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# MINUTES

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**Ordinary Meeting of Council**

**Tuesday 19 December 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.

ORDINARY COUNCIL MEETING  
MINUTES 19/12/2017

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**1. DECLARATION OF OPENING**

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

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

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

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

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

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

Mayor

D Wellington

**Councillors:**

Breaksea Ward

P Terry

Breaksea Ward

R Hammond

Frederickstown Ward

G Stocks (Deputy Mayor)

Frederickstown Ward

R Stephens

Kalgan Ward

B Hollingworth

Kalgan Ward

E Doughty

Vancouver Ward

J Shanhun

Vancouver Ward

T Sleeman

West Ward

S Smith

West Ward

A Goode JP

Yakamia Ward

A Moir

Yakamia Ward

R Sutton

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate Services

M Cole

Executive Director Development Services

P Camins

Executive Director Infrastructure & Environment

M Thomson

Executive Director Community Services

S Kay

Meeting Secretary

J Williamson

**Apologies:**

Nil.

#### 4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Nil		

#### 5. REPORTS OF MEMBERS

##### 6.01pm Councillor Stocks

###### Summary of key points:

- Expressed concern about the inequity in the taxi plate buyback, with no compensation for regional WA taxi plates, in comparison to compensation awarded to metropolitan taxi operators.
- 10% of regional fares are to be contributed to the buyback scheme.

##### 6.03pm Councillor Doughty

###### Summary of key points:

- Had the opportunity to participate for the day in harvesting in the Wellstead district.
- Has a greater understanding of the issues facing farmers including weather, the current road system and access to road trains on some roads being restricted.

#### 6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil.

#### 7. PUBLIC QUESTION TIME

##### 6.07PM Ms Lily Dore, 161 Grey Street West, Albany

###### Summary of key points:

- Ms Dore addressed Council regarding DIS072: Tender C17029-Mount Elphinstone to CBD Cycle Link (Stage 1)
- Ms Dore's tabled address is detailed at Appendix A.

##### 6.11PM Mr David Sandercock, 166 Grey Street West

###### Summary of key points:

- Mr Sandercock addressed Council regarding DIS072: Tender C17029-Mount Elphinstone to CBD Cycle Link (Stage 1)
- The following question from Mr Sandercock was taken on notice by the CEO. Responses to those questions are detailed below:
- "With regard to due process, what appeal and review rights do the community have in regard to this decision?"

The following response is provided: *"The State Administrative Tribunal has advised on Thursday 21 December 2017 that there is currently no provision for a third party appeal through the State Administrative Tribunal for review of a decision by Council concerning land managed, owned, maintained or developed by the City.*

*You may choose to lodge a complaint with the Ombudsman for a review of the decision if you do not agree with the decision making process."*

**6.12PM Ms Susan Anderson, 19 Festing Street, Albany**

**Summary of key points:**

- Ms Anderson addressed Council regarding DIS066: Consideration of Adoption of Local Planning Scheme Amendment-Lots 1533 to 1550 Amity Quays, Albany.
- Ms Anderson expressed concern regarding the current views from Festing Street properties being obscured by the current proposed design, and suggested that taller buildings be located at the rear of the lot to preserve views from Festing Street.
- Expressed concern over possible damage to existing nearby homes from construction on the lot, and contaminated ground.

6.16PM There being no further speakers, the Mayor declared Public Question Time closed.

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

**9. PETITIONS AND DEPUTATIONS Nil.**

**10. CONFIRMATION OF MINUTES**

**RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT the minutes of the Ordinary Council Meeting held on 28 November 2017, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 13-0**

**11. PRESENTATIONS Nil.**

**12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.**

**CCS014: FINANCIAL ACTIVITY STATEMENT – OCTOBER 2017**

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

**RECOMMENDATION**

**CCS014: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council RECEIVE the Financial Activity Statement for the period ending 31 October 2017.**

**CARRIED 13-0**

CCS014: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE  
SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS014: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 October 2017.

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 31 October 2017 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

## STATUTORY IMPLICATIONS

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

## POLICY IMPLICATIONS

8. The City's 2017/18 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

## FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 October 2017 has been incurred in accordance with the 2017/18 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	FM.FIR.7 - All Wards
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**CCS015: LIST OF ACCOUNTS FOR PAYMENT – NOVEMBER 2017**

**Business Entity Name** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared By** : Senior Accounting Officer (P Martin)  
**Responsible Officers:** : Executive Director Corporate Services (M Cole)

**RECOMMENDATION**

**CCS015: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**  
**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR STEPHENS**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2017 totalling \$4,913,077.79 be RECEIVED.**

**CARRIED 13-0**

CCS015: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
 SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 13-0**

CCS015: RESPONSIBLE OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2017 totalling \$4,913,077.79 be RECEIVED.

**BACKGROUND**

- Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

**DISCUSSION**

- The table below summarises the payments drawn from the municipal fund for the period ending 15 November 2017. Please refer to the Attachment to this report.

<b>Municipal Fund</b>	
Trust	\$92,963.21
Credit Cards	\$20,908.01
Payroll	\$1,257,395.57
Cheques	\$75,617.83
Electronic Funds Transfer	\$3,466,193.17
<b>TOTAL</b>	<b>\$4,913,077.79</b>

- As at 15 November 2017, the total outstanding creditors stands at \$387,015.78 as per the table below:

Current	\$212,758.28
30 Days	\$174,434.55
60 Days	\$0.00
90 Days	\$177.05
<b>TOTAL</b>	<b>\$387,015.78</b>
<b>Cancelled Cheques</b>	<b>Nil</b>

**STATUTORY IMPLICATIONS**

4. Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996*, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
5. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
6. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

**POLICY IMPLICATIONS**

7. Expenditure for the period to 15 November 2017 has been incurred in accordance with the 2017/2018 budget parameters.

**FINANCIAL IMPLICATIONS**

8. Expenditure for the period to 15 November 2017 has been incurred in accordance with the 2017/2018 budget parameters.

**CONCLUSION**

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

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CCS016: DELEGATED AUTHORITY REPORTS**

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

**RECOMMENDATION**

**CCS016: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT the Delegated Authority Reports 16 October 2017 to 15 November 2017 be RECEIVED.**

**CARRIED 13-0**

**CCS016: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HOLLINGWORTH**  
**SECONDED: COUNCILLOR MOIR**

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

**CARRIED 13-0**

**CCS016: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Delegated Authority Reports 16 October 2017 to 15 November 2017 be RECEIVED.**

**CCS017: PROPOSED NEW LICENCE – RED DIRT COMMUNICATION PTY LTD – LOT 117 MOUNTAIN ROAD, BORNHOLM**

<b>Land Description</b>	: Lot 117 Mountain Road, Bornholm on Deposited Plan 230722 comprised in Certificate of Title Volume 2712 Folio 757
<b>Proponent</b>	: Red Dirt Communication Pty Ltd (ABN 83 158 293 648) Director/Secretary: Daniel Joseph Mills
<b>Owner</b>	: Mark Neil Jendrzeczak and Meagan Marie De Piazzi
<b>Report Prepared by</b>	: Team Leader Property and Leasing (T Catherall)
<b>Responsible Officer</b>	: Executive Director Corporate Services (M Cole)

**STRATEGIC IMPLICATIONS**

This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:

- **Theme: 1.** Leadership.
- **Objective: 1.1** To establish and maintain sound business and governance structures.
- **Community Priority: 1.1.2.** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

**Maps and Diagrams:**



**In Brief:**

- Council is requested to consider a new licence with Red Dirt Communication Pty Ltd (RDC) to formalise the current interim arrangements with RDC in order for wireless broadband internet services provided to Bornholm and surrounding areas to continue from the City's Bornholm Telecommunication facility.
- The facility is located on land privately owned at Lot 117 Mountain Road, Bornholm under a lease arrangement for the land. The lease expires in July 2022.
- Since 2015 RDC have provided telecommunication services from the site under interim arrangements with rent based on a simple cost recovery due to limited internet options available to the residents of Bornholm, Young Siding and Torbay areas.
- It is recommended that the proposed licence be approved.

**RECOMMENDATION**

**CCS017: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council APPROVE a new licence to Red Dirt Communication Pty Ltd over a portion of Lot 117 Mountain Road, Bornholm subject to:**

- 1. Licence permitted use being to provide and maintain wireless broadband internet services.**
- 2. Licence term being 3 years, to commence as soon as practicable.**
- 3. Licence area of approximately 80 square metres incorporating fenced compound housing City owned telecommunication tower and hut.**
- 4. Licence rent being \$1,660.45 plus GST per annum.**
- 5. Licence rental being reviewed annually with CPI.**
- 6. All costs associated with the ongoing operations of the licence premises being payable by the tenant.**
- 7. All costs associated with the development and finalisation of the licence being met by the tenant.**
- 8. Licence being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.**
- 9. Licence being consistent with Council Policy – Property Management (Leases and Licences).**

**CARRIED 13-0**

**CCS017: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 13-0**

CCS017: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE a new licence to Red Dirt Communication Pty Ltd over a portion of Lot 117 Mountain Road, Bornholm subject to:

1. Licence permitted use being to provide and maintain wireless broadband internet services.
2. Licence term being 3 years, to commence as soon as practicable.
3. Licence area of approximately 80 square metres incorporating fenced compound housing City owned telecommunication tower and hut.
4. Licence rent being \$1,660.45 plus GST per annum.
5. Licence rental being reviewed annually with CPI.
6. All costs associated with the ongoing operations of the licence premises being payable by the tenant.
7. All costs associated with the development and finalisation of the licence being met by the tenant.
8. Licence being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.
9. Licence being consistent with Council Policy – Property Management (Leases and Licences).

**BACKGROUND**

1. The City's Bornholm Telecommunication facility is located at Lot 117 Mountain Road, Bornholm on privately owned land. A lease agreement is in place between the landowners and the City which expires July 2022, current annual rental being \$1,473.86.
2. In 2002, this site was originally developed by the City to service the analogue TV black spot areas. A 50-metre mast with small hut were erected within a fenced compound. In 2013, analogue TV services were switched to digital TV rendering the analogue equipment at the site redundant.
3. In 2009, Ocean Broadband identified minimal internet services available to residents west of the City. As such approached the City for use of the Bornholm facility in order to provide internet services to the area.
4. Council approved a new licence to Ocean Broadband Ltd for a term of 3 years with an option for a further 2-year term.
5. In 2015, the licence was terminated by the City as a last resort due to non-payment of rent and outgoings. It was noted that Ocean Broadband Ltd were no longer trading and had applied to be deregistered.
6. At this time, the City became aware a former director and employee of Ocean Broadband launched RDC and were operating from the Bornholm site using Ocean Broadband equipment and without consent of the City and without any rent or outgoings being met.
7. Even though the City did not own the equipment on the tower and in the hut being used by RDC, it did remain liable to Ocean Broadband for the safety of that equipment and allowing unsanctioned use and access to City property was considered an unacceptable risk to the City. For these reasons the City attempted on multiple occasions to contact RDC, with no response.
8. Given the lapse of any arrangements for use of the site and no communication from RDC, the City had no alternative but to take action. The City publically advertised its intention to turn off the power to the site, to which no responses were received.

9. This resulted in customers of RDC not having access to the internet. The City received a number of complaints from RDC customers and as a result RDC made contact with the City in order to have power restored. At the request of the City, documentation was provided that indicated transfer and ownership of the equipment from Ocean Broadband to RDC. This allowed the City to negotiate with RDC without breaching the terminated licence with Ocean Broadband.
10. At this time the City researched alternate internet options for the Bornholm and surrounding areas. It became apparent there were limited options in this area as it was not considered a viable location for other internet providers due to the low number of residents and profitability. Additionally the option of internet via satellite was considered very costly. Another local provider did express a slight interest in the site however this has since been withdrawn and NBN advised they were not interested in the site.
11. In order to restore services to the community the City agreed to an interim arrangement with RDC, on a cost recovery basis. RDC pay a monthly rental of \$152.20 which aligns with the annual licence rental paid by the previous service provider Ocean Broadband and covers the City's lease fee to the landowner. RDC have also met a \$900 refundable bond.

## **DISCUSSION**

12. The City understands that due to a variety of factors such as the minimal customer base and therefore low profitability of services there is limited interest from other service providers in the site.
13. In view of the above, it was considered that undertaking an Expression of Interest process seeking an internet provider may not be in the best interest of the current users of the existing service or return any other interested service provider.
14. As such City staff have been in discussion with RDC in an attempt to reach agreement to formalise a licence. It has been requested by RDC and agreed by City staff to progress a new licence on similar terms and conditions as the existing arrangements, including rent.
15. It is acknowledged that the current rental of \$1,660.45 + GST may be less than current market rates, however the rent is considered appropriate given the recognised low profitability of providing the service and that it may be difficult to secure a new service provider in this location.
16. In February 2017, the City contracted R-Group International to carry out an audit on all City telecommunication towers and equipment huts. It was identified that the guy wires for the Bornholm tower needed to be replaced. Quotes returned a cost of \$7,240 + GST for the replacement adding a life expectancy of a further 10 years. This work has been allocated in the 2017/18 budget.
17. In August 2017, RDC made a proposal to the City to purchase the tower, hut and fence enclosure and lease direct with the landowner.
18. Given the City does not have a current operational need for use of the facility, the proposal was presented to the landowner for consideration. However the landowner declined the offer and sought to continue to lease direct with the City.
19. RDC have recently installed solar panels and backup battery power to the site, thereby further servicing this community by reducing lost services due to power surges and outages. No known negative feedback has been received by the City from customers since RDC took over the site and the provision of broadband services.
20. The landowner has consented to a new licence with RDC.
21. The continued occupation by RDC would be formalised by a licence agreement, subject to Council approval.

## GOVERNMENT & PUBLIC CONSULTATION

22. No Government consultation is required as the licence area is located within privately owned freehold land.
23. Section 3.58 of the *Local Government Act 1995* outlines the requirements for the disposal of property, including leased/licenced land and buildings. The Act requires the following:
  - a. A local government must give local public notice of the proposed lease/licence inviting submissions from the public, for a period of two weeks.
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
  - c. A local government can then proceed with the lease/licence.
24. The proposed Deed of Licence will be advertised to meet the requirements of Section 3.58 of the *Local Government Act 1995*.

## STATUTORY IMPLICATIONS

25. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licenced land and buildings including advertising requirements.

## POLICY IMPLICATIONS

26. Council adopted a revised Property Management (Leases and Licences) Policy in July 2015.
27. The Policy aims to ensure that all requests for leases and licences will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
28. It is recommended that Council relax current Policy provision for commercial leases requiring market rent. This is on the basis of low profitability for the site and adequately covers the City's rent for the site.
29. All other terms and conditions are consistent with the Policy.

## 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>Reputation:</b> licence not approved	Possible	Moderate	Medium	Seek to negotiate terms to Council satisfaction
<b>Financial:</b> new licence not approved – no rental income	Unlikely	Minor	Low	Undertake EOI for the vacant space
<b>Opportunity:</b> To meet the telecommunication needs of the community				

## FINANCIAL IMPLICATIONS

31. The City has scheduled the replacement of the Bornholm tower guy wires. The cost of these works have been quoted for \$7,240.00 plus GST and allocated in the 2017/18 budget.
32. The licence rental of \$1,660.45 plus GST per annum will continue to cover the City's annual lease rental for the site.
33. All costs associated with the development and finalisation of the licence will be met by RDC.

**LEGAL IMPLICATIONS**

34. The licence agreement will be a formal Deed of Licence with enforceable terms and conditions prepared by the City’s lawyers.

**ENVIRONMENTAL CONSIDERATIONS**

35. There are no environmental implications.

**ALTERNATE OPTIONS**

36. Council may:
- a. Approve the licence with RDC; or
  - b. Decline the licence.
37. Should Council not support the new licence, it is understood this will impact the internet services to the residents in the Bornholm and surrounding areas.
38. Should Council not wish to support the proposed rent, further negotiations with the tenant will be required. It is considered that further negotiations may not be successful. It is also noted that securing a new service provider in this location may prove difficult given the low profitability of service in the area.
39. Council does have the discretion to instruct City staff to undertake an Expression of Interest for the site seeking a new service provider for this area, however noting previous interest for this site was limited.

**CONCLUSION**

40. The current tenant Red Dirt Communications Pty Ltd (RDC) at the City’s Bornholm telecommunication facility has been operating under an interim agreement since 2015. This arrangement has been successful in meeting the internet needs of the customers within Bornholm and surrounding areas.
41. With support of RDC, the City proposes to formalise the current interim arrangements in place for the site.
42. The current rental paid by the tenant may be less than market rental however, it is considered appropriate to continue this rental in order to maintain internet services to Bornholm and surrounding residents in view of the marginal profitability of the area. It is also recognised that it may be difficult to secure a new service provider in this location.
43. It is recommended the new licence to RDC be approved to ensure continuity of internet services to existing users and to formalise the current arrangements.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• Council Policy – Property Management (Leases and Licences)</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Land Administration Act 1997</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	PRO371, A223278 (West Ward)
<b>Previous Reference</b>	:	Nil

**CCS018: PROPOSED NEW LEASES – WARREN & GLORIA PORTER (AVIS) – GERALD AND JULIE VANDER ROS (BUDGET) – ALBANY REGIONAL AIRPORT**

<b>Land Description</b>	:	Lot 5643 on Deposited Plan 157458 and Lot 4861 on Deposited Plan 157338, the subject of Certificate of Title Volume 2088 Folio 492, Drome
<b>Proponents</b>	:	<ul style="list-style-type: none"><li>• Warren Neil &amp; Gloria May Porter (Avis)</li><li>• Gerald &amp; Julie Vander Ros (Budget)</li></ul>
<b>Owner</b>	:	City of Albany
<b>Business Entity Name</b>	:	<ul style="list-style-type: none"><li>• Avis Albany (ABN 93 828 835 367)</li><li>• Budget Rent A Car Albany (ABN 99 051 337 966)</li></ul>
<b>Report Prepared By</b>	:	Team Leader Property and Leasing (T Catherall)
<b>Responsible Officers:</b>	:	Executive Director Corporate Services (M Cole)

**STRATEGIC IMPLICATIONS**

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

**Maps and Diagrams:**



**In Brief:**

- Council is requested to consider renewing the following two leases at the Airport in order to continue existing car hire operations:
  1. Lease with Gerald and Julie Vander Ros, Budget Rent A Car Albany over kiosk area located within the Albany Airport Terminal for a term of 5 years with an option for 5 years.
  2. Lease with Warren and Gloria Porter, Avis Albany over kiosk area located within the Albany Airport Terminal for a term of 1 year with an option for 5 years to align with their agreement with Avis.
- Lease area includes exclusive use of 4 parking bays, with further parking bays available on request.
- The latest leases expired on 20 November 2017 and the tenants continue to occupy under holding over provisions.
- It is recommended the new leases be approved.

**RECOMMENDATION**

**CCS018: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: Councillor Hollingworth**

**Seconded: Councillor Goode**

**THAT Council APPROVE the following leases located at the Albany Regional Airport to:**

1. Gerald and Julie Vander Ros trading as Budget Rent A Car Albany.
2. Warren Neil Porter and Gloria May Porter (Avis Albany).

**Subject to:**

- a) Commercial lease permitted use being “car hire operations”.
- b) Lease area being approximately 5.2m<sup>2</sup>.
- c) Four exclusive parking bays to be allocated, any further bays required to undertake car hire activities can be available on a non-exclusive basis at no additional cost, subject to City approval.
- d) Lease rent being determined by a current market valuation provided by a licensed Valuer.
- e) Rent reviews by market valuation determined by a licensed Valuer every three years with Consumer Price Index applied for intervening years.
- f) Lease term for G & J Vander Ros being 5 years with an option for 5 years, commencing 21 November 2017.
- g) Lease term for WN & GM Porter being 1 year with an option for 5 years, commencing 21 November 2017.
- h) All costs associated with the ongoing operations of the leased premises being payable by the tenant.
- i) All costs associated with the development and finalisation of the lease documentation being payable by the tenant.
- j) Leases being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.
- k) Leases being consistent with Council Policy – Property Management (Leases and Licences).

**CARRIED 13-0**

CCS018: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS018: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE the following leases located at the Albany Regional Airport to:

1. Gerald and Julie Vander Ros trading as Budget Rent A Car Albany.
2. Warren Neil Porter and Gloria May Porter (Avis Albany).

Subject to:

- a) Commercial lease permitted use being “car hire operations”.
- b) Lease area being approximately 5.2m<sup>2</sup>.
- c) Four exclusive parking bays to be allocated, any further bays required to undertake car hire activities can be available on a non-exclusive basis at no additional cost, subject to City approval.
- d) Lease rent being determined by a current market valuation provided by a licensed Valuer.
- e) Rent reviews by market valuation determined by a licensed Valuer every three years with Consumer Price Index applied for intervening years.
- f) Lease term for G & J Vander Ros being 5 years with an option for 5 years, commencing 21 November 2017.
- g) Lease term for WN & GM Porter being 1 year with an option for 5 years, commencing 21 November 2017.
- h) All costs associated with the ongoing operations of the leased premises being payable by the tenant.
- i) All costs associated with the development and finalisation of the lease documentation being payable by the tenant.
- j) Leases being advertised to comply with Section 3.58 of the Local Government Act 1995 requirements.
- k) Leases being consistent with Council Policy – Property Management (Leases and Licences).

**BACKGROUND**

2. Car hire operations have formally operated from the Airport under lease agreements since 2001.
3. The most recent 5 + 5 year leases with Budget Rent a Car Albany (Gerald and Julie Vander Ros) and Avis Albany (Warren & Gloria Porter) expired on 20 November 2017. Tenants currently occupy the site on holding-over arrangements.
4. Current lease rental being \$6,417.45 plus GST per annum as determined by a licensed Valuer.
5. The car hire lease premises consist of a kiosk area with a customer service desk, being an area of approximately 5.2m<sup>2</sup> in the terminal plus four exclusive use parking bays in the overflow carpark.

## DISCUSSION

6. In discussion with City staff, the tenants have requested and the City has agreed that any further parking bays required in excess of the four dedicated bays will be available on a non-exclusive basis at no additional cost, subject to Airport management review and approval. This is in appreciation of the assistance provided by the car hire companies to the public.
7. The Albany Airport is a major regional Airport catering for visitors to Albany and the Great Southern region, both business and tourist. Its location, being some considerable distance from Albany central requires servicing by transport such as taxi's and car rental companies.
8. The ongoing presence of car hire companies with a base at the Airport allow airline passengers to hire vehicles direct from flights and if required, enable them to return the vehicle to the terminal in time for their departure flight.
9. Services such as this complement the flying experience in most major centres such as Albany.
10. Both Budget Rent a Car and Avis Albany have requested a renewal of their existing leases at the Airport for car hire operations to enable them to continue to service the Albany community.
11. Mr and Mrs Vander Ros (Budget Rent a Car Albany) have requested a lease term of 5 years with a further 5 year option.
12. Mr and Mrs Porter (Avis Albany) have requested a lease renewal term of 1 year with a further 5 year option to align with their current agreement with Avis.
13. The current tenants have met the obligations of their previous leases including payment of rent and complied with Airport regulations.
14. The proposed leases will be developed in line with Council Policy – Property Management (Leases and Licences).

## GOVERNMENT & PUBLIC CONSULTATION

15. No Government consultation is required as the lease area is located within City of Albany owned freehold land.
16. Section 3.58 of the *Local Government Act 1995* outlines the requirements for the disposal of property, including leased/licenced land and buildings. The Act requires the following:
  - a. A local government must give local public notice of the proposed lease/licence inviting submissions from the public, for a period of two weeks.
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
  - c. A local government can then proceed with the lease/licence.
17. The proposed leases will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

## STATUTORY IMPLICATIONS

18. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licenced land and buildings including advertising requirements.

## POLICY IMPLICATIONS

19. Council adopted a revised Property Management (Leases and Licences) Policy in July 2017.
20. The Policy aims to ensure that all requests for leases and licences will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
21. The recommendation is consistent with the Policy.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation:</b> leases not approved.	Unlikely	Moderate	Medium	Seek to negotiate to Council
<b>Financial:</b> new leases not approved - no rental income	Unlikely	Minor	Low	Seek to negotiate to Council satisfaction
<b>Opportunity:</b> - To meet the car hire needs of visitors to Albany and to satisfy Airport business plan objectives				

## FINANCIAL IMPLICATIONS

23. All costs associated with the development and finalisation of the leases will be met by the tenants.

## LEGAL IMPLICATIONS

24. The commercial agreements with the car hire tenants will be a formal Deed of Lease with enforceable conditions prepared by City lawyers.

## ENVIRONMENTAL CONSIDERATIONS

25. There are no environmental implications.

## ALTERNATE OPTIONS

26. Council may:
- Approve the new lease requests; or
  - Decline the new lease requests.
27. Should Council not support the renewal of the leases the current tenants will be required to vacate the Airport premises and find an alternate location in order to provide car hire services to airline passengers. This may prove an inconvenience to the travelling public.

## CONCLUSION

28. The current car hire tenants located at the Airport are seeking to renew their leases, which expired on 20 November 2017.
29. The tenants have met the obligations of their previous leases including payment of rent and compliance with Airport regulations.
30. The availability of car hire at the Airport is considered important from a tourism and business perspective as complements the Airport facility by providing a service for airline passengers.
31. It is recommended the new leases be approved.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>Council Policy – Property Management (Leases and Licences)</li> <li>Local Government Act 1995</li> <li>Local Government (Functions and General) Regulations 1996</li> </ul>
<b>File Number (Name of Ward)</b>	:	PRO184, A160418 (Kalgan Ward) PRO185, A160418 (Kalgan Ward)
<b>Previous Reference</b>	:	OCM 20.11 2007 Item 13.5.30

**CCS019: APPOINT THE WAEC TO CONDUCT ORDINARY AND EXTRAORDINARY ELECTIONS**

**Report Prepared By** : Manager Governance and Risk (S Jamieson)  
**Responsible Officers:** : Chief Executive Officer (A Sharpe)

**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:
  - a. **Theme 1:** Leadership
  - b. **Objective:**
    - 1.1. To establish and maintain sound business and governance structures.
    - 1.3. To engage effectively with our community.
  - c. **Community Priorities:**
    - 1.1.2. Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to the community.
    - 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.

**In Brief:**

- Agree to conduct City of Albany ordinary and extraordinary elections by postal vote.
- Declare that the WA Electoral Commissioner be responsible of the conduct of all elections until the end of 2019.
- *Note: This does not bind the City to use the WA Electoral Commission if proposed amendments to the *Local Government Act* are implemented.*

**RECOMMENDATION**

**CCS019: RESOLUTION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**  
**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR HOLLINGWORTH**  
**THAT Council:**

1. **DECLARE** in accordance with section 4.20(4) of the *Local Government Act 1995* (the Act), that the WA Electoral Commissioner will be responsible for the conduct of all elections until the end of 2019; and
2. **DECIDE**, in accordance with section 4.61(2) of the Act, that the method of conducting the elections during this period will be postal.

**CARRIED 13-0**  
**ABSOLUTE MAJORITY**

CCS019: COMMITTEE RECOMMENDATION  
MOVED: COUNCILLOR MOIR  
SECONDED: COUNCILLOR SHANHUN  
THAT the Responsible Officer Recommendation be ADOPTED.  

CARRIED 13-0

CCS019: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. DECLARE in accordance with section 4.20(4) of the *Local Government Act 1995* (the Act), that the WA Electoral Commissioner will be responsible for the conduct of all elections until the end of 2019; and
2. DECIDE, in accordance with section 4.61(2) of the Act, that the method of conducting the elections during this period will be postal.

**BACKGROUND**

2. The current agreement between the City of Albany and the WA Electoral Commissioner to conduct postal elections for the City expires at the end of 2017.

**DISCUSSION**

3. The WA Electoral Commissioner is responsible for conducting postal elections in Western Australia and conducts elections upon request under the *Local Government Act 1995* (The Act).
4. By making the Western Australian Electoral Commission (WAEC) responsible for the conduct of ordinary and extraordinary elections, the City of Albany can ensure that elections are conducted by professional, experience staff that are independent and impartial.
5. Other advantages for the City of Albany appointing the WAEC to conduct elections:
  - a. Ensures that all statutory requirements are fulfilled, noting that it is not the City's core business to run elections;
  - b. A full election report (including statistics) is prepared by the WAEC for presentation to Council;
  - c. The Returning Officer is responsible for responding to elector and candidate enquiries; and
  - d. Processes, materials and equipment used meet contemporary electoral standards.
6. Declaring the WA Electoral Commissioner to be responsible for the conduct of elections of behalf of the City of Albany until the end of 2019 is appropriate to ensure that all elections, including extraordinary elections should a vacancy arise prior to the 2019 Ordinary Election, can be conducted by the WAEC.

**GOVERNMENT & PUBLIC CONSULTATION**

7. There is no requirement to conduct public consultation for this item.
8. Previous approval in accordance with section 4.20(4) of the Act was sought from the WA Electoral Commissioner, with approval being received on 23 November 2015 to conduct all elections until the end of 2017.

**STATUTORY IMPLICATIONS**

9. Section 4.20(4) of the Act states: *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*
10. Voting requirement for this item is **Absolute Majority**.

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Legal and Compliance.</b> <i>Appointment of the WAEC to conduct elections on behalf of the City of Albany is not supported.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Elections would be conducted by City of Albany staff.</i>

**FINANCIAL IMPLICATIONS**

13. The cost for the WA Electoral Commission to conduct an ordinary election (postal vote) is approximately \$100,000. The cost to run an extraordinary election (postal vote) is approximately \$25,000.
14. Costs not included in the WA Electoral Commission estimate:
- e. Non-statutory additional advertising and promotion;
  - f. Legal expenses other than those determined to be borne by the WA Electoral Commission in a Court of Disputed Returns; and
  - g. One local government staff member to work in the polling place on Election Day.

**LEGAL IMPLICATIONS**

15. There are no legal implications related to this report except for compliance with specific provisions of the *Local Government Act 1995*.

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

17. Council may retain the current conduct of elections by postal vote, or change the method of voting to “in person” voting, in accordance with the regulations.

**SUMMARY CONCLUSION**

18. That the WA Electoral Commissioner by appointed to conduct ordinary and extraordinary local government elections for the City of Albany by postal vote until the end of 2019.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 15/12/2015 Item CSF209

**CCS020: ORDINARY COUNCIL MEETING AND COUNCIL COMMITTEE MEETING CALENDAR 2018**

**Report Prepared By** : Manager Governance and Risk (S Jamieson)  
**Responsible Officers:** : Chief Executive Officer (A Sharpe)

**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:
  - a. **Theme 1: Leadership**
  - b. **Objectives:**
    - 1.1. To establish and maintain sound business and governance structures.
    - 1.3. To engage effectively with our community.
  - c. **Community Priorities:**
    - 1.1.2. Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to the community.
    - 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.

**In Brief:**

- Council is requested to adopt the proposed Ordinary Council Meeting and Committee Meeting schedule for 2018, in accordance with the *Local Government Act 1995* and its associated Regulations.

**RECOMMENDATION**

**CCS020: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLLINGWORTH**  
**SECONDED: COUNCILLOR STEPHENS**

**THAT Council, for the purpose of Public Notice:**

1. **APPROVE** the following Committee Meeting schedule for 2018:

Corporate & Community Services	Development & Infrastructure Services
<i>No Meetings Scheduled for January 2017</i>	
Monday 12 February 2018	Wednesday 14 February 2018
Tuesday 13 March 2018	Wednesday 14 March 2018
Tuesday 10 April 2018	Wednesday 11 April 2018
Tuesday 8 May 2018	Wednesday 9 May 2018
Tuesday 12 June 2018	Wednesday 13 June 2018
Tuesday 10 July 2018	Wednesday 11 July 2018
Tuesday 7 August 2018	Wednesday 8 August 2018
Tuesday 11 September 2018	Wednesday 12 September 2018
Tuesday 9 October 2018	Wednesday 10 October 2018
Tuesday 13 November 2018	Wednesday 14 November 2018
Tuesday 4 December 2018	Wednesday 5 December 2018

**2. APPROVE the proposed Ordinary Council Meeting schedule for 2018:**

- Tuesday 27 February 2018
- Tuesday 27 March 2018
- Tuesday 24 April 2018
- Tuesday 22 May 2018
- Tuesday 26 June 2018
- Tuesday 24 July 2018
- Tuesday 28 August 2018
- Tuesday 25 September 2018
- Tuesday 23 October 2018
- Tuesday 27 November 2018
- Tuesday 18 December 2018

**3. AFFIRM that all Council and Council Committee meetings commence at 6.00pm.**

**CARRIED 13-0**

CCS020: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE

SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 13-0**

CCS020: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, for the purpose of Public Notice:

**1. APPROVE the following Committee Meeting schedule for 2018:**

Corporate & Community Services	Development & Infrastructure Services
<i>No Meetings Scheduled for January 2017</i>	
Monday 12 February 2018	Wednesday 14 February 2018
Tuesday 13 March 2018	Wednesday 14 March 2018
Tuesday 10 April 2018	Wednesday 11 April 2018
Tuesday 8 May 2018	Wednesday 9 May 2018
Tuesday 12 June 2018	Wednesday 13 June 2018
Tuesday 10 July 2018	Wednesday 11 July 2018
Tuesday 7 August 2018	Wednesday 8 August 2018
Tuesday 11 September 2018	Wednesday 12 September 2018
Tuesday 9 October 2018	Wednesday 10 October 2018
Tuesday 13 November 2018	Wednesday 14 November 2018
Tuesday 4 December 2018	Wednesday 5 December 2018

**2. APPROVE the proposed Ordinary Council Meeting schedule for 2018:**

- Tuesday 27 February 2018
- Tuesday 27 March 2018
- Tuesday 24 April 2018
- Tuesday 22 May 2018
- Tuesday 26 June 2018
- Tuesday 24 July 2018
- Tuesday 28 August 2018
- Tuesday 25 September 2018
- Tuesday 23 October 2018
- Tuesday 27 November 2018
- Tuesday 18 December 2018

**3. AFFIRM that all Council and Council Committee meetings commence at 6.00pm.**

## BACKGROUND

2. Ordinary Council Meetings are held monthly, except January which has no meeting.
3. Ordinary Council Meetings commence at 6.00pm in the Council Chambers.
4. The Council Meeting Calendar is available the City's website.

## DISCUSSION

5. Responsible Officer Reports (that form the Agenda for Ordinary Council meetings) are first presented to Council Committees for review and recommendation to Council.
6. These Committees are open to the public and held prior to the Ordinary Council meetings to provide the public the opportunity to address Council on matters that affect them personally or their community.
7. Meetings of Council which are open to the public commence at 6.00pm to help facilitate attendance by working members of the public and councillors.
8. Council may consider this an appropriate time to review the start time of meetings.

## GOVERNMENT & PUBLIC CONSULTATION

9. **Meeting Start Times:** Previous community feedback requested that meetings be held at no earlier than 6.00pm.
10. **Reschedule of Meeting Date:** The proposed date of the Corporate & Community Services Committee meeting for the month of February has been rescheduled to Monday 12<sup>th</sup> February 2018, to enable attendance by elected members at a civic function for the 10<sup>th</sup> Anniversary of the National Apology to the Stolen Generations to be held on Tuesday 13 February 2018.

## STATUTORY IMPLICATIONS

11. It is a statutory requirement for Council to give Local Public Notice at least once each year of when Council plans to hold Council and Committee meetings that are open to public attendance.
12. In accordance with *Local Government Act 1995*, section 5.25(1)(g) and as prescribed by the *Local Government (Administration) Regulations 1996*, Regulation 12:  
*“(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*  
*(a) the ordinary council meetings; and*  
*(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*  
*(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).*
13. Voting requirement for this item is **Simple Majority**.

## 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
<b>Legal and Compliance.</b> <i>Local Public Notice is not given of the dates and times at which the Ordinary Council Meetings and Council Committee Meetings will be held.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Give Local Public Notice of the proposed dates and times or as amended by Council prior to January 2018.</i>

**FINANCIAL IMPLICATIONS**

16. A budget line exists for the cost of Local Public Notice and advertising.

**LEGAL IMPLICATIONS**

17. Local Public Notice must be given to ensure legislative compliance.  
18. Changes to dates and times must also be advertised publically.

**ENVIRONMENTAL CONSIDERATIONS**

19. There are no direct environmental considerations related to this item, however, an efficient meeting schedule will reduce wasted resources (time, travel and office consumables).

**ALTERNATE OPTIONS**

20. Council may consider alternate days, dates, committee meeting order and timings.

**SUMMARY CONCLUSION**

21. It is recommended that the proposed meeting schedule is approved.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Administration) Regulations 1996</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	<ul style="list-style-type: none"> <li>• OCM 13/12/2016 Item CSF289</li> <li>• OCM 15/12/2015 Item CSF209</li> </ul>

**CCS021: CITY OF ALBANY SMOKE FREE OUTDOORS POLICY**

**Attachments** : DRAFT City of Albany Smoke Free Outdoors Policy  
**Report Prepared By** : Manager Community Development (R Param)  
**Responsible Officers:** : Executive Director Community Services (S Stevens)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:**
    - Community Health & Participation
    - A Connected & Safe Built Environment
  - **Objective:** To develop and support and healthy, inclusive and accessible community.
  - **Community Priority:**
    - Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages.
    - Deliver programs and advocate for specialist services that improve public health and wellbeing in line with the Public Health Act 2016 and growing community expectations

**In Brief:**

- As a provider of key community facilities and events, the City of Albany is in a strong position to influence the community's exposure to the documented harmful effects of second-hand tobacco smoke, by creating smoke-free outdoor public areas.

**RECOMMENDATION**

**CCS021: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOUGHTY  
SECONDED: COUNCILLOR SLEEMAN**

**THAT this item be DEFERRED until the February 2018 Corporate and Community Services Committee meeting, to allow Council time to review this Policy at a workshop to be held prior to the committee meeting.**

**CARRIED 13-0**

**CCS021: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR SLEEMAN**

**THAT this item be DEFERRED until the February 2018 Corporate and Community Services Committee meeting, to allow Council time to review this Policy at a workshop to be held prior to the committee meeting.**

**CARRIED 13-0**

**CCS021: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council APPROVE the attached City of Albany Smoke Free Outdoors Policy for all outdoor public spaces, access-ways, and entrances of all City of Albany owned and managed facilities and events.**

## BACKGROUND

2. In Western Australia, following the introduction of the Tobacco Products Control Regulations 2006<sup>1</sup>, state legislation was amended resulting in the release of the Tobacco Products Control Amendment Act 2009<sup>2</sup> which prohibit smoking in all enclosed public places and several outdoor areas including:
  - a. ban on the display of tobacco products and smoking implements in retail premises, but allows "specialist retailers" to continue displaying tobacco;
  - b. ban on smoking in all outdoor eating areas (i.e. public place provided on a commercial basis where people eat or drink sitting at tables e.g. restaurants, hotels, cafes, and food outlets). Note: liquor licensed premises that are not the subject of a restaurant licence may allocate a smoking zone up to 50% of all outdoor areas, provided the area is not already an "enclosed public place." Note - staff in a liquor licensed premise must not be forced to provide service in a smoking zone and cannot be dismissed for refusing to do so;
  - c. ban on smoking in cars with children under 17 years present;
  - d. ban on smoking within 10 metres of children's playground equipment; and
  - e. ban on smoking between the flags of patrolled beaches.
3. Local governments are able to use the *Local Government Act 1995* to develop and implement local laws to regulate activities in thoroughfares and public places, including prohibiting smoking.
4. In 2011, The City adopted the *Local Government Property Local Law 2011* that prohibits smoking on premises owned by the City of Albany or under the care and control of the City of Albany.
5. However, the Local Property Local Law 2011 only applies to "premises" meaning a building, stadium or similar structure which is local government property, but not an open space such as a park, a playing field or town square.
6. Over recent years there has been increasing community awareness of the harmful effects of second-hand smoke, which has led to many Australian communities accepting and expecting the creation of smoke-free areas, both indoors and outdoors.
7. To date, many interstate Councils (including over 50 NSW Councils) have introduced smoke-free outdoor areas within their localities either via policy or local law, covering a variety of areas including: sporting fields, Council-run and sponsored events, beaches, reserves and parks.<sup>3</sup>
8. A number of Western Australian councils have also introduced smoke-free outdoor areas (beyond those areas already legislated) within their jurisdictions.
9. In 2016, the City of Albany released its Council-endorsed Public Health Plan, which makes the commitment to "reduce community exposure to environmental tobacco smoke through enforcement of tobacco legislation and regulation" via the following actions by the end of 2018/2019:
  - Continue to vigorously enforce the legislation to reduce access of tobacco to minors.
  - Commence planning for a smoke free shopping precinct.
  - Smoke free policy for all council events and facilities ratified.
  - Extend smoking restrictions on all playgrounds and beaches.
  - Increase education in regards to smoking restrictions.

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<sup>1</sup> *Tobacco Products Control Regulations 2006* (WA) Available at <https://www.slp.wa.gov.au>

<sup>2</sup> *Tobacco Products Control Amendment Act 2009* (WA) Available at <https://www.slp.wa.gov.au>

<sup>3</sup> <https://www.cancercouncil.com.au/wp-content/uploads/2011/10/SmokeFree-FactSheet3.pdf>

10. These actions were developed in response to community and staff consultation which identified:
- Continued issues with members of the public (and at times, staff) congregating and smoking at or near facility entrances such as Albany Leisure & Aquatic Centre, Albany Public Library, Albany Town Hall, and Albany Regional Daycare Centre.
  - The prevalence and detrimental effects of second hand smoke in public places.

### **Current City of Albany Smoke-Free Strategies**

11. The City of Albany Smoke-Free Workplace Policy applies to all work areas including work vehicles for all employees, contractors, visitors and volunteers, and prohibits smoking at all times on all the City of Albany premises (except in designated areas), open spaces and in work vehicles.
12. Section 19e of the current [City of Albany Guideline: Responsibilities of Contractors](#), sets out the smoking code of conduct for contractors undertaking work on behalf of the City.
13. “No Smoking” signage is displayed at the entrance of most City-managed public access buildings.
14. Healthway-sponsored events are promoted as smoke-free.
15. The City’s Administration Building has a Designated Smoking Area (DSA) for staff and visiting dignitaries.
16. There are no publicly advertised DSA’s for other City public spaces or buildings.

### **DISCUSSION**

17. It is proposed that the City implement a Smoke-Free Outdoors Policy for all outdoor public spaces, access-ways, and entrances of all City owned and managed facilities and events:
- To enable a more clear and consistent approach to smoke-free promotion and compliance in outdoor areas under the City’s jurisdiction, and;
  - To increase community awareness, acceptance of and support for, smoke-free outdoor areas in preparation for the progression of other key Public Health Plan smoke-free actions:
    - Commence planning for a smoke free shopping precinct;
    - Extend smoking restrictions on all playgrounds and beaches.
18. In the Great Southern region, 13.8% of people smoke<sup>4</sup> and lung cancer is the leading cause of avoidable death in the region<sup>5</sup>.
19. Major reviews of the evidence on health effects of passive smoking (the inhalation of other people’s tobacco smoke) conclude that there is no safe level of exposure to second-hand smoke, and it causes premature death and a range of diseases in both adults and children<sup>6</sup>.
20. Exposure to second-hand smoke increases when people are under an overhead cover and as the number of nearby people who are smoking increases<sup>7</sup>. Therefore, in outdoor areas where people tend to congregate, the presence of people smoking can present a potential health risk to non-smokers. A smoke-free environment is the only way to fully protect non-smokers from the dangers of second-hand smoke.
21. Local government is a provider of social infrastructure on behalf of its community and has the ability to engage and inform the public.

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<sup>4</sup> [WA Country Health Service Great Southern Health Profile 2012](#), p31

<sup>5</sup> [WA Country Health Service Great Southern Health Profile 2012](#), p45

<sup>6</sup> [Cancer Council Position Statement: Health Risks of Passive Smoking](#), p1

<sup>7</sup> Cameron M, Brennan E, Durkin S, Borland R, Travers MJ, Hyland A, et al. Secondhand smoke exposure (PM2.5) in outdoor dining areas and its correlates. *Tob Control*. 2010;19(1):19-23.

22. A Smoke-Free Policy would focus on areas where the council has responsibility and the greatest influence on public health and de-normalising smoking: assets and facilities; public places; events; and informing the public.
23. Introducing a Smoke-Free Outdoors Policy is not a statement or judgement upon smokers. It does not tell people not to smoke, but asks people not to smoke in certain public spaces to reduce exposure to the harm caused by second-hand smoke.
24. With this in mind, it is expected that the Council would be more likely to get public compliance with the Policy if it focusses on the positive and avoids any punitive or disciplinary aspect.

**Proposed Implementation**

25. The Policy would apply to all outdoor public spaces, access-ways, and entrances of all City-owned and managed facilities and events, as listed below:

<b>Sports &amp; Recreation Facilities</b>	<ul style="list-style-type: none"> <li>• Albany Leisure &amp; Aquatic Centre</li> <li>• Centennial Park Precinct (including playing grounds)</li> </ul>
<b>Arts &amp; Community Facilities</b>	<ul style="list-style-type: none"> <li>• Albany Heritage Park</li> <li>• Town Hall</li> <li>• Town Square</li> <li>• Albany Public Library and Visitors Centre</li> <li>• Vancouver Arts Centre</li> <li>• Albany Regional Day Care Centre</li> </ul>
<b>Service Facilities</b>	<ul style="list-style-type: none"> <li>• Albany Airport</li> <li>• Administration Building</li> <li>• City Depot</li> <li>• Bush Fire Stations</li> <li>• Animal Welfare Facility</li> <li>• Waste Management Facilities</li> </ul>
<b>Outdoor Community Events Leased Buildings &amp; Facilities</b>	

26. The Smoke Free Outdoors Policy will be implemented by the Community Services Directorate in collaboration with other relevant business units, as follows:

<b>Nov/Dec 2017</b>	• Present proposal to Executive Management Team for endorsement.
	• Proposed Policy tabled at Ordinary Council Meeting for adoption.
<b>Jan – July 2018</b>	• Develop and implement a comprehensive community engagement plan. <i>(to involve community in the development/implementation of new smoke-free areas and site-specific smoke-free outdoors strategies).</i>
<b>July 2018 - Dec 2019</b>	• Develop site-specific implementation and communications plans <i>(a phased approach to implementation may be considered, with priority sites addressed first, such as those most commonly accessed by children).</i>

**Elected Member Involvement**

27. Councillors may wish to be public ‘champions’ of the Policy and be involved in relevant public engagement/media opportunities associated with the City’s smoke-free outdoors strategies.

**Monitoring & Evaluation**

28. A comprehensive evaluation plan to monitor and assess the impact and effectiveness of the Policy and implementation strategies will be developed.

**GOVERNMENT & PUBLIC CONSULTATION**

29. The development of this Policy is an action of the City’s Public Health Plan which was identified in consultation with the Albany community.

**STATUTORY IMPLICATIONS**

30. N/A

**POLICY IMPLICATIONS**

31. The proposed Smoke Free Outdoors Policy will largely rely on community members, user groups, and visitors to self-enforce signage provided in smoke-free areas. The signage will be reinforced by Policy promotion and engagement strategies undertaken by the City with the community and community groups.
32. The Policy will include a non-compliance strategy for staff to follow when the Policy is breached by members of the public.
33. Enforcement of existing State Tobacco Control Regulations that apply to alfresco dining areas, children’s playgrounds, and patrolled beaches will continue to be undertaken by City of Albany Environmental Health Officers, police officers, and Department of Health investigators either via the issue of penalties or infringement notices.
34. Enforcement of the City’s Local Government Property Local Law 2011 Determination 2.2(a) will continue to be undertaken by Ranger Services.
35. Policy implementation may result in an increase in the number of smokers seeking cessation assistance or support from local health services.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Community</b></p> <ul style="list-style-type: none"> <li>Perceived and experienced exclusion of community members who smoke from participating in community events and activities.</li> <li>Smoke free signage and communications are ignored and people continue to smoke in new smoke-free areas.</li> </ul>	<p>Likely</p> <p>Possible</p>	<p>Minor</p> <p>Moderate</p>	<p>Medium</p> <p>Medium</p>	<ol style="list-style-type: none"> <li>Media and communications strategy to manage community expectations.</li> <li>Provision and promotion of Designated Smoking Areas at relevant sites/events</li> <li>Develop site-specific implementation plans which take into account specific user and population groups.</li> <li>Partner with stakeholder groups to deliver the Policy.</li> <li>Include the promotion of smoking cessation support resources in communications to community.</li> <li>Ensure ongoing evaluation of smoke free strategies and any changes in outdoor smoking behaviours and adjust strategy accordingly.</li> <li>Funds to be allocated in forward budgets to implement Policy strategies.</li> </ol>

<p><b>Reputational</b> Damage to relationships with some community groups/clubs who do not support the policy.</p>	Possible	Minor	Medium	<p>8. Comprehensive communication and engagement plan to involve community and stakeholders in the development and implementation of smoke-free policy and strategies, and to widely and continually inform the public and stakeholders of the Policy.</p>
<ul style="list-style-type: none"> <li>Perception by some community members (including local media) of 'over-policing'.</li> </ul>	Possible	Moderate	Medium	
<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Increased littering of cigarette butts on site peripheries.</li> </ul>	Likely	Moderate	High	<p>9. Develop a risk management plan for managing smoke free areas and events (i.e. provision of Designated Smoking Areas with ashtrays/butt bins).</p>
<p><b>Opportunity:</b> Implementing the Policy would visibly action the City's commitment to supporting community health and wellbeing and promote Albany as a regional local government leader in this space, as well as:</p> <ul style="list-style-type: none"> <li>Delivering a range of health benefits for community members and visitors</li> <li>Reducing the visibility of smoking to children and youth in the Albany community</li> <li>Providing supportive environments for smokers who are trying to quit</li> <li>Decreasing in littering of cigarette butts, cost of removal, and associated fire risk</li> <li>Supporting the <a href="#">requirements of Healthway sponsorship</a></li> </ul>				

**FINANCIAL IMPLICATIONS**

- 37. Direct costs to the City would include the design, purchase and installation of signage (where necessary), and the design and purchase of promotional material and public advertising.
- 38. Administrative costs would include staff time for Policy consultation, development, planning, and implementation, and for the delivery of communications, engagement, and education activities.

**LEGAL IMPLICATIONS**

- 39. Smoking is prohibited under the City of Albany Local Government Property Local Law 2011, which states:  

**“2.2 Activities prohibited on local government property**  
*(a) A person shall not smoke on premises owned by the local government or under the care and control of the local government.”*
- 40. Noting the definition of the term premises under clause 2.8 limits the application:  

**“2.8 Activities which may be prohibited on specified local government property**  
*(1) In this clause — “premises” means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.”*

**ENVIRONMENTAL CONSIDERATIONS**

- 41. Besides the public health impacts, it is understood that smoking significantly affects the atmosphere through the release of smoke and it also contributes to land and water pollution through the illegal disposal of cigarette butts. The dumping of cigarette butts is also known to be a significant cause of bushfires, which results in serious damage to the environment.

**ALTERNATE OPTIONS**

42. Continue with current arrangements. The implications of this action include:
- The Council failing to deliver on the commitment made in its Public Health Plan
  - Ongoing issues raised by community members and staff regarding the prevalence and detrimental effects of second hand smoke in outdoor public places.
43. To introduce a Smoke-Free Outdoors bylaw. The implications of this action include:
- Significant costs to ratepayers from bylaw enforcement either via City staff issuing infringement notices or prosecuting individual offenders.
  - Reputational damage due to public perception the City is deploying punitive measures.

**CONCLUSION**

44. Should the Council resolve to support the implementation of a Smoke-Free Outdoors Policy, it is recommended that the City inform the relevant local health agencies and support services of the Council's decision.

<b>Consulted References</b>	:	Local Government Property Local Law 2011 City of Albany Public Health Plan
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	Nil

**CCS022: COMMUNITY SPORTING AND RECREATION FACILITIES FUND  
2017/2018 SMALL GRANT ROUND APPLICATIONS**

<b>Proponent</b>	: Merrifield Park Tennis Club
<b>Attachments</b>	: CCCS047 - Community Sporting And Recreation Facilities Fund 2017/2018 Small Grant Round Applications; Community Sports & Recreation Facilities Small Grant Funding Policy; Merrifield Tennis Club - Letter of Request
<b>Report Prepared By</b>	: Manager Recreation Services (S Stevens)
<b>Responsible Officer(s):</b>	: Executive Director Community Services (S Kay)

**STRATEGIC IMPLICATIONS**

1. The of financial support to Community Sporting and Recreation Facilities relates to the following City of Albany Strategic Community Plan and Corporate Business Plan:
  - a. **Theme:** 4. Community Health & Participation
  - b. **Objective:** 4.3. To develop and support a healthy, inclusive and accessible community.
  - c. **Community Priorities:** 4.3.1 Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages.

**In Brief:**

- To seek Council endorsement to approve funding, noting the Merrifield Park Tennis Club recent CSRFF application was unsuccessful.

**RECOMMENDATION**

**CCS022:RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR TERRY**

**THAT Council:**

- (1) **APPROVE** a total of \$4,000.00 (ex. GST) from the 2017/2018 budget to the Merrifield Park Tennis Club community sporting project.
- (2) **NOTE** that the Merrifield Park Tennis Club CSRFF grant application was unsuccessful.
- (3) **NOTE** that the granting of the \$4,000 (ex. GST) is in line with Council's Community Sports & Recreation Facilities Small Grant Funding Policy.

**CARRIED 13-0**

**BACKGROUND**

2. At the ordinary meeting of Council held in August 2017, Council resolved:

*“That Council APPROVE a total of \$4,000.00 (exc. GST) from the 2017/2018 budget to the Merrifield Park Tennis Club community sporting project as the Councils commitment upon successful CSRFF Annual grant application.”*
3. The Merrifield Park Tennis Club CSRFF application was unsuccessful.

**DISCUSSION**

4. It is considered appropriate that funding is still allocated to the subject project, noting the following information provided at the August Ordinary Council Meeting:

**Merrifield Park Tennis Club – Court Resurfacing**

5. The funding application was a Small Grant Application to resurface 4 tennis courts with Tennis Australia approved Rebound Ace tennis court paint.
6. Merrifield Park Tennis Club facilities are used by the Lower Great Southern Tennis Association (LGSTA), the Albany Tennis Academy (Private Business) and the Merrifield Park Tennis Club. The membership numbers have steadily increased for the Merrifield Park Tennis Club and all 3 organisations will benefit from the resurfacing.

Membership		
2014/15	Merrifield Park Tennis Club	64
2015/16	Merrifield Park Tennis Club	73
2016/17	Merrifield Park Tennis Club	78

7. Merrifield Park Tennis Club forms part of the Lower Great Southern Tennis Association (LGSTA) and is one of a number of tennis clubs in Albany.
8. The City of Albany, LGSTA (affiliated clubs), and Tennis West are currently investigating the feasibility of a Regional Tennis Centre in Albany that will deliver a long term vision for tennis in the region (Regional Tennis Centre Feasibility Study).
9. The City was successful in recent application to CSRFF for the study and is in the process of submitting a Tennis Australia application for the remaining third of the project costs.
10. This is a long term project and may take a number of years to realise. The resurfacing of the courts aims to extend the life of the existing courts to reduce the risk of injury and serve as a short term solution whilst the feasibility study is being undertaken.
11. The resurfacing of the courts directly impacts on the club's and the region's ability to deliver their sport and competitions.
12. Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager assessed the project as having a medium priority.
13. The below ranking recommendation was provided based on the applicant meeting the required criteria and its overall project ranking:

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	Merrifield Park Tennis Club	Merrifield Park Tennis Club – Court Resurfacing (4)	Well planned and needed by the applicant.

14. Correspondence requesting the financial assistance is attached.

15. If an applicant is unsuccessful Council may still consider contributing the maximum one third of the total estimated project costs to applicants project with the following conditions:
- The applicant has made at least two attempts to leverage CSRFF
  - The applicant can source the remaining two thirds of the total estimated project costs themselves.
16. Whilst the Merrifield Tennis Club has not made two attempts to leverage CSRFF the club does have the remaining two thirds of the total estimated project costs enabling them to progress with the project.

### GOVERNMENT & PUBLIC CONSULTATION

17. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation Regional Manager for the Great Southern has been consulted with by the City of Albany.
18. The City of Albany has conducted site visits and consulted with the club benefiting from this Community Sporting project.

### STATUTORY IMPLICATIONS

19. There are no statutory implications related to this item.
20. Council Officers assess each project and make a recommendation for the ranking of projects based on the Department of Local Government, Sport and Cultural Industries criteria and strategic overview.
21. Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.
22. It should be noted that the Department of Local Government, Sport and Cultural Industries – Sport and Recreation will make the final decision on funding allocation.

### POLICY IMPLICATIONS

23. The Recreation Planning Strategy adopted in 2008 has been applied in ranking this submission.
24. The Community Sports and Recreation Facilities Small Grant Funding Policy has been applied in the assessment and recommendations.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation &amp; Financial</b> <i>Failure to upgrade facilities may result in community missed economic and social opportunities.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Support the funding application, or work with City officers and club to source other funding streams.</i>
<b>Opportunity:</b> <i>Continued support of a viable community based recreational and competitive sporting club.</i>				

**FINANCIAL IMPLICATIONS**

- 26. The City allocated a total of \$75,000 Capital Seed Funding for Sporting Clubs in the 2017/2018 financial year to assist in the development and maintenance of community sporting infrastructure as determined through the CSRFF funding process.
- 27. The Capital Seed Reserve Fund has been established to assist with leveraging State Government funds for sporting clubs. Funds from unsuccessful grant applications are returned to the Capital Seed Reserve Fund to be reused for other grant applications.
- 28. The total projected costs for the Merrifield Park Tennis Park project is \$12,000 (GST exc).
- 29. As a result of the unsuccessful application the club is now requesting one third from the City of Albany (\$4,000). The remaining two thirds will be contributed by the club (\$8,000).

**LEGAL IMPLICATIONS**

- 30. Nil

**ENVIRONMENTAL CONSIDERATIONS**

- 31. There are no environmental impacts associated with the project.

**ALTERNATE OPTIONS**

- 32. Council can choose not to provide funding assistance for this project.
- 33. Council can choose to provide more or less funding assistance to this project.

**SUMMARY CONCLUSION**

- 34. The Merrifield Tennis Club was recently unsuccessful in their application to the Department of Local Government, Sport and Cultural Industries – Sport and Recreation Community Sport and Recreation facilities Fund.
- 35. In line with the Council’s Community Sports & Recreation Facilities Small Grant Funding Policy if an applicant is unsuccessful Council may still consider contributing the maximum one third of the total estimated project costs to an applicant’s project.
- 36. The club has requested that Council consider to continue to support the club as it does have the remaining two thirds of the total estimated project costs enabling them to progress with the project.

<b>Consulted References</b>	:	Not applicable.
<b>File Number (Name of Ward)</b>	:	(All Wards)
<b>Previous Reference</b>	:	OCM August 2017 Resolution CCS047.

**CCS023: FINANCIAL ACTIVITY STATEMENT – NOVEMBER 2017**

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

**RECOMMENDATION**

**RESOLUTION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR STEPHENS**

**THAT CCS023: Financial Activity Statement-November 2017 be ACCEPTED as a late item for consideration by Council.**

**CARRIED 13-0**  
**ABSOLUTE MAJORITY**

**CCS023: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 30 November 2017.**

**CARRIED 13-0**

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 30 November 2017 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

### STATUTORY IMPLICATIONS

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

### POLICY IMPLICATIONS

8. The City's 2017/18 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

### FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 30 November 2017 has been incurred in accordance with the 2017/18 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	FM.FIR.7 - All Wards
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**DIS064: REVIEW OF BULK WASTE COLLECTION SERVICE**

**Proponent / Owner** : City of Albany  
**Report Prepared By** : Waste Sustainability Officer (S Parker)  
**Responsible Officers:** : Executive Director Infrastructure & Environment (M Thomson)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** Clean, green and sustainable.
  - **Objective:** To advocate for and support 'green initiatives' within our region
  - **Community Priority:** To deliver effective waste management services.

**In Brief:**

- As per the request by Council in 2016 and delivering on an action from the Strategic Waste Management Plan 2014, a review of the City's bulk waste collection service has been undertaken. It is recommended that the City retains the current annual bulk waste collection service.

**RECOMMENDATION**

**DIS064: RESOLUTION (ALTERNATE MOTION BY COUNCILLOR MOIR)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council:**

1. **APPROVE a biennial (every two years) kerbside bulk waste collection service with the first service commencing in 2018, with an additional waste facility pass to be provided in alternate years.**
2. **The City further investigate opportunities around education and initiatives such as garage sale trails with the objective to minimise waste.**

**CARRIED 8-5**

**Record of Vote**

Against the Motion: Mayor Wellington, Councillors Goode, Smith, Sleeman and Shanhun

**Councillor's Reason:** The annual bulk waste collection is a costly service which only 45% of the Albany residents are currently using. This would indicate that more than half of the residents in Albany are adopting a more sustainable approach to consumption of goods and disposal of waste.

The above recommendation is in line current State and Local Government strategies and objectives to reduce waste. By adopting a biennial service (every two years), there will be an overall cost saving to the City of Albany and will provide the opportunity for City staff to explore a more sustainable approach in the longer term.

One option which may be effective is the implementing of garage sale trails, as it builds relationships within community's and provides avenue for community groups and associations to raise funds. It also brings about an increase in awareness about consumption of goods, re-use of goods and waste generation overall.

**Officer's Comment (Executive Director Infrastructure and Environment):** In terms of costs savings, it is agreed that there will be an overall cost saving to the City by conducting the bulk waste service every two years mainly due to economies of scale when waste volumes are higher. It is difficult to quantify an actual saving as it could vary from year to year.

It is important to note that the bulk waste and green waste collections are combined, which also helps to keep costs down. The green waste service will continue to be provided annually. The provision of an additional waste facility pass is hoped to encourage people to bring any bulky items to the landfill, and the City has an opportunity to then divert these through the Tip Shop or for them to be recycled.

The City's Waste Sustainability Officer will continue to explore opportunities around community education and events such as garage sale trail to assist with the ongoing aim to educate the community about sustainable waste practices. These can build on existing education programs already in place.

DIS064: COMMITTEE RECOMMENDATION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT

1. Council APPROVE the continuation of an annual kerbside bulk waste collection service.
2. That City staff investigate alternative methods of bulk waste collection and report back to Council by June 2018.

An amendment was then proposed to the Responsible Officer Recommendation

DIS064: AMENDED RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN

SECONDED: COUNCILLOR DOUGHTY

THAT

1. Council APPROVE the continuation of an annual kerbside bulk waste collection service.
2. That City staff investigate alternative methods of bulk waste collection and report back to Council by June 2018.

CARRIED 11-1

#### **Record of Vote**

Against the Motion: Councillor Sutton

DIS064: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE the continuation of an annual kerbside bulk waste collection service.

#### **BACKGROUND**

2. A key action area of the City's Strategic Waste Management Plan 2014 was to investigate alternative options for the bulk hard waste collection service.
3. In 2016 Council requested that the City Administration investigate alternatives for the kerbside bulk waste collection service to improve aesthetics and amenity.
4. The City has provided a bulk waste collection service for 10 years and residents have embraced the service with an increasing volume of waste placed out for removal each year. Between 2009 and 2017 the volume of waste has more than doubled to over 565 tonnes in 2017.

5. There is concern that the service is costly and with hard waste being left of verges for a period of 4-5 weeks each year it is unsightly and detracts from the visual amenity of the town, thus the impetus for its review.
6. To inform the review of the bulk waste collection service, during the June/July 2017 collection, the City collated a range of detailed data on users of the service. This included the number of households participating; approximate volumes per household; household based numbers of whitegoods and number of mattresses. This information has been used to inform options considered in this report.
7. The review has also considered best practice guidelines from WALGA, state and local waste targets and overall community satisfaction, equity and expense for the service.

## **DISCUSSION**

8. The 2017 bulk waste collection service was analysed and showed that approximately 45% of the community utilise the service; all suburbs participate to some extent; residents are averaging 2m<sup>3</sup> of waste per household; 1,000 mattresses and 1,000 whitegoods are collected. The difference between a one and two yearly collection demonstrated that the waste presented for collection was double, showing that residents hold onto their waste for the following year's collection.
9. Feedback from the City's contractors delivering the service noted that in 2017 there was minimal hazardous household waste items placed in the waste (reducing the risk for collectors); the waste was generally well presented; residents were very happy with the service and commended the contractor on the professionalism, speed and neatness of the service.
10. These points identify that in general (noting there are outliers who do not comply) residents are complying to the City's directive (outlined in publications and promotions) that only 2m<sup>3</sup> of waste is placed out for collection; no hazardous waste to be included; separate waste into piles to ease recycling and collection.
11. Based on the 2017 data collected, four alternatives to bulk waste collection were assessed, these were:
  - Retain the existing bulk waste collection service annually
  - Retain the existing bulk waste collection service, every two years
  - Remove bulk waste collection service and offer two additional tip passes anytime throughout the year
  - Remove bulk waste collection service and offer skip bin / collection on request.
12. From these alternatives, the recommended option is to retain the existing bulk waste collection service. This service is cost effective; meets WALGA Best Practice Guidelines; enables the City to recycle the most waste (based on current processes available); and meets community desire to salvage and recycle goods prior to collection.
13. The other alternatives are costly (in some options more than double), significantly exclude recycling and salvaging by both the City and residents, and present equity and ease of use concerns.
14. Should the option to retain the existing service be endorsed, improvements that will be considered at an operational level for future services will include:
  - Splitting the collection zones to enable a reduced amount of time that waste is visible on the verge;
  - Seasonal timing of the collection that will reduce amenity impact and scheduling with events whilst reducing damage to goods from the rain and thus maximising recycling and salvaging;
  - Increasing promotions and awareness raising to bring good quality recyclable goods to the Fossicker's Tip Shop or utilising other charity services.

15. The City has a vision to be clean, green and sustainable with the mission to be a leading regional agency for efficient waste management practices, building on past performance and establishing new benchmarks for waste minimisation and management.
16. At present by the City retaining the bulk waste collection service will be meeting these visions and meet community expectations for an efficient, easy and well managed service that maximises recycling.

**GOVERNMENT & PUBLIC CONSULTATION**

17. No government consultation is required.
18. Given the recommendation is to retain the existing bulk waste collection services it is not anticipated that additional consultation is required. However, should Council consider one of the alternative options listed below, then relevant public consultation should be undertaken prior to the delivery of the preferred option. The extent and type of consultation will depend on the option selected and Officers will provide this information as needed.

**STATUTORY IMPLICATIONS**

19. There are no statutory implications related to this item.
20. The provision of a bulk waste collection services is empowered through the Waste Local Law 2017.
21. The voting requirement for this item is **Simple Majority**.

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Business Operation</b> <i>Risk: There is a risk that by not making a decision on the proposed approach the City’s contractors cannot cater for a collection in 2018.</i>	Likely	Minor	Low	Council to make a decision on the proposal and this service is negotiated with the contractors as soon as possible to ensure a timely collection date.
<b>Financial and Reputation</b> <i>Risk: There is a risk that should the proposed approach not be endorsed Council’s reputation is damaged in delaying decision making.</i>  <i>A risk for poor acceptance by the Community of other service delivery options.</i>	Likely	Moderate	High	Seek Council endorsement as soon as possible.  Provide adequate communication and education to the public should an alternative option be endorsed by Council.
<b>Opportunity:</b> Improvement to the existing service through changes to operational timings and educational materials.				

**FINANCIAL IMPLICATIONS**

24. Should the proposed option to retain the existing annual bulk waste collection service be endorsed by Council there is an allocation within the 2017/18 budget for this service.

**LEGAL IMPLICATIONS**

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

## **ENVIRONMENTAL CONSIDERATIONS**

26. The City of Albany values a clean, green and sustainable environment and works to deliver a sustainable and efficient waste management service. The current system of a kerbside bulk waste collection program offers the most efficient way of collecting and processing large scale volumes of waste from the community. It also offers the highest levels of salvaging and recycling, based on current technologies and infrastructure. The alternative options considered will reduce recycling, increase waste to landfill and minimise community involvement in recycling practices via kerbside salvaging.

## **ALTERNATE OPTIONS**

27. Council may elect not to proceed with the recommended option to retain the annual bulk waste collection service. Alternative options to endorse are:
- Bulk waste collection service every two years, with the potential for additional Waste Facility passes in alternate years.
  - Give further consideration to removing the bulk waste collection service and offer two additional Waste Facility passes each year, with the potential to include a courtesy trailer program.
  - Give further consideration to removing the bulk waste collection service and offer skip bin or verge collection on request.

## **CONCLUSION**

28. A key action area of the City's Strategic Waste Management Plan 2014 is to investigate alternative options to the bulk hard waste collection and this was supported in 2016 with concerns by Council due to the aesthetic issues of waste left on street verges for extended periods of time.
29. The current bulk hard waste collection is a popular service demonstrated by increased participation volumes and any changes to it will attract community attention.
30. Given the City's desire to be clean, green and sustainable and provide the most efficient and effective waste service that will minimise waste to landfill and meet community needs it is recommended at this time that the annual bulk waste collection program is retained.

<b>Consulted References</b>	:	CM.STD.6 – Strategic Waste Management
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM – 13/12/2016 – WS119

**DIS065: MIDDLETON BEACH FORESHORE – FORESHORE  
MANAGEMENT PLAN**

<b>Land Description</b>	: Lot 1474 Flinders Parade, Middleton Beach on deposited plan 219850 comprised in Certificate of Title Volume 3111 Folio 83
<b>Owner</b>	: City of Albany (Management order or vest crown land)
<b>Attachments</b>	: <b>Commercial in Confidence: Middleton Beach Foreshore Briefing Note – Proposed Staging Plan.</b>
<b>Report Prepared By</b>	: Executive Director Development Services (P Camins)
<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:
  - a. **Key Themes:**
    - 2. Smart, Prosperous & Growing
    - 3. Clean, Green and Sustainable
    - 4. Community Health and Participation
    - 5. A Connected and Built Safe Environment
  - b. **Strategic Objectives:**
    - 2.1 To strengthen and grow our region's economic base.
    - 2.3 To develop and promote Albany as a unique and sought-after visitor location
    - 3.1 To protect and enhance our natural and built environment in a changing climate
    - 3.2 To build, maintain and renew City assets sustainably
    - 4.2 To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
    - 5.2 To advocate, plan and build friendly and connected communities.
  - c. **Community Priorities:**
    - 2.1.1 Work with business and other stakeholders to attract investment; diversify the economy; create jobs and support small business growth.
    - 2.3.1 Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.
    - 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.
    - 3.2.1 Deliver environmentally & financial sustainable long term planning for infrastructure via a forward capital works program that meets the needs of our community.
    - 4.2.2 Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory.
    - 5.2.2 Create infrastructure and connected streetscapes that are consistent and reflect our unique heritage.

**Maps and Diagrams:**



**In Brief:**

- LandCorp is developing the Middleton Beach Activity Centre (MBAC) site and is required to undertake a Foreshore Management Plan (FMP) in conjunction with the City of Albany.
- The Foreshore Management Plan document required for the LandCorp development must also include an adaptation plan for the development site. This plan has to commit to some interventions in relation to Coastal Protection over the next 100 years (i.e. coastal adaptation pathway). It is unlikely that any adaptation plan for the entire foreshore could be achieved without additional funding from the City.
- The FMP must meet the requirements of State Planning Policy 2.6 including the requirement to protect the development from coastal processes for 100 years
- The City of Albany is currently undertaking a CHRMAP (coastal hazard risk management and adaptation planning) process for Emu Point to Ellen Cove that is required by the State for Coastal Communities.
- The CHRMAP process shows that the Middleton Beach Foreshore and associated infrastructure will be at risk within a 20 year time frame. The City will have to prepare an adaptation plan as part of this process for the areas that are at risk.
- Whilst LandCorp have some funding available for coastal protection it would be an opportune time for the City of Albany to commit to protection works to incorporate their requirements into a larger integrated plan.
- The City of Albany has previously and will continue to advocate for state and federal funds to complete works on the Middleton Beach Foreshore.
- The benefits of an integrated approach to coastal protection to the LandCorp development and the Middleton Beach foreshore include:
  - Coastal protection requirements are met for at least 50 years;
  - High quality community amenity improvements on the dilapidated foreshore;
  - Removal of drainage that currently flows directly onto the beach;
  - Creation of a new beach promenade over the buried seawall.

**RECOMMENDATION**

**DIS065: RESOLUTION (ALTERNATE MOTION BY COUNCILLOR STOCKS)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR HAMMOND**

**THAT Council:**

1. **NOTE** the proposed Adaptation Plan will require that the City of Albany undertake works in timed stages to protect the Middleton Beach Foreshore, associated infrastructure and the Middleton Beach Activity Centre.
2. **ACCEPT** the funding contribution from LandCorp for the purpose of implementing the works required in the Middleton Beach Activity Centre Foreshore Management Plan – Adaptation Plan (in accordance with the confidential briefing note).
3. **Further to (2) above, request the Chief Executive Officer to NEGOTIATE further with LandCorp for an additional contribution to support protection and enhancement of the Middleton Beach Foreshore.**
4. **Continue to ADVOCATE for State and Federal funds to complete works on the Middleton Beach Foreshore.**
5. **APPROVE the ADVERTISEMENT of the completed Draft Middleton Beach Activity Centre Foreshore Management Plan (which includes the agreed Adaptation Plan) for the purpose of public consultation.**

**CARRIED 13-0**

**Councillor Reason:**

The amendment to item 2 and addition of item 3 allows the CEO some flexibility in negotiating for additional land or cash contribution from LandCorp to assist in supporting the implementation of the important foreshore development to benefit the MBAC, economic development and the community.

**Officer Comment (Executive Director Development Services):**

We are supportive of this amended motion as it provides scope for the Chief Executive Officer to negotiate a better outcome.

**DIS065: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

1. **NOTE** the proposed Adaptation Plan will require that the City of Albany to undertake works in timed stages to protect the Middleton Beach Foreshore, associated infrastructure and the Middleton Beach Activity Centre.
2. **ACCEPT** the funding contribution from LandCorp for the purpose incorporating a Middleton Beach Activity Centre Foreshore Management Plan – Adaptation Plan (*in accordance with the confidential briefing note*) and continue to advocate for State and Federal funds to complete works on the Middleton Beach Foreshore.
3. **APPROVE THE ADVERTISEMENT** of the completed Draft Middleton Beach Activity Centre Foreshore Management Plan (which includes the Landcorp Adaptation Plan) for the purpose of public consultation.

DIS065: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS065: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. NOTE the proposed Adaptation Plan will require that the City of Albany to undertake works in timed stages to protect the Middleton Beach Foreshore, associated infrastructure and the Middleton Beach Activity Centre.
2. ACCEPT the funding contribution from LandCorp for the purpose incorporating a Middleton Beach Activity Centre Foreshore Management Plan – Adaptation Plan (*in accordance with the confidential briefing note*) and continue to advocate for State and Federal funds to complete works on the Middleton Beach Foreshore.
3. APPROVE THE ADVERTISEMENT of the completed Draft Middleton Beach Activity Centre Foreshore Management Plan (which includes the Landcorp Adaptation Plan) for the purpose of public consultation.

**BACKGROUND**

2. LandCorp is developing the old Esplanade Site. The Structure Plan and Scheme Amendment have been completed and conditional subdivision approval has been obtained. The development is known as the MBAC.
3. LandCorp have committed funding to complete Stage 1 of the works, which will realign Flinders Parade and tie it into Adelaide Crescent.

**DISCUSSION**

**Development Conditions**

4. A number of conditions have been applied within the planning instruments for the Middleton Beach Activity Centre. Relevant to this item are condition 5 from the Scheme Amendment and condition 18 from the subdivision conditions. These are repeated below:

Local Planning Scheme 1 Condition:

“Foreshore Protection and Management

*5. Development within the Hotel/Mixed Use Precinct and/or creation of the Hotel/Mixed Use Lot will be subject to satisfactory arrangements for the implementation and ongoing management of coastal adaptation and protection measures consistent with State Planning Policy 2.6, including but not limited to—*

- *Public advertising, adoption and implementation of a Foreshore Management Plan that includes the existing foreshore reserve adjacent to the Special Use zone, prepared in conjunction with the City of Albany in accordance with SPP2.6 Sub-Clause 5.10 Coastal Strategies and Management Plans and endorsed by the WAPC; and*
- *Notification on Title stating that the lot is within a Vulnerable Coastal Area.”*

Subdivision Condition:

*“18. Prior to the commencement of subdivision works on Lot 'DA6' and any Public Open Space depicted on the approved plan of subdivision, a foreshore management plan in accordance with Condition 5 of Special Use Area 25 in Albany's Local Planning Scheme No. 1 is to be prepared and approved for the installation and ongoing management of coastal adaptation and protection measures, to the satisfaction of the Western Australian Planning Commission.”*

**Proposed Staging of the Integrated Approach**

5. It is expected that the independent CHRMAP process being undertaken for the City of Albany will indicate a higher likelihood of risk of inundation and/or erosion and a requirement for earlier intervention, than the CHRMAP prepared only for the Ellen Cove Foreshore Management Plan (by Landcorp). This is particularly so in regards to the Foreshore and Albany Surf Life Saving Club.
6. An integrated solution as recommended by the City of Albany incorporates coastal protection structures built further out on the foreshore / beach edge as part of a wider foreshore protection plan inclusive of the development which will include drainage infrastructure and landscaping works as well as the seawall.
7. A staging plan has been proposed for the implementation of the coastal protection works.

**GOVERNMENT & PUBLIC CONSULTATION**

8. The Middleton Beach Working Group consists of representative from Department of Planning, Lands and Heritage, GSDC, City of Albany and LandCorp. This group has been meeting regularly for more than 2 years and has had an input into and provided comment on the draft document.
9. The Coastal Parks Enhancement Plan prepared in 2014 involved significant community consultation. The landscaping and amenity elements associated with this updated plan will remain consistent.
10. SPP2.6 includes a requirement for community consultation ;  
*” Ensure that the coastal planning strategy or foreshore management plan is developed in consultation with the broad community and relevant public authorities, and achieve the approval of the local land manager and the WAPC if appropriate.”*
11. The Foreshore Management Plan will therefore be updated in accordance with the guiding principles (Should Council endorse them).The plan will then be advertised for public comment where after it will be presented to Council at another OCM for final endorsement.

**STATUTORY IMPLICATIONS**

12. Section 143 (1)(c) of the *Planning and Development Act 2005* allows WAPC to approve a subdivision with conditions. LandCorp are required to comply with the subdivision requirements including preparation of and commitment to a Foreshore Management Plan.
13. State Planning Policy No. 2.6 State Coastal Planning Policy and associated Guidelines is the most pertinent policy to inform and guide decision-making for coastal planning; including managing development and land use change; establishment of foreshore reserves; and to protect, conserve and enhance coastal values.
14. The most relevant section of the policy is section 5.5 and deals with Coastal hazard risk management and adaptation planning.
15. The Foreshore Management Plan and any solution needs to meet/address the requirements of this policy.

**POLICY IMPLICATIONS**

16. Nil

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Property</b> <i>Risk: There is a risk that doing nothing will result in damage to the foreshore and infrastructure.</i>	<i>Possible in the short term</i>	<i>Moderate in the short term</i>	<i>High</i>	<i>Undertake precinct-wide coastal protection works</i>
<b>Financial</b> <i>Risk: There is a risk that doing nothing will result in damage to the foreshore and infrastructure.</i>	<i>Possible in the short term</i>	<i>Severe</i>	<i>Extreme</i>	<i>Undertake precinct-wide coastal protection works</i>
<b>Reputation</b> <i>Risk: There is a risk that by protecting only the hotel site the City will be criticised by the community.</i>	<i>Possible in the short term</i>	<i>Major</i>	<i>High</i>	<i>Undertake precinct-wide coastal protection works</i>
<b>Opportunity:</b> <i>There is an opportunity to receive a contribution from LandCorp for a precinct-wide protection strategy.</i>				

## FINANCIAL IMPLICATIONS

18. LandCorp have nominal funding available for the construction of a seawall around the hotel site.
19. LandCorp are prepared to make these funds their contribution to a precinct-wide protection strategy.
20. A commitment to the funding arrangements as discussed in the attached briefing paper.

## LEGAL IMPLICATIONS

21. Nil

## ENVIRONMENTAL CONSIDERATIONS

22. Nil.

## ALTERNATE OPTIONS

23. That the City not commit to develop the Middleton Beach Foreshore and allow LandCorp to find alternate means to protect the Middleton Beach Activity Centre. Note that this would lose any contribution available to achieve a precinct-wide solution.

## CONCLUSION

24. A decision on providing a commitment within the Foreshore Management Plan is required to complete the Draft Plan for advertising. Officers recommend that the benefits of a precinct-wide proposal being implemented in a staged approach over appropriate time-frames will give the City some time to advocate for funding to complete this important project.

<b>Consulted References</b>	:	<i>Local Government Act 1995, Planning and Development Act 2005. State Planning Policy No. 2.6 State Coastal Planning Policy and Guidelines and Local planning Scheme 1</i>
<b>File Number (Name of Ward)</b>	:	Frederickstown
<b>Previous Reference</b>	:	Nil

**DIS066: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT – LOTS 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 AMITY QUAYS, ALBANY**

<b>Land Description</b>	: Lots 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 Amity Quays, Albany
<b>Proponent / Owner</b>	: Ayton Baesjou Planning / LandCorp
<b>Business Entity Name</b>	: LandCorp
<b>Attachments</b>	: Schedule of Submissions Schedule of Modifications
<b>Supplementary Information &amp; Councillor Workstation:</b>	: Amendment Document Amendment appendices Bushfire report Acoustic report Coastal report Traffic report Urban Water Management Plan Submissions
<b>Report Prepared by</b>	: Senior Planning Officer – Strategic Planning (A Nicoll)
<b>Responsible Officer</b>	: Executive Director Development Services (P Camins)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan:
  - **Theme:** 5 - A connected and safe built environment.
  - **Objective:** 5.1 - To develop vibrant neighbourhoods which retain local character and heritage.
  - **Community Priority:** 5.1.2 - Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.

## Maps and Diagrams



### In Brief:

- Council previously initiated and advertised Local Planning Scheme Amendment No.20, which proposes to change the residential density code for lots on Amity Quays from R30 to R60.
- As a result of the referral process to state agencies, additional information and new scheme provisions have been provided to address the following matters:
  - Noise and vibration mitigation from the nearby road and rail infrastructure;
  - Coastal influences;
  - stormwater management; and
  - Access from Princess Royal Drive.
- City planning Staff support the local planning scheme amendment with new suggested provisions. The proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*, which encourages higher density development close to the central business district.
- Council is requested to consider submissions received, subsequent additional information provided, and new proposed provisions and then determine whether to support the local planning scheme amendment.

## RECOMMENDATION

**DIS066: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, with modifications, Amendment No. 20 to amend *Local Planning Scheme No. 1* by:**

- (1) Incorporating Lots 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 Amity Quays, Albany within a 'Special Control Area' and change the residential density code from R30 to R60;**
- (2) Incorporating the Amity Quays Special Control Area within Part 6 – Special Control Areas of the Scheme Text; and**
- (3) Amending the Scheme Maps accordingly.**

**CARRIED 13-0**

**DIS066: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR GOODE  
SECONDED: COUNCILLOR HAMMOND**

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

**CARRIED 11-0**

**DIS066: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, with modifications, Amendment No. 20 to amend *Local Planning Scheme No. 1* by:**

- (1) Incorporating Lots 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 Amity Quays, Albany within a 'Special Control Area' and change the residential density code from R30 to R60;**
- (2) Incorporating the Amity Quays Special Control Area within Part 6 – Special Control Areas of the Scheme Text; and**
- (3) Amending the Scheme Maps accordingly.**

## BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
5. The Council resolved at the November 2016 OCM to advertise Amendment No. 20, which proposes to increase the residential density available to lots located at Amity Quays, Albany.

The subject lots are located approximately 500 metres west-south-west of York Street and have a cumulative area of approximately 1.1 hectares. The land slopes very slightly upward in a northerly direction, from Amity Quays toward the railway line. The land has been cleared and extensive remediation works have been undertaken to remove soil contamination resulting from its former use as a gasworks.

6. Prior to advertising, the amendment was referred to the Environmental Protection Authority, where it was determined that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act.
7. Following notice from the EPA, the amendment was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. At the close of advertising, 16 submissions were received.

## DISCUSSION

8. A 'Schedule of Submissions' has been developed to identify issues raised during the advertising process. A 'Schedule of Modifications' has also been developed to address the issues. The schedules are available as an attachment to this report item. The key issues raised include:
  - a) The need for an investigation determining whether or not noise and vibration measures should be implemented in accordance with *State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*;
  - b) The need for an investigation determining stormwater management measures due to sensitive wetlands;
  - c) A Public Open Space contribution being provided for the management of adjacent parklands;
  - d) Coastal processes (e.g. sea level rise) being assessed to determine if any mitigation measures are necessary;
  - e) Access routes to and from the heavy truck haulage route of Princess Royal Drive being assessed to determine if safety issues are evident and if mitigation measures need to be implemented;
  - f) Potential loss to harbour views due to development of the subject site.
9. The abovementioned issues are discussed and addressed in further detail under the headings below.

### Noise and Vibration

10. Given proximity to the freight railway and Princess Royal Drive, the Public Transport Authority, Southern Ports Authority, Main Roads WA and Department of Transport recommended an investigation to determine if noise and vibration measures should be implemented in accordance with the *State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*.
11. Consequently a noise and vibration assessment was undertaken. The assessment determined that:
  - a) Two treatment options are available to mitigate noise exceedance. These are:
    - i. Limitation in building height on the dwellings along the Northern Boundary of the development;
    - ii. Build a noise wall 4.5m high which reduces the noise levels on proposed dwellings. This will also reduce the required acoustic treatments.
  - b) Vibration is not expected to be at a scale whereby residents will be impacted.
12. It is recommended that the following provision is included to address noise exceedance:
  - a) Quiet house design and construction methods/materials to reduce noise impacts, in accordance with State Planning Policy 5.4.
    - i. Two options to mitigate noise exceedance includes:
      1. Limitation in building height (single storey) on dwellings along the Northern Boundary of the development; or
      2. Build a noise wall (may include parapet wall) 4.5m high along the northern boundary.

### Stormwater

13. The Department of Water recommended the development of a water management strategy to ensure treatment occurs on-site prior to discharge into adjacent wetlands.
14. Consequently, an 'Urban Water Management Strategy' was developed. The strategy determined that:
  - a) Stormwater can be contained on-site or appropriately treated and connected to the local drainage system.
15. It is recommended that the following condition is included to address stormwater management:
  - a) Implementation of an Urban Water Management Plan to the satisfaction of the Local Government. All stormwater to be contained on site or appropriately treated and connected to the local drainage system. No stormwater to be discharged into the rail corridor.

### Public Open Space

16. The Department of Water recommended that a Public Open Space cash contribution is provided to the City of Albany to improve the condition and amenity value of adjacent wetlands, including access, weed control, improved signage and revegetation.
17. It is recommended that this comment is simply noted. Requirements for POS contributions are dealt with at the subdivision stage in accordance with the Commission's Development Control Policy 2.3, which states:

*4.3.1 Sections 20C (1) to 20C (7) of the Act contain provisions under which a cash payment can be made by the subdivider in lieu of providing land for open space.*

### State Coastal Planning Policy 2.6

18. The Department of Planning (Coastal Division) recommended that the amendment document be updated to address policy requirements of the State Planning Policy 2.6.
19. The SPP2.6, Policy measure 5.5(i) states:

*Adequate coastal hazard risk management and adaptation planning should be undertaken by the responsible management authority and/or proponent where existing or proposed development or landholders are in an area at risk of being affected by coastal hazards over the planning timeframe.*
20. Consequently, a 'Coastal Hazard Risk Management and Adaptation Plan' was developed. It was determined that:
  - a) The proposed development has a low level of risk of coastal inundation over the 100 year planning timeframe, as its development level is above the 500 year ARI inundation level. Therefore adaptation and mitigation measures are not required.

### Access

21. Main Roads WA requested the following development conditions be included:
  - a) The rationalisation of access points from Princess Royal Drive to the land;
  - b) The construction of turning pockets and associated widening on Princess Royal Drive at the applicant's expense; and
  - c) Street lighting at the intersection with Princess Royal Drive.
22. The proponent decided to engage input from a traffic engineer. Consequently, a traffic report was developed. The report concluded that:
  - a) Vehicular access to and from Princess Royal Drive is to comply with Austroads Design Guidelines.

23. It is recommended that the following condition is included to address traffic safety issues:
- a) Provision of a passing bulge on Princess Royal Drive located at the Western intersection to the specification of Main Roads WA.

#### Views

24. Three submissions were received from members of the public during the advertising process, expressing objections to the proposal.
25. Objections focussed on the effect that the rezoning could have on the height of buildings on the subject lots and their influence on the character of the surrounding area.
26. It is recommended that the following condition is included to address concerns in relation to building heights and views.
- a) For development at the R60 density code, the maximum building height is 10m to the top of the roof and setback between developments is to be incorporated to enable view corridor(s) to dwellings on Festing Street.
27. It is also of note that the development requirements which are in place to address noise also will have the affect ton limiting the height of development on the northern boundary.

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

28. The local planning scheme amendment was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
29. Sixteen submissions were received from government agencies and members of the public. Submissions are considered in a schedule available as an attachment to this report and discussed within the 'Discussion' section of this report item.

#### **STATUTORY IMPLICATIONS**

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

#### **POLICY IMPLICATIONS**

34. There are no policy implications relating to the proposed amendment. Relevant Policy documents include:
- a) *State Planning Policy (SPP 5.4) Road and Rail Transport Noise and Freight Considerations in Land Use Planning*;
  - b) *State Planning Policy No. 2.6 State Coastal Planning Policy*;
  - c) *Austroads Design Guidelines*; and
  - d) *Better Urban Water Management Framework (2008)*

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation</b> <i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.</i>
<b>Reputation.</b> <i>The proposal may attract objections from members of the public or other public authorities.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Agree to support the proposed Scheme Amendment subject to provisions to address community and agency concerns.</i>
<b>Opportunity:</b> <i>Change the City's scheme to enable opportunity for a higher density development at a prime location.</i>				

## FINANCIAL IMPLICATIONS

36. There are no financial implications directly relating to this item.

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

38. The subject land was formerly the site of Albany Gasworks. Extensive remediation works have been undertaken to remove soil contamination.
39. It is recommended that the following condition is included to address contamination:
- a) Confirmation that the site has been remediated to the satisfaction of Department of Environmental Regulation.
40. As per Section 48(A) of the *Environmental Protection Act 1986*, the proposal was referred to the Environmental Protection Authority and environmental assessment was not deemed necessary.

## ALTERNATE OPTIONS

41. Council may consider alternate options in relation to this item, such as:
- To resolve to support the scheme amendment without modification; or
  - To resolve to support the scheme amendment without additional modifications; or
  - To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

## CONCLUSION

42. The comments received during the public consultation period raise a number of concerns relating to noise and vibration associated with an adjacent rail freight line, suitability of access to and from the Princess Royal Drive, appropriate management of stormwater, measures associated with the state's coastal planning policy and views.
43. Additional information was obtained and additional conditions have been recommended to address issues raised.

44. Given the unique nature of the site, its location near the CBD and the general amenity available in terms of water views and strategic siting, it is considered that a higher density coding is warranted and should be encouraged.
45. It is recommended that Council adopt Local Planning Scheme Amendment No. 20, subject to modifications as stated in the schedule of modifications.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No. 1</i></li> <li>2. <i>Albany Local Planning Strategy 2010</i></li> <li>3. <i>City of Albany Strategic Community Plan 2023</i></li> <li>4. <i>City of Albany Corporate Business Plan 2013-2017</i></li> <li>5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i>;</li> <li>6. <i>State Planning Policy (SPP 5.4) Road and Rail Transport Noise and Freight Considerations in Land Use Planning</i>;</li> <li>7. <i>State Planning Policy No. 2.6 State Coastal Planning Policy</i>; and</li> <li>8. <i>Better Urban Water Management Framework (2008)</i>.</li> </ol>
<b>File Number (Name of Ward)</b>	:	LAMD20 (Frederickstown Ward)
<b>Previous Reference</b>	:	OCM - 22/11/2016 - PD146

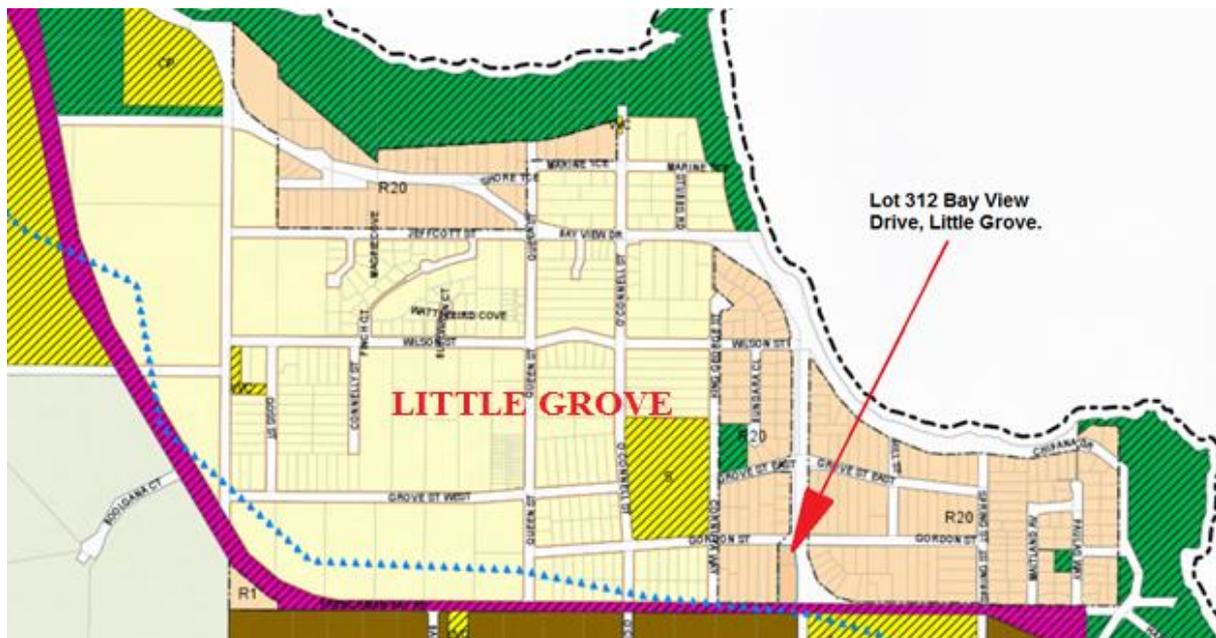
**DIS067: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT NO.28 – LOT 312 BAY VIEW DRIVE, LITTLE GROVE.**

<b>Land Description</b>	: Lot 312 Bay View Drive, Little Grove
<b>Proponent / Owner</b>	: Ayton Baesjou
<b>Business Entity Name</b>	: Horizon Holdings Pty Ltd Mark Zafir James Tjhouw Njin Lie
<b>Attachments</b>	: Local Planning Scheme Amendment No. 28 Amendment Document
<b>Report Prepared by Responsible Officer</b>	: Senior Planning Officer – Strategic Planning (A Nicoll) Executive Director Development Services (P Camins)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. The proposal is also consistent with the *Activities Centre Planning Strategy (2010)*, which encourages the development of local-serving uses at an appropriate scale within local activity centres. Such uses could include local offices and residential development.
4. This item relates to the following elements of the City of Albany Strategic Community Plan:
  - **Theme:** 5 - A connected and safe built environment.
  - **Objective:** 5.1 - To develop vibrant neighbourhoods which retain local character and heritage.
  - **Community Priority:** 5.1.2 - Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.

**Maps and Diagrams:**



**In Brief:**

- The subject land is zoned ‘Local Centre’ under *Local Planning Scheme No.1*.
- A request has been submitted for Council to adopt a local planning scheme amendment to:
  - Designate lot 312 as an additional use site;
  - Provide the ability to apply for group and multiple dwellings, in addition to the currently permitted commercial land uses; and
  - Establish conditions which apply to residential development on the land.
- City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy and Activities Centre Planning Strategy (2010)*.
- Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

**RECOMMENDATION**

**DIS067: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SLEEMAN**  
**SECONDED: COUNCILLOR STEPHENS**

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

- 1. ADOPT Amendment No. 28 to amend *City of Albany Local Planning Scheme No. 1* by:**
  - a) Designating Lot 312 Bay View Drive as an ‘Additional Use’ site No. 33 and including it in Schedule 2 of the Scheme Text in the following manner:**

<b>Schedule 2 – Additional Uses (CI 4.5)</b>			
<b>No.</b>	<b>Description of land</b>	<b>Additional Use</b>	<b>Conditions</b>
<b>AU 33</b>	<b>Lot 312 Bay View Drive, Little Grove</b>	<b>Grouped Housing ('A') Multiple Housing ('A')</b>	<ol style="list-style-type: none"> <li><b>I. At the time of subdivision and/or development, the local government may request the provision of a Local Area Plan (to be adopted as a Local Planning Policy) to guide development of ‘Additional Uses’.</b></li> <li><b>II. The R30 code and Mixed Use Development requirements, as set out in the Residential Design Codes (Part 6) shall apply to the development of dwellings in conjunction with commercial and/or other non-residential uses.</b></li> <li><b>III. Where residential development is proposed separate to commercial use, detailed design provisions are to be provided showing how the residential development can accommodate commercial use in the future.</b></li> </ol>

**b) Amending the Scheme Map accordingly.**

**Note:** The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason.

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

**2. Advertise the amendment in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**CARRIED 13-0**

DIS067: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 11-0**

DIS067: RESPONSIBLE OFFICER RECOMMENDATION

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

1. ADOPT Amendment No. 28 to amend *City of Albany Local Planning Scheme No. 1* by:
  - a) Designating Lot 312 Bay View Drive as an 'Additional Use' site No. 33 and including it in Schedule 2 of the Scheme Text in the following manner:

Schedule 2 – Additional Uses (Cl 4.5)			
No.	Description of land	Additional Use	Conditions
AU 33	Lot 312 Bay View Drive, Little Grove	Grouped Housing ('A') Multiple Housing ('A')	IV. At the time of subdivision and/or development, the local government may request the provision of a Local Area Plan (to be adopted as a Local Planning Policy) to guide development of 'Additional Uses'.  V. The R30 code and Mixed Use Development requirements, as set out in the Residential Design Codes (Part 6) shall apply to the development of dwellings in conjunction with commercial and/or other non-residential uses.  VI. Where residential development is proposed separate to commercial use, detailed design provisions

			are to be provided showing how the residential development can accommodate commercial use in the future.
<p>b) Amending the Scheme Map accordingly.</p> <p>Note: The amendment is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason.</p> <ul style="list-style-type: none"> <li>• The amendment is consistent with the Albany Local Planning Strategy, which sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity;</li> <li>• The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and</li> <li>• The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.</li> </ul> <p>2. Advertise the amendment in accordance with Part 5, r.47 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>			

**BACKGROUND**

5. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
6. Lot 312 Bay View Drive, Little Grove is zoned ‘Local Centre’ under *Local Planning Scheme No.1* and is currently vacant. The subject lot is situated alongside Lot 1 Frenchman Bay Road, which is also zoned ‘Local Centre’. The southern half of Lot 1 is currently developed as a shop, liquor store and service station, with the remaining section being vacant.
7. The ‘Local Centre’ zone does not currently support the development of residential land uses.
8. The proponent of Lot 312 approached the City of Albany and the Department of Planning, Lands and Heritage requesting to amend the City’s Local Planning Scheme to enable group and/or multiple housing. It is proposed to have the option of adapting any housing which is developed into commercial land uses, should the demand arise.
9. The proponent advised that demand does not currently exist for additional commercial land uses within the subject ‘Local Centre’ zone. The proponent reasoned that, should demand for commercial land use rise, capacity exists within a vacant area of neighbouring Lot 1. Furthermore, there is potential to transform grouped and multiple housing developed on the subject lot to meet demand.
10. The proposal is consistent with the *City’s Activity Centres Planning Strategy (2010)*, which encourages the development of mixed uses.

**DISCUSSION**

11. The City’s planning Staff support the proposed local planning scheme amendment, as it is consistent with the *Activity Centres Planning Strategy (2010)* and will facilitate the development of the land, while also retaining the ability for commercial land uses to be developed as demand requires.
12. In order to provide for residential mixed use development within Lot 312, it is proposed to retain the ‘Local Centre’ base zone, which provides for a wide range of commercial uses, and to designate it as an ‘Additional Use’ site for ‘Grouped Housing’ and ‘Multiple Housing’ based on the R30 Residential Density Code.

13. Within this context, capacity exists for commercial development and/or grouped and multiple housing.
14. Conditions which are proposed to be to be incorporated in the scheme to guide residential development on the site include:
  - A 'Local Development Plan' is to be provided prior to development to illustrate expectations for the site and to prevent development occurring in an ad hoc basis; and
  - Where residential development is proposed separate to commercial use, detailed design provisions are to be provided showing how the residential development can accommodate commercial use, if required in the future.

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

15. The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment be adopted by a resolution of Council prior to the proposal being advertised for public comment. Consequently, no consultation has been undertaken at this stage.
16. If a local government resolves under regulation 35(1) to adopt an amendment to a local planning scheme, the local government must advertise the amendment.
17. Section 81 of the Act requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.

#### **STATUTORY IMPLICATIONS**

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

#### **POLICY IMPLICATIONS**

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

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

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Operations and Reputation</b></p> <p><i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i></p>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.</i>
<p><b>Community, Organisational Operations and Reputation</b></p> <p><i>The proposal may attract objections from members of the public or other public authorities.</i></p>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be requested from the proponent as part of the amendment process.</i>
<p><b>Opportunity:</b> <i>Change the City's scheme to enable opportunity for a mixture of uses at subject Lot 312 Bay View Drive, Little Grove.</i></p>				

## FINANCIAL IMPLICATIONS

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

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

25. The referral of Amendment No.28 to the EPA will clarify if environmental implications apply.

## ALTERNATE OPTIONS

26. Council may consider alternate options in relation to this item, such as resolving:

- a) To adopt the amendment subject to modifications; and
- b) Not to adopt the amendment to the local planning scheme.

## CONCLUSION

27. Amendment No.28 proposes to enable the development of grouped and multiple housing, in addition to the commercial activities allowed under the current zoning.

28. The proposed Amendment No. 28 is consistent with the current strategic direction set within the *Albany Local Planning Strategy (2010)*, the *Activity Centres Planning Strategy (2010)* and objectives for activity centres identified in the *State Planning Policy 4.2, Activity Centres for Perth and Peel*.

29. Council is requested to agree to adopt the Amendment No.28.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2010)</i> 3. <i>Activity Centres Planning Strategy (2010)</i> 4. <i>State Planning Policy 4.2, Activity Centres for Perth and Peel</i>
<b>File Number (Name of Ward)</b>	:	LAMD28 (Vancouver Ward)
<b>Previous Reference</b>	:	Nil

**DIS068: PROPOSED ROAD CLOSURE – PORTION OF RANGE ROAD, YAKAMIA**

<b>Land Description</b>	: Part of Range Road, Yakamia.
<b>Proponent / Owner</b>	: City of Albany.
<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:** 5. A Connected and Safe Built Environment.
  - **Objective:** 5.2.To advocate, plan for and build friendly and connected communities.
  - **Community Priority:** 5.2.2. 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.

**Maps and Diagrams:**



**In Brief:**

- The *Yakamia / Lange Structure Plan 2015* and the *Catalina Outline Development Plan* provide for a significant district road link running between the Sanford Road / North Road intersection and Mercer Road, being Range Road.
- In order for the proposed new alignment to have the name 'Range Road' applied, a 16,386m<sup>2</sup> portion of the existing Range Road reserve is required to be closed.
- As required under s.58 of the *Land Administration Act 1997*, the City of Albany has completed the public advertising of the proposed road closure, and now requests Council make a final decision on the proposed closure.

**RECOMMENDATION**

**DIS068: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH**  
**SECONDED: COUNCILLOR STOCKS**

**THAT Council REQUESTS under s.58 of the *Land Administration Act 1997*, that the Minister for Lands close a 13,472m<sup>2</sup> portion of the Range Road reserve.**

**CARRIED 13-0**

DIS068: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR STOCKS

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 11-0**

DIS068: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council REQUESTS under s.58 of the *Land Administration Act 1997*, that the Minister for Lands close a 13,472m<sup>2</sup> portion of the Range Road reserve.

**BACKGROUND**

2. At the 22 August 2017 Ordinary Council Meeting, Council actioned the public notification process to close a portion of Sydney Street to facilitate the re-alignment of the current Range Road. The public submission process has now been completed, with no submissions received.
3. The City will be forwarding a request to the Minister for Lands to close a 2088m<sup>2</sup> portion of Sydney Street, as required under s.58 of the *Land Administration Act 1997*.
4. In order to allow the new realignment to become Range Road, an existing 13,472m<sup>2</sup> portion of the Range Road reserve, between North Road and Target Road is required to be closed.

**DISCUSSION**

5. The City has delegated authority to advertise any proposed road closure, with final decision to be made by Council (delegation 2017:036).
6. The advertising of the proposed closure of portion of the Range Road reserve occurred in conjunction with the proposed closure of a 2088m<sup>2</sup> portion of Sydney Street.

7. No submissions were received in respect to the proposed closures during the public advertising period.

**GOVERNMENT & PUBLIC CONSULTATION**

8. The proposed road closure was published in the public notices section of the Albany Advertiser Extra on 21 September 2017, as required under s.58 of the *Land Administration Act 1997*.
9. The submission period closed on Friday 27 October. No submissions were received during this process.

**STATUTORY IMPLICATIONS**

10. As per s.58 of the *Land Administration Act 1997*, any proposed road closures are required to be advertised for public comment. Advertising occurred between 21 September and 27 October 2017.

**POLICY IMPLICATIONS**

11. There are no policy implications related to this Item

**RISK IDENTIFICATION & MITIGATION**

12. 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 &amp;Reputation</b></p> <p><i>Risk: If the proposed closure is not supported, the City will be unable to implement key deliverables detailed in the Yakamia / Lange Structure Plan 2015 and the Catalina Outline Development Plan.</i></p>	<p><i>Almost Certain</i></p>	<p><i>Major</i></p>	<p><i>High</i></p>	<p><i>The proposed road closure is supported.</i></p>
<p><b>Opportunity:</b> <i>The City is proactively supporting the guidance on future development and land use as described in the Yakamia / Lange Structure Plan 2015 and the Catalina Outline Development Plan.</i></p>				

**FINANCIAL IMPLICATIONS**

13. All costs associated with the realignment of Range Road have been allocated for as part of the 2017 Land Assets budget.

**LEGAL IMPLICATIONS**

14. There are no legal implications related to this Item.

**ENVIRONMENTAL CONSIDERATIONS**

15. There are no environmental considerations related to this Item.

**ALTERNATE OPTIONS**

16. Council may consider alternate options in relation to this item, such as resolving:
- a) To deny the request to close portion of the Range Road reserve; and
  - b) Support the request to close portion of the Range Road reserve, with modifications.

**CONCLUSION**

17. The *Yakamia / Lange Structure Plan 2015* and the *Catalina Outline Development Plan* provide for a significant district road link running between the Sanford Road / North Road intersection and Mercer Road, being Range Road.
18. At the Ordinary Council Meeting on 22 August 2017 Council actioned the public notification process in regards to closing portion of Sydney Street to facilitate re-alignment of the current Range Road. This has now been completed, with no submissions received. Therefore, the City will be forwarding a request to the Minister for Lands to close a 2088m<sup>2</sup> portion of Sydney Street, as required under s.58 of the *Land Administration Act 1997*
19. In order to allow the new realignment to become Range Road, an existing 16,386m<sup>2</sup> portion of the Range Road reserve, between North Road and Target Road is required to be closed.
20. The City of Albany has completed the public advertising of this proposed road closure, under delegation 2017:036 and now asks Council for a final decision on the proposed closure.

<b>Consulted References</b>	:	<i>Land Administration Act 1997</i> <i>Yakamia/Lange Structure Plan 2017</i> <i>Catalina Outline Development Plan</i>
<b>File Number (Name of Ward)</b>	:	RD.RDC.2 (Yakamia)
<b>Previous Reference</b>	:	CCCS049 OCM 22/08/2017

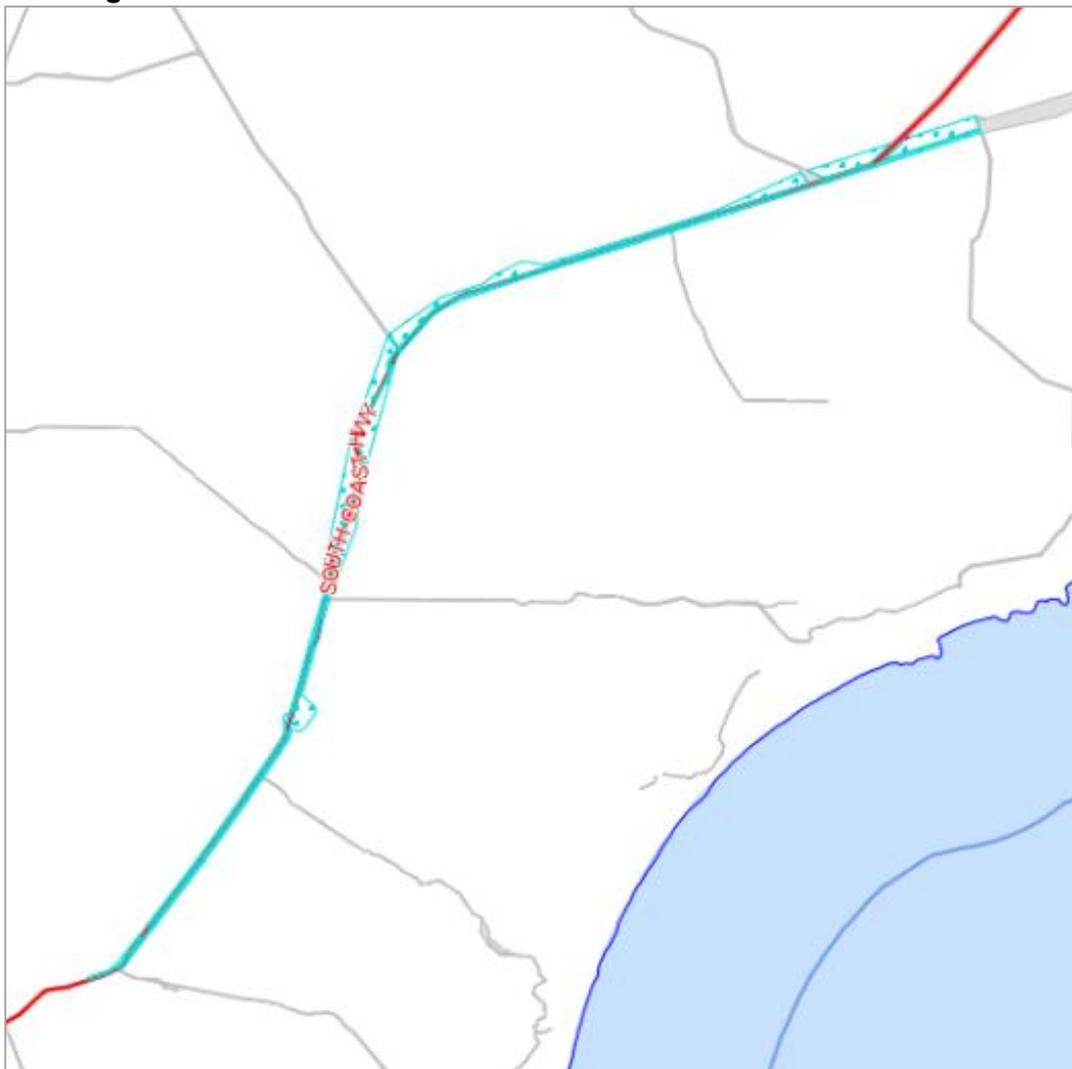
**DIS069: ROAD WIDENING - SOUTH COAST HIGHWAY, GREEN RANGE**

<b>Land Description</b>	: South Coast Highway between Mettler Road & Cheyne Road, Green Range
<b>Proponent / Owner</b>	: Main Roads
<b>Attachments</b>	: ICR17281047 – Main Roads
<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:** 5. A connected and safe built environment.
  - **Objective:** 5.2 To advocate, plan for and build friendly and connected communities.
  - **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.

**Maps and Diagrams:**



**In Brief:**

- Council is requested to consider a proposal by Main Roads WA to widen a portion of South Coast Highway between Cheyne Road & Mettler Road and also a portion of Mettler Road.
- The widening is required in order to facilitate improvement works.
- A resolution by Council is required to enact the road dedication provisions of the *Land Administration Act 1997*.

**RECOMMENDATION**

**DIS069: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOUGHTY  
SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council:**

- SUPPORTS** the proposal by Main Roads WA to dedicate the land detailed in Main Roads Land Dealing Plans 1760-001 to 1760-007 and 1760-009 to 1760-014 as a road pursuant to section 56 of the *Land Administration Act 1997*.
- SUPPORTS** the action by Main Roads WA to seek approval from the Minister for Lands, under section 56 of the *Land Administration Act 1997*, to dedicate the land to be taken for road widening as a public road;
- INDEMNIFIES** the Minister for Lands, on behalf of Main Roads WA, from any claims for compensation, as is required under section 56 of the *Land Administration Act 1997*;
- Requires** that Main Roads WA indemnify the Council against all costs and charges, including any claims for compensation that may arise, associated with this dedication

**CARRIED 13-0**

DIS069: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 11-0**

DIS069: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- SUPPORTS the proposal by Main Roads WA to dedicate the land detailed in Main Roads Land Dealing Plans 1760-001 to 1760-007 and 1760-009 to 1760-014 as a road pursuant to section 56 of the *Land Administration Act 1997*.
- SUPPORTS the action by Main Roads WA to seek approval from the Minister for Lands, under section 56 of the *Land Administration Act 1997*, to dedicate the land to be taken for road widening as a public road;
- INDEMNIFIES the Minister for Lands, on behalf of Main Roads WA, from any claims for compensation, as is required under section 56 of the *Land Administration Act 1997*;
- Requires that Main Roads WA indemnify the Council against all costs and charges, including any claims for compensation that may arise, associated with this dedication

## BACKGROUND

2. A portion of Mettler Road, and number of portions of South Coast Highway between Cheyne Road and Mettler Road, have been constructed outside of the designated road reserves.
3. These portions of road pass through 'A' Class' Reserve 26650, namely, Hassell National Park.
4. In order to widen the current road reserves, Main Roads WA needs to acquire portions of this 'A' Class reserve for dedication as road reserve.
5. Main Roads WA is now seeking Council's support for this proposal.

## DISCUSSION

6. To enable the land to be dedicated as road reserve, it is a requirement of the *Land Administration Act 1997* that the local government makes a resolution to this effect.

## GOVERNMENT & PUBLIC CONSULTATION

7. Main Roads has consulted with the Department of Biodiversity, Conservation and Attractions and other affected parties, with arrangements for the acquisition now in progress. In this instance, no public consultation by the City of Albany is required as Main Roads WA is the organisation progressing the land acquisition process.

## STATUTORY IMPLICATIONS

8. Section 56 of the *Land Administration Act 1997* allows the dedication of land as a road. In doing so, the Local Government must also indemnify the Minister for Lands against any claim for compensation.

## POLICY IMPLICATIONS

9. There are no policy implications relevant to this item.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>People &amp; Safety.</b></p> <p><i>Risk: There is a risk that by not supporting Main Roads proposal, improvements to road safety cannot be fully implemented and the affected portions of South Coast Highway and Mettler Road will continue to be classed as part of the Hassell National Park.</i></p>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Support Main Roads WA proposal to dedicate portions of the Hassell National Park as road reserve.</i>
<b>Opportunity:</b> <i>Support upgrades and improvements to one of the City's arterial transport routes.</i>				

## FINANCIAL IMPLICATIONS

11. All costs associated with the land acquisition, road widening, road dedication and any subsequent claims for compensation are to be borne by Main Roads WA.

## LEGAL IMPLICATIONS

12. There are no direct legal implications relating to this item.

## ENVIRONMENTAL CONSIDERATIONS

13. Any environmental considerations relating to widening of the South Coast Highway road reserve are to be the responsibility of Main Road WA.

**ALTERNATE OPTIONS**

14. Council may consider alternate options in relation to this item, such as
- a) To deny the request to dedicate a portion of Mettler Road and portions of South Coast Highway as road reserve; and
  - b) Support the request to dedicate a portion of Mettler Road and portions of South Coast Highway as road reserve, with modifications.

**CONCLUSION**

15. A portion of Mettler Road and number of portions of South Coast Highway between Cheyne Road and Mettler Road have been constructed outside of the designated road reserves.
16. In order to widen the current road reserves, Main Roads WA needs to acquire portions of the 'A' Class Reserve, Hassell National Park, for dedication as a road reserve.
17. A resolution of Council is required to enact the road dedication provisions of the *Land Administration Act 1997*.

<b>Consulted References</b>	:	<i>Land Administration Act 1997</i>
<b>File Number (Name of Ward)</b>	:	RD.ACQ.1 (Kalgan)
<b>Previous Reference</b>	:	Nil

**DIS070: ACCEPTANCE OF GRANT FOR WELLSTEAD FIRE STATION**

**Proponent / Owner** : Wellstead Volunteer Fire Brigade  
**Report Prepared By** : Manager Ranger and Emergency Services (T Ward)  
Community Emergency Service Manager (B Gordon)  
**Responsible Officers:** : 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:** A Connected and Safe Built Environment
  - **Objective:** To develop and support a healthy inclusive and accessible community
  - **Community Priority:** Plan for and monitor community safety via effective ranger and emergency services.

**In Brief:**

- Council is asked to formally resolve to accept a Local Government Grants Scheme funding of \$135,500 for the building of a new fire station for the Wellstead Bushfire Brigade.

**RECOMMENDATION**

**DIS070: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOUGHTY**

**SECONDED: COUNCILLOR TERRY**

**THAT Council accept the grant of \$135,500 offered by the Local Government Grants Scheme for building a new fire station for the Wellstead Fire Brigade.**

**CARRIED 13-0**

**DIS070: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR DOUGHTY**

**SECONDED: COUNCILLOR SUTTON**

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

**CARRIED 11-0**

**DIS070: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council accept the grant of \$135,500 offered by the Local Government Grants Scheme for building a new fire station for the Wellstead Fire Brigade.**

**BACKGROUND**

2. The Wellstead Volunteer Bush Fire Brigade has been identified in the DFES replacement schedule for an upgrade of the existing fire appliance.
3. The replacement appliance is due for delivery in the 2017/18 financial year.
4. The Brigade appliance is stored in a twenty year old shed, which is co-habited by St Johns Ambulance Service.
5. The current facility will not house the new appliance due to the dimensions of the new truck.

6. The City of Albany applied to DFES for Local Government Grant Scheme (LGGS) funding, for the purpose of replacing the current facility with a suitable building.
7. The City's application was successful, with \$135,500 being offered to construct a new, two bay facility, with amenities.

**DISCUSSION**

8. Brigade infrastructure and replacement facilities are eligible through the LGGS program.
9. Costs associated with site works and connection of utilities are not supported by LGGS funding and must be met by alternative funds.
10. The current funding offer has been made to reflect the immediate needs of the Wellstead Volunteer Bush Fire Brigade and this remains the primary consideration, should such funding be accepted.
11. However, the City of Albany has also been approached by St John ambulance representatives, with a view to considering co-habitation of the new facility. To that extent, St Johns have committed its own funds towards the establishment of a new, shared facility.
12. Discussions are being conducted with DFES, St John's and the City of Albany in relation to a facility that meets the needs of the two parties and early conversation indicates that pooling of funding could achieve this.
13. Despite this opportunity, it is important for the initial funding offer to be accepted in order to address the imminent arrival of the new brigade appliance.

**GOVERNMENT & PUBLIC CONSULTATION**

14. Initial consultation was between the Wellstead BFB, the City of Albany Emergency Services Department and the Chief Bushfire Control Officer.
15. Consultation with DFES was instigated through the Resource to Risk program which was then forwarded to a panel for determination.

**STATUTORY IMPLICATIONS**

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

**POLICY IMPLICATIONS**

17. There are no policy implications in this matter.

**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
<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>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Resolve to accept the grant for the extension of the fire station.</i>
<p><b>Opportunity:</b> <i>Demonstrate the City of Albany and Council are committed to the Volunteer Bushfire Brigades and the importance of volunteer members.</i></p>				

**FINANCIAL IMPLICATIONS**

19. There will be costs to the City Of Albany associated with the new facility primarily around site works and connection of utilities.

**LEGAL IMPLICATIONS**

20. There are no immediate legal implications associated with this report, although further investigation of leasing or tenancy arrangements in relation to a joint facility will be required should a joint facility agreement eventuate.

**ENVIRONMENTAL CONSIDERATIONS**

21. Some clearing of vegetation may be required in order to establish a new facility but there are no apparent environmental considerations in considering this report.

**ALTERNATE OPTIONS**

22. Council may elect not to accept the funding offer. In making such a decisions it should be recognised that the local brigade's ability to house the new appliance will be greatly diminished.

**CONCLUSION**

23. The Wellstead brigade has a proactive membership from local community members and the upgrade of their appliance would need to go hand in hand with the upgrade of their current facility.
24. It is recommended Council accept the current grant offer to establish a new brigade facility.

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

**DIS071: PLANNING AND BUILDING REPORTS NOVEMBER 2017**

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

**RECOMMENDATION**

**DIS071: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT the Planning and Building Reports for November 2017 be NOTED.**

**CARRIED 13-0**

**DIS072: TENDER C17029 – MOUNT ELPHINSTONE TO CBD CYCLE LINK (STAGE 1)**

<b>Land Description</b>	: Grey Street West road reserve & Reserve No R2681, Mount Melville
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: City of Albany
<b>Supplementary Information &amp; Councillor Workstation</b>	: <i>Confidential Briefing Note has been distributed under separate cover.</i>
<b>Report Prepared By</b>	: Senior Civil Engineering Officer (A Greenwood)
<b>Responsible Officers:</b>	: Executive Director Infrastructure & Environment (M Thomson)

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

**STRATEGIC IMPLICATIONS**

- This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - Theme:** 3 - Clean, Green and Sustainable.
  - Objective:** 3.2 - To build, maintain and renew city assets sustainably.
  - Community Priority:** 3.3.2 - Design, construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.

**Maps and Diagrams:**

Location Plan - extent of project is indicated by the red dashed line.



**In Brief:**

- Tender award for the construction of Stage 1 of the Mount Elphinstone to CBD cycle link.
- Two (2) complying tenders received with Tricoast Civil the recommended contractor.
- Construction is scheduled to commence in January 2018 with completion by end of April 2018.

**RECOMMENDATION**

**DIS072: RESOLUTION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR STEPHENS  
SECONDED: COUNCILLOR STOCKS**

**THAT Council AUTHORISE the Chief Executive Officer to ACCEPT the tender from Tricoast Civil and AWARD Contract C17029 Mount Elphinstone to CBD Cycle Link (Stage 1), subject to the following:**

- The scope of work being revised to exclude the section of cycle path from Parade Street to Collie Street and the contract price being negotiated accordingly;**
- City staff conduct a design review on the section between Parade Street to Collie Street considering feedback from residents concerning road safety and loss of parking;**
- That City staff consult with the Department of Transport and confirm that a design review of the above section has no implications on project funding, enabling works on other sections to continue;**
- The outcome of the design review be presented to the February 2018 DIS Committee prior to construction commencing on that section of path.**

**CARRIED 13-0  
ABSOLUTE MAJORITY**

**Officer Comment** (Executive Director Infrastructure and Environment)

Staff and elected members attended a site meeting on Grey Street between Parade Street and Collie Street on the 18<sup>th</sup> December to discuss concerns regarding the planned cycle path.

Residents cited issues regarding the general safety of the street and the loss of parking resulting from the cycle infrastructure. It was felt that by removing parking bays on the northern side for the cycle path, additional pressure would be placed on the southern side for parking, exacerbating a historic problem with parking obscuring the vision of driveways.

City staff intend to conduct a design review with a view to developing an integrated long term plan for this section of street. In doing so, further consultation with the affected residents will be required. In addition, the City needs to consult with the funding agency (Department for Transport) as they apply standards to the design which must be adhered to in order to satisfy the funding requirements. Prior to accepting the tender and entering into a contract, City staff will ascertain whether a review of the section between Grey Street and Parade Street has any impact on funding for the remainder of the project.

If there are no impediments in relation to the funding, the intention is to proceed with construction from Parade Street toward stage 2 while a design review of the section between Parade Street and Collie Street is undertaken concurrently.

DIS072: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ACCEPT the tender from Tricoast Civil and award Contract C17029 Mount Elphinstone to CBD Cycle Link (Stage 1) subject to negotiation of final terms.

DIS072: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS072: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ACCEPT the tender from Tricoast Civil and award Contract C17029 Mount Elphinstone to CBD Cycle Link (Stage 1) subject to negotiation of final terms.

## **BACKGROUND**

2. City of Albany published the Cycle City Albany 2014-2019 Strategy in October 2014. The strategy has a bold vision 'to transform Albany into one of Australia's best cycling destinations, including both on and off road cycling'. To achieve this, the strategy 'aims to improve cycling infrastructure, encourage cycling as a legitimate mode of transport, improve the culture surrounding cycling by encouraging 'sharing the road' and provide more cycle tourism'.
3. The need for a safe route between the suburb of Mount Elphinstone and the CBD for pedestrians and cyclists was highlighted in the strategy. A feasibility study was undertaken the following year, with a route being recommended from a number of options. The recommendations of the feasibility study were adopted by Council in October 2015 and was the basis for funding.
4. The implementation of the project has been split into two stages:
  - Stage 1 runs along the north side of Grey Street West from the intersection of Collie Street through to Carlisle Street.
  - Stage 2 goes from Carlisle Street through the bush above Princess Royal Drive providing a gentle gradient down to a crossing point to the east of the Frenchman Bay Road intersection. The route then crosses Princess Royal Drive and the railway line, continuing alongside the eastern side of Frenchman Bay Road to Woolstores Place where it joins up with the existing shared path which goes through to Little Grove.
5. Grant funds have been secured from the State Government through the Western Australia Bicycle Network (WABN) Grants Program to undertake the construction of Stage 1 in the 2017-18 financial year, and Stage 2 in 2018-19.
6. Design and specification documentation was prepared by the City of Albany to the stage of 'Issue for Tender'. The tender was open from 8 November to 29 November 2017.

## **DISCUSSION**

7. A total of 14 tender documents were issued by the City of Albany.
8. Two (2) completed tender documents were submitted on or before the stipulated closing date and time.

9. The tenderers were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below.

<b>Criteria</b>	<b>% Weighting</b>
Cost	40%
Relevant Experience	20%
Key Personnel Skills & Experience	10%
Tenderer's Resources	10%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
<b>Total</b>	<b>100%</b>

10. The following table summarises the top tenderers and their weighted scores:

<b>Tenderers</b>	<b>Weighted Score</b>
Tricoast Civil	644.31
Tenderer B	579.02

### **GOVERNMENT & PUBLIC CONSULTATION**

11. All relevant Government departments including the Department of Indigenous Affairs and SWALSC have been consulted on the project. There are no issues with stage 1 proceeding.
12. Stage 2 requires further consultation and is impacted by the future Ring Road alignment. The City will be better positioned to determine as to whether stage 2 should proceed once the timing for the Ring Road project can be established.
13. A request for tenders was published in the West Australian on Wednesday 8 November 2017 and the Albany Weekender on Thursday 9 November 2017.

### **STATUTORY IMPLICATIONS**

14. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more or worth more than \$150,000.
15. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
16. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

### **POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<b>People Health and Safety</b> <i>Interaction with motor vehicles and cyclists resulting in people being discouraged to cycle.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Progressively improve cycling infrastructure and explore funding opportunities.</i>
<b>Finance</b> <i>Non-compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Standard general conditions of contract protect the City by allowing for contract termination on the basis of failure to supply goods and services.</i>

**FINANCIAL IMPLICATIONS**

19. The value of this tender is in excess of \$500,000 and therefore the recommended tenderer requires approval from Council.
20. Grant funds have been secured from the State Government through the Western Australia Bicycle Network (WABN) Grants Program to complete these proposed works in the 2017/18 financial year. Funds have also been allocated in the 2017-18 budget.
21. The budget for the project is \$590,000 (ex GST) which is made up of Western Australia Bicycle Network (WABN) Grants Program (\$245,000) with the remainder coming from municipal funds.

**LEGAL IMPLICATIONS**

22. There are no legal implications associated with this item.

**ENVIRONMENTAL CONSIDERATIONS**

23. Some clearing of vegetation is proposed as part of this project. The alignment of the route has been designed to minimise the amount of clearing required.

**ALTERNATE OPTIONS**

24. Council can accept or reject tenders as submitted.

**CONCLUSION**

25. On reviewing the submissions, the evaluation team assessed Tricoast Civil as being the most suitable tenderer across the evaluation criteria in terms of cost, relevant experience, key personnel and experience, tenderer’s resources, demonstrated understanding and corporate social responsibility. Tricoast Civil is recommended to be awarded the Mount Elphinstone to CBD Cycle Link (Stage 1) contract.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government (Functions and General) Regulations 1995</i></li> <li>• Council Policy – Purchasing</li> <li>• Council Policy – Buy Local (Regional Price Preference)</li> </ul>
<b>File Number (Name of Ward)</b>	:	C17029 (Frederickstown Ward)
<b>Previous Reference</b>	:	N/A

**DIS073: DOGS IN PUBLIC PLACES POLICY**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Dogs in Public Places Policy
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson) Acting Manager City Reserves (J Freeman)
<b>Responsible Officer</b>	: Executive Director Infrastructure & Environment (M Thomson)

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

- The *City of Albany Dog Local Law 2017* comes into effect on the 23 December 2017.
- A policy position is required to administer dog control under the *Dog Act 1976*.

**RECOMMENDATION**

**DIS073: RESOLUTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR TERRY**

**SECONDED: COUNCILLOR MOIR**

**THAT Council:**

- (1) **ADOPT** the **DOG IN PUBLIC PLACES POLICY** (*current existing dog exercise and prohibited areas previously administered under the City of Albany Animal Local Law 2001*).
- (2) **NOTE** the Dogs in Public Places Policy is administered under the *Dog Act 1976*.

**CARRIED 13-0  
ABSOLUTE MAJORITY**

**BACKGROUND**

2. At the Ordinary Council meeting held on 31 October 2017, Council resolved to adopt the City of Albany Dog Local Law 2017.

**DISCUSSION**

3. Post adoption of the local law, Dog exercise and prohibited areas must be determined by a Council policy position in accordance with the *Dog Act 1976*.
4. An interim policy position is required to administer dog control under the *Dog Act 1976*.

**GOVERNMENT & PUBLIC CONSULTATION**

5. Future changes to existing dog exercise and prohibited areas will require 28 days' notice.

**STATUTORY IMPLICATIONS**

6. Section 31 of the *Dog Act 1976* states, in part: “(2B) A local government may, by **absolute majority** as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —
- (a) at all times; or  
(b) at specified times.”

**POLICY IMPLICATIONS**

7. Not applicable.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Community Health &amp; Safety.</b> An interim policy position is required to administer dog control under the <i>Dog Act 1976</i> .	Possible	Major	Medium	Adopt the interim policy position to ensure the communities’ expectation to be kept safe from dog hazards can be enforced.

**FINANCIAL IMPLICATIONS**

9. Nil.

**LEGAL IMPLICATIONS**

10. The *Dog Act 1976* prescribes the procedures, which are detailed under the legal implications section of the report.
11. Any future changes to the existing dog exercise and prohibited areas will require 28 days’ notice.

**ENVIRONMENTAL CONSIDERATIONS**

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

**CONCLUSION**

13. It is recommended that Council ADOPT the Responsible Officer Recommendation.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions &amp; General) Regulations 1996</i></li> <li>• <i>City of Albany Animal Local Law 2001</i></li> <li>• <i>City of Albany Dog Local Law 2017</i></li> <li>• <i>Dog Act 1976</i></li> <li>• <i>Dog Regulation 2013</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 31/10/2017 Resolution DIS053.

**14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

CCS023: Financial Activity Statement-November 2017

**15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil.**

**16. REPORTS OF CITY OFFICERS Nil**

**17. MEETING CLOSED TO PUBLIC Nil.**

**18. CLOSURE**

There being no further business the Mayor declared the meeting closed at **7.02pm**



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Dennis W Wellington  
**MAYOR**

**TABLED ADDRESS BY MS LILY DORE**

Residents of Grey Street West met with Andrew Greenwood, senior engineer with the City of Albany, on 29/11/2017, to discuss their concerns related to the cycle path which is to run along Grey Street West. The residents first learnt of this path by reading an article in the Weekender, November 16, 2017, and have several concerns, so requested a meeting with Mr Greenwood. This was the first time the residents have had any input to voice their concerns, as there had never been any consultation with them. Concerns which were raised with Mr Greenwood were

**Safety**

Grey Street West is a major route into the CBD, is very busy and is used by cars, school buses, tour buses, cars, bikes, cars with caravans, cars with boats on trailers and trade vehicles, and is set to become much busier with the flow of traffic from Hanrahan Road, when the ring road is completed.

The intersection at the corner of grey street West and Parade Street is very hazardous, and is recognised as a “black spot”. The residents have witnessed several accidents, and it is very fortunate that there have been no fatalities that we are aware of, to date. Concentrating all the parking on the south side of Grey Street West, as planned, will have a further detrimental effect. When the bays on the south side are full it is impossible for drivers heading north on parade Street to see traffic coming from town. Despite signage being increased and improved, it is often ignored, especially by vehicles travelling south on Parade street. Bringing cyclists into the mix does not seem to be the sensible way to go.

Cars tend to travel quickly down Grey Street West

Traffic is congested at peak hours.

Residents on the south side of Grey Street West reported poor visibility when exiting their driveways when all the parking bays are full, which will be all the time if the parking is removed from the north side.

Residents will need to put their bins either on the cycle path or on the road. Either option presents a hazard.

Mr Greenwood was asked whether a safety committee was involved in the planning of the cycle path, and his response was “no”.

**Parking**

The parking bays are to be removed from the north side of Grey Street West to make a path for cyclists. This will leave 14 bays for 17 properties. Council say they have monitored the area and 14 bays are sufficient. Parking is, however, spasmodic and irregular, and there are times when it is difficult to find a parking spot. Irregular, but frequent visits to properties by tradespeople, mowing and gardening contractors, visits by silver Chain and other home care providers tend to fill quite a number of bays. In addition, the bays nearest to town are often used by shoppers and tourists, who also park cars with caravans and boats on trailers. The permanent detrimental effect on access and service to our properties seems a high price to pay to accommodate a few cyclists.

**Suggestions**

At the meeting we raised the question of rerouting the path along the foreshore. Our contention was that the foreshore route would connect, via the port, to the pathways from Emu Point. It would also provide a continuous flow, not interrupted by streets. Mr Greenwood said this route had been considered, but had been dismissed due to road train traffic. Contrast this with South Perth, where

**TABLED ADDRESS BY MS LILY DORE**

the most popular cycle track runs along the freeway. Similar barriers could be erected to provide separation.

Roundabout at the intersection of Grey Street West and Parade Street, to reduce or eliminate accidents, by slowing down traffic.

Reduce speed in Grey Street West to 40kmh

Retain existing parking and remove "islands", which increase the hazard risk.

Make Grey Street West a one way street.

Residents are very concerned regarding the safety of pedestrians, cyclists and motorists, with the existing plans, and are seeking a safer option

Residents are in favour of a bike path

Residents are very disappointed at the lack of consultation with them.

As this letter is being written it is 11.40 Wednesday morning and there are 15 cars parked on grey Street West, and it is not holiday time. This is one more car than the number of bays that will be available if this bike path goes ahead.

Residents would like to meet with decision makers to express their concerns, and request that no work on this bike path does not commence prior to this consultation.

Please advise how this consultation can occur.

Yours sincerely

Lily Dore

Tony Dore

Frank O'donnell

Irene Moran

Bob Whalley

Sally-Anne Scott

Sue White

Karen Herlihy

John Herlihy

Allan Thompson

David Mellor

Meredith Mayer

Pat Davis

Maurice Davis