



MINUTES

Ordinary Meeting of Council

Monday 24 October 2016

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 24/10/2016

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1. DECLARATION OF OPENING

[6:00:10 PM](#) 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
Breaksea Ward
Frederickstown Ward
Frederickstown Ward
Kalgan Ward
Vancouver Ward
Vancouver Ward
West Ward
West Ward
Yakamia Ward
Yakamia Ward

R Hammond
P Terry
G Stocks
C Dowling
B Hollingworth
J Shanhun
N Mulcahy
A Goode JP
S Smith
A Moir
R Sutton

Staff:

Chief Executive Officer
Executive Director Corporate Services
Executive Director Development Services
Executive Director Commercial Services
Executive Director Works and
Services
Executive Manager Community Services
Manager Building and Engineering

A Sharpe
M Cole
D Putland
C Woods
M Thomson
A Cousins
P Camins

Meeting Secretary

J Williamson

Apologies:

Kalgan Ward

J Price (Apology)

[6:01:58 PM](#) Councillor Mulcahy entered the Chamber.

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Shanhun	CSF274	Proximity. Councillor Shanhun owns a property adjoining Foundation Park. Councillor Shanhun left the Chamber and was not present during the discussion and vote for this item.

5. REPORTS OF MEMBERS Nil

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME Nil

No members of the public wished to address Council.

8. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLUTION VOTING REQUIREMENT: SIMPLE MAJORITY MOVED: COUNCILLOR HAMMOND SECONDED: COUNCILLOR DOWLING THAT Councillor Stocks be granted Leave of Absence from 30 October 2016 to 12 November 2016 inclusive. CARRIED 12-0
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9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION VOTING REQUIREMENT: SIMPLE MAJORITY MOVED: COUNCILLOR SUTTON SECONDED: COUNCILLOR MOIR THAT the minutes of the Ordinary Council Meeting held on 27 September 2016, as previously distributed, be CONFIRMED as a true and accurate record of proceedings. CARRIED 12-0

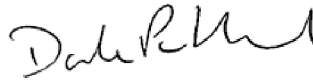
11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

PD141: TORBAY HILL BUSHFIRE MANAGEMENT STRATEGY

Proponent / Owner : City of Albany
Attachments : Torbay Hill Bushfire Management Strategy.
Report Prepared By : Manager Ranger and Emergency Services (T Ward)
Responsible Officers: : Executive Director Development Services (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Bushfire Plan 2014-2019.

Focus Area 2 – Preparedness for Bush Fire:

- a. **1.1.10 - Community.** The City of Albany will develop community education preparedness programs with special focus on those people living in identified high fire risk areas.
- b. **1.16 – Financial.** The City of Albany is committed to providing sufficient resources to meet the objectives and requirements of this Strategic Plan.

In Brief:

- The Community of Torbay Hill has been identified as being in the highest category of risk from the effects of bushfire.
- A Community based strategy has been created following a consultative process.
- The Strategy had been funded in part by the Commonwealth Natural Disaster Resilience Program.
- The report contains recommendations for Council, Community and various State Government Departments.

RECOMMENDATION

PD141: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Torbay Hill Bush Fire Management Strategy, which will guide the City's management of future fire mitigation actions in the Torbay Hill area, be RECEIVED.

CARRIED 12-0

PD141: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR HAMMOND

THAT the Officer Recommendation be ADOPTED.

CARRIED 8-0

PD141: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Torbay Hill Bush Fire Management Strategy, which will guide the City's management of future fire mitigation actions in the Torbay Hill area, be RECEIVED.

BACKGROUND

2. The locality of Torbay Hill, which lies within the Bornholm Volunteer Bushfire Brigade District, approximately 24 kilometres south west of Albany has long been considered as being at extreme risk of a major bushfire. This is due to a combination of topographical features, heavy fuel loads and proximity of development to significant stands of native vegetation.
3. Previous work in the space of bushfire management and community awareness in Torbay Hill was initiated independently by community members under the guidance of the Bornholm Volunteer Bushfire Brigade, from 2012 – 2013.
4. The resultant Community Fire Strategy was prepared by the Bornholm Bushfire Brigade with the intention of identifying a series of preventative or responsive actions that residents, State Government Agencies and the City of Albany would undertake.
5. This work informed and was acknowledged by City Officers that further action was necessary in this area.
6. Although the intent of this work was recognised, several of the proposed actions were found to be unrealistic and unlawful, due to legislative restrictions and the City's inability to retrospectively enforce current planning policies or guidelines.
7. In response the City secured Commonwealth Government Natural Disaster Resilience Program funding of \$30,000 to engage the services of an experienced consultant, to work with the local community and improve their capacity for bushfire prevention and preparedness.
8. This funding was supplemented by in-kind resourcing from the City on a dollar for dollar basis.
9. The final report and recommendations were provided to the City of Albany Emergency Management team in April 2016, following an extensive community and stakeholder engagement process.

DISCUSSION

10. The Torbay Hill Bushfire Management Strategy consists of three volumes: A Policy Statement, with recommendations for continuous improvement: A technical report which details the findings within the original scope of work and: An appendix containing supporting information.
11. The final report contains 47 recommendations, including both mandatory and voluntary measures, which focus predominately on the areas of prevention and preparedness, as outlined in the State Government policy document, Westplan - Fire.
12. Recommendations are made for the Community, Council, State Government agencies such as Parks and Wildlife and Department of Fire and Emergency Services (DFES), or a combination of each.
13. Eleven recommendations in relation to the City's annual Fire Management Notice have been implemented at the time of writing this report in line with industry best practice. Several involve minor changes in terminology to provide clarity in the areas of variations to firebreak notices, existing bushfire management plans and to avoid potential clashes with the Local Planning Scheme.
14. Additionally, recommendations relating to the planning scheme have also been addressed by the approval of the planning regulations.
15. The report highlights the need for minimum protection standards for future developments to be implemented in line with recent amendments to State Planning regulations. Whilst this is easily achieved with new buildings, the retrospective application of such laws can only be made on a voluntary basis and it is likely that change will also require considerable time to implement.
16. Other recommendations centre on enhanced community involvement in proactive volunteer groups to raise bushfire awareness at a local level. One such program is the revitalisation of a local Bushfire Ready Action Group (BRAG), a concept originated through DFES as an effective way to empower local communities and promote a sense of ownership of bushfire risk.

17. City Officers are presently working with members of the Bornholm Volunteer Bushfire Brigade and local community representatives to develop an action plan for implementing a number of other recommendations. Further grant funding has also been secured through the State Government's 'AWARE' program for the purpose of additional community education and engagement.
18. The lessons learned from the Torbay Hill Bushfire Strategy and actions taken to date are easily transferrable to other high risk areas within the municipality.

GOVERNMENT & PUBLIC CONSULTATION

19. Extensive consultation with State Government Agencies, internal and external stakeholders and local residents was undertaken during this community driven project.
20. Additionally, the Bushfire Advisory Committee and Local Emergency Management Committees were consulted and updated during the development of the Strategy.

STATUTORY IMPLICATIONS

21. There are no statutory obligations related to this report.
22. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

23. There are no policy implications associated with Council receiving this report, however actions in relation recommendation 31 – strategic fire access tracks – if implemented, will require development of a new City policy in relation to their use.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>Torbay Community, may perceive that community input is not valued. The report may give rise to unrealistic community expectations.</i>	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Report presented for Council review and community input acknowledged in the formulation of the final report. Note: City Officers have already implemented changes to the annual Fire Management Notice under section 33(1) Bushfires Act 1954, which empowers Local Government to direct landowners to do certain things to mitigate or prevent the spread of bushfire. City Officers continue to engage with the community and progress recommendations in line with the City's 'Community Strategic Plan 2023'.</i>
Legal and Compliance. <i>If the final report is not formally received by Council, the funding body administrator may not acquit the grant.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Final report prepared for receipt (acknowledgement) by full Council.</i>

FINANCIAL IMPLICATIONS

25. There are no financial implications associated with noting this report, however some minor administrative costs will be incurred by the City in updating the Torbay Hill Community.
26. Costs associated with implementing a community engagement program in connection with any subsequent action plan will be administered by the existing AWARE grant.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

28. There are no environmental considerations related to this report.

ALTERNATE OPTIONS

29. Nil.

CONCLUSION

30. The Torbay Hill Bushfire Strategy contains recommendations that are designed to enhance community resilience and increase awareness of the threat of Bushfire.
31. The report was the result of a collaborative approach between State and Local Government agencies, in consultation with the local community.
32. It contains recommendations that are applicable to demographically similar areas within the municipality.
33. It is recommended that the Torbay Hill Bush Fire Management Strategy be received.

Consulted References	:	<ul style="list-style-type: none">• <i>Bushfires Act 1954</i>• <i>City of Albany Strategic Bushfire Plan 2014-2019</i>
File Number (Name of Ward)	:	West Ward
Previous Reference	:	OCM 28/04/2015 Resolution BFA002

PD142: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT – LOT 1 JASON ROAD, LOT 476 SIBBALD ROAD AND LOT 1001 LOWER KING ROAD, BAYONET HEAD

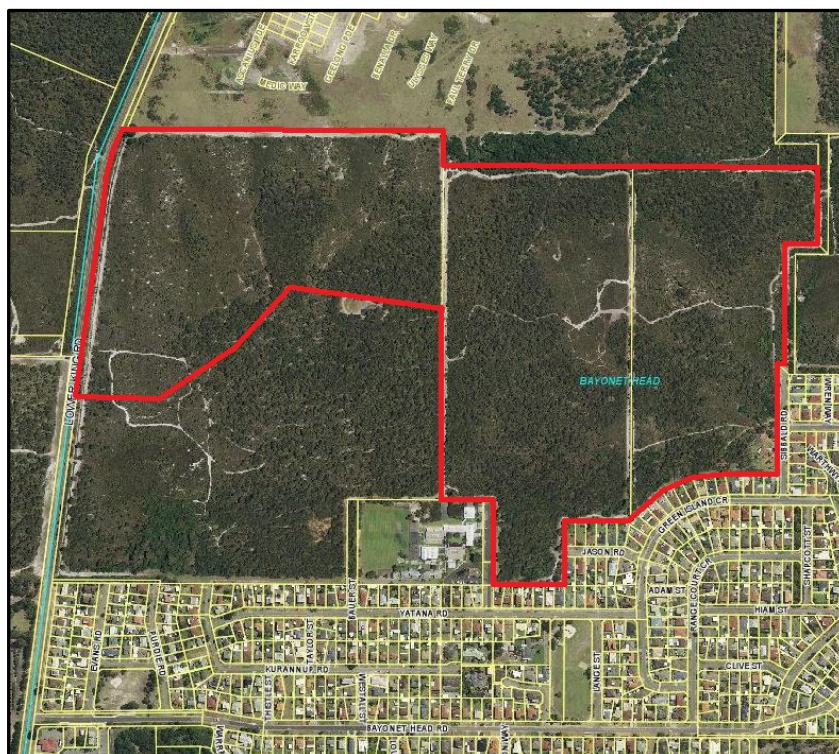
Land Description	: Lot 1 Jason Road, Lot 476 Sibbald Road and Lot 1001 Lower King Road, Bayonet Head
Proponent	: Edge Planning & Property
Owner	: Lowe Pty Ltd, M B Cameron
Business Entity Name	: Lowe Pty Ltd, Heath Developments
Attachments	: Local Planning Scheme Amendment No. 22 report : <i>Ministerial Statement No. 942 – Statement that a Future Proposal(s) Identified in a Strategic Proposal May be Implemented</i>
Supplementary Information & Councillor Workstation:	: Nil
Report Prepared by	: Planning Officer (C McMurtrie)
Responsible Officer	: Executive Director Planning and Development (D Putland)

Responsible Officer's Signature:

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*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

Maps and Diagrams



In Brief:

- A request has been submitted for Council to adopt a local planning scheme amendment to:
 - Create a new ‘Environmental Conservation’ reserve;
 - Add a notation to the Scheme Map legend;
 - Rezone Lot 1 Jason Road and Lot 476 Sibbald Road, Bayonet Head from the ‘General Agriculture’ zone to the ‘Future Urban’ zone and ‘Environmental Conservation’ reserve;
 - Transfer Lot 1001 Lower King Road, Bayonet Head from the ‘General Agriculture’ zone to ‘Environmental Conservation’ reserve; and
 - Amend the Scheme Maps accordingly.
- City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
- The proposal will facilitate the development of land between the existing Bayonet Head and Oyster Harbour urban areas and the connection of those areas via Sibbald Road.
- Structure planning of the subject lots has already taken place as part of the wider *Bayonet Head Plan for Development*. The proposed amendment seeks to rezone the land according to the *Bayonet Head Interim Outline Development Plan*. Therefore, the proposal may be entertained, as it does not conflict with the current moratorium on the initiation of significant local planning scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land.
- Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

RECOMMENDATION

PD142: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR MULCAHY

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to:

1. **Adopt Amendment No. 22 to amend *City of Albany Local Planning Scheme No. 1* by:**
 - (1) Creating a new ‘Environmental Conservation’ reserve;
 - (2) Adding a notation to the Scheme Map legend;
 - (3) Rezoning Lot 1 Jason Road and Lot 476 Sibbald Road, Bayonet Head from ‘General Agriculture’ zone to ‘Future Urban’ zone and ‘Environmental Conservation’ reserve;
 - (4) Transferring Lot 1001 Lower King Road, Bayonet Head from ‘General Agriculture’ zone to ‘Environmental Conservation’ reserve; and
 - (5) Amending the Scheme Maps accordingly.
2. **Note that the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
 - 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.

CARRIED 12-0

PD142: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: MAYOR WELLINGTON

THAT the Officer Recommendation be ADOPTED.

CARRIED 8-0

PD142 RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to:

1. Adopt Amendment No. 22 to amend *City of Albany Local Planning Scheme No. 1* by:
 - (1) Creating a new 'Environmental Conservation' reserve;
 - (2) Adding a notation to the Scheme Map legend;
 - (3) Rezoning Lot 1 Jason Road and Lot 476 Sibbald Road, Bayonet Head from 'General Agriculture' zone to 'Future Urban' zone and 'Environmental Conservation' reserve;
 - (4) Transferring Lot 1001 Lower King Road, Bayonet Head from 'General Agriculture' zone to 'Environmental Conservation' reserve; and
 - (5) Amending the Scheme Maps accordingly.
2. Note that the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - 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.

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. 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.
5. Amendment No. 22 has been prepared to seek:
 - Create a new 'Environmental Conservation' reserve;
 - Add a notation to the Scheme Map legend;
 - Rezone Lot 1 Jason Road and Lot 476 Sibbald Road, Bayonet Head from the 'General Agriculture' zone to the 'Future Urban' zone and 'Environmental Conservation' reserve;
 - Transfer Lot 1001 Lower King Road, Bayonet Head from the 'General Agriculture' zone to 'Environmental Conservation' reserve; and
 - Amend the Scheme Maps accordingly.

6. The subject lots are located approximately 6.5 kilometres north-north-east of York Street and have a cumulative area of approximately 71.47 hectares. They are largely covered by a mix of Jarrah and Jarrah-Sheoak low woodland. A ridge runs through the lots from the north-western corner of Lot 1001 towards the south-east, before sweeping through Lots 1 and 476 in a more westerly direction. The remainder of the land falls gently in all directions from the high point of the ridge.
7. The land to the west of the subject lots is covered by a 'Parks and Recreation' local scheme reserve, which is covered by remnant vegetation and a 'Public Purposes' local scheme reserve that is partly developed with Allambie Park Cemetery. The land to the south of the subject lots is covered by a 'Future Urban' zoned area of remnant vegetation, a 'Public Purposes' local scheme reserve, which is occupied by Flinders Park Primary School, and the existing Bayonet Head urban area, which is zoned 'Residential'. The land to the west of the subject lots is partially occupied by the existing Bayonet Head urban area, which is zoned 'Residential', an area of remnant vegetation covered by the 'Future Urban' zone and cleared pasture covered by the 'General Agriculture' zone. The land to the north of the subject lots is partially covered by remnant vegetation under the 'General Agriculture' zone and partly developed with the Oyster Harbour Stage 2 subdivision under the 'Future Urban' zoning.
8. The amendment document states that:

"the amendment proposes to rezone Lot 1 Jason Road, Lot 476 Sibbald Road, Lot 1001 Lower King Road, Bayonet Head ('the site') from 'General Agriculture' to 'Environmental Conservation' reserve and portion of Lot 1 and Lot 476 to 'Future Urban' zone.

The purpose of this report and associated plans are to explain the proposal and set out the planning merits of approximately 67% of the site (48.26 hectares) being included in an Environmental Conservation reserve and approximately 33% of the site (23.22 hectares) being included in the Future Urban zone.

The Amendment is consistent with the decision of the Minister for Environment; Heritage on 9 August 2013 (Ministerial Statement No. 942) and is consistent with the planning framework. The Amendment will facilitate the creation of an Environmental Conservation reserve and future urban development of the land consistent with the strategic planning framework objectives of the locality, including the Albany Local Planning Strategy (ALPS)."

DISCUSSION

9. The City's planning Staff support the rezoning of Lot 1 Jason Road and Lot 476 Sibbald Road, Bayonet Head from the 'General Agriculture' zone to the 'Future Urban' zone and 'Environmental Conservation' reserve and the transfer Lot 1001 Lower King Road, Bayonet Head from the 'General Agriculture' zone to 'Environmental Conservation' reserve, as it is consistent with the *Albany Local Planning Strategy*.
10. The amendment document includes a copy of the *Report and Recommendations of the Environmental Protection Authority – Bayonet Head Plan for Development* which outlines the key environmental factors and principles for the strategic development of the subject lots. This is discussed in further detail in paragraphs 24-26 below.
11. The *Albany Local Planning Strategy* identifies the subject lots as 'Future Urban' with a 'Priority 2' coding and 'Local Reserve'. The *Albany Local Planning Strategy* sets a strategic objective to *"support the consolidation of serviced urban areas and facilitate fully-serviced incremental-development nodes"*. The *Albany Local Planning Strategy* further states that *"Priority 2 promotes the continuing expansion of the fronts in...Bayonet Head... Priority 2 areas have been structure-planned and/or are the subject of current subdivision applications. They can supply new lots within a short to medium development timeframe."*

12. Structure planning of the subject lots has already taken place as part of the wider *Bayonet Head Plan for Development*. The proposal seeks to rezone the land according to the *Bayonet Head Interim Outline Development Plan*. Therefore, the proposal may be entertained, as it does not conflict with the current moratorium on the initiation of significant local planning scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land.
13. The proposal is consistent with the *Albany Local Planning Strategy's* objective of supporting staged incremental development, as it will facilitate the development of land between the existing Bayonet Head and Oyster Harbour urban areas and the connection of those areas via Sibbald Road.

GOVERNMENT & PUBLIC CONSULTATION

14. 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 other consultation has been undertaken at this stage.

STATUTORY IMPLICATIONS

15. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
16. 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. Section 81 of the Act requires a local government to refer an adopted local planning scheme amendment to the Environmental Protection Authority to determine if it should be assessed.
17. Regulation 35 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.
18. The proposal is considered to be a standard scheme amendment for the following reasons:
 - The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as 'Existing Urban' and 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.
19. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation <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>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>
Community, Organisational Operations and Reputation <i>The proposal may attract objections from members of the public or other public authorities.</i>	<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>

FINANCIAL IMPLICATIONS

22. The subject lots are located within Development Contribution Area DCA1 – Bayonet Head Outline Development Plan within Schedule 13 of *Local Planning Scheme No. 1*. The developer of the land would be required to make a financial contribution to the provision of infrastructure within the Development Contribution Area, in accordance with clause 5.9.2 and Schedule 13 of *Local Planning Scheme No. 1* and the adopted Development Contribution Plan, at the time of subdivision of the land.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

24. A broader proposal to develop the Bayonet Head area was submitted to the Environment Protection Authority in September 2008 and it was determined that it should be assessed as a Strategic Environmental Assessment. The final Strategic Environmental Assessment *Bayonet Head Plan for Development* document was approved and released by the Environmental Protection Authority for a six week public review in April 2010. This level of assessment was set due to the potential for impacts on vegetation, flora, fauna, wetlands, foreshore, surface and groundwater quality, soil contamination, acid sulfate soils, and Aboriginal heritage.
25. Following negotiation with the Environmental Protection Agency, the proposed Conservation Area included as part of the *Bayonet Head Plan for Development* was enlarged to cover 58 hectares. In addition to providing this Conservation Area, the proponents committed to its management for a period of ten years from the commencement of onsite works. This will include the preparation and implementation of management plans and the undertaking of monitoring of key species within the Conservation Area.
26. The area identified within the current amendment proposal as an 'Environmental Conservation' reserve is consistent with the Conservation Area identified in the Strategic Environmental Assessment *Bayonet Head Plan for Development* document.
27. As per Section 48(A) of the *Environmental Protection Act 1986*, the proposal will be referred to the Environmental Protection Authority to determine if a further environmental assessment is necessary, prior to public advertising and referral to public authorities.

ALTERNATE OPTIONS

28. Council may consider alternate options in relation to this item, such as:
- To resolve not to adopt the amendment to the local planning scheme.

SUMMARY CONCLUSION

29. It is recommended that Council adopt Local Planning Scheme Amendment No. 22, as the proposal is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will facilitate the development of land between the existing Bayonet Head and Oyster Harbour urban areas and the connection of those areas via Sibbald Road.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Albany Corporate Business Plan 2013-2017</i> 5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i>
File Number (Name of Ward)	:	LAMD22 (Breaksea Ward)
Previous Reference	:	O.C.M. 20/02/01 – Item 11.3.3

PD143: CONSIDERATION OF, AND RESPONSE TO, PROPOSED STATE HERITAGE REGISTRATION OF ALBANY STATE SCHOOL GROUP (fmr) – 117-121 SERPENTINE ROAD, ALBANY

Land Description	: 117-121 (Lot 1376) Serpentine Road and 239-259 (Lot 1374) York Street
Proponent	: Heritage Council of WA
Owner	: State of WA – Management Orders to Minster for Education & City of Albany
Business Entity Name	: Regional Education Offices for Department of Education
Attachments	: Draft Assessment Documentation of the Place for Entry in the Register of Heritage Places
Supplementary Information & Councillor Workstation	: Summary and overview relating to Alison Hartman Gardens
Report Prepared by	: Senior Planning Officer (T Wenbourne)
Responsible Officers	: Manager Planning Services (J Van Der Mescht) Acting Executive Director Development Services (P Camins)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023:
 - a. **Key Theme:** 3. A Connected Built Environment
 - b. **Strategic Objective:** 3.3. To develop vibrant neighbourhoods which retain our local character and heritage.
 - c. **Strategy:** By protecting heritage buildings, and ensuring new developments respect the heritage and character of streetscapes.

Maps and Diagrams



In Brief:

- A consultation request has been received by the City seeking comments on the proposed State Heritage Registration of the Albany State School Group (fmr), which includes Alison Hartman Gardens.
- The heritage significance of this site is already recognised at the local level. This proposed registration is considering the significance of the place at the State level.
- The City's views are sought in relation to Alison Hartman Gardens, which is identified as a zone of secondary significance.
- Council is requested to support the proposed registration and provide comments.

RECOMMENDATION

[6:05:01 PM](#)

**PD143: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR SMITH**

THAT Standing Order 6.20 Order of Call in Debate be SUSPENDED to allow discussion.

CARRIED 12-0

[6:33:33 PM](#)

**PD143: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SHANHUN**

THAT Standing Order 6.20 Order of Call in Debate be RESUMED.

CARRIED 12-0

**PD143: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MULCAHY
SECONDED: COUNCILLOR TERRY**

1. **THAT the City of Albany REQUEST the Heritage Council to defer the listing of the subject area until the City has received the development plans for the proposed student housing for the following reasons:**
 - a. **The City of Albany (City) has plans to redevelop and extend the public library located to the south of Alison Hartman Gardens. As part of this redevelopment the City may seek to use part of Alison Hartman Gardens as a set down/working area. If this need eventuates the City will prepare a construction management plan detailing among other things; measures to protect the Norfolk Island Pine and the Oak tree; recognising the significance of the alignment of the path to the Headmaster's House (fmr); and a reinstatement plan for any of the lawn or garden areas that may need to be attended to once these temporary works have been completed.**
 - b. **The Albany Central Area Masterplan 2010 identifies the potential for fringe development along the north portion of Alison Hartman Gardens to enhance and activate this space. Although the City has no plans to pursue this at the current time, this may eventuate in the longer term. The City**

seeks to make the Heritage Council aware of this future possibility as part of their consideration of this registration.

- c. The City is aware that funding has been granted for a student accommodation development in the current car park area behind the Regional Education Offices. The City has not yet received the development application and has not received design or footprint detail for this development, but understands an application is likely in the very near future. The City seeks to make the Heritage Council aware of this proposed development as part of their consideration of this registration.

2. THAT the City seeks a meeting with the Heritage Council prior to this matter being considered by the Heritage Council.

CARRIED 12-0

PD143: AMENDMENT

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MULCAHY

SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be AMENDED to read as follows:

1. THAT the City of Albany REQUEST the Heritage Council defer the listing of the subject area until the City has received the development plans for the proposed student housing for the following reasons:
 - a. The City of Albany (City) has plans to redevelop and extend the public library located to the south of Alison Hartman Gardens. As part of this redevelopment the City may seek to use part of Alison Hartman Gardens as a set down/working area. If this need eventuates the City will prepare a construction management plan detailing among other things; measures to protect the Norfolk Island Pine and the Oak tree; recognising the significance of the alignment of the path to the Headmaster's House (fmr); and a reinstatement plan for any of the lawn or garden areas that may need to be attended to once these temporary works have been completed.
 - b. The Albany Central Area Masterplan 2010 identifies the potential for fringe development along the north portion of Alison Hartman Gardens to enhance and activate this space. Although the City has no plans to pursue this at the current time, this may eventuate in the longer term. The City seeks to make the Heritage Council aware of this future possibility as part of their consideration of this registration.
 - c. The City is aware that funding has been granted for a student accommodation development in the current car park area behind the Regional Education Offices. The City has not yet received the development application and has not received design or footprint detail for this development, but understands an application is likely in the very near future. The City seeks to make the Heritage Council aware of this proposed development as part of their consideration of this registration.
2. THAT the City seeks a meeting with the Heritage Council prior to this matter being considered by the Heritage Council.

CARRIED 12-0

Reasons:

The reasons for the amendment are contained within the motion.

PD143: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT:

- (1) Council **SUPPORTS** the proposed State Heritage Registration of the Albany State School Group (fmr) **NOTING** the following comments in regards to known and possible future use and development of the subject area:
 - (a) The City of Albany (City) has plans to redevelop and extend the public library located to the south of Alison Hartman Gardens. As part of this redevelopment the City may seek to use part of Alison Hartman Gardens as a set down/working area. If this need eventuates the City will prepare a construction management plan detailing among other things; measures to protect the Norfolk Island Pine and the Oak tree; recognising the significance of the alignment of the path to the Headmaster's House (fmr); and a reinstatement plan for any of the lawn or garden areas that may need to be attended to once these temporary works have been completed.
 - (b) The Albany Central Area Masterplan 2010 identifies the potential for fringe development along the north portion of Alison Hartman Gardens to enhance and activate this space. Although the City has no plans to pursue this at the current time, this may eventuate in the longer term. The City seeks to make the Heritage Council aware of this future possibility as part of their consideration of this registration.
 - (c) The City is aware that funding has been granted for a student accommodation development in the current car park area behind the Regional Education Offices. The City has not yet received the development application and has not received design or footprint detail for this development, but understands an application is likely in the very near future. The City seeks to make the Heritage Council aware of this proposed development as part of their consideration of this registration.
- (2) Other stakeholders be advised of the City's position on State Heritage Registration of the subject area;
- (3) The State Heritage Office be notified that the City will send a representative to attend the Heritage Council meeting during which the registration will be considered.

BACKGROUND

3. The Heritage Council is considering the Albany State School Group (fmr) for entry in the State Register of Heritage Places. This Group listing covers much of the area to the south of Serpentine Road between York Street and Collie Street and north of the library. It includes the following:
 - Albany Primary School building;
 - Infants School building;
 - The Headmaster's House & Stables;
 - Shelter Shed, Lunchroom & Toilet Block; and
 - Alison Hartman Gardens.
4. As a stakeholder and custodian (through management order) of an affected parcel of land subject of this proposed registration (Alison Hartman Gardens), the City has been asked for its written comments.

DISCUSSION

5. The significance of Alison Hartman Gardens is detailed in the draft assessment documentation of the place for entry in the register of heritage places. This has been prepared by and on behalf of the State Heritage Office.
6. The school buildings represent the first purpose built school buildings in Albany and date from 1895.
7. The inclusion of Alison Hartman Gardens in this proposed registration stems from its associations with the development of the school. First being a domestic garden for what became the Headmaster's House, then as the School garden/playing field.
8. The importance of this to the Albany community is recognised in the 1979 naming of the space as Alison Hartman Gardens in honour of Edith Alison Hartman, who was Headmistress of the School for over 30 years.
9. The Heritage value of the site is already recognised at a local level through inclusion in the Heritage List under Local Planning Scheme No.1. It was previously included in the Schedule of Places of Heritage Value in Town Planning Scheme 1A dating back to 1983. In addition, Alison Hartman Gardens is included in the Municipal Heritage Inventory with a detailed description and assessment of local importance.
10. Although included in the overall registration, Alison Hartman Gardens is identified as being part of a secondary zone of significance. However, the Norfolk Island Pine tree and Oak tree are specifically mentioned as well as the old retaining wall supporting what is now the Regional Education Offices car park. Also, the central path leading to the Headmaster's House is an original alignment of access to/from York Street. Although the surface treatment of the path has changed over time, the straight alignment has been retained and should be maintained going forward.
11. Alison Hartman Gardens is a State reserve vested with the City of Albany for management purposes. The purpose of this reserve is for parks and garden. The current use and any future use must accord with this purpose or any variation of the vested purpose that may occur.
12. Continuation of the current use of Alison Hartman Gardens as a civic garden and space for events, functions and activities is unaffected by the proposed registration. Any alternate use or development within Alison Hartman Gardens needs careful consideration against current recognised community and heritage values of the place. If the proposed registration progresses, additional consideration will have to be given on the impact on the association with the School and the context of this wider setting.
13. Any development within Alison Hartman Gardens currently requires development approval and would be assessed against the parks and garden vesting of this reserve. If the entry on the State Register of Heritage Places progresses, any development application will have to be referred to State Heritage for consultation comment.
14. As part of the redevelopment at the Library, the City may wish to use part of Alison Hartman Gardens as a set down yard for the temporary period of the redevelopment works. Such a use would have to be carefully considered to avoid potentially detrimental impacts on the specific identified heritage interests (Oak Tree, Norfolk Island Pine Tree and the path). A construction management plan and schedule for reinstatement of Alison Hartman Gardens would be required if this were envisaged. The potential temporary use should be raised with State Heritage as part of the City's response to this consultation request.
15. The Albany Central Area Masterplan 2010 supports keeping Alison Hartman Gardens as a City centre park and important Public Open Space, but considers some fringing development to enhance this space. If such development were ever envisaged, the vesting and purpose for the reserve would need to be varied to facilitate this. As part of

the City's feedback on this consultation, the potential of this development being pursued in the future should be raised.

16. The City is also aware of funding having been allocated for the development of student accommodation on the car park area behind the Regional Education Offices. Although the City has not seen detailed design for the accommodation as yet, this should also be raised in the City's comments back to the State Heritage Office.
17. Overall, this proposed registration will not have a greater impact on the City's use of this reserve compared to the current heritage recognition. One advantage that this registration would bring is additional funding avenues that are only open to state heritage recognised sites, so this could be explored further in the future.
18. As part of the response submission, the City has three response choices on the proposed registration:
 - Support and provide comment;
 - Have no comment; or
 - Not support and provide comment.
19. The City is requested to inform if it agrees for other stakeholders to be advised of its position on the registration.
20. Furthermore, in addition to the specific response on the registration, the City has the opportunity for someone to attend the Heritage Council meeting during which the registration will be considered.
21. If the City nominates an attendee, they become a voting member of the Register Committee for that item. The nominee will also be requested to present the views of the City on the proposed registration.
22. It is recommended that the City nominate an officer (ideally the Manager for Planning services) to attend the Heritage Council meeting.

GOVERNMENT & PUBLIC CONSULTATION

23. Community consultation was conducted during the formulation of the Community Strategic Plan (see paragraph 1). The purpose of this item is to seek Council's endorsement of the Responsible Officer's prepared response.
24. Elected Members received a presentation at the October 2016, Planning & Development Committee.

STATUTORY IMPLICATIONS

25. There are no statutory implications for the City directly relating to this item.
26. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: A decision not consistent with community views, as reflected in the Community Strategic Plan 2023, may result in reputational loss. Opportunity: Communicate the City's future plans to the State Heritage Council.	Possible	Minor	Medium	Recommendation based on information available that reflects the Community's values placed on its heritage assets. Communicate that view to the State Heritage Council.

FINANCIAL IMPLICATIONS

29. Travel cost to Perth should the City choose to send a member of staff or Council to represent the City at the Heritage Council meeting.
30. If the registration proceeds, new funding avenues maybe available for interpretation and maintenance of Alison Hartman Gardens.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

32. The City will continue to maintain Alison Hartman Gardens as a civic garden and city centre public open space.
33. As such there are no environmental considerations directly relating to this item.

ALTERNATE OPTIONS

34. Council may consider alternate options in relation to this item, such as:
- To resolve to have no comment on the proposed registration; or
 - To resolve to not support the proposed registration with or without comments.
35. However, should Council resolve to not support the proposed registration, this decision could send an inconsistent message to the community regarding the City's approach to and treatment of our heritage places and spaces. The heritage value is already recognised at the local level and as such, the current use as public open space is protected. Its significance and importance at the State level is now being considered.
36. With Albany looking to promote heritage as a point of difference, such opportunities should be considered in the context of advancing and promoting Albany's overall significance as a heritage destination.
37. Council may also consider alternate options of the other recommendations in this item, such as:
- Not agreeing to other stakeholders being advised of its position on the registration;
 - Wishing not to send a representative to attend the Heritage Council meeting to represent the City's views on the proposed registration of the Albany State School Group (fmr); or
 - Making further comment.

SUMMARY CONCLUSION

38. It is recommended that Council support the proposed registration and offer comments as outlined in this report to advice of the possible temporary use during library redevelopment and longer term potential aspirations for Alison Hartman Gardens. Mention should also be made of the student housing proposal for the car park area to the rear of the buildings which are the main focus of the registration being considered.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Town Planning Scheme No. 1A</i> 3. <i>City of Albany Strategic Community Plan 2023</i>
File Number (Name of Ward)	:	A106616 & A106599 (Frederickstown Ward)
Previous Reference	:	Planning & Development Committee – Presentation: <i>Summary and Overview of Alison Hartman Gardens</i> , October 2016.

PD144: PLANNING AND BUILDING REPORTS SEPTEMBER 2016

Proponent : City of Albany
Attachment : Planning and Building Reports September 2016
Report Prepared By : Administration Officer-Planning (K Smith)
Information Officer-Development Services (J Corcoran)
Responsible Officer(s): : Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



RECOMMENDATION

PD144: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT Council NOTE the Planning and Building Reports for September 2016.

CARRIED 12-0

CSF271: FINANCIAL ACTIVITY STATEMENT – AUGUST 2016

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

Responsible Officer's Signature:



RECOMMENDATION

CSF271: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR DOWLING

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 August 2016

CARRIED 12-0

CSF271: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CSF271: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 August 2016

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 August 2016 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 \$50,000 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 2016/17 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 August 2016 has been incurred in accordance with the 2016/17 proposed budget parameters.
11. Details of any budget variation in excess of \$50,000 (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.2 - All Wards
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CSF272: LIST OF ACCOUNTS FOR PAYMENT – SEPTEMBER 2016

Proponent : City of Albany
Attachments : List of Accounts for Payment
Report Prepared by : Financial Accountant (S Beech)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



RECOMMENDATION

CSF272: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 September 2016 totalling \$9,305,526.27.

CARRIED 12-0

CSF272: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR TERRY

That the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CSF272: RESPONSIBLE OFFICER RECOMMENDATION

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 September 2016 totalling \$9,305,526.27.

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 September 2016. Please refer to the Attachment to this report.

Municipal Fund

Trust	\$217,916.80
Credit Cards	\$21,393.32
Payroll	\$2,001,086.97
Cheques	\$79,012.60
Electronic Funds Transfer	\$6,986,116.58
TOTAL	<u>\$9,305,526.27</u>

3. As at 15 September 2016, the total outstanding creditors, stands at \$414,909.57 and made up as follows:-
- | | |
|--------------|----------------------------|
| Current | \$296,396.20 |
| 30 Days | \$119,640.93 |
| 60 Days | - \$9.80 |
| 90 Days | -\$1117.76 |
| TOTAL | <u>\$414,909.57</u> |

Cancelled cheques – 31027 & 31049 – incorrect amounts – to be reissued.

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 September 2016 has been incurred in accordance with the 2016/2017 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 September 2016 has been incurred in accordance with the 2016/2017 budget parameters.

SUMMARY 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.

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CSF273: 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)

Responsible Officer's Signature:



RECOMMENDATION

CSF273: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR MOIR

THAT Council RECEIVE the Delegated Authority Reports 16 August 2016 to 15 September 2016.

CARRIED 12-0

CSF273: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CSF273: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports 16 August 2016 to 15 September 2016.

CSF274: ADOPTION OF FOUNDATION PARK IMPROVEMENT PLAN

Land Description	: Lots 176, 177, 178 Parade Street, Albany Lots 203, 204, 205, 206 and 174 Parade Street, Albany
Proponent / Owner	: City of Albany
Attachments	: Draft Foundation Park Improvement Plan Schedule of Submissions Confidential Attachment – Original Submissions Booklet
Report Prepared By	: Senior Lands Officer (N Crook)
Responsible Officers:	: Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 2 Clean, Green and Sustainable.
 - b. **Strategic Objectives:** 2.2 To maintain and renew city assets in a sustainable manner.
 - c. **Strategy:** 2.2.1 Deliver effective asset planning and deliver programs.
2.2.2 Deliver effective asset maintenance programs.

Maps and Diagrams:



In Brief:

- City staff have undertaken a planning and design process to develop the Foundation Park Improvement Plan. This draft plan has been advertised for public comment and a number of submissions were received.
- Council is requested to review the submissions received and consider adoption of the Foundation Park Improvement Plan, which will guide a series of improvements proposed in this park over the coming years.

[6:36:24 PM](#) Councillor Shanhun left Chamber after declaring a Proximity Interest in this item.

RECOMMENDATION

CSF274: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council ADOPT the Foundation Park Improvement Plan as a guide for future improvements to this park.

CARRIED 10-1

Record of Vote

Against the Motion: Councillor Moir

CSF274: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH

SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF274: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the Foundation Park Improvement Plan as a guide for future improvements to this park.

BACKGROUND

2. Majority of the land comprising Foundation Park was originally a gift of land from Queen Victoria in 1878 for the exclusive use of Public Recreation. Its use as public parkland has been established from a very early period in Albany's history. It is known that this area was originally a Noongar Corroboree ground and was then used as a parade ground for the military base established in Albany after settlement.
3. The Frederickstown Progress Association conducted a survey of park users in February 2014 and 93 surveys were completed over a 2 week period. On this basis, the Association then approached the City advising of the following survey outcomes:
 - a. The majority of people surveyed use the park on a daily or weekly basis;
 - b. Walking & exercise, use of the playground and dog activities were the most common activities at the park;
 - c. An overwhelming majority of respondents would like improvements at the park, including the installation of a BBQ, more shade, more seating, public toilets, improved landscaping, water fountains, upgraded car park, use of public art and a new fence around the park; and
 - d. There was also a general willingness amongst the respondents to assist with park improvements.

The results of this survey was one of the reasons that the Foundation Park Improvement Plan project was initiated.

4. Portion of Foundation Park is leased to the Albany Bridge Club Inc for a 21 year period. The lease is due to expire in February 2019. This Club owns the Bridge Club building.
5. A significant portion of Foundation Park is leased to the Albany All Breed Dog Club (area excludes the playground). While the Club activities have occurred at this site for many years, a lease to formalise this arrangement commenced in 2001 and was renewed in 2006, with expiry due in October 2026. This lease is for the exclusive use of Foundation Park during the period of the Club's activities, which is usually Saturday afternoons, though the lease does not specify timeframes for these activities
6. The Dog Club lease previously included "the whole of the iron and brick building comprising a kitchen and four storage areas". Over time, this building fell into a poor state of repair and towards the end of 2015, the demolition of the building was deemed necessary. The proposed demolition was advertised for public comment prior to the works commencing and the City negotiated with the adjoining landowner, as this building was part of their fence line. The demolition works were completed in January 2016.
7. In order to provide the Dog Club a continuous space for storage and use, the City applied for and installed a sea container on site. This container will remain on site until a new building is constructed.

DISCUSSION

8. The draft Foundation Park Improvement Plan was prepared in-house by City staff and proposes a series of upgrades to enhance the function and appearance of the park, while also improving the facilities available to the community. The key aims were to consolidate the use of this park by dog owners, maintaining the green space available and improving park interactions with the adjoining residential areas. The draft Plan proposes the following
 - a. **New Building** – It is proposed that the new building will serve a number of functions. It will include public toilets, a new home for the Albany All Breeds Dog Club (under a new lease arrangement) and a sheltered area looking out into the playground, with seating, bins and potentially a BBQ.
 - b. **Reshaped Grass Banks** – it is proposed to re-shape the grass banks adjoining Vancouver and Mills Streets to control the erosion that is occurring and to improve the support for the adjoining roadways. The fencing along Vancouver Street will be replaced and new bollard fencing will be replaced along Vancouver and Mills Streets. The reformed slopes will allow people to walk into the park from these roads, which is not currently possible. While efforts will be made to retain some of the trees along the Mills and Vancouver Street boundaries, it is likely some will need to be removed.
 - c. **Road Works** – the intersection of Vancouver and Mills Streets will be upgraded to correct drainage flows and Mills Street may be upgraded and extended over time.
 - d. **Parking & Pathways** – as longer term goals, the City would like to construct a new parking area and footpaths leading from the car park to the new building and then on to Parade Street. The existing car park is proposed to be re-turfed.
9. The draft plan was advertised for public comment in June 2016, closing on 15 July 2016. Twenty-five (25) submissions were received, majority of which were overwhelmingly supportive of the draft plan and improvements to the park generally. The submissions are summarised in the attached Schedule and the original submissions received are available as a confidential item to this report (to protect the privacy of respondents, which has been omitted from the Schedule). However, the key issues raised will be summarised and discussed below:
 - a. Installation of a BBQ

The proposed BBQ was mentioned by almost half of the submissions received with, four supporting the installation of a BBQ, four opposing the installation of a BBQ and three requesting that if a BBQ is installed, that it be fenced to provide separation from dogs in the park.

Staff consider that the installation of BBQs in parks should be considered at a higher asset management level and this matter will be further reviewed as part of the Developed Reserves Strategy which is currently in progress. Though it is agreed that given the importance of Foundation Park as a dog park, if a BBQ is installed, fencing of this facility may be worthwhile.

b. Seating

Six submissions request additional seating in and around the park.

It was not the intent of the Improvement Plan to provide detailed design, down to the number of seats provided, but rather a conceptual plan. It is intended that bench seats will be provided in the undercover shelter in the new building and that additional seating will be provided around the park as funds become available.

c. Playground Upgrades

Four of the submissions received request that play equipment for older children is provided.

The existing playground is not due for replacement until 2018, though at that time, more detailed consideration will occur on the age of users and the best type of equipment to be installed in this location.

d. Fencing

Nine of the submissions received mention the fencing around the park. There was general support for the removal of existing fencing which is in poor condition, though majority sought a continuous wire fence around the park to improve safety for park users and provide separation of dogs and users from the adjoining roadways.

The bollard fencing was originally proposed because it allows the park to be easily accessed from adjoining roadways and it is an economical solution to delineate a park area. However, it is recognised that the roads adjoining this park carry high traffic numbers and that the park is one of the few in Albany designated for dog use. As such, a low height wire fence (similar to that installed in the Centennial Park Sporting Precinct) may be worthwhile in this location.

e. Public Toilets

Five submissions mention the provision of public toilets at this park. While the supply of public toilets was generally supported, a number of these submissions requested that they be locked at night. Two other submissions also request improved security at the park.

It is intended that these toilets will be locked at night, which is in line with the City's practices for all public toilets in the central area. Security concerns will be generally monitored and if this proves to be an issue, this site may also be considered for CCTV.

f. Location of New Building

While three submissions support the location of the proposed building, four object to its location east of the playground. One of these objections would like the building situated closer to the proposed carpark, while the other three objections raise issue with the location based on its potential impact on the adjoining landowner and that it will take up valuable green space.

The previous building which has now been demolished was located almost on the boundary shared with the adjoining landowner. The new building is proposed to be situated further away from this property to minimise impact on these owners, as they had experienced issues in the past with the close proximity of the previous building.

The location of the proposed building also considers its use by the Dog Club as this building will form part of their activities at the park. The Club are generally in support of this location east of the playground.

The submissions received suggest that the location of the building west of the playground would be more amenable for nearby residents, however it is considered that public surveillance of the building would be compromised in this location. It would also be more costly to construct the building in this location, as services are located along Parade Street and would need to be extended a much greater distance if the building was to be located on the Mills Street side of the park.

g. Heritage Character

Three of the submissions received mention the heritage significance of the park and would like to see greater recognition of its history. Two of the three submissions would also like the building to have more regard to heritage character, including heritage design elements.

In terms of the building design, it is generally considered that replicating heritage elements is not the best manner to ensure the heritage character of an area is maintained. It is also proposed that a modular building be used, as this is an economical option, and opportunities to include heritage features may be limited.

However, it is recognised that the heritage significance of the park is not well interpreted. It is intended that interpretation signage is installed at the site as funds become available.

The proposed Improvement Plan was also considered by the Noongar Consultation Committee in the plan development stage (December 2015) and while no concerns were raised, the Committee also requested interpretation signage to recognise the use of this land as a Corroboree ground. This story would also be included in any future interpretation signage to be installed on site.

h. Grass Banks & Trees

Only one submission raised concern with the reshaped grass banks, stating that the drainage bunds should be maintained, though this submission also sought a reduced gradient on the slopes along Vancouver Street. Two other submissions did make suggestions on how the banks should be treated.

While three submissions asked that the trees be retained, two submissions noted that some of the trees were dangerous and should be removed. Three submissions also made suggestions on the size and nature of replacement trees. In particular, one submission suggested that infill planting occur before trees are removed to ensure a continuous shade cover.

Based on other experiences within the City, officers were expecting a greater number of objections to the removal of some of the trees along Mills and Vancouver Streets. While every effort will be made to retain healthy trees, it is recognised that some of these trees are dangerous and may require removal. It is also recognised that the change in ground levels may impact the viability of these trees. However, the infill planting suggestion is supported and will be undertaken where possible.

The reshaped grass banks aim to enhance the amount of useable space in the park, while addressing the issues with stabilisation and erosion. Further, people should be able to walk into the park from the Mills Street and Vancouver Street boundaries, which is not currently possible.

10. Overall, it is considered that the submissions received generally support the Foundation Park Improvement Plan, though a number of suggestions have been made as to how the improvement plan will be implemented. Many of these suggestions can be taken on board either in future works or as more detailed planning occurs.

GOVERNMENT & PUBLIC CONSULTATION

11. Extensive public consultation on the Draft Foundation Park Improvement Plan has occurred. The City worked closely with the Frederickstown Progress Association, the Albany All Breeds Dog Club, the Noongar Consultation Committee and some of the nearby / adjoining landowners throughout the plan development stage. Once the draft plan was finalised, the following consultation actions occurred:
 - a. Information signs were erected at the park;
 - b. Advertisements were included in the local newspapers over a number of weeks;
 - c. A direct mail out to over 200 nearby landowners and key community groups;
 - d. The information sheet was displayed in the City's Administration Centre and on the City's website; and
 - e. Social media posts.
12. Some government agency consultation has occurred, though only in the capacity as a nearby landowner / land manager.

STATUTORY IMPLICATIONS

13. While Foundation Park is not specifically included on the City's Heritage List, it is contained on the Review List within the Municipal Heritage Inventory. As such, it may be included in this document in the future.
14. There are no other statutory implications related to this item.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. Public perception that the City has not adequately considered their submission and amended the plan accordingly.	Unlikely	Moderate	Minor	Detailed community consultation has been undertaken and consideration of all submissions received has occurred as part of this item to Council. No amendments to the plan were considered warranted, though many suggestions will be taken on board in detailed planning phases.

FINANCIAL IMPLICATIONS

17. An allocation has been included in the 2016-17 budget for the construction of a new building at Foundation Park. Early planning is underway to ensure that this building is constructed in this financial year.
18. Once the Improvement Plan is adopted, future improvements will be costed and included in the 10 Forward Capital Works Programme, so that the proposed future works can be undertaken as a staged development program.

LEGAL IMPLICATIONS

19. There are no legal implications related to this item.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

21. Council may:
- a. Adopt the Foundation Park Improvement Plan as presented; or
 - b. Seek additional public consultation prior to the reconsideration of the draft plan; or
 - c. Seek amendment to the Foundation Park Improvement Plan.

CONCLUSION

22. There has been community interest for a number of years to undertake improvements to Foundation Park.
23. In response to this interest, City staff undertook a design process to prepare the draft Foundation Park Improvement Plan. As part of this process, staff worked closely with adjoining affected landowners, the Albany All Breeds Dog Club, the Frederickstown Progress Association and the Noongar Consultation Committee.
24. Once the draft plan was finalised, a broad public consultation programme was undertaken and 25 submissions were received. While the submissions make a number of suggestions as to how the plan will be implemented, it is considered there was overwhelming support for the plan and improvements to the park generally.
25. As such, it is recommended that the Foundation Park Improvement Plan be adopted as a guide for future improvements in this park. As this first stage, this will include the construction of a new building (including public toilets), which has been supported by Council as a capital work in the 2016/17 budget.

Consulted References	:	City of Albany Municipal Heritage Inventory Inherit database
File Number (Name of Ward)	:	PR.DEC.12
Previous Reference	:	None

[6:38:19 PM](#) Councillor Shanhun returned to the Chamber. Councillor Shanhun was not present during the discussion and vote for this item.

**CSF275: QUARTERLY REPORT – TENDERS AWARDED – JULY TO
SEPTEMBER 2016**

Proponent : City of Albany
Attachments : Quarterly Report – Tenders Awarded – July to September 2016
Report Prepared by : Procurement Officer (H Hutchinson)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



RECOMMENDATION

CSF275: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MULCAHY
SECONDED: COUNCILLOR DOWLING

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – July to September 2016.

CARRIED 12-0

CSF275: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING
SECONDED: SECONDED: COUNCILLOR MULCAHY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CSF275: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – July to September 2016.

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 [6:39:53 PM](#)



Dennis W Wellington
Mayor