finalise the realignment.

<p><b>Consulted References</b></p>	<p>: Middleton Beach Activity Centre Structure Plan Land Administration Act 1997 City of Albany Delegations Register</p>
<p><b>File Number (Name of Ward)</b></p>	<p>: RD.RDC.2 (Frederickstown)</p>
<p><b>Previous Reference</b></p>	<p>: PD125. OCM 24/05/2016</p>

## DIS060: ACCEPTANCE OF GRANT FOR KING RIVER VOLUNTEER BUSHFIRE BRIGADE

<b>Land Description</b>	: King River Volunteer Fire Brigade – Millbrook Rd
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Plan of additions King River Volunteer Fire Brigade Project Budget No.2 Letter of endorsement from King River Fire Brigade
<b>Report Prepared By</b>	: Community Emergency Service Manager (B Gordon)
<b>Responsible Officers:</b>	: Executive Director Development Services ( P Camins)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** 4. Community Health & Participation & 5. A Connected and Safe Built Environment
  - **Objective:**
    - 4.3. To develop and support a healthy inclusive and accessible community.
  - **Community Priority:**
    - 4.3.2 Encourage and support volunteers and community groups to grow an active volunteer base that is supported and valued.
    - 5.3.1 Plan for and monitor community safety via effective ranger and emergency services.

### Maps and Diagrams:



### In Brief:

- Council is asked to formally resolve to accept a Local Government Grants Scheme funding allocation of \$148,500 for extensions to the King River Bushfire Brigade building.



**RECOMMENDATION**

**DIS060: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR TERRY**

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

**CARRIED: 13-0**

**DIS060: RESPONSIBLE OFFICER RECOMMENDATION**

That Council ACCEPT the grant of \$148,500 offered by the Local Government Grants Scheme for extensions to the current King River Fire Brigade building.

**BACKGROUND**

2. King River Bushfire Brigade operates from a three bay facility which is located on the corner of Kingswood Road and Millbrook Road.
3. The current facility is approximately 20 years old.
4. The brigade has greatly expanded both its operations and volunteer membership during this time and have outgrown the current facility.
5. The City of Albany applied on behalf of the brigade for funding under the Resource to Risk program for extensions to the King River Fire Brigade building.
6. The extensions requested by the brigade incorporate training and bathroom facilities.
7. The Local Government Grants Scheme (LGGS) allocated the full request of \$148,500 to the City of Albany for the extensions to the existing building.

**DISCUSSION**

8. Brigade infrastructure and replacement facilities are eligible through the LGGS program.
9. The City of Albany was also successful in obtaining another facility funding of \$135,500 for the replacement of the Wellstead Fire station. A report on this will be presented to the committee at a future meeting.
10. Costs to the City of Albany will be minimal as the members of the King River Bush Fire Brigade have committed funds and in-kind donations to do all site work and project management. These costs are not funded by the LGGS and would often be borne by the Local Government.

**GOVERNMENT & PUBLIC CONSULTATION**

11. Initial consultation was conducted with the King River Bush Fire Brigade, the City of Albany Emergency Services Team and the Chief Bushfire Control Officer.
12. Consultation with the Department of Fires and Emergency Services (DFES) was also facilitated through the Resource to Risk program which was then forwarded to a panel for determination.

**STATUTORY IMPLICATIONS**

13. There are no statutory implications directly related to this item.

**POLICY IMPLICATIONS**

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

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Reputation.</b></p> <p><i>Risk: There is a risk that by not accepting the funding there will be substantiated public embarrassment, moderate impact and moderate news profile.</i></p>	Likely	Moderate	High	Resolve to accept the grant for the extension of the fire station.
<p><b>Opportunity:</b> Demonstrate the City of Albany and Council are committed to the Volunteer Bushfire Brigades, and the importance of volunteer members to our community.</p>				

## FINANCIAL IMPLICATIONS

16. There will be some minor costs to the City Of Albany associated with the extensions however the King River Fire Brigade have pledged to contribute \$16,000 and also an additional \$7,600 of in-kind contribution toward site works.
17. Costs incurred by the City of Albany would primarily be in-kind and in relation to permits and other subsidiary costs that the City have expertise.

## LEGAL IMPLICATIONS

18. There are no legal implications as the site concerned is owned by the City of Albany.

## ENVIRONMENTAL CONSIDERATIONS

19. None

## ALTERNATE OPTIONS

20. Not to accept the grant which will limit the brigade's opportunity to expand.

## CONCLUSION

21. The LGGS has allocated \$148,500 to the King River Bushfire Brigade. The Brigade members have committed funds and in-kind donations to do all site work and project management that would normally would be borne by the Local Government under the Local Government Grants Scheme. This will minimise the cost to the City and provide for the future viability for the expanding membership base of the Brigade. Accepting this grant will provide a greatly improved facility for the King River Bush Fire Brigade and broader King River community.

<b>Consulted References</b>	:	NIL
<b>File Number (Name of Ward)</b>	:	YAKAMIA WARD
<b>Previous Reference</b>	:	NIL

**DIS061: PLANNING AND BUILDING REPORTS OCTOBER 2017**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports October 2017  
**Report Prepared By** : Administration Officer – Planning (V Martin)  
Administration Officer – Development Services (J Corcoran)  
**Responsible Officers:** : Executive Director Development Services (P Camins)

**RECOMMENDATION**

**DIS061: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: MAYOR WELLINGTON**  
**SECONDED: COUNCILLOR DOHERTY**

**THAT Council NOTE the Planning and Building Reports for October 2017.**

**CARRIED: 13-0**

DIS061: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE the Planning and Building Reports for October 2017.

**DIS062: PETITIONS RELATING TO THE GAZETTAL OF LAKE MULLOCULLUP FOR WATER SKIING (RESERVE 16367)**

<b>Land Description</b>	: City of Albany Managed Reserve 16367 (Lake Mullocullup).
<b>Proponent / Owner</b>	: City of Albany (Land vested in the care and control of the City of Albany).
<b>Attachments</b>	: <ul style="list-style-type: none"><li>• Management Order</li><li>• CALM Report 1980</li></ul>
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson) Executive Director Infrastructure & Environment (M Thomson)
<b>Responsible Officers:</b>	: Executive Director Infrastructure & Environment (M Thomson)

**COMMITTEE ACCEPT AS A LATE ITEM FOR CONSIDERATION:**

**DIS062: Petitions Relating To The Gazettal Of Lake Mullocullup For Water Skiing (Reserve 16367) Late Item Dis062**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR STEPHENS**

**CARRIED: 13-0**

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Themes:** 1: Leadership & 3: Clean, Green and Sustainable
  - **Objectives:**
    - **1.3:** To engage effectively with our community.
    - **3.1:** To protect and enhance our natural and built environment in a changing climate.
  - **Community Priorities:**
    - **1.3.1:** Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.
    - **3.1.2:** 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:**

- To note further information in relation to petitions and submissions received objecting to the gazettal of Lake Mullocullup for water skiing.

**Maps and Diagrams:**



***Lake Mullocullup – off Warriup Road, Green Range***

**QUESTION ON NOTICE:**

Councillor Sutton requested clarification regarding the CALM Report 1980 Page 153.

“From the management standpoint attempts should be made to acquire or purchase the privately owned land along the northern shore of the lake, thus turning the reserve into a compact rectangular block.”

Was the land purchased off Mr Hassell or is it still the same as 1980.

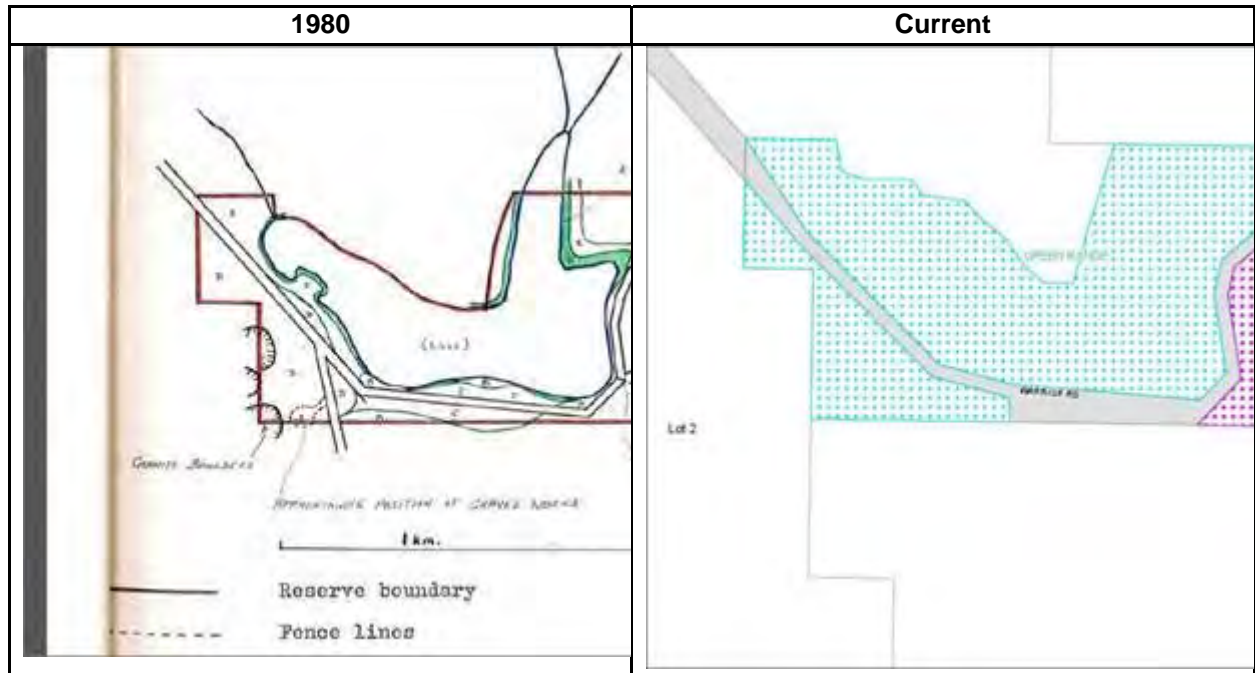
**RESPONSE:**

No. Page 16 of the PDF CALM Report dated 1980 (attachment), page 144 of the report was compared to the City’s GIS Mapping System (Intramaps).

It is noted that the Reserve boundary is still the same (see snapshots below).

Council may wish to consider:

- (a) Negotiating for a conservation covenant; or
- (b) Seek negotiating and purchase of the land.



**Councillor Hammond requested that his comments be noted in the minutes:**

He is disappointed that this report was not attached to the original recommendation, as it highlights the sensitivities of this particular reserve which was not taken into account at the time.

**RECOMMENDATION**

**DIS062: COMMITTEE RECOMMENDATION**

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

**THAT the Responsible Officers Report be NOTED.**

**CARRIED: 10-3**

**Record of Vote:**

Against the Motion: Councillors Hammond, Terry and Moir

**DIS062: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Responsible Officers Report be NOTED.**

**BACKGROUND**

2. On 22 August 2017 Council resolved:

*“THAT Council SUPPORT the gazettal of Lake Mullocullop by the Department of Transport for the purpose of allowing the operation of speed boats, excluding jet skis, subject to the following:*

- *That the City monitor the use of the lake and review the requirement for a permit system twelve months after gazettal;*
- *That City staff consult with the local Noongar Community and adequately address any concerns raised concerning the use of the lake;*

- *An annual environmental monitoring program be developed by the City. The results of the monitoring shall be reviewed every two (2) years;*
  - *That Council temporarily permit the use of Speed Boats (excluding jet skis) pending the Department of Transport gazettal process being undertaken.”*
3. Subsequent to this resolution, Council has received submissions and petitions objecting to the proposed gazettal.
4. On 31 October 2017 Council resolved:
- “THAT:*
- *The Petition lodged with the City of Albany by Ms Carole Pettersen objecting to the proposed gazettal of Lake Mullocullup, and requesting suspension of any further move to have Lake Mullocullup gazetted for motorised water vehicles be RECEIVED;*
  - *The submission signed by 25 members of the public opposing gazettal of Lake Mullocullup be NOTED; and*
  - *The Petition lodged with the City of Albany by VJ Van Den Berg to rescind the resolution of Council to gazette Lake Mullocullup to allow power boats and water skiing be RECEIVED.”*
5. The first petition lodged by Ms Carol Pettersen, a local Noongar Elder and signed by 21 other ‘Old Peoples’ with ancestral connections, cited the following concerns:
- *The Councillors had not been fully informed of the connection the Noongar peoples have to the lake and its surrounds.*
  - *The term ‘meeting place’ used by Councillors, due to the lake being used for skiing for 30 years, could be misinterpreted and misleading.*
  - *No satisfactory or full consultation was undertaken with the local Noongar community.*
6. The second petition was lodged by VJ Van Den Berg and 45 others who consist of land owners, environmental specialists and members of the public expressed the view that Council:
- *Have been ill informed of the history of the reserve and Lake Mullocullup.*
  - *Is in breach of the Land Administration Act 1997 as the reserve is currently gazetted for camping and conservation of flora and fauna. Historically the lake has been used for water and camping for the movement of stock.*
  - *Do not have management plan for the reserve and the conservation, environmental and heritage issues have not been considered relating to the use for water skiing which presents an unacceptable threat to the environment of the land and reserve as a whole.*

## DISCUSSION

7. Reserve (16367) is vested in the City of Albany's care and control in accordance with the listed land uses detailed on the Management Order (copy attached).
8. The City Officers believe there is no current legal impediment for allowing water skiing on the body of water located on the Mullocullup Nature Reserve (16367) as it is consistent with its existing land use.
9. This land use has been documented as being used for water skiing for many years (see CALM reported dated 1980 attached).
10. On 10 November 2017, the City was advised by the Department of Planning, Lands and Heritage:

*“The Office of the Minister for Lands has received a number of submissions on Council’s resolution with respect to seeking to manage water skiing/motorised watercraft activities within the reserve. My comments below reflect the position taken by the Department in providing information to the Minister on those submissions.*

*I note that in some documents reference is made to the reserve purpose being “Camping and Conservation of Flora and Fauna”. The current designated purpose of the reserve is “Water, Camping and Conservation of Flora and Fauna”.*

*The Land Administration Act 1997 (LAA) enables a management body (in this case the City) to manage a reserve for the designated purpose and for purposes ancillary or beneficial to that purpose. Given the overall purpose of the reserve, recreation is viewed as an ancillary use and is considered appropriate. The Department acknowledges it is clear the City is attempting to manage a recreational use that has occurred unrestricted over many years.*

*In responding to individual approaches it receives the Department will encourage those parties to work with the City in seeking appropriate management arrangements which can limit the impact on conservation, heritage and other values of the reserve while enabling the ongoing access to and use and enjoyment of the reserve by the community.*

*It seems appropriate that going forward the City at some stage consider the development of a management plan for the reserve (if that does not already exist) which guides the longer term management of the site.”*

11. In respect to the concerns raised in the petitions the following comments are provided for information:

**a. Noongar Consultation:**

- In accordance with Council’s resolution, City officers are bound to conduct consultation with local Noongar people and address concerns raised.
- At the time of writing this report the City Officers are in the process of engaging an independent consultant to facilitate this consultation.
- The outcome of this consultation will inform the process as to whether to proceed with the gazettal.

**b. Assertion of Council not being informed:**

- Councillors have been presented with multiple reports and have had the opportunity to attend a site visit.

**c. Compliance with *the Land Administration Act 1997*:**

- The City Offices have formerly requested clarification from the Department of Lands concerning the reserves purpose.
- The purpose of this letter is to seek clarification from the Department, to ensure there are no current legal or other impediments (i.e. Native Title) that would preclude the gazettal process from being advanced.
- It is agreed that a management plan for the reserve is required, however until the City has conducted appropriate environmental monitoring, a management plan is not likely to be well informed.



**GOVERNMENT & PUBLIC CONSULTATION**

12. Detailed in discussion section of the report.

**STATUTORY IMPLICATIONS**

13. There are no statutory requirements related to this item.

**POLICY IMPLICATIONS**

14. Not applicable to this report.

**RISK IDENTIFICATION & MITIGATION**

15. It is acknowledged that it is vital for Councils establish a framework to effectively, efficiently and transparently manage areas of public land vested in their care and control.

16. There are no risks associated with Council noting this report.

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Financial &amp; Community:</b> <i>Non consideration of the subject reserves first use and current use could result in inappropriate or unmanageable conditions, which may expose the City to being legally and physically challenged.</i>	Likely	Moderate	High	<i>Note the concerns raised.  City staff to follow up on the actions as previously resolved and report back to Council if there matters which cannot be addressed.</i>
<b>Reputation:</b> <i>Considering the concerns raised in the petitions and submissions in isolation may be perceived negatively by some community members.</i>	Likely	Moderate	High	<i>Note the concerns raised and acknowledge that Crown Land Management is an emotive issue that generates significant community interest.  City staff to follow up on the actions as previously resolved and report back to Council if matters raised cannot be addressed.</i>
<b>Opportunity:</b> <i>The opportunity to clarify and seek an independent assessment of the City actions will inform both Council and staff.</i>				

**FINANCIAL IMPLICATIONS**

18. Not applicable.

**LEGAL IMPLICATIONS**

19. Not applicable.

**ENVIRONMENTAL CONSIDERATIONS**

20. Noting previous reports on this matter, there are no additional or new environmental implications.

**ALTERNATE OPTIONS**

21. This report is for information only, therefore there are no alternate options.

**CONCLUSION**

22. The petitions and submissions raise a range of concerns concerning water skiing activities on Lake Mullocullop.
23. Council's previous resolution addresses the concerns through consultation and monitoring.
24. The City has sought advice and has confirmed that it has not breached the reserve purpose and non-compliance with the *Land Administration Act 1997*.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Land Administration Act 1997</i></li> <li>• <i>Local Government Act 1995</i></li> <li>• Management Order</li> <li>• CALM Reports</li> </ul>
<b>File Number (Name of Ward)</b>	:	CR.COC.42 (Kalgan Ward)
<b>Previous Reference</b>	:	OCM 22 August 2017, Resolutions DIS035 & DIS036

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN -Nil**

**12. MEETING CLOSED TO THE PUBLIC [7:11:14 PM](#)**

**13. CLOSURE**

There being no further business, the Chair declared the meeting closed at [7:11:39 PM](#)

(UNCONFIRMED)

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Councillor John Shanhun  
**Chairman**

**APPENDIX A**

**TABLED DOCUMENTS**

<b>NAME</b>	<b>REFERENCE</b>	<b>FILE</b>
Mr Robin Budden	Lot 660 La Perouse Rd, Goode Beach Structure Plan	CM.MEE.13/AM1773139

# PRESENTATION TO THE DEVELOPMENT AND SERVICES COMMITTEE

13<sup>th</sup> November 2017

Robin Budden

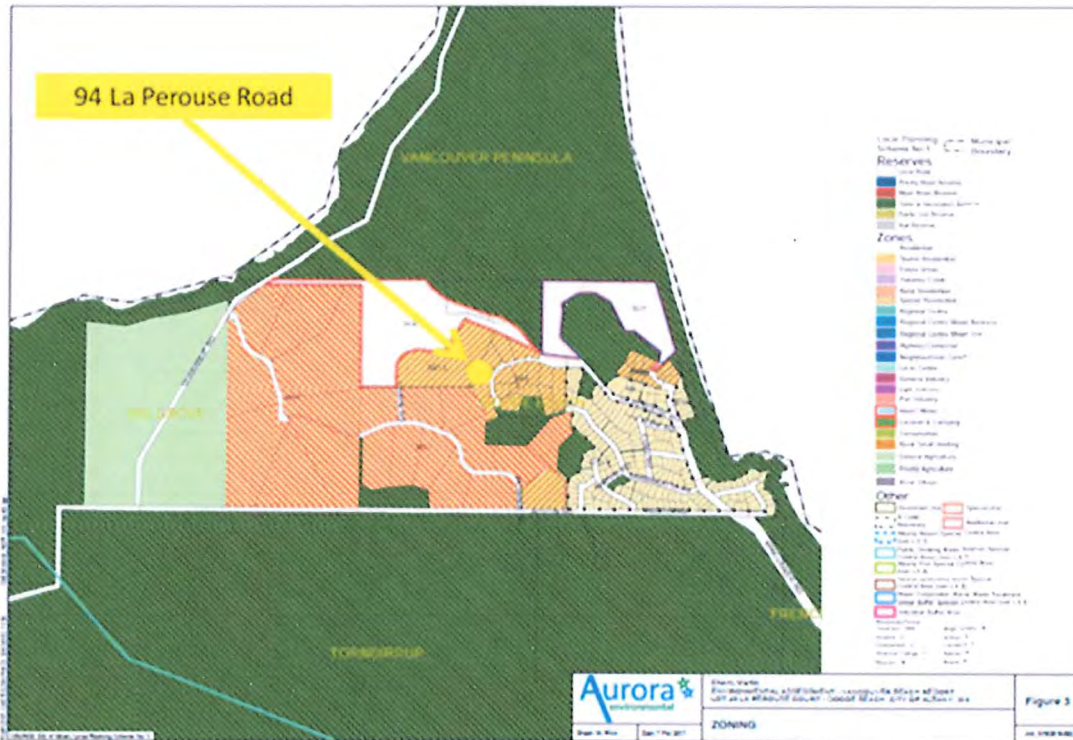
94 La Perouse Road, Goode Beach, WA 6330

0417 986 574

[robinbudden@y7mail.com](mailto:robinbudden@y7mail.com)

Mr/Madam Chairman, ladies and gentlemen of the committee thank you for the opportunity to present to you this evening.

By way of some background, my partner Linda and I purchased our block at the end of the La Perouse Road cul-de-sac in 2001, built in 2003 and have been full-time residents since 2012. We were the second people to build in this part of Goode Beach but there are now 10 houses in the cul-de-sac, all of which are permanently occupied, with 3 of the families having young children.



Linda and I have made a written submission with respect to Structure Plan #9 – the proposed resort development on Lot 660 at Goode Beach, which I am sure will come to your attention in good time – so I do not intend going through it tonight. Hopefully you might take the time during your site inspection next week to do a quick drive past and see for yourselves the reasons we are not currently in favour of development.

Rather, I would like to focus on two particular issues.

The first is that we are totally perplexed at how the scale of development has changed from a *low-key (maximum 10 Chalet/Cottage Units) holiday accommodation development commensurate with the fragile coastal nature of the area* which is what we understand is currently allowed under town planning rules to what is now proposed in Structure Plan #9 – namely a 51 room resort with restaurant and function centre.

Our confusion stems in part from knowing that the sustainability of development on Lot 660 (or Lot 401, as it was once known) has been the subject of extensive scientific investigations conducted by relevant governmental and private agencies since the 1980s. The reports we are aware of include a Groundwater Assessment in 1987, an Environmental Assessment in 1990, a Consultative Environmental Review in 1992, a Foreshore Management Plan in 1994, and a Coastal Stability Study in 1995. Our understanding is that the evidence in these documents influenced the decision to limit the size of any future development.

So my question to the Committee and the Planning Department (which I would like to put on notice if that is the right term) is “what new environmental information has emerged that supports such a radical change to size of the resort? The site has long been recognised as being fragile so why is it now less fragile and able to cope with a larger impact.

The second point I would like to make is that a good part of our confusion and concern is a result of the total absence of engagement with the community by either the proponent or the council while the Structure Plan was being drawn-up. It is telling I think that the people who live in Goode Beach didn’t make it onto the list of key stakeholders (refer pages 21 and 22 of the Structure Plan Report).

A summary of key stakeholder involvement is provided at Table 4

AGENCY	DATE OF CONSULTATION	CONSULTED BY:	METHOD OF CONSULTATION	SUMMARY OF OUTCOME
City of Albany	April 2015 - Ongoing	PGPM Pty Ltd, Grounds Kent Architects, Ahola Planning and Wood & Grieve Engineers	+ Meetings + Phone + Emails + Site meeting (November 2016)	Confirmation of process and input into Structure Plan and scheme amendment
Department of Planning	November 2015 (office meetings) - Ongoing	PGPM Pty Ltd, Grounds Kent Architects, Aurora Environmental (State Government Sewerage Policy), MP Rogers & Associates	+ Meetings + Phone + Emails + Site meeting (November 2016)	Confirmation of process and input into Structure Plan and scheme amendment Status/use of 2016 Draft Government Sewerage Policy
Western Power	2016	Wood & Grieve Engineers	+ Phone + Site inspection	Input into technical studies
Telstra	2016	Wood & Grieve Engineers	+ Site inspection + Dial before You Dig	Input into technical studies
Public Transport authority	2016 - ongoing	Wood & Grieve Engineers	+ Phone + Emails	Traffic volumes and Input into technical studies
Department of Parks and Wildlife	January – March 2017	Aurora Environmental	+ Meetings + Phone + Emails	Input into technical studies and discussion of management of impacts, including

Western Australian Museum	January – March 2017	Aurora Environmental	+ Meetings + Phone + Emails	for Lake Vancouver Advice regarding sampling of Main's Assassin Spider
Department of Water	December 2016	Aurora Environmental	+ Phone + Emails	Regarding baseline information for Lake Vancouver
Department of Health	January 2017	Aurora Environmental	+ Phone	Advice regarding on site effluent disposal
Department of Fire and Emergency Services	July 2017	Eco Logical Australia in association with Bio Diverse Solutions Albany	+ Contacted by Phone and email	No feedback provided Not able to forward proposals unless referred via an approving agency

Table 4 - Pre-Lodgement Consultation Summary

Maybe it is the case that there isn't a legal requirement for the proponents to consult with the community at this stage, maybe there is a requirement and they haven't – perhaps you could take that as a question on notice for clarification.

More relevant I think is that the result of this disrespectful and secretive approach for a project on a site with such a long and vexatious history is both predictable and ultimately unhelpful, breeding suspicion, distrust and hostility.

What is done is done but may I respectfully suggest that, if the Structure Plan is approved and if the proponent decides to move onto the detail design and final approvals stages, then there is considerably more effort put into consulting with the people for whom Goode Beach is home.

Thank you.