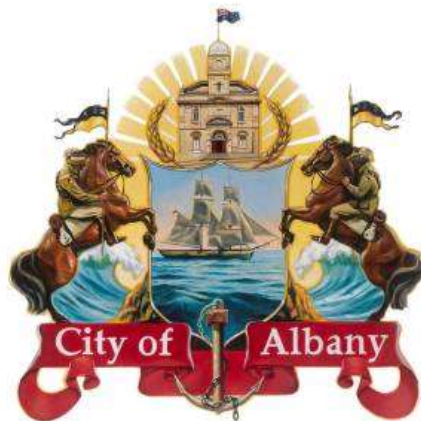




MINUTES

Ordinary Meeting of Council

Tuesday 23 July 2019

6.00pm

City of Albany Council Chambers

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



ORDINARY COUNCIL MEETING
MINUTES 23/07/2019

TABLE OF CONTENTS

Item	Details	Pg#
1.	DECLARATION OF OPENING	3
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	3
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	3
4.	DISCLOSURES OF INTEREST	4
5.	REPORTS OF MEMBERS	4
6.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE –Response to Questions Taken on Notice from Mr John Boon	4
7.	PUBLIC QUESTION TIME	5
8.	APPLICATIONS FOR LEAVE OF ABSENCE	5
9.	PETITIONS AND DEPUTATIONS	5
10.	CONFIRMATION OF MINUTES	5
11.	PRESENTATIONS	5
12.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	5
	MINUTES AND RECOMMENDATIONS OF COMMITTEES	
CCS	Corporate and Community Services Committee	
CCS163	FINANCIAL ACTIVITY STATEMENT-MAY 2019	6
CCS164	LIST OF ACCOUNTS FOR PAYMENT-JUNE 2019	8
CCS165	DELEGATED AUTHORITY REPORTS	10
CCS166	CUSTOMER SERVICE CHARTER	11
CCS167	2019-20 BUDGET ADOPTION	15
DIS	Development and Infrastructure Services Committee	
DIS169	PROPOSED HOLIDAY ACCOMMODATION-13-17 CUTHBERT STREET, ALBANY WA	26
DIS170	CONTAINER DEPOSIT SCHEME INFRASTRUCTURE POLICY	35
DIS171	PLANNING AND BUILDING REPORTS-JUNE 2019	39
LEMC	Local Emergency Management Committee	
LEMC019	RECEIVE THE CONFIRMED MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE-MARCH 2019	40
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	41
15.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	41
16.	REPORTS OF CITY OFFICERS Nil	41
17.	MEETING CLOSED TO PUBLIC	41
18.	CLOSURE	41

1. DECLARATION OF OPENING

The Mayor declared the meeting open at 6.00pm

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward

R Hammond

Breaksea Ward

P Terry

Frederickstown Ward

G Stocks (Deputy Mayor)

Frederickstown Ward

R Stephens

Kalgan Ward

B Hollingworth

Kalgan Ward

E Doughty

Vancouver Ward

J Shanhun

West Ward

A Goode JP

West Ward

S Smith

Yakamia Ward

A Moir

Yakamia Ward

R Sutton

Staff:

Acting Chief Executive Officer

S Kay

Acting Executive Director Corporate Services

D Olde

Acting Executive Director Development
Services

J Van Der Mescht

Executive Director Infrastructure
& Environment

P Camins

Meeting Secretary

J Williamson

Apologies:

Vancouver Ward

T Sleeman (Apology)

Chief Executive Officer

A Sharpe (Apology)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Smith	DIS169	Impartiality. The nature of the interest being that Councillor Smith owns and operates holiday accommodation in Albany. Councillor Smith remained in the Chamber and participated in the discussion and vote for this item.
Councillor Moir	DIS170	Impartiality. The nature of the interest being that Councillor Moir is a member of the Container Deposit Scheme Policy Forum. Councillor Moir remained in the Chamber and participated in the discussion and vote for this item.

5. REPORTS OF MEMBERS

6.01pm Councillor Terry

Summary of key points:

- Attended the celebration held by Southern Aboriginal Corporation for the purchase of land for a cultural centre.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Council Meeting held on Tuesday 25 June 2019, Mr John Boon asked the following questions which were taken on notice. Responses to those questions are provided by the Executive Director Development Services in italics.

Mr Boon's neighbour has been fined for non-compliance with conditions as part of a Development Approval, and the neighbour is now appealing to the State Administrative Tribunal for a modification of these conditions. Mr Boon asked if this meant that the conditions would be removed, and that the conditions would not be enforced by the City if the conditions were removed or modified by the SAT. Mr Boon is concerned that if conditions were reconsidered at SAT, that he would have no third party right of appeal.

The Development Application was approved under delegation to City staff and did not require referral to Council for approval. It is the City's role as the decision maker to apply conditions which the planning test of reasonableness. The owner of the land has the ability to apply to the City to remove or vary conditions of the development approval as per their rights under Planning Regulations 2015.

Such a variation at this stage is not done through the State Administrative Tribunal (SAT). If the City were to refuse an application to remove or vary conditions, that refusal could then be appealed through the SAT.

The action of an applicant applying to remove or vary a condition, and the City's consideration of this request, does not mean that the original conditions applied were wrong. As the decision maker, the City is required to consider such a request on its merits, and take into consideration any new information or justification provided as part of the assessment process.

The planning system clearly separates the process of enforcement and dealing with requests to remove or alter planning conditions. They are dealt with as separate matters.

In this case, it is noted that the compliance action may have provided an opportunity for the applicant to consider their options under the regulations, and request the City to remove or alter a condition of approval.

Where there has been breaches of planning and development controls, or where development has been carried out without the appropriate approval, the City considers a range of options and unapproved development may not be automatically deemed unacceptable.

If the unapproved development can be considered for approval, the landowner is given the opportunity to apply for approval for the unapproved development. The application for approval is considered by an assessment and determination process, and may be either refused, approved or approved subject to conditions.

7. PUBLIC QUESTION TIME

6.06pm Mr John O'Dea, Yakamia

Summary of key points:

- Addressed Council regarding the Hudson Road and Chester Pass Road intersection, and urged Councillors to become more in touch with the community and the issues residents are facing.

6.11pm Ms Val Green

Summary of key points:

- Ms Green asked Councillors if they were aware of the recent article in the West Australian newspaper regarding local government.

6.12pm Mr Lester Coyne

Summary of key points:

- Mr Coyne spoke in support of DIS169: Proposed Holiday Accommodation-13-17 Cuthbert Street, Albany.

6.14pm Ms Robyn Clancy, 26 Cuthbert Street, Albany

Summary of key points:

- Ms Clancy addressed Council regarding compliance issues for DIS169: Proposed Holiday Accommodation-13-17 Cuthbert Street, Albany.

6.19pm Ms Margaret Gibson, Cuthbert Street, Albany

Summary of key points:

- Addressed Council as the proponent of the holiday accommodation proposed for 13-17 Cuthbert Street Albany.

6.23pm Mr Alan Clancy, Cuthbert Street, Albany

Summary of key points:

- Mr Clancy addressed Council regarding compliance issues with the proposed holiday accommodation at 13-17 Cuthbert Street, Albany.

There being no further speakers, the Mayor declared Public Question Time closed at 6.27pm.

8. APPLICATIONS FOR LEAVE OF ABSENCE Nil

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

Moved: Councillor Goode

Seconded: Councillor Moir

THAT the minutes of the Ordinary Council Meeting held on 25 June 2019, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 12-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS163: FINANCIAL ACTIVITY STATEMENT – MAY 2019

Proponent	: City of Albany
Attachments	Statement of Financial Activity
Report Prepared by	: Acting Manager Finance (S Van Nierop)
Responsible Officer	: Acting Executive Director Corporate Services (D Olde)

RECOMMENDATION

CCS163: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TERRY

THAT the Financial Activity Statement for the period ending 31 May 2019 be RECEIVED.
CARRIED 12-0

CCS163: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.
CARRIED 10-0

CCS163: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 May 2019 be RECEIVED.

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 May 2019 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

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

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 May 2019 has been incurred in accordance with the 2018/19 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.7 - All Wards
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CCS164: LIST OF ACCOUNTS FOR PAYMENT – JUNE 2019

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Acting Manager Finance (S Van Nierop)
Responsible Officers: : Acting Executive Director Corporate Services (D Olde)

RECOMMENDATION

CCS164: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SHANHUN

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2019 totalling \$6,234,914.28 be RECEIVED.
CARRIED 12-0

CCS164: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS164: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2019 totalling \$6,234,914.28.

BACKGROUND

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

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 June 2019. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$26,020.00
Credit Cards	\$26,955.69
Payroll	\$1,568,779.03
Cheques	\$79,640.91
Electronic Funds Transfer	\$4,533,518.65
TOTAL	<u>\$6,234,914.28</u>

As at 15 June 2019, the total outstanding creditors stands at \$573,457.23 and is made up as follows:-

Current	\$258,189.23
30 Days	\$316,909.67
60 Days	\$1,858.10
90 Days	-\$3,499.87
TOTAL	<u>\$573,457.23</u>
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CCS165: DELEGATED AUTHORITY REPORTS – MAY TO JUNE 2019

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

RECOMMENDATION

CCS165: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR SUTTON

THAT the Delegated Authority Reports 16 May 2019 to 15 June 2019 be RECEIVED.

CARRIED 12-0

CCS165: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS165: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 May 2019 to 15 June 2019 be RECEIVED.

CCS166: CUSTOMER SERVICE CHARTER

Business Entity Name	: City of Albany
Attachments	: Customer Service Charter
Report Prepared By	: Executive Director Community Services (S Kay)
Responsible Officers:	: Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership
 - **Objective:** 1.2 To provide strong, accountable leadership supported by a skilled & professional workforce.
 - **Community Priority:** Develop contemporary service delivery and staff development programs to ensure a professional and resilient workforce which is continually improving.

In Brief:

- The purpose of this report is to present an updated Customer Service Charter for endorsement by Committee and Council for release for community feedback.
- Over the past 12 months City officers as part of an internal working group have reviewed and updated the Customer Service Charter and associated documents.
- The Customer Service Charter is now ready for community feedback and will be refined as required based on comments received.

RECOMMENDATION

CCS166: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR DOUGHTY

THAT:

1. **The Draft City of Albany Customer Service Charter for community feedback be ENDORSED; and**
2. **Pending no critical objections being received during the feedback period, the City of Albany Customer Service Charter be ADOPTED.**

CARRIED 12-0

CCS166: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR HOLLINGWORTH

THE Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS166: RESPONSIBLE OFFICER RECOMMENDATION

THAT:

1. The Draft City of Albany Customer Service Charter for community feedback be **ENDORSED**; and
2. Pending no critical objections being received during the feedback period, the City of Albany Customer Service Charter be **ADOPTED**.

BACKGROUND

2. The current City of Albany customer service policies and procedures are due for review.
3. The Chief Executive Officer Key Performance Indicators for 2018-2019 also included a review of customer service standards.
4. The review provided an opportunity for City staff to determine how they would like to see the City's customer service documentation and processes improved. An internal working group was established to support the review and processes to develop a suite of documents to support best practice customer services.
5. A review framework was created based on broad themes and the plans were endorsed by the working group and supported by the Executive Management Team in March 2018.
6. Internal engagement sessions were conducted with staff to review current documents to identify improvements, and feedback was streamlined from representatives on the working group.
7. City staff presented to Council at its Strategic workshop in December 2018 on the Customer Service Charter's intent and gained guidance from Council.
8. The City has now progressed the Customer Service Charter and associated operational documents as below to design stage.
 - a. Complaints Management Policy
 - b. Managing Challenging Behaviours Guideline
 - c. Customer Service Handbook
9. The City now wishes to progress the Customer Service Charter to review by external customers via a panel of interested community members and public comment.

DISCUSSION

10. The internal working group explored the following elements of customer service: Policy & Procedures, Induction and Training, Service Level Standards, and System Improvements.
11. Stage 1 of the project has addressed Service Level Standards and Policy & Procedures. Stage 2 will review and address Induction and Training as well as System Improvements.
12. The working group actioned the following:
 - a. Invited internal working group members from all directorates;
 - b. Gathered evidence on current customer service practices;
 - c. Reviewed and identified best practice and local government exemplars such as City of Melville and Victorian Ombudsman;
 - d. Sought feedback from staff regarding what needed to be improved; and
 - e. Staff workshop facilitated by an external provider to refine the customer service survey tool.

13. The key elements of the Customer Service Charter has been focused on:
- Our values, commitment and responsibilities;
 - Customer role and responsibilities;
 - Service level standards – key performance indicators – responses times;
 - Behaviour; and
 - Customer Feedback.
14. Customer Service Charters exist in many other local governments, government agencies and business. The City of Albany like most businesses, know that our success lies in the delivery of quality services to our community. As such, the Charter sets out our commitment to provide our customers with the service they can expect, as well as guiding staff with information to meet expectations.

GOVERNMENT & PUBLIC CONSULTATION

15. Consultation with City staff has taken place throughout the review period at monthly working group meetings, and engaged during team meetings through the representative group.
16. The community will be consulted, once endorsed by Council, through a public comment period and invited to attend a consultation session.

STATUTORY IMPLICATIONS

17. Nil

POLICY IMPLICATIONS

18. The new suite of documents replaces the following documents:
- Customer Service Commitment and Complaints Resolution Policy & Procedure 2017 (NF1224732_2)
 - Dealing with Difficult Customers Policy 2017 (NP1766636)
 - Customer Service Communication Guide 2014 (NG084405_2)

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation and Reputation. <i>Risk: There is a risk that by not establishing clear customer service guidelines the organisation will be inconsistent in its delivery of excellent customer service. This would be measured in the Community Perception Survey.</i>	Possible	Moderate	Medium	<i>If the proposed policy is not endorsed, staff will review and address areas of concern, and return the document to Council amended</i> <i>Staff inductions to include drafted policy and procedures and training with follow up on endorsed policy.</i>
Opportunity: Consistency and understanding of rules for both councillors and staff that relate to the standard of customer services expected of the organisation and community.				

FINANCIAL IMPLICATIONS

20. Cost for printing of new publications and communication of the Customer Service Charter will be approximately \$3000.

LEGAL IMPLICATIONS

21. Nil

ENVIRONMENTAL CONSIDERATIONS

22. Nil

ALTERNATE OPTIONS

23. Do not endorse the Customer Service Charter for community feedback.

CONCLUSION

24. City staff have reviewed and developed a revised Customer Service Charter and suite of associated documents, reviewed on a two yearly basis. The Customer Service Charter provides a commitment by the City of Albany to provide quality customer service at all times and to provide staff clear standards to strive for in service excellence.
25. Following Committee review the City wishes to release the Customer Service Charter for community feedback.

Consulted References	:	<i>City of Albany Customer Service Commitment and Complaints Resolution Policy and Procedure 2017</i> <i>City of Albany Dealing with Difficult Customers Policy 2017</i> <i>City of Albany Customer Service Communication Guide 2014</i> <i>Victorian Ombudsman Good Practice Guide to Dealing with Challenging Behaviour Report and Guide May 2018</i> <i>City of Melville Customer Service “The Melville Way”</i>
File Number (Name of Ward)	:	All
Previous Reference	:	Nil

CCS167: 2019-20 BUDGET ADOPTION

Proponent	: City of Albany
Attachments	: Draft 2019-20 Budget Documents
Report Prepared by	: Business Analyst/Management Accountant (D Harrison)
Responsible Officer	: Chief Executive Officer (A Sharpe) Acting Executive Director Corporate Services (D Olde)

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.** Leadership.
 - **Aspiration: 1.1** To establish and maintain sound business and governance structures.
 - **Community Priority: 5.1.2** Develop informed and transparent decision making processes that meet our legal obligations, reflect the level of associated risk and are adequately explained to community.
2. This proposed budget aligns with the City's Corporate Business Plan, which aligns with the City's:
 - 10 Year Financial Plan;
 - Asset Management Plans; and
 - Work Force Development Plan (People Strategy).

In Brief:

- Approve the 2019/20 budget, noting that the proposed budget is a result of a series of elected member and staff workshops.

RECOMMENDATION

CCS167: RESOLUTION 1

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR DOUGHTY

SECONDED: COUNCILLOR TERRY

THAT Council ADOPT the following municipal rates in the dollar on unimproved values and gross rental valuations for the 2019/2020 financial year:

- (1) Rating Category 1 – GRV General
 - The General Rate on Gross Rental Values for the 2019/2020 financial year on Rating Category (1) including all GRV rateable land be 10.3152 cents in the dollar.
- (2) Rating Category 3 – UV
 - The General Rate on current unimproved values for the 2019/2020 financial year on Rating Category (3) including all UV rateable land be 0.4219 cents in the dollar.
- (3) Minimum Rate
 - The Minimum Rate for Rating Category 1 – GRV General rateable properties within the City of Albany will be \$1,051.00
 - The Minimum Rate for Rating Category 3 – UV rateable properties within the City of Albany will be \$1,136.00

CARRIED 10-2
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillors Goode and Shanhun

CCS167: RESOLUTION 2

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR MOIR

SECONDED: COUNCILLOR TERRY

THAT Council APPROVES the following Refuse Collection and Recycling charges for the City of Albany (including general refuse collection, bulk green waste & hard waste collection, collection of recyclables and green waste) be adopted for the 2019/2020 financial year:

(1) Residential Services

- | | |
|-------------------------------------|-------------|
| • Full Domestic Refuse Service | \$350.00 |
| • Refuse Collection 140 Ltr MGB | Weekly |
| • Recycling Collection 240 Ltr MGB | Fortnightly |
| • Green Waste Collection 240Ltr MGB | Monthly |

(2) Additional Services

Additional Services (Maximum of One) with a full domestic rubbish service.

- | | |
|---|---------------------|
| • Refuse Collection 140 Ltr MGB (Inc GST) | Weekly \$94.50 |
| • Recycling Collection 240 Ltr MGB (Inc GST) | Fortnightly \$45.00 |
| • Green Waste Collection 240Ltr MGB (Inc GST) | Monthly \$45.00 |

(3) Waste Facilities Maintenance Rate (Section 66(1) Waste Avoidance and Resource Recovery Act 2007)

In addition to the full domestic refuse service the City will be raising an annual rate under section 66(1) of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) and, in accordance section 66(3) of the WARR Act, apply the minimum payment provisions of section 6.35 of the *Local Government Act 1995*. The rate is proposed to be called the 'Waste Facilities Maintenance Rate'. The minimum payment will be \$56.

The proposed rates are:

- GRV General Properties – Rate in the dollar: 0.01 Cents, minimum \$56.00
- UV General Properties – Rate in the dollar: 0.0022 Cents, minimum \$56.00

**CARRIED 11-1
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillor Goode

CCS167: RESOLUTION 3

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR STEPHENS

SECONDED: COUNCILLOR SMITH

THAT Council ADOPTS:

(1) Pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the Municipal and Trust Fund Budgets as contained in the Attachment to this agenda and the minutes, for the City of Albany for the 2019/2020 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page (v) showing a net result for that year of \$10,124,133
- Statement of Comprehensive Income by Program on page (vi) showing a net result for that year of \$10,124,133
- Statement of Cash Flows showing cash & cash equivalents at year end of \$25,332,632 on page (vii)
- Rate Setting Statement on page (viii) showing an amount required to be raised from rates of \$38,407,518
- Notes to and Forming Part of the Budget on pages (1 to 58)
- Fees and Charges and Capital Works Schedule as detailed on pages (59 to 97)
- Transfers to / from Reserve Accounts as detailed in pages (43 to 48)

- (2) Pursuant to section 6.11 of the *Local Government Act 1995*, maintain the following reserves (noting the purpose of each reserve detailed in page 43 to 48 of the budget):
- Airport Reserve
 - Albany Entertainment Centre
 - Albany Heritage Park Infrastructure Reserve
 - Albany Leisure And Aquatic Centre – Synthetic Surface “Carpet”
 - Albany Town Hall Reserve
 - Bayonet Head Infrastructure Reserve
 - Building Restoration Reserve
 - Capital Seed Funding for Sporting Clubs
 - Centennial Park Stadium and Pavilion Renewal Reserve
 - Cheyne Beach Reserve
 - City of Albany General Parking Reserve
 - Coastal Management Reserve
 - Debt Management Reserve
 - Destination Marketing & Economic Development Reserve
 - Emu Point Boat Pens Development Reserve
 - Great Southern Contiguous Local Authorities Group
 - Information Technology Reserve
 - Land Acquisition Reserve
 - Master Plan Funding Reserve
 - National Anzac Centre Reserve
 - Parks and Recreation Grounds
 - Plant & Equipment Reserve
 - Prepaid Rates Reserve
 - Refuse Collection & Waste Minimisation Reserve
 - Roadworks & Drainage Reserve
 - Developer Contributions (Non Current) Reserve
 - Unspent Grants Reserve
 - Waste Management Reserve

CARRIED 11-1
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillor Goode

CCS167: RESOLUTION 4

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR HOLLINGWORTH

SECONDED: COUNCILLOR DOUGHTY

THAT Council APPROVES the due dates for payment of Rates and Rubbish Collection Charges for 2019/2020 be as follows:

- (1) Pay rates in full 11th September 2019.
- (2) Pay by two instalments:
 - (a) First Instalment Payment 11th September 2019; and
 - (b) Second Instalment: 13th January 2020.
- (3) Pay by four instalments:
 - (a) First Instalment Payment 11th September 2019;
 - (b) Second Instalment: 11th November 2019;
 - (c) Third Instalment: 13th January 2020; and
 - (d) Fourth Instalment: 13th March 2020.

CARRIED 11-1
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillor Goode

CCS167: RESOLUTION 5
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SMITH

THAT pursuant to the *Local Government Act 1995*, Council **APPROVES** the following Rates and Charges to provide for Administration and Interest Charges on Rating, Rubbish, Waste Recycling and General Debtor Collection charges during the 2019/2020 financial year:

- (1) **Instalment Plan Administration Fee**
An Instalment Plan Administration fee of \$6.50 for the second and each subsequent instalment notice issued will apply for rates and rubbish collection charges.
- (2) **Late Payment Interest Charge**
A charge on outstanding rates and rubbish collection accounts (including amounts owed on ad hoc Payment Plans) of 11% will be calculated daily at 0.0301% on a simple interest basis for the number of days from the account due date until the day prior to the day on which the payment is received.
- (3) **Instalment Plan Interest Charge**
An interest rate of 5.5% will be calculated on a daily basis at 0.0151% by simple interest basis from the due date of the first instalment as shown on the rate notice to the due date of each respective instalment.
- (4) **Late Payment Interest Charge (Excluding Rates & Charges)**
A charge of 11% interest, calculated on a simple interest basis for the number of days outstanding, may apply on unpaid debts (other than rates and rubbish collection charges) outstanding 35 days from the date of invoices raised after 1 July 2019.
In respect to the Late Payment Interest Charge on rates and charges, the method of calculating the interest charge is on the daily balance outstanding.
- (5) **Waivers**
Where a small balance remains on a property assessment due to circumstances such as a delay in the receipt of mail payments or monies from property settlements and additional daily interest has accumulated, amounts outstanding of \$5.00 and under will be waived, as it is not considered cost effective or equitable to recover from the new property owner. Estimated loss of revenue from this waiver is \$1,100.

CARRIED 11-1
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillor Goode

CCS167: RESOLUTION 6
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR STEPHENS

THAT Council **APPROVES** the Schedule of Fees and Charges (which forms part of the 2019/2020 Budget) be adopted effective from 24th July 2019.

CARRIED 11-1
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillor Goode

CCS167: RESOLUTION 7
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council SETS the Elected Member Sitting Fees and Allowances as prescribed by the *Local Government (Administration) Regulations 1996* per annum, being:

- (1) Councillor Meeting Attendance Fee: \$31,678**
- (2) Mayoral Meeting Attendance Fee: \$47,516**
- (3) Councillor and Mayoral ICT Allowance: \$3,500**
- (4) Annual Travel and Accommodation Allowance (allowable claims in excess of this allowance will be reimbursed): \$50**
- (5) Total Mayoral Allowance is: \$89,753**
- (6) Deputy Mayoral Allowance: \$22,439 - being 25% of the Mayoral Allowance.**

CARRIED 11-1
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillor Goode

CCS167: RESOLUTION 8
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DOUGHTY

THAT Council APPROVES a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2019/2020.

CARRIED 11-1
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillor Goode

CCS167: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR SUTTON
SECONDED: MAYOR WELLINGTON

THAT Responsible Officer Recommendation 1 be ADOPTED.

CARRIED 9-1

Record of Vote

Against the Motion: Councillor Goode

CCS167: COMMITTEE RECOMMENDATION 2

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR SMITH

THAT Responsible Officer Recommendation 2 be ADOPTED.

CARRIED 9-1

Record of Vote

Against the Motion: Councillor Goode

CCS167: COMMITTEE RECOMMENDATION 3

MOVED: COUNCILLOR DOUGHTY

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation 3 be ADOPTED.

CARRIED 9-1

Record of Vote

Against the Motion: Councillor Goode

CCS167: COMMITTEE RECOMMENDATION 4

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR DOUGHTY

THAT Responsible Officer Recommendation 4 be ADOPTED.

CARRIED 9-1

Record of Vote

Against the Motion: Councillor Goode

CCS167: COMMITTEE RECOMMENDATION 5

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR MOIR

THAT Responsible Officer Recommendation 5 be ADOPTED.

CARRIED 9-1

Record of Vote

Against the Motion: Councillor Goode

CCS167: COMMITTEE RECOMMENDATION 6

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR SMITH

THAT Responsible Officer Recommendation 6 be ADOPTED.

CARRIED 9-1

Record of Vote

Against the Motion: Councillor Goode

CCS167: COMMITTEE RECOMMENDATION 7

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR DOUGHTY

THAT Responsible Officer Recommendation 7 be ADOPTED.

CARRIED 9-1

Record of Vote

Against the Motion: Councillor Goode

CCS167: COMMITTEE RECOMMENDATION 8

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR SMITH

THAT Responsible Officer Recommendation 8 be ADOPTED.

CARRIED 9-1

Record of Vote

Against the Motion: Councillor Goode

CCS167: RESPONSIBLE OFFICER RECOMMENDATION 1

THAT Council ADOPT the following municipal rates in the dollar on unimproved values and gross rental valuations for the 2019/2020 financial year:

(1) Rating Category 1 – GRV General

- The General Rate on Gross Rental Values for the 2019/2020 financial year on Rating Category (1) including all GRV rateable land be 10.3152 cents in the dollar.

(2) Rating Category 3 – UV

- The General Rate on current unimproved values for the 2019/2020 financial year on Rating Category (3) including all UV rateable land be 0.4219 cents in the dollar.

(3) Minimum Rate

- The Minimum Rate for Rating Category 1 – GRV General rateable properties within the City of Albany will be \$1,051.00
- The Minimum Rate for Rating Category 3 – UV rateable properties within the City of Albany will be \$1,136.00

CCS167: RESPONSIBLE OFFICER RECOMMENDATION 2

THAT Council APPROVES the following Refuse Collection and Recycling charges for the City of Albany (including general refuse collection, bulk green waste & hard waste collection, collection of recyclables and green waste) be adopted for the 2019/2020 financial year:

(1) Residential Services

- | | |
|-------------------------------------|-------------|
| • Full Domestic Refuse Service | \$350.00 |
| • Refuse Collection 140 Ltr MGB | Weekly |
| • Recycling Collection 240 Ltr MGB | Fortnightly |
| • Green Waste Collection 240Ltr MGB | Monthly |

(2) Additional Services

Additional Services (Maximum of One) with a full domestic rubbish service.

- | | |
|---|---------------------|
| • Refuse Collection 140 Ltr MGB (Inc GST) | Weekly \$94.50 |
| • Recycling Collection 240 Ltr MGB (Inc GST) | Fortnightly \$45.00 |
| • Green Waste Collection 240Ltr MGB (Inc GST) | Monthly \$45.00 |

(3) Waste Facilities Maintenance Rate (Section 66(1) Waste Avoidance and Resource Recovery Act 2007)

In addition to the full domestic refuse service the City will be raising an annual rate under section 66(1) of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) and, in accordance section 66(3) of the WARR Act, apply the minimum payment provisions of section 6.35 of the *Local Government Act 1995*. The rate is proposed to be called the 'Waste Facilities Maintenance Rate'. The minimum payment will be \$56.

The proposed rates are:

- GRV General Properties – Rate in the dollar: 0.01 Cents, minimum \$56.00
- UV General Properties – Rate in the dollar: 0.0022 Cents, minimum \$56.00

CCS167: RESPONSIBLE OFFICER RECOMMENDATION 3

THAT Council ADOPTS:

- (1) Pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the Municipal and Trust Fund Budgets as contained in the Attachment to this agenda and the minutes, for the City of Albany for the 2019/2020 financial year which includes the following:
- Statement of Comprehensive Income by Nature and Type on page (v) showing a net result for that year of \$10,124,133
 - Statement of Comprehensive Income by Program on page (vi) showing a net result for that year of \$10,124,133
 - Statement of Cash Flows showing cash & cash equivalents at year end of \$25,332,632 on page (vii)
 - Rate Setting Statement on page (viii) showing an amount required to be raised from rates of \$38,407,518
 - Notes to and Forming Part of the Budget on pages (1 to 58)
 - Fees and Charges and Capital Works Schedule as detailed on pages (59 to 97)
 - Transfers to / from Reserve Accounts as detailed in pages (43 to 48)
- (2) Pursuant to section 6.11 of the *Local Government Act 1995*, maintain the following reserves (noting the purpose of each reserve detailed in page 43 to 48 of the budget):
- Airport Reserve
 - Albany Entertainment Centre
 - Albany Heritage Park Infrastructure Reserve
 - Albany Leisure And Aquatic Centre – Synthetic Surface “Carpet”
 - Albany Town Hall Reserve
 - Bayonet Head Infrastructure Reserve
 - Building Restoration Reserve
 - Capital Seed Funding for Sporting Clubs
 - Centennial Park Stadium and Pavilion Renewal Reserve
 - Cheyne Beach Reserve
 - City of Albany General Parking Reserve
 - Coastal Management Reserve
 - Debt Management Reserve
 - Destination Marketing & Economic Development Reserve
 - Emu Point Boat Pens Development Reserve
 - Great Southern Contiguous Local Authorities Group
 - Information Technology Reserve
 - Land Acquisition Reserve
 - Master Plan Funding Reserve
 - National Anzac Centre Reserve
 - Parks and Recreation Grounds
 - Plant & Equipment Reserve
 - Prepaid Rates Reserve
 - Refuse Collection & Waste Minimisation Reserve
 - Roadworks & Drainage Reserve
 - Developer Contributions (Non Current) Reserve
 - Unspent Grants Reserve
 - Waste Management Reserve

CCS167: RESPONSIBLE OFFICER RECOMMENDATION 4

THAT Council APPROVES the due dates for payment of Rates and Rubbish Collection Charges for 2019/2020 be as follows:

- (1) Pay rates in full 11th September 2019.
- (2) Pay by two instalments:
 - (a) First Instalment Payment 11th September 2019; and
 - (b) Second Instalment: 13th January 2020.
- (3) Pay by four instalments:
 - (a) First Instalment Payment 11th September 2019;
 - (b) Second Instalment: 11th November 2019;
 - (c) Third Instalment: 13th January 2020; and
 - (d) Fourth Instalment: 13th March 2020.

CCS167: RESPONSIBLE OFFICER RECOMMENDATION 5

THAT pursuant to the *Local Government Act 1995*, Council APPROVES the following Rates and Charges to provide for Administration and Interest Charges on Rating, Rubbish, Waste Recycling and General Debtor Collection charges during the 2019/2020 financial year:

(1) Instalment Plan Administration Fee

An Instalment Plan Administration fee of \$6.50 for the second and each subsequent instalment notice issued will apply for rates and rubbish collection charges.

(2) Late Payment Interest Charge

A charge on outstanding rates and rubbish collection accounts (including amounts owed on ad hoc Payment Plans) of 11% will be calculated daily at 0.0301% on a simple interest basis for the number of days from the account due date until the day prior to the day on which the payment is received.

(3) Instalment Plan Interest Charge

An interest rate of 5.5% will be calculated on a daily basis at 0.0151% by simple interest basis from the due date of the first instalment as shown on the rate notice to the due date of each respective instalment.

(4) Late Payment Interest Charge (Excluding Rates & Charges)

A charge of 11% interest, calculated on a simple interest basis for the number of days outstanding, may apply on unpaid debts (other than rates and rubbish collection charges) outstanding 35 days from the date of invoices raised after 1 July 2019.

In respect to the Late Payment Interest Charge on rates and charges, the method of calculating the interest charge is on the daily balance outstanding.

(5) Waivers

Where a small balance remains on a property assessment due to circumstances such as a delay in the receipt of mail payments or monies from property settlements and additional daily interest has accumulated, amounts outstanding of \$5.00 and under will be waived, as it is not considered cost effective or equitable to recover from the new property owner. Estimated loss of revenue from this waiver is \$1,100.

CCS167: RESPONSIBLE OFFICER RECOMMENDATION 6

THAT Council APPROVES the Schedule of Fees and Charges (which forms part of the 2019/2020 Budget) be adopted effective from 24th July 2019.

CCS167: RESPONSIBLE OFFICER RECOMMENDATION 7

THAT Council SETS the Elected Member Sitting Fees and Allowances as prescribed by the *Local Government (Administration) Regulations 1996* per annum, being:

- (1) Councillor Meeting Attendance Fee: \$31,678
- (2) Mayoral Meeting Attendance Fee: \$47,516
- (3) Councillor and Mayoral ICT Allowance: \$3,500
- (4) Annual Travel and Accommodation Allowance (allowable claims in excess of this allowance will be reimbursed): \$50
- (5) Total Mayoral Allowance is: \$89,753
- (6) Deputy Mayoral Allowance: \$22,439 - being 25% of the Mayoral Allowance.

CCS167: RESPONSIBLE OFFICER RECOMMENDATION 8

THAT Council APPROVES a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2019/2020.

BACKGROUND

3. Council has considered strategic and operational issues which will impact on the 2019/20 budget.
4. Under section 6.36 of the *Local Government Act 1995*, the City is not required to advertise the proposed rates amounts for the 2019/20 financial year.

DISCUSSION

5. Through Council workshops, Council members have considered various factors in developing a financially responsible budget while ensuring compliance with Local Government legislation, occupational safety and health requirements, continuation of the various services provided by the City, cost-saving initiatives and new capital projects that are “project ready” or will be required to be undertaken this financial year, given commitments previously made by Council.
6. An important consideration in preparing any budget is to ensure that Council works towards achieving financial sustainability for the future. The draft budget reflects a number of factors to maintain financial sustainability, which will impact not only on this year’s budget but will have a compounding effect in future budgets.

GOVERNMENT & PUBLIC CONSULTATION

7. The Department of Local Government, Sport and Cultural Industries is not consulted prior to budget adoption. Once the Budget is adopted, a copy is sent to the Department for review.

PUBLIC CONSULTATION / ENGAGEMENT

8. Budget information will be published in the local newspapers and on the City of Albany website.

STATUTORY IMPLICATIONS

9. This item directly relates to, and contributes to achievement of, the Strategies within the Community Strategic Plan – Albany 2023, and Corporate Business Plan- 2017-2021.

POLICY IMPLICATIONS

10. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial & Reputation: <i>Council does not endorse the 2018/19 Budget, with the consequence risk of deferred cash flow, and thus inability to meet financial commitments.</i>	<i>Unlikely</i>	<i>Extreme</i>	<i>Extreme</i>	<i>Delegated authority to the CEO to incur expenditure under the Local Government Act 1995 until Budget endorsement.</i> <i>Reconsideration of the budget paper at a Council meeting prior to 31 August 2018.</i>

FINANCIAL IMPLICATIONS

12. The 2019/20 Budget sets the parameters for expenditure of City resources.
13. The City must meet its legislative and debt obligations through endorsement of a budget. Failure to do so incurs considerable financial and other risks to the City.

LEGAL IMPLICATIONS

14. Nil.

ALTERNATE OPTIONS

15. Council adopt the 2019/20 Annual Financial Budget with changes.

SUMMARY CONCLUSION

16. Endorsement of the budget provides delegated authority to the CEO to incur expenditure from 1 July 2019 until 30 June 2020.

Consulted References	:	- Local Government Act 1995 - Local Government (Financial Management) Regulations 1996.
File Number (Name of Ward)	:	FM.BUG.12
Previous Reference	:	- Budget Workshop – 4 June 2019 - OCM July 2018 Resolution CCCS068

DIS169: PROPOSED HOLIDAY ACCOMMODATION – 13-17 CUTHBERT STREET, ALBANY WA 6330

Land Description	: Lot 201, 13-17 Cuthbert Street, Albany WA 6330
Proponent	: Margaret Gibson
Attachments	: 1. Development Application 2. Management Plan 3. Schedule of Submissions
Report Prepared By	: Coordinator Planning Services (A Bott)
Responsible Officers:	: Acting Executive Director Development Services (J van der Mescht)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed development application, Council is obliged to draw conclusion from its adopted *Community Strategic Plan – Albany 2030*. The structure plan complies with strategic planning for the following reasons:
 - a) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

Maps and Diagrams: Subject Site – Lot 201, 13 Cuthbert Street, Albany



In Brief:

- On 11 April 2019, the City of Albany received a planning application for holiday accommodation at 13 Cuthbert Street, Albany.
- The proposal is to change the current ancillary accommodation at the rear of the lot to holiday accommodation.

- The matter was subject to public advertising. Through this process, six (6) submissions raising concerns with the proposal were received.
- Due to the provisions of the City of Albany's Holiday Accommodation Policy, the proposal is required to be referred to Council for determination.
- Staff consider that the proposal is in accordance with City of Albany Holiday Accommodation Policy and recommend the proposal be supported subject to conditions.

RECOMMENDATION

**DIS169: RESOLUTION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)
VOTING REQUIREMENT: SIMPLE MAJORITY**

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for holiday accommodation at Lot 201, 13-17 Cuthbert Street, Albany:

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2190185 and dated XX XX 2019, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.
3. The operation of the holiday accommodation hereby approved shall be in accordance with the approved management plan which shall be reviewed and updated at the time of any change of ownership or management, to the satisfaction of the City of Albany.
4. The holiday accommodation hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust to any extent greater than what is to be expected within a residential zone.
5. The holiday accommodation hereby approved shall only be used for short stay accommodation, with any single tenant permitted to stay for no more than three months in any twelve month period.
6. The operator or manager of the holiday accommodation hereby approved shall maintain an annual register of all guests to the satisfaction of the City of Albany. A receipt book must also be kept.
7. Each bedroom using beds shall have a floor space of not less than four square metres per person; each bedroom using bunks shall have a floor space of not less than 2.5 square metres.
8. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.
Advice Condition 8: Please refer to the City of Albany Local Planning Policy 2B – Signs for further information.
9. Prior to commencement of development a vehicular parking and access plan shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.

Advice:

- Car parking and access is to be designed in accordance with the Australian Standard 2890.

- An updated parking and access plan is to be submitted showing the required four (4) bays. The plan should indicate parking signage, bay dimensions and any requirement to remove trees or obstructions. The parking area can remain as neatly mowed grass but the bay areas must be permanently defined. This may be by way of pavers defining the wheel paths. If the parking area is to be sealed, details regarding the stormwater management will need to be submitted for approval due to the increase in run-off generated and its potential to affect the downstream property.

10. Two tandem parking spaces shall be provided per approved holiday accommodation on the lot.
11. Vehicular parking must be contained within the lot boundaries at all times.
12. All vehicular parking and access areas shall be maintained as per the approved details and plans, to the satisfaction of the City of Albany.
13. A defined path for guests shall be established from the designated parking area through the southern garden to the rear holiday accommodation, consistent with the site plan and to the satisfaction of the City of Albany.
- ~~14. All access and egress to the proposed holiday accommodation shall occur solely through the access way to the south of the lot. The right of carriageway to the north of the lot shall not be used for either access or egress or parking for the proposed holiday accommodation.~~

CARRIED 12-0

Officer Reason (Acting Executive Director Development Services)

The amended motion balances the concerns raised by the adjoining landowner and the rights of use afforded to the landowner over the right of way.

It is considered that the amended motion will establish a defined access route via the preferred access route through the southern garden area to the rear holiday accommodation, while not impinging on the legal access rights which exist over the right of way, but also not endorsing this as a preferred route for guests.

DIS169: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for holiday accommodation at Lot 201, 13-17 Cuthbert Street, Albany:

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2190185 and dated XX XX 2019, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.
3. The operation of the holiday accommodation hereby approved shall be in accordance with the approved management plan which shall be reviewed and updated at the time of any change of ownership or management, to the satisfaction of the City of Albany.
4. The holiday accommodation hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust to any extent greater than what is to be expected within a residential zone.
5. The holiday accommodation hereby approved shall only be used for short stay

accommodation, with any single tenant permitted to stay for no more than three months in any twelve month period.

6. The operator or manager of the holiday accommodation hereby approved shall maintain an annual register of all guests to the satisfaction of the City of Albany. A receipt book must also be kept.
7. Each bedroom using beds shall have a floor space of not less than four square metres per person; each bedroom using bunks shall have a floor space of not less than 2.5 square metres.
8. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.
Advice Condition 10: Please refer to the City of Albany Local Planning Policy 2B – Signs for further information.
9. Prior to commencement of development a vehicular parking and access plan shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.

Advice:

- Car parking and access is to be designed in accordance with the Australian Standard 2890.
 - An updated parking and access plan is to be submitted showing the required four (4) bays. The plan should indicate parking signage, bay dimensions and any requirement to remove trees or obstructions. The parking area can remain as neatly mowed grass but the bay areas must be permanently defined. This may be by way of pavers defining the wheel paths. If the parking area is to be sealed, details regarding the stormwater management will need to be submitted for approval due to the increase in run-off generated and its potential to affect the downstream property.
10. Two tandem parking spaces shall be provided per approved holiday accommodation on the lot.
 11. Vehicular parking must be contained within the lot boundaries at all times.
 12. All vehicular parking and access areas shall be maintained as per the approved details and plans, to the satisfaction of the City of Albany.
 13. All access and egress to the proposed holiday accommodation shall occur solely through the access way to the south of the lot. The right of carriageway to the north of the lot shall not be used for either access or egress or parking for the proposed holiday accommodation.

DIS169: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR

SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 9-0

DIS169: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for holiday accommodation at Lot 201, 13-17 Cuthbert Street, Albany:

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2190185 and dated XX XX 2019, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further

effect.

3. The operation of the holiday accommodation hereby approved shall be in accordance with the approved management plan which shall be reviewed and updated at the time of any change of ownership or management, to the satisfaction of the City of Albany.
4. The holiday accommodation hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust to any extent greater than what is to be expected within a residential zone.
5. The holiday accommodation hereby approved shall only be used for short stay accommodation, with any single tenant permitted to stay for no more than three months in any twelve month period.
6. The operator or manager of the holiday accommodation hereby approved shall maintain an annual register of all guests to the satisfaction of the City of Albany. A receipt book must also be kept.
7. Each bedroom using beds shall have a floor space of not less than four square metres per person; each bedroom using bunks shall have a floor space of not less than 2.5 square metres.
8. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.

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9. Prior to commencement of development a vehicular parking and access plan shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.

Advice:

- Car parking and access is to be designed in accordance with the Australian Standard 2890.
 - An updated parking and access plan is to be submitted showing the required four (4) bays. The plan should indicate parking signage, bay dimensions and any requirement to remove trees or obstructions. The parking area can remain as neatly mowed grass but the bay areas must be permanently defined. This may be by way of pavers defining the wheel paths. If the parking area is to be sealed, details regarding the stormwater management will need to be submitted for approval due to the increase in run-off generated and its potential to affect the downstream property.
10. Two tandem parking spaces shall be provided per approved holiday accommodation on the lot.
 11. Vehicular parking must be contained within the lot boundaries at all times.
 12. All vehicular parking and access areas shall be maintained as per the approved details and plans, to the satisfaction of the City of Albany.
 13. All access and egress to the proposed holiday accommodation shall occur solely through the access way to the south of the lot. The right of carriageway to the north of the lot shall not be used for either access or egress or parking for the proposed holiday accommodation.

BACKGROUND

3. 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. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

4. The site is located approximately 270 metres west of the Albany CBD. The property is 863m² in size and zoned Residential R30/40 under Local Planning Scheme No.1. For the split coding on this lot, the density code of R30 applies.
5. The immediate surrounding properties are also zoned Residential R30/40, with the exception of Regional Centre Mixed Use abutting Collie Street to the east and Regional Centre zoning abutting Duke Street to the south.
6. Currently, the main dwelling on the lot has approval for holiday accommodation and was approved for this use in early 2018.
7. The proposed accommodation unit was issued a building approval certificate in February 2019.
8. The application was advertised for public comment for a period of 21 days, with nearby landowners directly notified by letter.
9. Six (6) submissions were received during advertising which raised concerns in respect of the proposal. The concerns raised are summarised later in this item.
10. Council is now requested to consider the submissions received during the public advertising period and determine whether to grant development approval.

DISCUSSION

11. The applicant has provided the following (summarised) outline of how the proposed holiday house will operate:
 - The Property will be managed by the landowners who will follow up individually with any complaints received.
 - Maximum number of guests restricted to 2 adults per bedroom and restrictions on the numbers of visitors allowed on the property.
 - Owner to respond to complaints professionally and take effective action to stop any problems.
 - A code of conduct will be provided to the guests.
 - No functions or parties being permitted that would conflict with residential amenity.
 - Guests and visitors must comply with access and parking regulations provided.
 - Limitations and controls for pets on premises.
12. The main planning concerns raised and the proposed mitigation measures are addressed as follows:
 - The proposal potentially impacting upon the amenity and character of the area.
 - Concerns in relation to drainage and water run-off from the proposed development.
 - Access to the proposed holiday accommodation via the right of carriageway to the north of the property.
 - Provision and delineation of off-street car parking for the proposed development.
13. In respect of the amenity and character of the area, it is necessary to consider that the proposal is located within the preferred area for holiday accommodation within the City of Albany Holiday Accommodation Local Planning Policy. It is considered that with the implementation of a suitable management plan as a condition of approval, the use will not detrimentally affect the character or amenity of the area.
14. In respect of concerns raised about drainage on the site, the City's development engineer noted that the proposal is for a change-of-use only. Therefore, there should be no additional run-off as a result of the proposal. Any further development will likely require approval via a development application or building permit, and the stormwater management assessed at this time.

15. Limited off-street parking is available and there is a concern that inviting additional traffic onto the property will compound the existing shortage of parking. The proponent originally provided a parking plan with their application, indicating 6 proposed bays on the lot. As the parking requirements for development on the site only generate the requirement for a total of 4 bays, the applicant submitted a revised parking plan indicating this number of bays to the satisfaction of the City of Albany.
16. Referencing the above plan, staff recommend a condition requiring the parking area to indicate parking signage. The parking area can remain as neatly mowed grass. If the parking area is to be sealed, details regarding the stormwater management will need to be submitted for approval due to the increase in run-off generated and its potential to affect the downstream property.
17. The proponent has also updated the Code of Conduct to require parking in the designated guest bays. Signage reflecting this will be required by application of an appropriate condition.
18. One submission raised concerns that the guests will use the right of carriageway to the north of the lot. The City has previously sought legal advice on a similar matter regarding rights of access and was advised that all registered proprietors, as well as their guests and invitees have an implied right to use a right of way. However, the adjoining northern lot owner has expressed concerns that usage of the right of carriageway for access and egress will pose amenity and privacy concerns due to the proximity to their bedroom and kitchen window. A site visit determined that these concerns are valid and a condition shall be added to the approval requiring all access and egress to the proposed holiday accommodation to occur solely through the access way to the south of the lot. The right of carriageway to the north of the lot is not to be used for either access or egress nor parking for the proposed holiday accommodation.
19. Concerns were also raised in submissions regarding the compliance of the subject building with the building code. In February 2019, the building was issued a Building Approval Certificate. The building approval certificate confirms that the building has been assessed by a registered building surveyor and confirm compliance with the *Building Act 2011*, *Building Regulations 2012*, *National Construction Code (BCA Vol.2 Class1/10a Buildings)* and applicable standards.
20. The application is considered to be generally consistent with the City of Albany's Holiday Accommodation Local Planning Policy. Further to this, it is considered that any potential amenity impacts will be mitigated by the proposed management measures and revised parking plan.

GOVERNMENT & PUBLIC CONSULTATION

21. The application was advertised for public comment for a period of 21 days, with nearby landowners directly notified by letter.
22. Six (6) submissions were received during advertising which raised concerns in respect of the proposal. The broad issues are discussed in paragraph 11-20 above and in the attached schedule of submissions.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consultation	Mail Out	24/4/2019 to 15/5/2019	6 submissions received	Yes

STATUTORY IMPLICATIONS

23. A Holiday House is classified as a 'D' use within the 'Residential' zone under *Local Planning Scheme No. 1*, meaning that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.
24. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

25. The proposal is subject to the City of Albany Holiday Accommodation Local Planning Policy.
26. The primary reason the matter has been referred to council for consideration is due to the position within this policy which states:

“Where a neighbour objects to a proposal, the application is to be referred to the Council for deliberation and considered in view of the following:

- a. The proximity of the holiday accommodation to key tourism attractions such as the beach or town centre/activity centre (typically a 5 minute walk – 400m);*
- b. location within a street(s) which facilitates safe, efficient and pleasant walking, cycling and driving;*
- c. location compatible with Figure A below (the areas illustrated are within close proximity to the town centre and popular swimming beaches).*
- d. A management plan designed to facilitate community concerns.”*

27. The following comments are made in respect of the above matters of consideration:
28. As per Figure A of the Local Planning Policy, the proposal is located within the preferred area for holiday accommodation.
29. In accordance with the policy, the applicant has also submitted a management plan which controls the usage of the property and places clear guidance for its use. Measures to protect amenity through the management of the site include:
- A code of conduct will be provided to the guests.
 - Maximum number of guests restricted to 2 adults per bedroom and restrictions on the numbers of visitors allowed on the property.
 - No functions or parties being permitted that would conflict with residential amenity.
 - Controls for pets on premises.
30. It is considered that the proposal meets the key matters of the Holiday Accommodation Local Planning Policy and is capable of approval subject to appropriate conditions.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation The approval may generate unacceptable impacts on the amenity of the area.	Possible	Minor	Low	The application and adherence of appropriate planning conditions will mitigate this risk.
Opportunity: Responds to market demand for holiday accommodation in a controlled fashion.				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

33. As per the appeal rights conferred by the *Planning and Development Act 2005*, the decision on the matter can be appealed to the State Administrative Tribunal.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

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

- To resolve to refuse the proposal subject to reasons; and
- To resolve to approve the proposal subject to additional or modified conditions.

CONCLUSION

36. The proposal is considered to be consistent with the objectives of the zone and the requirements of the *City of Albany's Holiday Accommodation Local Planning Policy*.
37. The matters raised in the public submissions received during the advertising period have also been broadly addressed by the proponent and can be mitigated through the application of appropriate planning conditions.
38. It is therefore recommended that Council approve the proposed development subject to the conditions provided.

Consulted References	:	1. <i>Local Planning Scheme No.1</i> ; 2. <i>Holiday Accommodation Local Planning Policy</i>
File Number (Name of Ward)	:	A107339 (Frederickstown Ward)
Previous Reference	:	Nil

DIS170: CONTAINER DEPOSIT SCHEME INFRASTRUCTURE POLICY

Land Description	: All
Proponent	: City of Albany
Attachments	: 1. Draft Container Deposit Scheme Policy 2. Position Statement: Container Deposit Scheme Infrastructure – May 2019
Owner	: Various
Report Prepared by	: Coordinator Planning Services (A Bott)
Responsible Officer	: Acting Executive Director Development Services (J van der Mescht)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed policy, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*.
3. In making a decision on the proposed policy, Council is obliged to draw conclusion from its adopted *Community Strategic Plan – Albany 2030*. The policy that relates to the structure plan complies with strategic planning for the following reasons:
 - a. The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

In Brief:

- The Western Australian Government is planning to implement the Container Deposit Scheme (CDS) in early 2020.
- The CDS is proposed to complement existing kerbside recycling services by providing a refund payment for people or organisations who return eligible containers through the scheme.
- The CDS will operate via container collection points. In May 2019, the Department of Planning Lands and Heritage (DPLH) released a position statement and template local planning policy for the location of CDS infrastructure.
- The template local planning policy has been prepared to ensure that the infrastructure required to facilitate CDS is established in appropriate locations.
- Council is requested to endorse the CDS Infrastructure Policy for the purpose of advertising.

RECOMMENDATION

DIS048: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR MOIR

That Council, in accordance with Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVES to:

1. **MAKE** a Container Deposit Scheme Infrastructure Policy (as set out in Attachment 1 this item).
2. **APPROVE** giving notice, through the placement of a notice of the proposed policy in a newspaper circulating in the Scheme area, in order to seek public comment.

CARRIED 12-0

DIS170: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 9-0

DIS048: RESPONSIBLE OFFICER RECOMMENDATION

That Council, in accordance with Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVES to:

1. MAKE a Container Deposit Scheme Infrastructure Policy (as set out in Attachment 1 this item).
2. APPROVE giving notice, through the placement of a notice of the proposed policy in a newspaper circulating in the Scheme area, in order to seek public comment.

BACKGROUND

4. In May 2019, the Department of Planning Lands and Heritage (DPLH) released a position statement for the rollout of the CDS in Western Australia.
5. The scheme has benefits including reducing litter, increasing recycling, protecting the environment and providing opportunities for social enterprise participation.
6. The CDS will allows consumers to take empty beverage containers covered by the scheme to a refund point to receive a refund of 10 cents.
7. Staff consider it pertinent to adopt the template planning policy for CDS infrastructure in order be in a position to have a policy position in place for when the scheme commences.

DISCUSSION

8. DPLH has provided the following position statement for the CDS infrastructure:
 - Ensure a coordinated approach to the provision of CDS infrastructure throughout WA;
 - Ensure that appropriate locations are chosen for the installation of CDS infrastructure;
 - Ensure the timely rollout of infrastructure in support of the scheme's establishment and ongoing operational needs; and
 - Establish minimum development requirements to exempt certain CDS infrastructure from requiring planning approval, for adoption by local governments.
9. The policy provides measures for the following types of CDS infrastructure:
 - Container collection cages;
 - In-shop / over-the-counter return points;
 - Reverse vending machines;
 - Container deposit recycling centres; and
 - Large-scale facilities.
10. It is considered that by adopting the proposed policy prior to the formal commencement of the CDS, it will put the City of Albany in position to be able to deal with proposals for the associated infrastructure in a pragmatic and consistent manner.

GOVERNMENT & PUBLIC CONSULTATION

11. If the Council resolves to support the *Container Deposit Scheme Infrastructure Policy* for formal advertising, a notice of the proposed policy will be placed in a newspaper circulating in the area, giving details of:

- Where the draft policy can be inspected;
- The subject and nature of the draft policy; and
- In what form and during what period (being not less than 21 days from the day that the first notice is published) submissions may be made.

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

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

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

STATUTORY IMPLICATIONS

13. There are no statutory implications relating to endorsing the proposed policy for advertising.

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

POLICY IMPLICATIONS

15. The proposed local planning policy is in accordance with the model local planning policy and will provide the following objectives;

- To ensure the location, design and siting of CDS infrastructure is complementary to the character, functionality and amenity of urban localities.
- To prevent negative impacts on local amenity from the operation of CDS infrastructure.
- To enable the timely, cost effective delivery of essential CDS infrastructure.
- To provide conveniently located infrastructure to ensure the CDS' effective reduction of litter, increased recycling and protection of the environment.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Advertising the proposed policy could give rise to objectionable comments from landowners and developers.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>The proposed policy puts in place a sound framework and exemptions from requiring approval. Continue to consult and educate.</i>
Opportunity: <i>To facilitate the sustainability and recycling effort of the community.</i>				

FINANCIAL IMPLICATIONS

17. Nil.

LEGAL IMPLICATIONS

18. There are no legal implications relating to resolving to advertise a draft Local Planning Policy.

ENVIRONMENTAL CONSIDERATIONS

19. There are no environmental implications relating to resolving to advertise a draft Local Planning Policy.

ALTERNATE OPTIONS

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

CONCLUSION

21. By adopting an early policy position on the matter, the City of Albany will able to provide guidance of development CDS infrastructure prior to the full rollout of the Scheme.
22. Council is requested to accept the policy for the purpose of advertising.

Consulted References	:	1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	N/A

DIS171: PLANNING AND BUILDING REPORTS JUNE 2019

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports June 2019
Report Prepared By : Administration Officer – Planning (J Ferrell)
Administration Officer – Development Services (Z Sewell)
Responsible Officers: : Acting Executive Director Development Services
(J Van Der Mescht)

RECOMMENDATION

DIS171: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR STEPHENS

THAT Council NOTE the Planning and Building Reports for June 2019.

CARRIED 12-0

**LEMC019: RECEIVE THE CONFIRMED MINUTES OF THE LOCAL
EMERGENCY MANAGEMENT COMMITTEE – MARCH 2019**

Proponent	: City of Albany
Attachment	: LEMC Minutes 15 March 2019
Report Prepared By	: Administration Coordinator-Rangers & Emergency Services (S Lees)
Responsible Officer(s):	: Acting Executive Director Development Services (J Van Der Mescht)

In Brief:

- Receive the confirmed minutes of the Local Emergency Management Committee meeting held on 15 March 2019.

RECOMMENDATION

LEMC019: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SHANHUN

THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 15 March 2019 be RECEIVED.

CARRIED 12-0

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL** Nil
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN** Nil
16. **REPORTS OF CITY OFFICERS** Nil
17. **MEETING CLOSED TO PUBLIC** Nil
18. **CLOSURE**

There being no further business the Mayor declared the meeting closed at 6.52PM.

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR