



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 15 July 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 –The Chair declared the meeting open at **6.00pm**

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 past, present and emerging”.

3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Mayor D Wellington

Councillors:

Member	E Doughty (Chair)
Member	R Sutton (Deputy Chair)
Member	R Hammond
Member	G Stocks (Deputy Mayor)
Member	M Benson-Lidholm JP
Member	T Sleeman
Member	J Shanhun
Member	A Goode JP
Member	C Thomson

Staff:

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

Apologies:

Member	R Stephens
Member	S Smith
Member	P Terry

4. **DISCLOSURES OF INTEREST - NIL**
5. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE - NIL**
6. **PUBLIC QUESTION TIME**

6:01pm - Mr Twentyman - 1237 Nannarup Road, Nannarup – DIS219 Spoke against his property being Heritage Listed.

Tuesday 14/07/2020 at 3.31pm -Email received from David and Stephanie Wilmot – Annexe A.

7. **PETITIONS AND DEPUTATIONS**

A petition from Lowanna Drive residents expressing concern over reduced emergency evacuation access due to the new Ring Road was received by the City. This petition was addressed to Main Roads WA rather than the City of Albany and was forwarded to Main Roads on 11 June 2020. City staff have started discussions with Main Roads regarding opportunities to facilitate a secondary access, as a result of the construction of the Albany Ring Road.

A letter will be sent to Lowanna Drive residents advising them of the above action and encouraging them to apply to join the Albany Ring Road Construction Reference Group. Main Roads has advised that the deadline for applications is 13 July 2020.

8. **CONFIRMATION OF MINUTES**

DRAFT MOTION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR SLEEMAN

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 10 June 2020 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED: 10:0

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

DIS217: CITIES POWER PARTNERSHIP PROGRAM

- Report Prepared By** : Environmental Sustainability Officer (M Holt)
Manager, City Engineering (R March)
- 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:** Integrate and promote effective sustainability through resource conservation, management and education to continuously improve environmental outcomes.

In Brief:

- Join the free Climate Council's Cities Power Partnership Program.
- Key actions as part of the program that have been identified and endorsed by the Sustainable Buildings Working Group and will be included as part of the City of Albany's Corporate Energy Plan.
- The Corporate Energy Plan and the Business Case Study for Solar PV installation will be presented to Council in December 2020.

RECOMMENDATION

DIS217: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED: 10:0

DIS217: RESPONSIBLE OFFICER RECOMMENDATION

THAT the City of Albany JOIN the Climate Council's Cities Power Partnership Program.

BACKGROUND

2. The City of Albany is currently developing a Corporate Energy Plan in line with the City's commitment to transition to renewable energy by 2026.
3. The Corporate Energy Plan will focus on:
 - a. Renewable energy
 - b. Energy efficiency
 - c. Street lighting
 - d. Electric Vehicles
4. The City attended the Climate Councils Cities Power Partnership (CPP) conference in Partnership with WALGA and Australian Renewable Energy Agency (ARENA). The Program aims to advocate to federal and state government for funding, connect councils on

energy projects, and provide support to councils through webinars and invitations to renewable energy events.

DISCUSSION

5. Australian cities, towns and shires are at the forefront of climate action, despite periods of instability and policy changes at State and Federal levels.
6. Many Local Governments are leading climate action as buildings and transport are the main drivers of energy use and emissions.
7. The CPP program is the largest Local Government climate program, with 100 councils representing almost 11 million Australians.
8. Created by the Climate Council, this free national program aims to accelerate the pollution reduction and clean energy successes of Australia's towns and cities.
9. ARENA support has enabled the Climate Council to scale up the program, expanding its membership and increasing program resources.
10. The CPP program will provide incentives for these councils to increase renewable energy and energy efficiency, improve transport sustainability and work together.
11. To accelerate success, partners gain access to the extensive online knowledge hub, expert briefings, webinars with topic experts and the Power Analytics tool. They are also buddied with two other local councils to knowledge-share and receive national and local media opportunities and exposure.
12. As a member of the CPP, the City of Albany must commit to:
 - Within 6 months, identify 5 items included in the Cities Power Partnership Pledge that the City of Albany will strive to achieve. (Refer to recommendations under paragraph 14).
 - Complete a 12 monthly online survey that provides the Climate Council with basic information on how we are progressing on the 5 pledge items selected.
 - Nominate a point of contact that the Climate Council can liaise with on CPP matters including contact details.
 - Confirm a willingness to connect and collaborate with other Local Governments to share knowledge.
13. A Sustainable Buildings Working Group (SBWG) was created involving a cross-section of relevant City of Albany staff to guide development and implementation of the Corporate Renewable Energy Plan.
14. The SBWG evaluated and agreed to 5 key actions as part of the CPP program pledge which include:
 - a. Renewable Energy
 - i. Install renewable energy (solar PV and battery) on City of Albany buildings.
 - ii. Power City of Albany operations by renewable energy, and set targets to increase the level of renewable power for council operations over time.
 - b. Energy Efficiency
 - i. Adopt best practice energy efficiency measures across all council buildings and support community facilities to adopt the measures.
 - c. Sustainable Transport
 - i. Support cycling through the provision of adequate cycle lanes, bike parking and end-of-trip facilities.
 - d. Work together and influence

- i. Develop procurement policy to ensure that the practices of contractors and financiers align with the City of Albany’s renewable energy, energy efficiency and sustainable transport.

GOVERNMENT & PUBLIC CONSULTATION

15. The CPP program commitment and key focus areas have been developed in consultation with the SBWG.

STATUTORY IMPLICATIONS

16. Nil

POLICY IMPLICATIONS

17. The CPP program will implement the endorsed key focus areas within the Corporate Energy Plan which will be presented to Council by December 2020.

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
<i>Reputational Risk: The City may not fulfil the key focus areas of the program.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Key focus areas of the program will be implemented through the adoption of the Corporate Energy Plan to be endorsed by council December 2020.</i>
<i>Financial Risk: Adequate resources cannot be sourced to deliver relevant key focus areas within the CPP program commitments.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>An implementation plan including financials will be provided as part of the Corporate Energy Plan in December 2020.</i>
<i>Opportunity: To increase support and funding opportunities to reduce energy usage and increase the use of renewable energies within the City of Albany corporate operations.</i>				

FINANCIAL IMPLICATIONS

19. The CPP program is a free program, however, in order to implement the key actions identified in the Corporate Energy Plan Action List, there will need to be a budget allocation in the City’s Long Term Financial Plan.

LEGAL IMPLICATIONS

20. Nil

ENVIRONMENTAL CONSIDERATIONS

21. Nil

ALTERNATE OPTIONS

22. Council can choose not to participate in the CPP Program, although this is not recommended.

CONCLUSION

23. The CPP program is a free program aimed at assisting Local Governments implement renewable energy programs while reducing greenhouse gas emissions.
24. Key focus areas as identified and endorsed by the SBWG will be included as part of the Corporate Energy Plan.

25. By joining the CPP program, the City will be assisted in the successful implementation of the Corporate Energy Plan.

Consulted References	:	https://citiespowerpartnership.org.au/
File Number (Name of Ward)	:	ET.PLA.1 (All Wards)
Previous Reference	:	N/A

DIS218: CONSIDERATION OF FUTURE ROAD RESERVE LOT 201 (22) AND LOT 202 (24) HARDING ROAD, ROBINSON WA 6330

Land Description	: Lot 201 (22) Harding Road, Robinson WA 6330 and Lot 202 (24) Harding Road, Robinson WA 6330
Proponent	: City of Albany
Business Entity Name	: City of Albany
Attachments	: 1. Aerial image. 2. Plan of Subject Area
Report Prepared By	: Coordinator Planning - (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 development application, Council is obliged to draw conclusion from its adopted *Community Strategic Plan – Albany 2030*.
 - 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).

Maps and Diagrams:



In Brief:

- The City of Albany currently holds a caveat over a portion of Lots 201 and 202 Harding Road.
- The caveat provides the City of Albany with the ability to take an area of the properties as a road reserve at any time.
- The caveat was required in 2008 as a condition of subdivision of the land. On the basis that it would provide the City of Albany the ability to take the land as a road reserve in the future when it is required.
- Twelve years after implementation, the caveat has not been utilised. Given the significant planning constraints in the area, it is not anticipated that the surrounding residential land will be subdivided in the near future.
- Further to the above, the caveat on the two lots has created difficulties in banking institutions lending for the acquisition of the property. As such, the current owner of one of the lots has encountered difficulties in selling the property, as prospective purchasers cannot be granted finance.
- It is not considered appropriate to have an open ended caveat over the property, especially as the location of road on the site is not shown in any broader strategic document. The location of future roads for the area would be best addressed through a structure plan process. It is noted that the preparation of a structure plan would be required prior to the subdivision of the wider area.
- Staff recommend that Council resolve that a road reserve is not currently or likely to be required in the medium term in the location and agrees to the caveat being removed.

COVID-19 IMPACT

- No identified implications.

RECOMMENDATION

DIS218: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN

SECONDED: COUNCILLOR THOMSON

THAT: The Amended Officer Recommendation be ADOPTED.

CARRIED: 10:0

DIS218: AMENDED OFFICER RECOMMENDATION

THAT: Council resolves that a road reserve is not currently or likely to be required over the subject land of Lots 201 (22) Harding Road and 202 (24) Harding Road, Robinson WA 6330 and agrees to support a request to remove the caveat.

Officer's Reason (Executive Director Planning and Development):

The amendment to the officer's recommendation is made to provide greater clarity and a more suitable recommendation in the context of the Caveat removal process.

DIS218: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RESOLVES that the caveat is removed from lots 201 (22) Harding Road and 202 (24) Harding Road, Robinson WA 6330.

BACKGROUND

3. Lots 200, 201 and 202 Harding Road were created via a subdivision in May 2006.
4. The subdivision approval required that a legal agreement (caveat) be prepared and lodged on Lots 201 and 202. The agreement provides that if the City requires, the portion of the land that it is to be ceded free of charge to the City of Albany for the purposes of a road reserve.
5. In 2008 a caveat was lodged on the title of Lots 200 and 201 to fulfil the requirements of the condition.
6. The deed associated with the caveat outlines that in the event the City of Albany Council resolves that a road reserve is not required in the subject location that the owner can apply to Landgate to have the caveat removed from the titles.
7. Twelve years have now passed and after the City has reviewed the situation of the area, it is considered that a road is not likely to be required on the subject land in the foreseeable future. Further to this, a road in the subject location has not been identified in any forward planning or strategic planning documents such as a Structure Plan.
8. Taking the land as a road reserve at the current time would have minimal public benefit and represent a maintenance burden to the City for what would essentially remain a private driveway.
9. It is considered that the long term road planning for the broader area would be more appropriately planned for through a defined comprehensive strategic planning mechanism such as a structure plan. This is the normal process where the overall network of future roads planned in advance and constructed by developers and ceded free of charge to the City of Albany via the standard subdivision process.
10. On the basis of the above, it is considered that there is limited merit or strategic direction to taking the road in the subject location at the current time, or in the foreseeable future. Officers therefore recommend that Council resolves that a road reserve is not required in the subject location on lots 201 and 202 Harding Road.
11. Council is now requested to resolve that a road reserve is not required over the subject location on lots 201 and 202 Harding Road.

DISCUSSION

12. Lots 200, 201 and 202 Harding Road were created via a subdivision in May 2006.
13. The subdivision proposal originally proposed to have the current driveway for the access to lots 201 and 202 as a dedicated road. It was considered that as this was essentially a private driveway serving three lots, that there would be limited merit in having the land as a road reserve. However, it was considered that there could potentially be merit in having the land as a road reserve at some point in the future.
14. On the basis of retaining the right to take the land as road reserve in the future, the subdivision approval required that a legal agreement be prepared and lodged on lot 201 and 202 Harding Road. The agreement provides that the land is to be ceded free of charge to the City of Albany for the purposes of a future road reserve at any time the City requires.
15. 12 years have now passed and the City of Albany has not acted upon the caveat. Currently there is no identified benefit in taking the land as a road reserve as it would have minimal

public benefit and represent a maintenance burden to the City for what would essentially remain a private driveway.

16. Further to the above, as for the City of Albany retaining the caveat in place on the basis that a road may be required at some point in the future, the following two points are considered relevant;
 - Firstly, there is no broader planned strategic reasoning, as since the subdivision approval, a road in the subject location or the wider road network has not been identified within any strategic document or structure plan; and
 - Caveats represent a significant burden on land titles. The owner of one of the subject lots has expressed significant concern that banks will not lend against the property and as such potential purchasers cannot obtain the land.
17. The deed associated with the caveat outlines that in the event the City of Albany Council resolves that a road reserve is not required in the subject location that the owner can apply to Landgate to have the caveat removed from the title.
18. On the basis that there is no current or strategic rationale to take the land as a road reserve, it is recommended that Council resolve that a road reserve is currently not required over the subject land of Lots Lot 201 (22) Harding Road and Lot 202 (24) Harding Road, Robinson WA 6330.

GOVERNMENT & PUBLIC CONSULTATION

19. As the matter is between the City of Albany and the landowners, there is no requirement for broader public consultation.
20. If supported, the owners will be notified and would be able to proceed to have the subject caveat removed.

STATUTORY IMPLICATIONS

21. The deed associated with the caveat provides the ability for Council to consider the matter via the following;

“The City of Albany acknowledges that if the Council of the City passes a resolution to the effect that the road land is not required by the City as a road reserve, then the applicants shall be entitled to have any caveat lodged pursuant to the terms of this deed withdrawn at the applicants’ cost, and the terms of this deed shall be of no further force or effect.”

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

POLICY IMPLICATIONS

23. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Operational and Reputation. The caveat is removed and prejudices the ability to implement future connecting roads in the area.</p>	Possible	Moderate	Medium	Utilise the appropriate planning mechanisms of a structure plan to assess at a broader scale the requirements and location for the road network in the area.
<p>Opportunity: To assess the future road access and subdivision potential of the area in an orderly manner – in a way which is objective, methodical, logical and systematic.</p>				

FINANCIAL IMPLICATIONS

25. There are no financial implications directly relating to this item.
26. If Council resolves that a road reserve is not required, the owners have the ability to apply for the caveat to be removed. The deed associated with the caveat provides that this removal is at the owner's expense.
27. If Council resolves that a road reserve is required, then the owners retain the ability (as they currently have) to apply to Landgate or the Supreme Court for the caveat to be removed. If the City of Albany wished to justify that the caveat is still required, legal representation would likely be required.

LEGAL IMPLICATIONS

28. If supported, the owners will be able to submit a 'removal of caveat' form with Landgate. The City of Albany would be required to sign the form granting this removal on the basis that the road reserve is not required.
29. If Council resolves that a road reserve may be required and that the caveat should remain in place, the owners do have rights to apply for its removal. The owners have the ability to serve a notice on the City advising that the caveat will lapse within 21 days, unless the City obtains a Supreme Court order that the caveat remains in place.
30. Alternatively, the owners can apply directly to the Supreme Court asking that the caveat be removed.
31. It is important to note that there may be difficulty in demonstrating that the caveat remains a requirement and is relevant, when the long term connection of a road in the location of the caveat is not contained within a structure plan or other strategic document.

ENVIRONMENTAL CONSIDERATIONS

32. There are no environmental implications directly relating to this item.

ALTERNATE OPTIONS

33. Council has the following alternate options in relation to this item, which are:
 - To resolve that a road reserve may be required and that the caveated interest in the land should remain in place.
 - To resolve that a road reserve is required and request the CEO to commence with the procedure to take the land as a road reserve.

CONCLUSION

34. The caveat on the subject lots allowing for the City of Albany to acquire the land for the purposes of a road was applied as a result of a 2008 subdivision.
35. The City of Albany has not acted upon the caveat take the land as road reserve for the past 12 years. It is noted that a caveat is a significant burden on a title of land, especially in instances such as this where the caveat relates to taking land and that there are no time limits on when this may be. The current owners have expressed concerns that this is causing issues in being able to sell the property.
36. After carefully considering the matter and for the reasons set out in this report, staff are satisfied that a road reserve in the subject location will not be required in the reasonably foreseeable future. This is on the basis that the long term connection of a road in the location of the caveat is not contained within a structure plan or other strategic document.
37. Notwithstanding the above, if roads are required in the area in the future, it would be more appropriate for these to be planned in a broader and strategic manner via the structure plan process.

38. It is recommended that Council resolve that a road reserve is not required in the reasonably foreseeable future over the subject lots. Accordingly, this will allow the owners of the subject properties to apply for the associated caveat to be removed.

Consulted References	:	1. Local Planning Scheme No. 1 2. Albany Local Planning Strategy 2019 3. Planning and Development (Local Planning Schemes) Regulations 2015
File Number (Name of Ward)	:	A208995 and A209000
Previous Reference	:	Nil

DIS219: ADOPTION THE CITY OF ALBANY LOCAL HERITAGE SURVEY AND THE HERITAGE LIST

Land Description	: Multiple properties throughout the City of Albany Municipal Area
Proponent / Owner	: Multiple owners
Business Entity Name	: N/A
Attachments	: Schedule of Submissions Local Heritage Survey List Scheme Heritage List Community Update (April 2020)
Report Prepared By	: Senior Planning Officer (C Simpson)
Responsible Officers:	: Executive Director Infrastructure 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 conclusions 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 Local Heritage Survey (previously referred to as the Municipal Heritage Inventory) was last reviewed and updated in 2000. The current review commenced in 2010 and is now required to be finalised in order to allow preparation of the City Heritage List.
- Both documents have now been advertised. The majority of submissions received supported the heritage listing of their property or included additional/correct information.
- It is recommended that Council adopt both the Local Heritage Survey and Heritage List.

RECOMMENDATION

PROCEDURAL MOTION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SHANHUN

THAT this report be DEFERRED and represented at the September 2020 Ordinary Council Meeting

CARRIED: 8:1

Record of Vote

Against the Motion: Councillor Thomson

Reason:

The deferral of this report is to allow further review of the proposed listing of properties at 18b Finlay Street and 1207 Nanarup Road, taking into consideration their current condition.

6:57pm Councillor Goode left the Chambers and did not return.

DIS219: RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: MAYOR WELLINGTON

THAT Council:

1. ADOPT the City of Albany Local Heritage Survey subject to modifications as set out in the Schedule of Submissions.
2. ADOPT the Heritage List subject to modifications as set out in the Schedule of Submissions.
3. INFORM the Heritage Council of the City's decision to adopt the Local Heritage Survey and Heritage List.
4. AUTHORISE the Chief Executive Officer to WAIVE the fees for Development Applications, where these applications are solely required because a property is on the Heritage List.

BACKGROUND

4. The City of Albany Municipal Heritage Inventory (MHI) was last reviewed in December 2000 and represented a combination of the 1994 Heritage Inventories of the Town and Shire following the 1998 amalgamation. A review thereof commenced in 2010.
5. At the OCM of June 2017, Council endorsed the Heritage List procedure, which guided the selection of places for inclusion on the Heritage List from the Heritage Survey review process. The Local Heritage Survey informs the preparation of the Heritage List.
6. Council adopted the current Local Heritage Survey at the April 2018 OCM.
7. Both the Local Heritage Survey and Heritage List was publicly advertised for a period of 4 weeks in March/April 2020. Nineteen submissions were received of which the vast majority are in support of heritage listing of their places or provide additional/correct information.

DISCUSSION

8. The Local Heritage Survey is prepared under the *Heritage Act 2018* and in accordance with the *Guidelines for Local Heritage Surveys* (July 2019) by the Heritage Council.
 - a. Local Heritage Surveys are compiled to 'tell the stories' of their districts – it provides an understanding of the history and development of the local government area, identify the key themes and storylines that have shaped it and the places that reflect or encapsulate this. It is in essence a stock-take of a community's heritage places. Inclusion in the Local Heritage Survey is an acknowledgement of a place's heritage value.
 - b. Owners are free to develop their properties in accordance with the normal planning requirements which apply to all properties in the City.
 - c. There are 327 places on the Local Heritage Survey of which 54 are new places that has been added through the review process.
9. The deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* require that local government establish and maintain a heritage list of places assessed as having cultural heritage significance.
10. The Local Heritage Survey is the first point of identification of heritage places and is used, amongst other functions, to inform the preparation of a heritage list. The threshold for inclusion

in the Heritage List are based on the City's adopted procedure (OCM June 2017). The procedure allowed for consistency and transparency for the inclusion of places on the Heritage List.

- a. The current Heritage List was inherited from Town Planning Scheme 1A (former Town of Albany Scheme). There is only one (1) place included from the former Shire area. The 'Schedule of Places of Heritage Value' under Town Planning Scheme 1A was recognised as a starting point for the required heritage list.
- b. Of the 327 places on the Local Heritage Survey, 275 places have met the threshold for inclusion in the Heritage List as set out under the Heritage List Procedure. Inclusion in the Heritage List is based on an assessment of cultural heritage significance as follows:

Level of significance	Category	Description	Heritage List status
Exceptional significance	1	Essential to the heritage of the locality. Rare or outstanding example.	All places included in the heritage list.
Considerable significance	2	Very important to the heritage of the locality. Show a high degree of integrity/authenticity.	All places included in the heritage list.
Some/moderate significance	3	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the place.	Places may be included in the heritage list.
Little significance	4	Has elements or values worth noting for historical interest but otherwise makes little contribution.	Below the threshold for inclusion in the heritage list.

11. The Heritage survey and list are subject to statutory requirements for advertising, the process which was followed will be discussed further below.
12. It is considered that the implementation of the Heritage List and survey will put in place a framework of cataloguing and protecting the heritage places within the City of Albany.

GOVERNMENT & PUBLIC CONSULTATION

13. Under the *Heritage Act 2018*, local governments are required to prepare a Heritage Survey. Consultation requirements with landowners are set out under the *Guidelines for Local Heritage Surveys* released by the Heritage Council in July 2019.
14. The deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, local government is required to write to each owner with a description of the place and the reasons for the proposed entry and invite to make a submission on the proposal. The City is also required to carry out any other consultation considered appropriate.
15. The Heritage Survey and Heritage List was on public advertising for a period of 4 weeks from 9 March to 3 April 2020. Public notices were placed in local newspapers and letters were sent to each landowner which included the relevant place record form and a detailed information sheet with frequently asked questions (Community Update April 2020 attached).
16. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Inform – Heritage Survey Consult – Heritage List	Mail Out Public Notice in Newspaper Interviews	9 March – 3 April 2020	Written submissions = 24 Interviews held = 14	Yes

17. The majority of submissions received supported the heritage listing of their property or included additional/correct information. Six submissions objected to heritage listing of their property and it is recommended that five remain on the Heritage List predominately due to their level of significance having met the threshold for inclusion (i.e. of considerable or exceptional heritage value) or because the place is located in a street where all places are heritage listed. This ensures that proposed alterations or redevelopment is in sympathy with the heritage streetscape.
18. Heritage Listing does not preclude substantial alterations or demolition of a place. The requirement that a development application be submitted allows the City to assess the proposal on its merits and where approved, condition that an archival record be prepared. An archival record is made of a heritage place as way of contributing to our understanding and appreciation of our heritage. They record for the future, place details such as it location, historical drawings or photographs, a history of the place, current drawings and photos, internal details such as layout, significant interior details and a bibliography. The City however, does not promote the demolition of heritage places.

STATUTORY IMPLICATIONS

19. Inclusion of a place on a Heritage List means that the City will receive applications for developments that would otherwise be exempt from the requirement for development approval under the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This includes applications for internal building works, single dwellings, ancillary buildings, and outbuildings and other external structures.
20. The inclusion of a place on the Heritage List gives the place recognition and protection under the City's Local Planning Scheme. The City will give due regard to the heritage significance of the listed place when determining a related development application. Proposals that respect and retain the heritage values of the place are likely to be encouraged and may, where appropriate, be required.
21. Importantly, the inclusion of a place on a Heritage List does not limit the ability of an applicant to propose any works, nor does it limit the ability of the City to determine an application in the manner it considers most appropriate.

POLICY IMPLICATIONS

22. There are no policy implication relating to the adoption of the Local Heritage Survey and Heritage List.
23. The heritage list and survey can be used to further inform the preparation of heritage precinct plans or place planning policies in respect to heritage matters.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Community, Organisational Operations and Reputation Inclusion on the Heritage Survey may attract objections from property owners or members of the public or other public authorities.</p>	Possible	Moderate	Medium	<p>The selection and assessment criteria is an established process. The City's assessment has been carried out in accordance with the State guidelines.</p> <p>Continue dialogue with affected parties as required.</p>
<p>Opportunity: provide a framework for the long term protection of heritage places within the City of Albany.</p>				

FINANCIAL IMPLICATIONS

25. Inclusion of a place on a Heritage List means that the City will receive applications for developments that would otherwise be exempt from the requirement for development approval under the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
26. Given the additional cost implication to owners of places on the Heritage List, and as an incentive to preserve the heritage thereof, it is recommended that Council waive the cost of application fees for proposal that would have otherwise not required a planning application.

LEGAL IMPLICATIONS

27. There are no legal implication directly relating to this item.

ENVIRONMENTAL CONSIDERATIONS

28. Many places on the Heritage List are parks and gardens (for example, Alison Hartman Gardens, Balston Gardens and RSL Memorial Gardens), trees (for example, the Oak trees on Drew Street and the Peruvian Pepper Tree on Grey Street), lakes (for example, Lake Seppings) and places of Aboriginal significance (for example, Kalgan River fish traps and Scarred Tree at Oyster Harbour). Heritage Listing recognise the heritage significance of these places and add an additional layer of statutory protection.

ALTERNATE OPTIONS

29. Council may consider alternate option in relation to the item, such as resolving:
 - a. To adopt the Local Heritage Survey subject to modifications;
 - b. To adopt the Heritage List subject to additional modifications;
 - c. To not waive application fees for planning applications in relation to Heritage Listed buildings.

CONCLUSION

30. The Local Heritage Survey recognise the heritage value of places that showcase the development of Albany since settlement. There are no statutory planning implications imposed.
31. The Local Heritage Survey is the basis from which the Heritage List is prepared. Places of exceptional and considerable heritage value are included on the Heritage List. Places of some/moderate heritage value may also be included where it is located on a street where all places are included on the Heritage List in order to guide future development and protect the heritage values within the streetscape. Places on the Heritage List are afforded statutory planning protection under the deemed provisions of the *Planning and Development (Local Planning Schemes Regulations 2015)*.
32. The Local Heritage Survey and Heritage List are important tools to honour Albany heritage and protect places of heritage value for future generations to enjoy.
33. The Heritage Survey and Heritage List was publicly advertised for a period of 4 weeks from 9 March to 3 April 2020.
34. The majority of submissions received supported the heritage listing of their property or included additional/correct information.
35. It is recommended that Council adopt both the Local Heritage Survey and Heritage List.

Consulted References	:	<ul style="list-style-type: none">• <i>Heritage Act 2018</i>• <i>Guidelines for Local Heritage Surveys (July 2019)</i>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number (Name of Ward)	:	All
Previous Reference	:	DIS031 – June 2017 OCM DIS088 – April 2018 OCM

11. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN - NIL**
12. **MEETING CLOSED TO THE PUBLIC - 7.05pm**
13. **CLOSURE** There being no further business the Chair declared the meeting closed at 7.05pm

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 14 July 2020 3:31 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: 18B FINLAY St, ALBANY
Attachments: 20200323_123242.jpg; 20200323_123309.jpg; 20200323_123314.jpg; 20200323_123334.jpg; 20200323_123342.jpg; 20200323_123353.jpg; 20200323_123409.jpg; 20200323_123458.jpg; 20200323_123508.jpg; 20200323_123513.jpg; 20200323_123916.jpg; 20200323_124021.jpg; 20200323_124033.jpg; 20200323_124723.jpg; 20200323_122253.jpg; 20200323_122307.jpg; 20200323_122317.jpg; 20200323_122334.jpg; 20200323_122343.jpg; 20200323_122357.jpg; 20200323_122414.jpg; 20200323_122445.jpg; 20200323_122554.jpg; 20200323_122645.jpg; 20200323_122659.jpg; 20200323_122715.jpg; 20200323_122732.jpg; 20200323_122738.jpg; 20200323_122836.jpg; 20200323_122907.jpg; 20200323_122916.jpg; 20200323_123011.jpg; 20200323_123055.jpg; 20200323_123113.jpg; 20200323_123122.jpg; 20200323_123136.jpg; 20200323_123143.jpg; 20200323_123230.jpg

Good Afternoon,

Attention Committee,
We regret that we are unable to attend in person due to such short notice of the meeting date.

We refer to the property 18 Finlay st Albany which is currently being assessed for the local heritage list.
Further to our earlier submission and with full acknowledgement of the properties historic value and relevant story, we offer some more practical information regarding its current structural condition.
The property was built in 1912 as gift from the people of Albany for my Great grandmother and her 3 small boys after my grandfather died from a horse and cart accident while working on the telegraph line.
Originally only a 3 room dwelling it has had some renovations and additions done over the years, the most recent being 20 years ago. (see relevant photos) The structure was built of pressed tin, wood and corrugated roofing. Presently it is uninhabitable due to the rotting foundations and floors boards. (please note the recent photographs showing the condition) As much as we feel connected and sympathetic to the buildings history it is not practical to suggest that it can be maintained at a inhabitable level into the future.

We have a comprehensive documented history of the dwelling, including original plans, letters and photos which we are very happy to submit to the appropriate authorities to enable the City of Albany to preserve its history.
Our intentions are to rebuild on this site with sensitivity and in accordance with the City of Albany's guidelines.

Sincerely
David and Stephanie Wilmot

David: [REDACTED]
Stephanie: [REDACTED]