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# MINUTES

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**Ordinary Meeting of Council**

**Tuesday 25 June 2019**

6.00pm

City of Albany Council Chambers

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



ORDINARY COUNCIL MEETING  
MINUTES 25/06/2019

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**1. DECLARATION OF OPENING**

**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

Frederickstown Ward

G Stocks (Deputy Mayor)

Frederickstown Ward

R Stephens

Vancouver Ward

J Shanahun

Vancouver Ward

T Sleeman

West Ward

A Goode JP

West Ward

S Smith

Yakamia Ward

A Moir

Yakamia Ward

R Sutton

**Staff:**

Chief Executive Officer

A Sharpe

A/Executive Director Corporate Services

D Olde

Executive Director Development

Services

P Camins

A/Executive Director Infrastructure

& Environment

M Richardson

Executive Director Community Services

S Kay

Meeting Secretary

J Williamson

**Apologies:**

Kalgan Ward

B Hollingworth (Leave of Absence)

Kalgan Ward

E Doughty (Apology)

Breaksea Ward

P Terry (Apology)

**4. DISCLOSURES OF INTEREST**

Name	Report Item Number	Nature of Interest
Nil		

**5. REPORTS OF MEMBERS**

**6.01pm Councillor Stephens**

**Summary of key points:**

- Acknowledgement of Councillor Moir's involvement and commitment to the community.

**6.02pm Councillor Stocks**

**Summary of key points:**

- Met with Rio Tinto in Busselton. Rio Tinto are committed to additional flights or bigger aircraft from Albany to mine site direct. Also discussed was Rio Tinto's commitment to the expansion of FIFO workers from Albany, including contractors, and offering an increased number of apprenticeships.

**6.03pm Councillor Shanhun**

- Attended a site tour of the Juniper aged care facility, recently constructed at a cost of \$37 million. Great facility for ageing population.
- Pleased with the recent upgrades and redevelopment of Alison Hartman Gardens.

**6.05pm Councillor Sleeman**

**Summary of key points:**

- Acknowledged the contribution and assistance by City staff with the Keep Australia Beautiful campaign.
- Advised of the commitment shown by local residents to carry out a nurdle clean up on local beaches.
- Acknowledged Rhonda Appleton and Tina Abbott who have espoused the values of the Keep Australia Beautiful campaign by picking up litter in the areas surrounding their homes.
- Clothes recycling project with Max and Marianne Chester. The City has provided a facility and support for the project. A future meeting is planned with local op shops to support the project by delivering direct to the facility.

**6.10pm Councillor Goode**

**Summary of key points:**

- Nearly 20 years since Councillor Goode was sworn in as inaugural Mayor of the City.

**6.11pm Mayor**

**Summary of key points:**

- Attended the WA Shellfish Aquaculture Industry Forum. The forum attracted over 120 attendees. The shellfish industry is currently worth \$16m per year to Albany, which could increase to \$100m in the future, including the creation of up to 250 new jobs.
- Commented on the recent disquiet within the mountain bike community regarding a perceived delay in the development of more bike trails. The City has spent \$100,000 in community consultation and preliminary environmental studies as part of the approval process. Environmental approvals are required due to the sensitive nature of the areas identified as suitable for mountain bike trails. Delays are unavoidable due to the process which needs to be undertaken to ensure environmental approvals are granted. The City currently has approximately 100kms of walking trails and 700 metres of bike trails, and acknowledges the need to provide more bike trails.

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

**7. PUBLIC QUESTION TIME**

**6.14pm Mr Tony Harrison, Little Grove**

**Summary of key points:**

- Addressed Council regarding the submission he made to the Environment Protection Authority, requesting protection of the southern part of WA from mining.

**6.18pm Mr John Boon, 273 Two Peoples Bay Road, Kalgan**

**Summary of key points:**

- Mr Boon addressed Council regarding concerns he had with the planning approvals granted to 283 Two Peoples Bay Road Kalgan, which is zoned priority agriculture. Mr Boon's tabled address and questions taken on notice are detailed at Appendix A.

**6.23pm Ms Ruth Haight**

**Summary of key points:**

- Ms Haight addressed Council regarding Councillor Smith's Notice of Motion. Ms Haight requested that Council support the Notice of Motion, and said that the community required assistance with the maintenance of community halls, including the development of business plans. Ms Haight suggested that the City may be able to support community hall committees with governance requirements and a meeting framework.

**6.27pm Joan Watkinson, Millbrook Road, President of King River Recreational Club**

**Summary of key points:**

- Ms Watkinson spoke in support of the Notice of Motion by Councillor Smith, and requested that Council consider how they may be able to assist in providing resourcing for community halls.

**6.31pm Malcolm Traill, Tennessee South Road, Lowlands**

**Summary of key points:**

- Mr Traill spoke in support of the Notice of Motion by Councillor Smith.

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

**9. PETITIONS AND DEPUTATIONS Nil**

**10. CONFIRMATION OF MINUTES**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MVED: COUNCILOR SHANHUN**

**SECONDED: COUNCILLOR SMITH**

**THAT the minutes of the Ordinary Council Meeting held on 28 May 2019, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 10-0**

**11. PRESENTATIONS Nil**

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

## **CCS158: FINANCIAL ACTIVITY STATEMENT – APRIL 2019**

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

### **RECOMMENDATION**

**CCS158: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STEPHENS**  
**SECONDED: COUNCILLOR MOIR**

**THAT the Financial Activity Statement for the period ending 30 April 2019 be RECEIVED.**  
**CARRIED 10-0**

**CCS158: COMMITTEE RECOMMENDATION**

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

**THAT the Responsible Officer Recommendation be ADOPTED.**  
**CARRIED 13-0**

**CCS158: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Financial Activity Statement for the period ending 30 April 2019 be RECEIVED.**

### **BACKGROUND**

1. The Statement of Financial Activity for the period ending 30 April 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 30 April 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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**CCS159: LIST OF ACCOUNTS FOR PAYMENT – MAY 2019**

**Business Entity Name** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared By** : Manager Finance (D Olde)  
**Responsible Officers:** : Executive Director Corporate Services (M Cole)

**RECOMMENDATION**

**CCS159: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 May 2019 totalling \$5,143,848.30.**

**CARRIED 10-0**

**CCS159: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR SLEEMAN**

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

**CARRIED 13-0**

**CCS159: 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 May 2019 totalling \$5,143,848.30.**

**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 May 2019. Please refer to the Attachment to this report.

<b>Municipal Fund</b>	
Trust	\$140,943.30
Credit Cards	\$21,841.56
Payroll	\$1,592,641.51
Cheques	\$49,035.31
Electronic Funds Transfer	\$3,339,386.62
<b>TOTAL</b>	<b><u>\$5,143,848.30</u></b>

As at 15 May 2019, the total outstanding creditors stands at \$945,535.31 and is made up as follows:

Current	\$406,416.38
30 Days	\$519,873.48
60 Days	\$1,124.01
90 Days	\$16,121.44
<b>TOTAL</b>	<b><u>\$945,535.31</u></b>
<b>Cancelled Cheques</b>	<b>Nil</b>

**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 May 2019 has been incurred in accordance with the 2018/2019 budget parameters.

**FINANCIAL IMPLICATIONS**

7. Expenditure for the period to 15 May 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.

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CCS160: DELEGATED AUTHORITY REPORTS – APRIL TO MAY 2019**

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

**RECOMMENDATION**

**CCS160: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MOIR**  
**SECONDED: COUNCILLOR SHANHUN**

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

**CARRIED 10-0**

**CCS160: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 13-0**

**CCS160: RESPONSIBLE OFFICER RECOMMENDATION**

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

**CCS161: RATING SUBSIDY: SPORTING & COMMUNITY ORGANISATION  
RECIPIENT LIST FOR 2018/19**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Rating Subsidy: Sporting & Community Organisations Recipient List for 2018/19 financial year.
<b>Report Prepared by</b>	: Senior Finance Officer – Rates (G Shephard)
<b>Responsible Officer</b>	: Executive Director Corporate Services (M Cole)

**RECOMMENDATION**

**CCS161: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council RECEIVE the Rating Subsidy: Sporting and Community Organisations  
Recipient List for 2018/19.**

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Goode

**CCS161: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 12-1**

**Record of Vote**

Against the Motion: Councillor Goode

**CCS161: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RECEIVE the Rating Subsidy: Sporting and Community Organisations Recipient List  
for 2018/19.**

**CCS162: NATIONAL ANZAC CENTRE 2019 EXHIBITION REFRESH**

<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: National Anzac Centre
<b>Attachments</b>	: WA Museum National Anzac Centre Refresh Options Paper Supplement ( <b>CONFIDENTIAL</b> ) NAC Options Provisional Budget Estimate ( <b>CONFIDENTIAL</b> )
<b>Report Prepared By</b>	: Executive Director Community Services (S Kay)
<b>Responsible Officers:</b>	: 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:** Community Health & Participation
  - **Objective:** To create interesting places, spaces and events that reflect our community's identity, diversity and heritage
  - **Community Priority:** Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory

**In Brief:**

- To seek endorsement to progress the proposed refresh of the National Anzac Centre.

**RECOMMENDATION**

**CCS162: REESOLUTION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR STEPHENS**  
**SECONDED: COUNCILLOR HAMMOND**

**THAT Council APPROVE the inclusion of up to \$765,120 in the draft 2019/2020 budget from the National Anzac Centre Reserve fund to commence work on Phase 1 of the National Anzac Centre refresh.**

**CARRIED 10-0**  
**ABSOLUTE MAJORITY**

**CCS162: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 12-1**

**Record of Vote**

Against the Motion: Councillor Terry

**CCS162: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council APPROVE the inclusion of up to \$765,120 in the draft 2019/2020 budget from the National Anzac Centre Reserve fund to commence work on Phase 1 of the National Anzac Centre refresh.**

**BACKGROUND**

2. The National Anzac Centre (NAC) is an award winning \$10.2 million facility that commemorates the role of the ANZACs in the First World War. It opened on 1 November 2014, coinciding with the four-year centenary commemoration period.
3. The museum, located on Mt Clarence, uses multimedia, interactive technology and historical artefacts to tell the story of soldiers, their families and Albany's significant connection with the Anzac story "lest we forget".
4. The NAC attracts visitors from all over the world and reached the milestone of 300,000 visitors in April 2019. There is a strong focus on encouraging Great Southern community members and intrastate visitors to come to Albany for the NAC and other high profile attractions in the region.
5. Development of the current exhibition occurred in partnership with the WA Museum (WAM).
6. The City of Albany contracts the WAM to continue to manage the curation of the exhibition via a service level agreement (value \$86,000 per year).
7. Ms. P. Smith is the current allocated WAM Project Officer for the NAC and visits on a regular basis to manage items such as loans renewal. As part of the three-year service level agreement, a refresh of the current content was planned for November 2019.
8. The original business case prior to the construction of the NAC building estimated Albany Heritage Park (AHP) visitation of 233,300 for the first five years. Actual paid visitation to 30 April 2019 is 308,509.
9. Income and Expenditure has been reviewed, based on the figures provided in the summary of the original business case and data provided by the City for the AHP (see Figure 1). Cumulative income for AHP was projected for the first four years to be \$3,384,725. Actual income was \$6,447,976.
10. Cumulative expenditure for AHP was projected for the first four years to be \$4,471,756. Actual expenditure was \$6,414,491.
11. Estimated cumulative total AHP reserve (NAC and AHP) for the first four years was projected to be \$452,537. Actual reserve amount at 30 June, 2018 was \$1,565,383 (NAC and AHP).

Item	Original Business Case Projection	Actual Outcome	Difference
Income FY 2014-2018	\$3,384,725	\$6,447,976	\$3,063,251
Expenditure FY 2014-2018	\$4,471,756	\$6,414,491	\$1,942,735
Cumulative Reserve NAC & AHP end of FY 2017-2018	\$452,537	\$1,565,383	\$1,112,846
Expected Visitation FY 2014- 30 April 2019	233,300	YTD 308,509	YTD 75,209

*Figure 1: AHP Projection vs Actual***DISCUSSION**

12. A review of the NAC exhibition was conducted by WAM in August 2017 and revisited in November 2018. The main objectives of the review were to:
  - Increase number of visits and satisfaction, including locals.
  - Improve content delivery.
  - Improve the connection between the Princess Royal Fortress site and the NAC.
13. The resulting 2019 Refresh Options Paper outlined the required and suggested changes/alterations to meet the above objectives. The recommendations were categorised according to essential maintenance required, improved delivery and new attractions over 2 phases.

14. It is recommended that the essential maintenance be conducted as a matter of priority to ensure that the museum meets the expectations of our visitors and our loan partners.
15. Nominated essential maintenance is outlined as follows:
  - a. Content Loan renewals, which will expire in 2019.
  - b. Viewing Hall – change delivery of the existing audio and digital content by installing different hardware consisting of 6 iPad.
16. Improved Delivery recommendations consist of:
  - a. Relocation and Rebuild of the Convoy table, which has had a high degree of software and hardware failure and installing different methods of delivering with the same content.
  - b. Remembrance Gallery – improve accessibility and visual viewing of the remembrance reflection pool to wheelchair height.
  - c. Screen Covers – Improving access to hardware for NAC visitor services officers for system reboots, by replacing screen covers.
17. New Attractions recommended:
  - a. Temporary exhibition space – conversion of the Convoy Room to accommodate a temporary exhibition/theatrette space (such as 100 Soldiers and the War Memorial Project video content).
  - b. Temporary exhibition - Ibuki Bell Annexe room to be converted into a dual-purpose screening room for existing silent content and exhibition space.
  - c. Convoy Journey – develop additional content interpreting the Convoy Journey, once it departed Albany, using the personal testimony of Captain Arthur Gordon-Smith.
  - d. Education Resource – self-directed content for school groups, meeting curriculum guidelines for primary and secondary school levels.
  - e. Audience Engagement/Space Activation – develop strategies to encourage greater audience interaction and engagement with the space and exhibition content targeted to meet the needs of families.

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

18. Consultation with the WA Museum and National Anzac Centre Advisory Group to obtain guidance and support for informed decision making on refreshing the NAC.

#### **STATUTORY IMPLICATIONS**

19. Voting requirement is **Absolute Majority**.

#### **POLICY IMPLICATIONS**

20. Not Applicable.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Finance</b> <b>Risk:</b> Lack of funds to carry out intended works	Possible	Moderate	Medium	Propose a two-phased approach to achieving the complete refresh.
<b>Reputational:</b> Interruption of visitor experience.	Possible	Moderate	Medium	Work with stakeholders to minimise disruptions to the NAC.  If disruptions to visitor experience will occur, consider appropriate entry discounts for interrupted period
<b>People Health and Safety</b> <b>Risk:</b> Missed opportunity to address any OSH issues as part of the upgrade.	Possible	Moderate	Medium	Occupational Safety and Health (OSH) issues are addressed as a matter of priority.
<b>Opportunity:</b> <ul style="list-style-type: none"> <li>To upgrade the facilities of the National Anzac Centre to increase number of visits and satisfaction, including locals.</li> <li>Improve content delivery and visitor experience.</li> <li>Improve the connection between the Princess Royal Fortress site and the National Anzac Centre.</li> </ul>				

## FINANCIAL IMPLICATIONS

22. No funding was allocated in the draft 2018/2019 budget to fund the refresh options.
23. The NAC Reserve fund had a closing balance of \$1,060,819 for 2017-2018 with the Albany Heritage Park Infrastructure Reserve closing balance at \$504,564.
24. The NAC Reserve fund purpose is to receipt funds for the ongoing management and building renewal for the NAC. The purpose of the AHP Infrastructure Reserve is to receipt funds for the purpose of maintenance and capital improvements of the AHP.
25. It is estimated that the cost of Phase 1 will be approximately be \$765,120 inclusive of curation and this also includes 20% contingency.
26. It is estimated that the cost of Phase 2 will be approximately \$676,500 inclusive of curation and this also includes 20% contingency.
27. Overall cost for the total refresh as recommended by WAM will be \$1,441,620 inclusive of curation and this also includes 20% contingency.
28. Development of funding applications, for the recommended changes, are possible, however, difficulties arise with eligibility for most programs, where a fee for service is involved.
29. Sponsorship for the NAC has now ceased with the last year of the \$50,000 donation by Heath Development received in the 2017-2018 financial year. Further sponsorship will be pursued, noting that it has been difficult to source any significant donation for other like services.

## LEGAL IMPLICATIONS

30. Not Applicable

## ENVIRONMENTAL CONSIDERATIONS

31. Not Applicable

## ALTERNATE OPTIONS

32. Council to not approve funding allocation in the draft 2019/2020 budget.



**CONCLUSION**

33. Refreshing the exhibition content within the National Anzac Centre is crucial to its ongoing success and maintaining its status as one of the nation's most important cultural assets.
34. Loan agreements to existing content expire this year and ongoing evolution in technology is creating opportunities to enhance the visitor experience.
35. It is important we continue to employ the expertise of our key stakeholders in the National Anzac Centre to realise its potential and maintain its relevance.

<b>Consulted References</b>	:	N/A
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	N/A

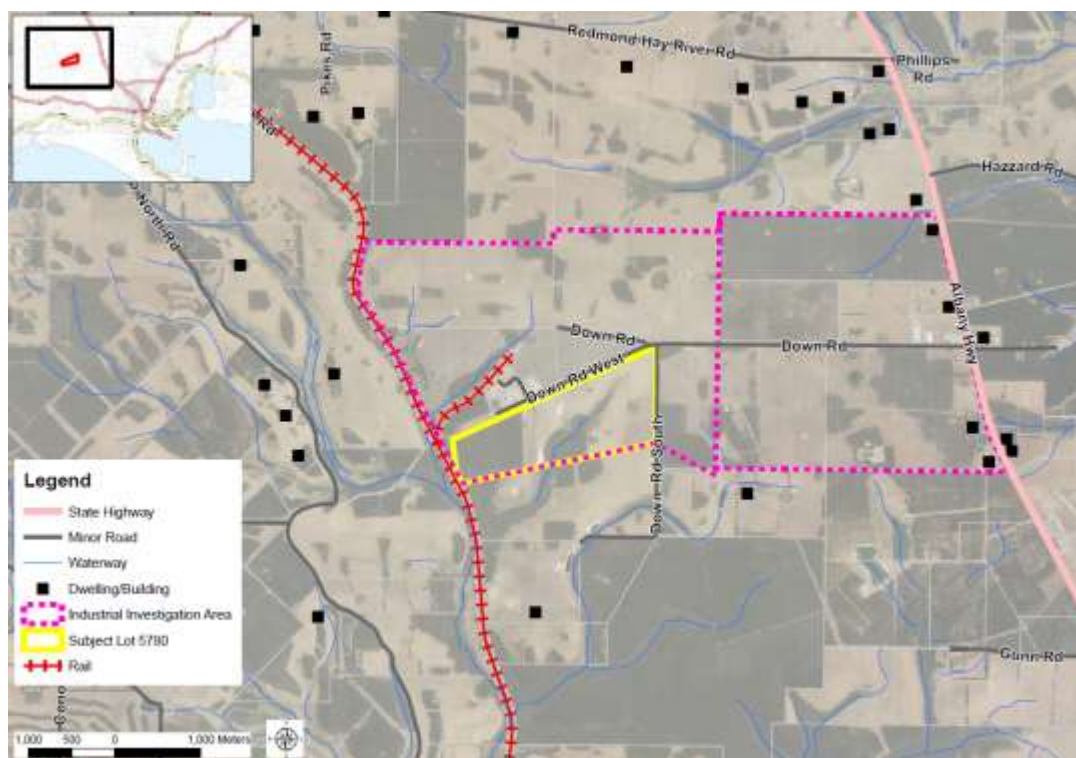
## DIS164: LOCAL PLANNING SCHEME AMENDMENT NO.35 – LOT 5780, DOWN ROAD SOUTH, DROME.

<b>Land Description</b>	: Lot 5780, Down Road South, Drome
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: City of Albany
<b>Attachments</b>	: LAMD35 Amendment Document
<b>Report Prepared by</b>	: Senior Planning Officer – Strategic Planning (A Nicoll)
<b>Responsible Officer</b>	: Executive Director Development Services (P Camins)

### STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010*, its draft *Albany Local Planning Strategy 2018* and its *Community Strategic Plan – Albany 2030*. The amendment complies with strategic planning for the following reasons:
  - a) The *Albany Local Planning Strategy 2010* seeks to promote economic development and to encourage local employment opportunities (Section 8.5) and to ensure recreation facilities are provided by the public and private sectors as part of Albany's growth (Section 8.3).
  - b) The *Albany Local Planning Strategy 2018* identifies the site as part of an 'Investigation Area' for 'Industrial Expansion'. Development of a motorsport facility within proximity of a strategic industrial area is not expected to prejudice the use of surrounding land for industrial purposes.
  - c) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

### Maps and Diagrams:



**In Brief:**

- It is proposed that the current zoning of Lot 5780, Down Road South in Local Planning Scheme No.1 be amended from 'Priority Agriculture' to 'Special Use' in order to enable motorsport activities.
- The proposed rezoning is justified in the context of the current local planning framework, for the following reasons:-
  - a) The proposal will meet a currently unmet demand for motorsport facilities;
  - b) The subject lot represents a very small percentage of the total land zoned Priority Agriculture and therefore its removal from the City's Priority Agriculture zone is considered to have no significant effect on the agricultural land protection objectives under State Planning Policy 2.5 or the City of Albany's Local Planning Scheme;
  - c) The proposal coincides with the City's Local Planning Strategy, which seeks to promote economic development and to ensure recreation facilities are provided by the public and private sectors as part of Albany's growth; and
  - d) The proposal is specifically located to reduce land use conflict.
- The proposal will establish the statutory planning framework for the development of the site for motor sports, including provisions to mitigate and manage any site constraints and matters common to motor sports.
- Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

**RECOMMENDATION**

**DIS164: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR STOCKS**

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35(2) and r.37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. **PREPARE AND ADVERTISE** (without modification) Complex Amendment No. 35 to amend City of Albany *Local Planning Scheme No. 1* by:
  - a) Rezoning Lot 5780, Down Road South, Drome, from Priority Agriculture Zone to Special Use Zone.
  - b) Adding the following text to Schedule 4:

No.	Description of Land	Special Use	Conditions
SU26	Lot 5780 Down Road South, Drome	Motorsport based recreation and incidental uses	<ol style="list-style-type: none"> <li>1. All development requires the development approval of the local government.</li> <li>2. Applications for development approval shall be advertised in accordance with clause 64 of the deemed provisions.</li> <li>3. All use and development is to be in accordance with the Albany Motorsport Park Precinct Plan and approved management plans.</li> <li>4. Any application for development approval for the site shall be accompanied by an Environmental</li> </ol>

				<p><b>Management Plan for the site that addresses:</b></p> <ul style="list-style-type: none"> <li>a) <b>Noise Management Plan for construction and operation of the site.</b></li> <li>b) <b>Water Management Plan for construction and operation of the site.</b></li> <li>c) <b>Hydrocarbon Management Plan for operation of the site.</b></li> <li>d) <b>Waste Management Plan for construction and operation of the site.</b></li> <li>e) <b>Dust Management Plan for construction and operation of the site.</b></li> <li>f) <b>Acid Sulfate Soils (ASS) risk.</b></li> <li>g) <b>Protected Exclusion Zone Management Plan addressing management responsibilities, revegetation, and vegetation condition and wetland water quality monitoring.</b></li> <li>h) <b>Decommissioning Plan.</b></li> <li>i) <b>Construction Management Plan.</b></li> </ul> <p><b>5. Any application for development approval for the site shall be accompanied by a visual impact assessment to determine the appropriate physical treatments to mitigate visual impact to Lot 5781 Down Road South, Drome.</b></p> <p><b>6. Development shall be in accordance with an approved Bushfire Management Plan that has been implemented to the satisfaction of the Local Government, Department of Planning, Lands and Heritage, and the Department of Fire and Emergency Services.</b></p> <p><b>7. Any application for development approval for the site shall be accompanied by a Traffic and Parking Management Plan for construction and operation of the site, including consideration of peak parking and traffic management during larger and special events (i.e. events attracting greater than 500 attendees).</b></p>
c) Adding the following precinct plan to Schedule 4:				



- d) Amending the Scheme Map accordingly.
2. The amendment is considered to be a complex amendment for the following reasons:
  - it is not consistent with the endorsed local planning strategy for the scheme;
  - it is of a scale and nature that may have an impact on the amenity of the locality and environs; and
  - it may result in some environmental or social impacts on land within the Scheme area,
3. *Refer the amendment to the Environmental Protection Authority to determine if formal environmental assessment is required.*
4. *Refer the amendment to the Commission in accordance with Part 5, r. 37 (2) & (3) of the Planning and Development (Local Planning Schemes) Regulations 2015, to determine if any modifications to the amendment is required prior to advertising.*
5. *In accordance with Part 5, r.38 of the Planning and Development (Local Planning Schemes) Regulations 2015, if the Commission advise that it is satisfied that the Complex amendment is suitable to be advertised, the City is to advertise the amendment for a period not less than 60 days.*

CARRIED 10-0

DIS164: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 12-0

**DIS164: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35(2) and r.37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. PREPARE AND ADVERTISE (without modification) Complex Amendment No. 35 to amend City of Albany *Local Planning Scheme No. 1* by:

a) Rezoning Lot 5780, Down Road South, Drome, from Priority Agriculture Zone to Special Use Zone.

b) Adding the following text to Schedule 4:

No.	Description of Land	Special Use	Conditions
SU26	Lot 5780 Down Road South, Drome	Motorsport based recreation and incidental uses	<ol style="list-style-type: none"> <li>1. All development requires the development approval of the local government.</li> <li>2. Applications for development approval shall be advertised in accordance with clause 64 of the deemed provisions.</li> <li>3. All use and development is to be in accordance with the Albany Motorsport Park Precinct Plan and approved management plans.</li> <li>4. Any application for development approval for the site shall be accompanied by an Environmental Management Plan for the site that addresses: <ol style="list-style-type: none"> <li>a) Noise Management Plan for construction and operation of the site.</li> <li>b) Water Management Plan for construction and operation of the site.</li> <li>c) Hydrocarbon Management Plan for operation of the site.</li> <li>d) Waste Management Plan for construction and operation of the site.</li> <li>e) Dust Management Plan for construction and operation of the site.</li> <li>f) Acid Sulfate Soils (ASS) risk.</li> <li>g) Protected Exclusion Zone Management Plan addressing management responsibilities, revegetation, and vegetation condition and wetland water quality monitoring.</li> <li>h) Decommissioning Plan.</li> <li>i) Construction Management Plan.</li> </ol> </li> <li>5. Any application for development approval for the site shall be accompanied by a visual impact assessment to determine the appropriate physical treatments to mitigate visual impact to Lot 5781 Down Road South, Drome.</li> <li>6. Development shall be in accordance with an approved Bushfire Management Plan that has been implemented to the satisfaction of the Local Government, Department of Planning, Lands and Heritage, and the Department of Fire and Emergency Services.</li> </ol>



				7. Any application for development approval for the site shall be accompanied by a Traffic and Parking Management Plan for construction and operation of the site, including consideration of peak parking and traffic management during larger and special events (i.e. events attracting greater than 500 attendees).
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a) Adding the following precinct plan to Schedule 4:



d) Amending the Scheme Map accordingly.

2. The amendment is considered to be a complex amendment for the following reasons:
  - it is not consistent with the endorsed local planning strategy for the scheme;
  - it is of a scale and nature that may have an impact on the amenity of the locality and environs; and
  - it may result in some environmental or social impacts on land within the Scheme area,
3. *Refer the amendment to the Environmental Protection Authority to determine if formal environmental assessment is required.*
4. *Refer the amendment to the Commission in accordance with Part 5, r. 37 (2) & (3) of the Planning and Development (Local Planning Schemes) Regulations 2015, to determine if any modifications to the amendment is required prior to advertising.*
5. *In accordance with Part 5, r.38 of the Planning and Development (Local Planning Schemes) Regulations 2015, if the Commission advise that it is satisfied that the Complex amendment is suitable to be advertised, the City is to advertise the amendment for a period not less than 60 days.*

## BACKGROUND

3. In 2016, the City of Albany undertook a demand study into the need for a multi-use motorsport park. The study found a strong need and desire for such a facility in the region.
4. The State Government has committed \$5.75million in 2020/2021 towards the development of a motor sports park in Albany.
5. The property which has been identified is Lot 5780 Down Road South. The site is currently zoned 'Priority Agriculture' under *Local Planning Scheme No.1*.
6. The City of Albany has engaged GHD consultants to prepare a proposal to amend the zoning of the land to enable the development of motor sports park.
7. The rationale for preparing the amendment includes:
  - a. The proposal will help meet currently unmet demand for motorsport facilities in the Great Southern Region;
  - b. The location of the subject land mitigates land use conflict and encroachment of incompatible uses; and
  - c. The proposal will facilitate productive use of the land for economic purposes.

## DISCUSSION

8. The subject land, Lot 5780 Down Road South is located in the locality of Drome, 20 kilometres north of the Albany town centre.
9. The site is bound by Down Road West to the north, Down Road South to the east, Lot 5781 Down Road South to the south (privately owned) and a local road reserve and the Avon-Albany rail reserve to the west.
10. The site is located adjacent to the Mirambeena Timber Processing Precinct and sits within the industrial buffer area.
11. The site is currently being used for livestock grazing, sand extraction, wood chip storage and a drainage basin associated with the nearby operations of Plantation Energy Australia Pty Ltd.
12. The scheme amendment proposes to rezone Lot 5780 Down Road South, Drome from 'Priority Agriculture' to 'Special Use' with appropriate land use and development provisions proposed to be included in Schedule 4 of the Local Planning Scheme No.1 to guide future development.
13. Development of the land is expected to include:
  - a. Sealed, configurable multi-use track (3.5 km long x 12 m wide) for motor car racing, motorcycle racing, drifting, driver training and cycling:
    - i. Designed to comply with the Confederation of Australian Motor Sport Track Operator's Safety Guide (CAMS 2012) and Motorcycling Australia (MA) Track Guidelines (MA 2011);
    - ii. To be licensed by the Confederation of Australian Motor Sport;
  - b. A motocross circuit:
    - i. Designed and constructed in association with MA guidelines
  - c. A 1,000 foot drag racing strip:
    - i. Designed and constructed in accordance with FIA specifications for drag strips and in association with Australian National Drag Racing Association;
  - d. A 1,300m<sup>2</sup> burnout area, and
  - e. An off-road four wheel drive (4WD) and all-terrain vehicle (ATV) training area.



14. The amendment document included various assessments to identify any issues and to demonstrate the prospect for the development of the land for motor sports. Assessments were undertaken for;
  - a. Environment (flora and fauna);
  - b. Water (surface and ground water);
  - c. Bushfire;
  - d. Site conditions (noise, odour and vibration);
  - e. Traffic; and
  - f. Land capability.
15. Informed by the above-mentioned studies, a precinct plan was developed to identify suitable development areas, protection areas, buffer areas and an area required to mitigate visual impact to a southern neighbouring property. It is proposed that the precinct plan and conditions of development are imbedded in the scheme to ensure development is appropriately located and managed, and environmentally sensitive areas are protected.
16. The following paragraphs summarise planning rationale for the precinct plan and planning conditions.

Environmental Impacts

17. The subject lot consists of a large area of good condition remnant vegetation and a wetland. These areas are considered suitable habitat areas for flora and fauna.
18. It is proposed that the large area of remnant vegetation and the wetland are protected and that future development is setback 50m. It is proposed that an Exclusion Zone Management Plan is prepared at the development stage to ensure the restoration and management (weed control) of the 50m buffer area.
19. Dust emissions may result from traffic movement, vegetation clearing, earth moving, operation of vehicles and plant equipment, excavation and stockpiled materials. These are typically localised, short term impacts, managed via a Dust Management Plan, required at the development stage.
20. Should any approved and developed motor sporting activity discontinue operations, it may be deemed appropriate that the site is rehabilitated to its original state. This can be achieved via a Decommissioning Plan, enforced at the development approval stage.
21. It is proposed that 2.05ha of vegetation clearing be undertaken to establish the cross over on Down Road West, multi-use track and public parking areas. Clearing is not proposed to impact threatened species and will not be undertaken within the watercourse area. A native vegetation clearing permit application and referral to the Commonwealth Department of the Environment will be required prior to any clearing occurring on site. The below diagram shows the areas proposed to be cleared as part of implementation of the proposal.



#### Water Management

22. The subject land slopes toward a watercourse which traverses through the centre of the site. The watercourse may have a "Moderate to Low Risk" of Acid Sulfate Soils occurring within 3m of the natural soil surface.
23. The potential exists for acidification through development, erosion through stormwater and hydrocarbons and waste materials entering surface and ground water systems from high risk areas (e.g. maintenance areas, pits, etc.). It is proposed that controls are implemented at the development stages via the preparation of a Waste Management Plan, a Hydrocarbon Management Plan, an Acid Sulfate Soils Management Plan and a Water Management Plan.

#### Bushfire Management

24. The subject area is at risk from bushfire. Use of the site as a motorsports park is deemed a 'high risk' and 'vulnerable land use'.
25. A Bushfire Management Plan has been prepared to provide the required information to address State Planning Policy No. 3.7: Planning in Bushfire Prone Areas and associated Guidelines for Planning in Bushfire Prone Areas. Additional access has been identified and a Bushfire Emergency Evacuation Plan prepared to respond to the proposal's designation as a vulnerable use.
26. It is proposed that potential impact from bushfire shall be addressed through a Bushfire Management Plan imposed at development stages. Controls and management procedures implemented through the BMP will reduce the risks associated with motorsports.

#### Noise, Odour and Vibration

27. Existing site conditions (noise, odour, vibration) were monitored and considered insignificant.
28. Noise emissions from motor sport activities are permitted to exceed assigned levels in the Regulations, provided the venue operates in accordance with an approved noise management plan for the venue, to the satisfaction of the Local Government's Chief Executive Officer. The applicant has prepared an example noise management plan (appendix C).

29. It is proposed that aspects of noise, odour and vibration can be appropriately managed through the preparation and implementation of project specific management plans for construction and operational phases.
30. Mitigation measures to reduce site conditions at source from Albany Motorsport Park include:
  - a. Scheduling of events and practice to minimise impacts on the existing residents.
  - b. Construction of a barrier (earth bund, noise wall or similar) adjacent to the venue to reduce impacts to local residents.

#### Traffic Investigation

31. A traffic assessment was undertaken to determine that large events (>500 persons) will require careful planning and consultation with relevant stakeholders and neighbouring businesses, as well as preparation of a detailed traffic management plan.
32. The amendment proposes the following condition to ensure appropriate traffic and parking management:

*Any application for development approval for the site shall be accompanied by a Traffic and Parking Management Plan for construction and operation of the site, including consideration of peak parking and traffic management during larger and special events (i.e. events attracting greater than 500 attendees).*

#### Agricultural Land Capability Assessment

33. It was determined via an Agricultural Land Capability Assessment that removal of the land from the City's 'Priority Agriculture' zone is considered to have no significant effect on the agricultural land protection objectives under State Planning Policy 2.5 Rural Planning or the City of Albany's Local Planning Scheme.
34. Lot 5780 is 192.4 ha in area, which represents just 0.23% of the total Priority Agriculture zoned land within the City of Albany.

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

35. Pre application consultation has occurred with landholders and Government agencies. These include:
  - a. Neighbouring landholders;
  - b. Department of Fire and Emergency Services;
  - c. Main Roads WA;
  - d. Department of Planning, Lands and Heritage;
  - e. Department of Water and Environmental Regulation;
  - f. Environmental Protection Authority;
  - g. Water Corporation;
  - h. Great Southern Motorplex Group;
  - i. Albany Motorcycle Club; and
  - j. City of Albany staff, Mayor and Councillors.
36. A search of the Aboriginal Heritage Inquiry System found that there are no Registered Sites of Aboriginal heritage significance within the Project Site or within a 5 km buffer of the Project Site. Technical investigations have been undertaken with the support of the Department of Aboriginal Affairs, Wagyl Kaip and Southern Noongar Group.
37. The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment be prepared/adopted by a resolution of Council prior to the proposal being advertised for public comment (60 day advertising period). Consequently, no formal consultation has been undertaken at this stage.

38. If a local government resolves under regulation 35(1) to prepare/adopt an amendment to a local planning scheme, the local government must advertise the amendment.
39. Section 81 of the Act requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.
40. Part 5, r. 37 (2) & (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires referral of a Complex amendment to the Commission for examination and to determine if any modifications to the documents is required prior to advertising.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Statutory Consultation	Mail out to agencies and adjoining landowners/occupiers and Advertised in Paper and on Website	60 day advertising period to occur as soon as practicable after notice from DPLH is received.		In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015

### STATUTORY IMPLICATIONS

41. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
42. Division 2, Regulation 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a Complex scheme amendment for advertising and referral to relevant public authorities.
43. Voting requirement for this item is **SIMPLE MAJORITY**.

### POLICY IMPLICATIONS

44. The following State Planning Policies are relevant to the assessment of this amendment;
  - a) *State Planning Policy No. 2 – Environment and Natural Resources*;
  - b) *State Planning Policy No. 2.5 – Rural Planning*;
  - c) *State Planning Policy No.2.7 – Public Drinking Water Source*;
  - d) *State Planning Policy No.2.9 – Water Resources*;
  - e) *State Planning Policy 3.7 Planning in Bushfire Prone Areas*;
  - f) *State Planning Policy 4.1 State Industrial Interface*;
  - g) *Draft Government Sewerage Policy*.

#### *State Planning Policy No. 2 – Environment and Natural Resources*

45. The site accommodates remnant vegetation and a Conservation Class wetland.
46. A flora and fauna survey was undertaken for the site. The survey did not identify any unacceptable impacts based on the proposed concept for the site. Findings of the survey, as well as recommendations, are discussed in the amendment document.
47. The proposal will be referred to the Environmental Protection Authority under Sections 48A and 38 of the EP Act to ensure appropriate environmental conditions are identified for the protection of environmental assets on site.

#### *SPP 2.5 Rural Planning*

48. The site is currently zoned Priority Agriculture.
49. A land capability assessment was undertaken for the site to support the decision-making to rezone the land from Priority Agriculture to Special Use (Motorsports).

50. The proposal will be referred to the Department of Planning, Lands and Heritage and the Department of Primary Industries and Regional Development for assessment against the State Planning Policy.

SPP 2.7 Public drinking water source

51. The site is located within a Priority 2 (P2) water source protection area. P2 areas are delineated to ensure no increased risk of pollution to the water source.
52. A preliminary water management strategy demonstrates that there are acceptable solutions for management of stormwater and wastewater to manage any adverse impacts on the P2 area.

State Planning Policy No.2.9 – Water Resources

53. The site encompasses several water resources including proclaimed groundwater areas and a Conservation class wetland (Marbelup Flats).
54. A preliminary water management strategy demonstrates that there are acceptable solutions for management of water quality and quantity to meet the objectives of SPP 2.7.
55. Further detailed investigation will be required at development stage, likely through a site-specific water management strategy.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

56. The site is within a designated bushfire prone area. As a regional attraction, the site is both a 'vulnerable' and 'high-risk' land use as well as a potential place of refuge in fire emergencies.
57. A Bushfire Management Plan including emergency evacuation plan has been prepared for the site and is discussed in the amendment document.
58. The following parameters are proposed for fire mitigation and emergency evacuation:
- a. Fuel hazard reduction burning;
  - b. Reducing risks of ignition from the motorsport events;
  - c. Traffic control during events to ensure safe and timely evacuation of personnel from the site in event of bushfire.
  - d. Consideration of purchase of fast attack light unit to be placed adjacent to any practise areas (non-event days).
  - e. Event days will have full fire safety crews, ambulance and safety personnel strategically located around the track.
  - f. Early, safe and timely evacuation of the site prior to bushfire events and no events held on site during Catastrophic Fire Danger Rating days.
  - g. Contingency planning for evacuation is via an on-site open-air refuge (located in an area subject to a radiant heat flux of  $\leq 2 \text{ kW/m}^2$ ).
  - h. Establishment (via easement) of a secondary emergency access way.

State Planning Policy 4.1 State Industrial Interface

59. SPP4.1 guides planning decisions with the aim of protecting the long-term future operation of industry and infrastructure facilities, by avoiding encroachment from sensitive land uses and potential land use conflicts.
60. Development of the subject land for motorsports is not expected to impact on industrial operations.

Draft Government Sewerage Policy

61. Wastewater management will require on-site solutions due to lack of existing or potential connections to the Albany sewerage scheme. The site is defined under the draft policy as a sewage sensitive area, with the majority of the site being within 1 km of a significant wetland (Marbelup Flats).
62. The preliminary water management strategy has identified a potential wastewater management strategy that meets the requirements of the draft policy.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation</b> <i>The proposal may attract objections from members of the public or other public authorities.</i>	<i>Possible</i>	<i>Moderate</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>
<i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Moderate</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>
<b>Opportunity:</b> <i>To establish a long term site for motor sport in the Great Southern Region and in particular establish a permanent home for motor cross activities in the short term.</i>				

**FINANCIAL IMPLICATIONS**

64. Should the development not proceed, the City will have the option to hold the land, in which case a loan will be required to replenish the debt management reserve, or the City may opt to sell the land.

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

66. The referral of Amendment No.35 to the Environmental Protection Authority will clarify if any additional environmental implications apply.
67. The amendment process has included flora, fauna and ecological studies on the site. Indications are that environmental matters are manageable.

**ALTERNATE OPTIONS**

68. Council may consider not adopting the amendment to the local planning scheme.

**CONCLUSION**

69. Local Planning Scheme Amendment No.35 proposes to rezone Lot 5780 Down Road South from the 'Priority Agriculture' zone to the 'Special Use' zone.
70. The purpose of the amendment is to establish the statutory provisions for the development of a motorsports facility at the subject site.
71. City planning Staff support the local planning scheme amendment, as it seeks to protect environmental values and to promote economic growth via development of recreation facilities.

72. Council is requested to adopt the amendment for the purpose of referral to the Commission, the Environmental Protection Authority and public and agency authorities.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No. 1</i></li> <li>2. <i>Albany Local Planning Strategy (2010)</i></li> <li>3. <i>State Planning Policy No. 2 – Environment and Natural Resources;</i></li> <li>4. <i>State Planning Policy No. 3 – Urban Growth and Settlement;</i></li> <li>5. <i>State Planning Policy No.2.6 – State Coastal Planning Policy;</i></li> <li>6. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas;</i></li> <li>7. <i>Better Urban Water Management Policy.</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	LAMD35 (Kalgan Ward)
<b>Previous Reference</b>	:	Nil

**DIS165: LOCAL STRUCTURE PLAN NO.10 – LOT 10 CHESTER PASS ROAD AND LOT 521 MERCER ROAD, WALMSLEY.**

<b>Land Description</b>	: Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley
<b>Proponent</b>	: Edge Planning & Property
<b>Business Entity Name</b>	: Ardess 1607 Pty Ltd (A. Walmsley, F.Walmsley, G.Walmsley) Ten Year Developments Pty Ltd ( P.Walmsley, E. Walmsley)
<b>Attachments</b>	: 1. Advertised LSP10 – Structure Plan Map 2. Updated LSP10 – Structure Plan Map 3. Advertised LSP10 – Stormwater Management Plan Map 4. Updated LSP10 – Stormwater Management Plan Map 5. Advertised Local Structure Plan No.10 - Document 6. Transport Impact Assessment 7. Updated Part 1 of the Structure Plan Provisions 8. Schedule of Submissions & Recommended Modifications 9. Schedule of Modifications
<b>Supplementary Information &amp; Councillor Workstation</b>	: Copy of Submissions
<b>Report Prepared By</b>	: Senior Planning Officer – Strategic Planning (A Nicoll)
<b>Responsible Officers:</b>	: Executive Director Development Services (P Camins)

**STRATEGIC IMPLICATIONS**

1. The application up for consideration proposes a structure plan to guide future development, subdivision and rezoning of land in the Walmsley area.
2. In making a decision on the proposed structure plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010*, its draft *Local Planning Strategy 2018* and its *Community Strategic Plan – Albany 2030*. The structure plan complies with strategic planning for the following reasons:
  - a) The Albany Local Planning Strategy (2010) seeks to encourage the development of the Structure Plan area for industry and urban.
  - b) The draft Albany Local Planning Strategy (2018) seeks to encourage the development of the Structure Plan area for industry and urban growth.
  - c) 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 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley.





**In Brief:**

- Local Structure Plan No.10 is plan is proposing:
  - New areas for light and general industry (expansion of the Ardess light industrial area); and
  - New areas for residential development, including a primary school and district sized public open space.
- Council is requested to consider submissions received on Local Structure Plan No.10, and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

**RECOMMENDATION**

**DIS165: RESOLUTION (AMENDED OFFICER RECOMMENDATION)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Sch 2, Part 4, cl. 19(1)(d), Item DIS165: Local Structure Plan No. 10- Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley be advertised for a period of not less than 14 days and not greater than 28 days prior to returning it to Council for determination.**

**CARRIED 10-0**

**Officer Reason (Manager Planning and Land Information Services):**

This recommendation will allow for flexibility around the period for advertising.

The timing specified in the Procedural Motion (that the item be presented for consideration at the August Development and Infrastructure Meeting) for this item will make it difficult to assess any submissions received during the advertising period and meet the deadline of the committee meeting.

This Amended Officer Recommendation will allow officers sufficient time to assess any additional matters that could be raised during the advertising period, and provide a considered response to Council prior to decision making.

**DIS165: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT consideration of DIS165: Local Structure Plan No.10 – Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley be deferred to the Development & Infrastructure Services Committee meeting to be held on Wednesday 14 August 2019 in order for the proposal to be re-advertised for a period of 21 days.**

**DIS165: COMMITTEE RECOMMENDATION (PROCEDURAL MOTION)**

**MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR SUTTON**

**THAT Consideration of DIS165: LOCAL STRUCTURE PLAN NO.10 – LOT 10 CHESTER PASS ROAD AND LOT 521 MERCER ROAD, WALMSLEY be deferred to the Development & Infrastructure Services Committee meeting to be held on Wednesday 14 August 2019 in order for the proposal to be re-advertised for a period of 21 days.**

**CARRIED 12-0**

**Reason:** Deferring the item would allow Council to receive further feedback from the community and affected stakeholders on the proposal.

DIS165: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH

SECONDED: COUNCILLOR STOCKS

THAT the Responsible Officer Recommendation be ADOPTED.

LOST 5-7

**Record of Vote**

Against the motion: Councillors Sutton, Moir, Sleeman, Doughty, Stocks, Stephens and Mayor Wellington.

DIS165: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to Schedule 2, Part 4, cl.20. (2)(e) of *the Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. RECOMMEND that the Western Australian Planning Commission approve Local Structure Plan No.10, subject to modifications included in:-
  - a) Schedule of Modifications;
  - b) Updated Structure Plan Map; and
  - c) Updated Part 1 of the Structure Plan Provisions.
2. FORWARD structure plan documentation, submissions and recommended modifications to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan (subject to modifications).
3. ADVISE the applicant/owner and those who lodged a submission of the Council decision accordingly.

**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.
4. The subject land comprises Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley.
  - a) Lot 10 is zoned 'Light Industry' and partly developed to accommodate various industries including, garden centre, warehouse, storage, rural and workshop. The remainder of Lot 10 is vacant.
  - b) Lot 521 is zoned 'General Agriculture' and is used for livestock grazing. A vegetated area is located in the northern section of the lot.
5. The proponent of Lot 10 approached the City with the idea of developing a transport depot within the Ardess Industrial Estate via a scheme amendment. A 'Development Plan' adopted for the Ardess estate recommends only supporting industries that require a maximum 50m buffer. Guidelines for separation distances, developed by the Environmental Protection Authority, recommends requiring a 200m buffer distance between transport depots and sensitive uses.
6. The City recommended that the proponent justify support for transport depots within the Ardess estate, via a structure plan proposal. Subsequent to the above advice, the proponent lodged a structure plan in 2018 that proposed:
  - a) Transport depot may be approved in a Precinct A (land located within the '<200 metre buffer') subject to exercising discretion after advertising.
  - b) Transport depot may be approved in Precinct B (land located within the '>200metre' buffer') without advertising.
7. The structure plan (2018 version) proposed:
  - a) Residential development with densities ranging between R5 – R60;

- b) POS (Public Open Space) in three sections of the site;
  - c) Primary school site;
  - d) Community purpose site; and
  - e) New roads.
8. The City of Albany advertised the proposed Local Structure Plan No.10 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
9. At the close of advertising, the City of Albany received comments including:
- a) The expansion of the industrial land area is not consistent with the current planning strategy;
  - b) A Traffic Impact Assessment is required to determine if existing roads and intersections are capable of accommodating heavy vehicle movement associated with approving transport depots at the Ardess Industrial Estate;
  - c) Provisions in the structure plan and scheme should require approvals for transport depots to be subject to a 'sunset' clause that requires the relocation of transport depots, should transport objectives of MRWA and the City change with the development of the Albany Ring Road.
10. Subsequent to comments received, the City of Albany resolved to defer consideration pending additional justification being provided.
11. It is considered that concerns which were initially raised have now been resolved as follows:
- a) The draft Albany Local Planning Strategy 2018 has been finally approved by Council. The draft strategy foreshadows an expansion of the Ardess industrial estate to cater for increasing demand for 'Light Industry' zoned land.
  - b) The proponent engaged engineers to develop a Transport Assessment, which concluded that:
    - i. Trees on the inner radius of the bend in the Private Access Road to the Ardess Estate be removed to allow for appropriate sight lines for oncoming traffic.
    - ii. Provide additional shoulder width at the corner of the Private Access Road to the Ardess Estate to allow for two opposing Restricted Access Vehicles (RAV's) to pass each other simultaneously.
    - iii. The road system and intersections have capacity to safely address increased traffic generation in the existing and proposed expanded industrial area.
    - iv. Max total 30 industrial lots/industrial land uses may be considered within the industrial areas. This condition applies because of limitations on adjoining transport infrastructure. The transport assessment determined that the maximum number of RAV's that the current intersection design (Chester Pass Rd) can handle is 180 per day.
    - v. Industrial expansion above 30 industrial lots/industrial land uses will require intersection enhancement and mitigation measures to accommodate additional traffic.
  - c) The Local Water Management Strategy has been updated to show how stormwater drainage will be managed within the planned development area.
  - d) The Ring Road has now been funded and will likely be completed in the next 5 years.
12. Council is now requested to consider the submissions received following public advertising and determine whether to support the structure plan.

## **DISCUSSION**

13. The following paragraphs discuss the key issues which have been identified and the recommendations proposed to manage and mitigate these matters.

### Sewerage

14. The structure plan (2018) initially recommended that new proposed industrial areas not be connected to the Water Corporation's sewerage network. As outlined in Attachment 6 of this report item, this matter has been suitably addressed and supported by the proponent.
15. As advised by the Water Corporation, the eventual servicing of the area relies on:
- a) Construction of a major waste water pumping station; and
  - b) Connection to sewer occurring in a logical and orderly manner from west to east.
16. As advised by the Department of Planning, Lands and Heritage, all of the additional land proposed by the Structure Plan for industry should be provided with reticulated sewerage so that the zone can accommodate the whole range of lot sizes and uses.
17. In accordance with Government agency comments, It is recommended that the structure plan be amended with conditions ensuring that;
- a) New industrial areas are connected to reticulated sewer; and
  - b) Subdivision to create lots <1ha in the existing industrial area shall connect to deep sewer.
18. It is recommended that the structure plan is modified to note that the existing zoned industrial area may remain unsewered and confined to dry industries until such time as more dense development in the area needs to be accommodated, in which case deep sewerage is required.

### POS/Remnant Vegetation

19. The 2018 version of the structure plan initially proposed to locate POS on the fringe of urban development with the purpose, to a limited extent, of managing stormwater. The structure plan (2018) also initially proposed to preserve approximately 10ha of vegetation via POS designation. As outlined in Attachment 2 of this report item, this matter has been suitably addressed and supported by the proponent.
20. In accordance with the Commission's Liveable Neighbourhood document and the City Public Parkland Policy, POS should be:
- a) Located central to an urban area;
  - b) Developed on flat land;
  - c) Developed as a single large area and not as small individual pocket parks; and
  - d) Developed to serve a function, including sport, nature and recreation.
21. The Commissions currently draft revised Liveable Neighbourhood document defines conservation areas as 'Restricted access conservation areas'. These areas are not accepted as a contribution to POS.
22. The Commissions draft Liveable Neighbourhood document also makes the following statements in relation to management of stormwater:
- a) Concrete-lined and/or steep-sided drains, retention basins and detention basins receive zero per cent credit towards public open space provision.
  - b) Storm water management systems located in public open space to manage small rainfall event run off piped directly from lots and street reserves receive zero per cent credit towards public open space provision.
23. As per the City's Public Parkland Policy and the Commissions draft Liveable Neighbourhood document, it is recommended that the structure plan is modified (as outlined in Attachments 2 and 6) as follows:

- a) Incorporating stormwater management techniques into the street network where possible;
- b) Relocate and redefine POS to serve particular functions, including 'recreation', 'nature' and 'sport';
- c) Centralise POS, locate adjacent to school and define as a district size space;
- d) Delete POS at south east corner;
- e) Modify/rationalise southern POS configuration;
- f) Delete POS – conservation strip. Keep portion adjacent to school site for 'nature' space (POS for the purpose of conservation is not permitted); and
- g) Revegetation using native species (where currently there is very little native species and diversity) in areas of POS to promote fauna habitat and flora diversity.

#### Demand for additional Industrial Land

- 24. The structure plan also shows a new area for industrial development. Comment was made that an assessment should be undertaken to determine if additional industrial land is required.
- 25. The City's draft Albany Local Planning Strategy 2018 foreshadows an expansion of the Ardess Industrial Estate to cater for increasing demand for 'Light Industry' zoned land. The draft strategy did not set out the requirement for a separate industrial demand and supply assessment for Ardess.
- 26. On this basis, the preparation of an additional industrial land demand and supply assessment is therefore considered unnecessary. It is recommended that the structure plan document simply references that industrial demand and supply has been addressed through the draft Albany Local Planning Strategy 2018.

#### Buffers to Transport Depots

- 27. The structure plan (2018) initially recommended support for transport depots within 200m of residential areas. Feedback was provided that transport depots should not be located within 200m of residential areas. This is consistent with the Environmental Protection Authority Guidelines on separation between land uses, which recommends a 200m separation distance between transport depots and sensitive uses.
- 28. It is recommended that the structure plan be modified (as outlined in Attachment 2) such that transport depots are not permitted within a 200m buffer to residential uses.
- 29. It is recommended that the structure plan is modified to show a 'Light Industry' area adjacent to residential (200m buffer area) and a 'General Industry' area central to the industry precinct (>200m to residential). It is recommended that the structure plan support transport depots in the general industry area and not the light industry area.

#### Variety of Industrial Lot Sizes

- 30. It was commented that a variety of industrial lot sizes should be created to in order to generate opportunity for a diversity of land uses and employment opportunities.
- 31. It is recommended that the structure plan is modified to ensure a range of lot sizes (including lots less than 1ha for industrial areas).
- 32. It is also recommended that the structure plan prescribes the need for controls over industrial uses and development, to avoid potential conflict (e.g. noise, odour and visual amenity) with adjacent residential uses.

Transport Assessment

33. The structure plan (2018) recommended that RAVs be limited to entering and leaving the Ardess Industrial Estate via the Private Access Road onto Chester Pass Road. No RAVs were proposed or permitted on other roads including Terry Road. It was commented that additional assessment is required to better plan for transportation. In particular, it was recommended that consideration is given to:
- a) Development of service roads;
  - b) Intersection treatment at the entry to the Ardess Industrial Estate; and
  - c) Limiting heavy vehicle access from the industrial estate to Terry Road.
34. Post advertising a transport assessment was undertaken by Wood and Grieve Engineers determining that:
- a) The entry/exit at Chester Pass Road is suitable for large truck movement.
  - b) The intersection is capable of handling 180 RAV vehicle movements per day. Upgrading of the intersection is required when traffic movements exceed 180 RAV movements per day.
  - c) The private entry road to the Ardess estate needs upgrading to enable safe turning movement.
35. It is recommended that the structure plan includes the following conditions, culminating from the traffic assessment:
- a) Trees on the inner radius of the bend in the Private Access Road be removed to allow for appropriate sight lines for oncoming traffic. Provide additional shoulder width at the corner to allow for two opposing RAV's to pass each other simultaneously.
  - b) A maximum total 30 industrial lots/industrial land uses may be considered within the industrial areas. This condition applies because of limitations on adjoining transport infrastructure. A transport assessment has determined that the maximum number of vehicles movement that the current intersection design (Chester Pass Rd) can handle is 180 movements per day.
36. It is also recommended that the structure plan makes provision to ensure:
- a) A provision is included to ensure that no additional access to Chester Pass Road may be permitted;
  - b) Development of an emergency fire access to Chester Pass Road. This is in-line with the approved Development Guide Plan for Ardess, which supports an emergency fire access to Chester Pass Road; and
  - c) Landholders are aware (notification on title and notification on Development Applications) that Chester Pass Road is a major heavy vehicle freight route and buildings in the vicinity may be affected by transport noise and vibration.

Heavy Vehicle Access post development of Ring Road

37. It was commented that the development of a heavy vehicle Ring Road around Albany may invoke restricted access for heavy vehicles on local roads located between the ring road and Albany's central business area. This being the case, it was commented that transport depots should only be located in areas where heavy vehicle access will not be restricted.
38. It is highly likely that there will be changes to the RAV network on Chester Pass Road once the Ring Road is complete.
39. The Ring Road now has committed State and Federal funding and will likely be completed in the next 3-5 years.

40. Given the level of certainty about the Ring Road and the level of uncertainty about the RAV designation, any transport depot or other use that is accessed by RAVs may therefore only use the Ardess Estate as an interim location for a period that expires not later than the completion date of the Ring Road (to be confirmed, but approximately 3-5 years).
41. This can be controlled by issuing temporary development approvals as provided for in the City's local planning scheme.
42. These restrictions included in this structure plan can be reviewed at a time when there is certainty around the ultimate RAV network designation of Chester Pass Road.
43. Any transport depot or other use that is accessed by "as of right" vehicles can be located in the Ardess Estate without time restrictions.
44. It is therefore recommended that the structure plan includes the following conditions:
  - a. Any transport depot or other use that can be considered, that is accessed by RAVs can be considered for temporary Development Approval for a period that expires not later than the expected completion date of the Ring Road (to be confirmed by Main Roads).
  - b. The ability to issue temporary development approvals is provided for in the City's local planning scheme.
  - c. Any transport depot or other use that can be considered, that is accessed by "as of right" vehicles can be located in the Ardess Estate without time restrictions.

#### Standard of access for Heavy Vehicles

45. It was commented that further investigation is needed by way of preliminary engineering assessment to ensure grade of proposed road alignments and intersections would be appropriate for heavy vehicles.
46. It is recommended that provisions are included to ensure roads within the structure plan area are:
  - a) Designed and developed to accommodate heavy vehicles; and
  - b) Developed to an urban standard, to the satisfaction of the City.

#### Minimum Residential Density

47. The structure plan (2018) initially identified the opportunity for a range of residential lot sizes (150m<sup>2</sup> - 2000m<sup>2</sup>).
48. It was commented that residential development should occur at a minimum R20 density (average 450m<sup>2</sup>).
49. It is recommended that the structure plan is modified to show the proposed R5/10 area as having a minimum density code of R20. This is addressed in Attachments 2 and 6.

#### Stormwater Assessment

50. It was commented that the structure plan (2018) does not 'prove up' the geotechnical study for stormwater design or demonstrate what needs to be done to meet design objectives and criteria.
51. Post advertising of the structure plan, additional information was provided to demonstrate stormwater can be managed on-site, including the provision of additional basins. The information from Wood & Grieve suitably addresses stormwater management for the structure plan stage. Further details will be addressed through an Urban Water Management Plan at the scheme amendment or subdivision stage (see Attachment 6 for provisions).

### Contribution Assessment

52. The structure plan (2018) included a contribution plan for infrastructure treatments.
53. It is expected that a Traffic Analysis be required at a subdivision design stage to clarify the need for contributions and/or infrastructure development and the ratio of contribution based on costings, proportion of vehicles and expected dwellings.
54. It is recommended that the Contribution Plan is deleted and that the following wording is placed in the structure plan (Section 3.9 of the LSP):
- “Developer Appropriate Contributions to infrastructure provision/upgrading are to be made in accordance with the WAPC’s State Planning Policies and any Local Planning Policy adopted by the City of Albany at the time of development or subdivision.”*
55. Contributions may be required for:
1. *The ceding and development of land for a north/south link road, namely ‘Range Road’.*
  2. *Road upgrading and/or intersection treatments as may be required at the subdivision stage, as recommended by a Traffic Analysis to the satisfaction of the City of Albany.*

Note:

*The value of contribution for Range Road may consider:*

- *The total value of land ceded for a 30m wide Road Reserve plus road construction costs; proportioned by the number of vehicles attributed to the structure plan area and then divided by the expected number of dwellings.*

*This could be summarised by:*

- *A contribution being sought for each lot created.*
- *Payment could be made to the landowner for the value of the road reserve land*

Note:

*Road upgrading and/or intersection treatments may be required for Terry Road, Mercer Road and the intersection between the Range Road and Mercer Road. Cost sharing mechanisms may apply.”*

### **GOVERNMENT & PUBLIC CONSULTATION**

56. The Structure Plan No.10 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Structure Plans require advertising in accordance with Part 4, cl.18 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Reg’s).
57. Submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors as an original and as summarised in this report item and an attached Schedule of Submissions.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Statutory Consultation	Advertised in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.  Mail out to agencies and adjoining landowners / occupiers and advertised in newspaper and on website.	8 February 2018 – 8 March 2018	43 Submissions	Planning and Development (Local Planning Schemes) Regulations 2015



## STATUTORY IMPLICATIONS

58. Local Structure Plans undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
59. Schedule 2, Part 4, clause 19 requires the local government to consider the submissions made within the period specified in the notice advertising the structure plan.
60. Schedule 2, Part 4, clause 20 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed structure plan should be approved by the Commission.
61. Voting requirement for this item is **SIMPLE MAJORITY**
62. Following endorsement of a structure plan, an amendment to introduce new zones, rezone land and / or introduce additional provisions into the City's scheme, to reflect structure plan requirements, may be undertaken.

## POLICY IMPLICATIONS

63. The following applicable policies have been considered for the assessment of the structure plan:
  - a) *Draft Government Sewerage Policy*;
  - b) *State Planning Policy 2 Environment and Natural Resources Policy*;
  - c) *State Planning Policy No. 2.9 Water Resources*;
  - d) *State Planning Policy 5.4 Road and Rail Noise*;
  - e) *State Planning Policy 3.7 Planning in Bushfire Prone Areas*;
  - f) *Liveable Neighbourhoods*; and
  - g) *EPA Guidance Statement No 3 - Separation Distances Between Industrial and Sensitive Land Uses*.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation.</i> <i>The proposal may not be accepted by the Western Australian Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If the Structure Plan is not supported by the WAPC the City may be required to make modifications.</i>
<b>Opportunity:</b> <i>Increase opportunity for servicing, development and employment.</i>				

## FINANCIAL IMPLICATIONS

65. If the local government does not provide a recommendation and report on the structure plan, to the Commission, the Commission may take reasonable steps to obtain the services or information on its own behalf. All costs incurred by the Commission may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

67. The Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation recommended protecting a strip of native vegetation, located in the northern precinct of the structure plan.

68. The City recommends that a portion of the native vegetation is protected and ceded as public open space for 'nature' play. It is proposed that the remaining portion of native vegetation is developed for residential.
69. Prior to rezoning the native vegetation strip to enable residential development, an application may need to be made to the Environmental Protection Authority and Federal Department of Environment and Energy.

#### **ALTERNATE OPTIONS**

70. Council may consider alternate options in relation to the structure plan, including;
- a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed structure plan; or
  - b) Recommend that the Western Australian Planning Commission approve the proposed structure plan without modification;
  - c) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to additional modifications and or provisions.

#### **CONCLUSION**

71. The Structure Plan No.10 is proposing new areas for industrial and residential development.
72. The draft Albany Local Planning Strategy (2018) seeks to encourage the development of the Structure Plan area for industry and urban growth
73. The structure plan was advertised and provisions have subsequently been recommended to address matters raised. Based on additional technical investigations by Wood & Grieve and liaising with the proponent, the updated Structure Plan (Attachment 2) and updated provisions (Attachment 6) now suitably address City of Albany requirements.
74. Council is requested to agree to recommend that the Western Australian Planning Commission approve the structure plan subject to modifications.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No.1;</i></li> <li>2. <i>Local Planning Strategy 2010;</i></li> <li>3. <i>Draft Government Sewerage Policy;</i></li> <li>4. <i>State Planning Policy 2 Environment and Natural Resources Policy;</i></li> <li>5. <i>State Planning Policy No. 2.9 Water Resources;</i></li> <li>6. <i>State Planning Policy 5.4 Road and Rail Noise;</i></li> <li>7. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas;</i></li> <li>8. <i>Liveable Neighbourhoods;</i></li> <li>9. <i>EPA Guidance Statement No 3 - Separation Distances Between Industrial and Sensitive Land Uses.</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	LSP10 (Yakamia Ward)
<b>Previous Reference</b>	:	Nil

## DIS166: INTELLIGENT COMMUNITY FORUM REPORT

<b>Proponent / Owner</b>	: Not applicable.
<b>Attachments</b>	: Community Strategic Priorities and links to Intelligent Community Forum Indicators.
<b>Report Prepared By</b>	: Executive Director Development Services (P Camins)
<b>Responsible Officers:</b>	: Executive Director Development Services (P Camins)

### STRATEGIC IMPLICATIONS

1. This item relates to almost all elements of the City of Albany Community Strategic Plan. Refer to discussion section.

#### In Brief:

- This report provides context around being considered for membership of the Intelligent Community Forum (ICF).
- To become an Intelligent Community requires a paradigm shift in organisational mindset to consider ways in which to best embrace the Broadband Economy by doing things more efficiently or better.

### RECOMMENDATION

#### DIS166: RESOLUTION VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR MOIR**  
**SECONDED: COUNCILLOR HAMMOND**

**THAT Council:**

1. **RECEIVE** the Intelligent Community Forum Report.
2. **AMEND** the 2019/2020 Budget in the August Budget review by \$50,000 to prepare an Intelligent Albany Strategy.

**CARRIED 10-0**

#### DIS166: COMMITTEE RECOMMENDATION

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

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

**CARRIED 12-0**

#### DIS166: RESPONSIBLE OFFICER RECOMMENDATION

**THAT Council:**

1. **RECEIVE** the Intelligent Community Forum Report.
2. **AMEND** the 2019/2020 Budget in the August Budget review by \$50,000 to prepare an Intelligent Albany Strategy.

### BACKGROUND

2. One of the CEO's KPI's for 2018/2019 set by Council is that the: '*City of Albany commences actions to be considered for the Intelligent Community Forum and reports to Council on work undertaken to evidence progress towards accreditation.*'
3. The ICF states on their website that: "*Smart City projects make cities work better. They apply information and communications technology to accurately monitor, measure and control city processes, from transportation to water supplies, the location of city vehicles to the performance of electric grids. Smart Cities are about saving money, becoming more efficient and delivering better service to the taxpayer.*"

4. *Intelligent Communities seek to make better cities: places large and small, urban and rural, where citizens and employers thrive and prosper in the broadband economy.*
5. *Intelligent Communities adopt technology but do not make it their focus. Instead, they find **vision-driven, community-based, technology smart solutions** to their most urgent problems.*
6. *They make sure they have the broadband and IT infrastructure they need to be competitive. But they know it is only a means to an end. More of their energy goes into developing a workforce able to do knowledge work. More effort goes into crafting an innovation ecosystem where business, government and institutional partners create high-quality employment and meet social needs. More emphasis is placed on expanding access to digital skills and technology for those otherwise left out. More work goes into engaging citizens as advocates for progress.*
7. *Every Intelligent Community has Smart City projects underway. But many Smart Cities, limiting themselves to the immediate efficiency and cost benefits of ICT, have yet to take the first steps toward becoming Intelligent Communities.”*
8. Membership of the ICF is gained by communities who apply and are honoured by the Forum’s international awards program. There are two classifications of eligibility; full and associate.
9. There are 143 communities (towns, cities, regions or countries) worldwide identified as meeting the eligibility criteria. 37 of these are full members and 106 associate members. By region there are 6 in Africa/Middle East, 68 in the Americas, 39 in the Asia-Pacific and 30 in Europe.
10. In Australia there are 3 full members: Ipswich, Queensland; Prospect, South Australia; Sunshine Coast, Queensland
11. In Australia there are 7 associate members: Armidale, NSW; Ballarat, Vic; Coffs Harbour, NSW; Gold Coast City, Qld; Melbourne, Vic; Victoria in general and Whittlesea, Vic.

## DISCUSSION

12. The Indicators for eligibility to be an Intelligent Community are identified on their website as:
  - A. **“Broadband Connectivity.** *Broadband is the next essential utility, as vital to economic growth as clean water and good roads. Whatever the speed, the power of broadband is simple enough to express. It connects your computer, laptop or mobile device to billions of devices and users around the world, creating a digital overlay to our physical world that is revolutionizing how we work, play, live, educate and entertain ourselves, govern our citizens and relate to the world.*
  - B. **Knowledge Workforce.** *Today, all desirable jobs in industrialized economies – and increasingly in developing economies as well – require a higher component of knowledge than they did in the past. It is by applying knowledge and specialized skills that employees add enough value to what they do to justify the cost of employing them. In the future, any employee whose "value-added" does not exceed his or her salary cost can expect to be replaced, sooner or later, by software or hardware. A continuous improvement in an evolving range of skills is the only route to personal prosperity.*
  - C. **Innovation.** *Innovation is essential to the interconnected economy of the 21st Century. Intelligent Communities pursue innovation through a relationship between business, government and such institutions as universities and hospitals. The Innovation Triangle or “Triple Helix” helps keep the economic benefits of innovation local, and creates an innovation ecosystem that engages the entire community in positive change. Investments in innovative technology by government contribute to that culture and improve service to citizens while reducing operating costs.*

- D. **Digital Equality.** *Digital equality is a simple principle: that everyone in the community deserves access to broadband technologies and the skills to use them. Like most principles, it is easier to understand than it is to live. The explosive advance of the broadband economy has worsened the exclusion of people who already play a peripheral role in the economy and society, whether due to poverty, lack of education, prejudice, age, disability, or simply where they live. It has disrupted industries from manufacturing to retail services, enlarging the number of people for whom the digital revolution is a burden rather than a blessing.*
- E. **Sustainability.** *Improving current living standards, while maintaining the ability of future generations to do the same, is at the core of sustainability. Throughout human history, economic growth has always involved the consumption of more resources and the production of more waste. As humanity begins to push up against the limits of the ecosystem to provide resources and absorb waste, we need to find ways to continue growth – with all of its positive impacts on the community – while reducing the environmental impact of that growth.*
- F. **Advocacy.** *It is all too common for a community's leaders or groups of citizens to set themselves against changes that would ultimately benefit the community. The willingness to embrace change and the determination to help shape it, however, are core competencies of the Intelligent Community. Few places naturally possess those competencies. They must be cultivated, often over years, through advocacy."*
13. The ICF has a self-test. Communities selected for the annual Smart21 list typically have an average score on the Self-Test ranging between 75 and 100. Our community's current status is provided:
- A. **Broadband Connectivity - Score 71.00.** With the introduction of the NBN network, Albany town site is becoming reasonably well serviced with broadband connectivity. Outside the town site broadband connectivity is not guaranteed. The self-test identifies a household availability exceeding 85% in the community and a household adoption rate exceeding 80% and if there are policies and programs to increase both availability and adoption. Recent census data indicates we are below these thresholds.
- B. **Knowledge Workforce - Score 47.00.** This indicator interrogates both whole-of-life knowledge and ongoing education as well as the level of tertiary education in the community. Albany's census data has around 13% of residents having achieved an undergraduate or graduate degree, which is relatively low compared to Western Australia overall. We also lack opportunities regarding both; community colleges or technical schools and undergraduate or graduate institutions in the community or within a 1-hour, one-way commute.
- C. **Innovation - Score 16.00.** Our community ranked poorly on this indicator as we do not have policies in place to promote innovation, nor do we provide many innovation programs through government, the private sector, public-private ventures or volunteer organizations. The provision of online services including open data and smart meter systems offered by local government or public agencies to improve quality of life is also low.
- D. **Digital Equality - Score 48.00.** The City of Albany works hard to facilitate digital equality through library services, however it is difficult to identify what community facilities and services are available to organizations (businesses, non-profits, others) to promote digital adoption.
- E. **Sustainability - Score 43.00.** Although the City may rank ourselves highly in the indicator we do not rate highly. This appears to be primarily because we do not track (by our own research or reporting from other organizations) greenhouse gas emissions of the community, residential and commercial indoor water use and percentage of all trips in the municipality that take place without an automobile. We also do not have an overarching Sustainability Policy or local laws around sustainability.

F. **Advocacy - Score 56.00.** One of the self-assessment questions asks in what ways local government seeks to educate and involve citizens and leaders in building a better future for the community. Although we skirt around the edges, we aren't really meeting the measures provided. Our Community Strategic Plan is the only City document that considers a strategy for economic & social development involving information and communications technology. The indicator requires a task force or group dedicated to carrying out this strategy.

**Total Score - 46.83**

14. Besides through advocacy, meeting a number of the indicators are outside the sphere of influence of Local Government.
15. To be successful in this endeavour, it is critical to have strong buy-in from the community, business, institutions and other levels of government.
16. The City of Albany has commenced implementation of a number of innovations to meet objectives in our Community Strategic Plan that will also assist in meeting the objectives of the ICF indicators. These include:
  - a) Implementing ESRI Australia Local Government Access Program (LGAP) in Oct 2018. This will provide the cornerstone platform to;
    - i. Replace our GIS information system IntraMaps with the globally supported, modular GIS platform that is device agnostic.
    - ii. Publish maps publicly in a ArcGIS portal platform (Similar to Bayswater; <https://cityofbayswater.maps.arcgis.com/home/index.html>) available on any mobile devices that will assist staff, the community, tourists, local businesses and emergency services in the provision and management of;
      - Assets Management
      - Toilets
      - Historical Trails around Albany
      - Overlay Historical Maps
      - Parks & Playgrounds
      - Waste Collection Times
      - Property Information
      - Planning Scheme
      - Electoral wards
      - Local business
      - Accessibility Map (Toilets, ramps, slopes)
      - Civil Works In Progress Map
      - Firebreaks
      - Burn Permits
    - iii. Allow access to spatial information from other agencies to add value to the CoA Maps provided through ArcGIS;
      - DFES Controlled Burns
      - DPAW Controlled Burns
      - Civil Works to be carried out by Western Power etc.
      - Aerial imagery
  - b) Open Data – publish spatial data and statistical information through the <https://data.gov.au> platform to be used by other government agencies, industry and education sectors. This has been shown to drive and encourage innovative technical outcomes.

17. There are significant direct and potential opportunities to influence the ICF indicator whilst meeting the community priorities. These opportunities should not be lost when developing projects or undertaking works that can align this aspiration to our Community Strategic Plan. The relationship between ICF Indicators and Community Strategic Plan Objectives are summarised in the following matrix:

		1	2	3	4	5	6
		Broadband Connectivity	Knowledge Workforce	Innovation	Digital Equality	Sustainability	Advocacy
Self-assessment score		71	47	16	48	43	56
Leadership	1.1.1			1			
	1.1.2			2			
	1.2.1	2	1	2	1	1	1
	1.2.2		1				
	1.3.1			1	1		
	1.3.2		1				
Smart Prosperous & Growing	2.1.1	2	1	1			1
	2.1.2	2		1			1
	2.2.1		1	2			1
	2.2.2						1
	2.3.1		1	2			1
	2.3.2						1
Clean, Green & Sustainable	3.1.1			2			
	3.1.2			2		1	
	3.2.1					2	
	3.2.2					1	
	3.3.1		2	2		1	
	3.3.2					1	
Community Health & Participation	4.1.1			1			
	4.1.2	2		2	2		
	4.2.1			2	1		
	4.2.2			2			
	4.3.1	2	2	2	1		
	4.3.2						1
A Connected and Safe Built Environment	5.1.1			2		1	
	5.1.2					1	
	5.2.1					1	
	5.2.2						
	5.3.1	2		2			2
	5.3.2			2			1

1 There is a direct opportunity to influence IC indicator whilst meeting the community priority  
2 There is a potential opportunity to influence IC indicator whilst meeting the community priority

### Recommended Actions by City of Albany

18. Budget for and prepare an Intelligent Albany Strategy. This should:
- Articulate broad objectives that guide the City of Albany's ICF aspirations that are vision-driven, community-based and technology smart.
  - Identify how the City of Albany can incorporate features that address the ICF Indicators whilst meeting our Community's Priorities and guiding our culture. This would likely require that all future strategies consider ways in which to integrate ICF features and Smart City ideals for the benefit of the community.
  - Consider ways that the City of Albany can work more effectively with business, institutions and other levels of government particularly in relation to innovation for Albany.
  - Consider ways that data can be collected, analysed and distributed to inform and drive innovation and economic development including the provision of open data.
  - Develop links to all other City of Albany Strategies such as the Community Waste Resource Strategy.

19. Establish an internal Intelligent Community Working Group to:

- a) Continue to encourage and develop a corporate mindset that always considers ways in which to best embrace the Broadband Economy. Any intelligent improvements should be implemented to undertake tasks to be more efficient or better in a “smart” way, whilst working towards achieving our Community Strategic Plan Objectives.
- b) Guide the development and implementation of the Intelligent Albany Strategy.

#### GOVERNMENT & PUBLIC CONSULTATION

20. Not applicable.

#### STATUTORY IMPLICATIONS

21. Not applicable.

#### POLICY IMPLICATIONS

22. Not applicable.

#### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation:</b> City of Albany does not take the opportunity to provide infrastructure and services that embrace the Broadband Economy.	Possible	Minor	Medium	Develop, distribute and embrace a Strategy that considers the ICF indicators.
<b>Opportunity:</b> Provide infrastructure and services that are vision-driven, community-based and technology smart.				

#### FINANCIAL IMPLICATIONS

24. Not applicable.

#### LEGAL IMPLICATIONS

25. Not applicable.

#### CONCLUSION

26. It is recommended that Council note and receive this report.

<b>Consulted References</b>	:	Website: <a href="https://www.intelligentcommunity.org">https://www.intelligentcommunity.org</a>
<b>File Number (Name of Ward)</b>	:	N/A
<b>Previous Reference</b>	:	N/A



## DIS167: DRAFT KALGAN RURAL VILLAGE COST APPORTIONMENT SCHEDULE POLICY

<b>Land Description</b>	: Kalgan Rural Village Structure Plan area
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Various
<b>Business Entity Name</b>	: Not applicable
<b>Attachments</b>	: 1. Draft Kalgan Rural Village Cost Apportionment Schedule 2. Kalgan Rural Village Road Cost Apportionment Schedule Policy 2019
<b>Report Prepared by</b>	: Development Engineer (A Millar)
<b>Responsible Officer</b>	: Executive Director Development Services (P Camins)

### STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. 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 adoption of the *Kalgan Rural Village Structure Plan* has led to a number of applications for subdivision within the area. The intensification of residential land use will increase the population of the area and create significant demands on existing infrastructure.
- The Kalgan Rural Village Cost Apportionment Schedule Policy (KRVCLASP) has been prepared in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- The Draft Local Planning Policy will review/establish a Cost Apportionment Schedule, which prescribes appropriate financial contributions from developers toward the upgrade of infrastructure within the Structure Plan area.
- Council is requested to endorse the amended *KRVCLASP* for the purpose of advertising.

### RECOMMENDATION

**DIS167: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: Councillor Sutton**  
**Seconded: Councillor Stocks**

1. That Council in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to **MAKE** the Kalgan Rural Village Cost Apportionment Schedule Policy (as set out as an attachment to 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 10-0**

**DIS167: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR STEPHENS**

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

**CARRIED 12-0**

**DIS167: RESPONSIBLE OFFICER RECOMMENDATION**

1. That Council in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to **MAKE** the Kalgan Rural Village Cost Apportionment Schedule Policy (as set out as an attachment to 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. The Kalgan Rural Village Structure Plan (KRVSP) was finally adopted by Council on 21 June 2011 and subsequently endorsed by the Western Australian Planning Commission. However, the Structure Plan did not incorporate a development contribution plan to apportion cost contributions to developers for upgrade of infrastructure within the Structure Plan area.
5. In 2014 a previous version of this policy was advertised but not adopted. The policy was not adopted as a bridge upgrade by Main Roads WA and associated funding changes were imminent.
6. Contributions based on the 2014 schedule were received for a number of subdivisions and these contributions have been used for some of the upgrades already.
7. Main Roads have now completed the bridge works and the City acquired the land required for the bridge and future intersection works using contributions received. A more accurate figure for the cost of expected upgrades is therefore now available.
8. Furthermore, as subdivision design has progressed, lot yields have been revised in Kalgan Rural Village. These modifications have impacted upon the per lot cost apportionment.

**DISCUSSION**

9. The Kalgan Rural Village Structure Plan has enabled higher density subdivision to occur within the subject area. A number of subdivision applications have been received, and further subdivisions are expected. Over time this intensification of the residential land uses will increase the population of the area and create significant demands on existing infrastructure.
10. A number of road upgrades are necessary to ensure that the road network in the area is safe and will meet the expectations of the current and future land owners. The endorsed Kalgan Rural Village Structure Plan requires that contributions are made to upgrade a number of roads within the Structure Plan area.
11. The total road upgrade cost has been calculated (and recently reviewed) for the entire development area to meet the needs of a 'build-out scenario' (i.e. all lots able to be created, are created) and apportioned across the development. Road upgrading may be paid for 'in kind' by the provision of works rather than as a contribution where appropriate and only by agreement with the City of Albany or Main Roads as applicable.
12. The City of Albany has sought advice from the Department of Planning Lands and Heritage who have advised that a local planning policy is an appropriate mechanism to formalise the process of obtaining funds for standard infrastructure at the subdivision stage. It is necessary to note that as this policy pertains to standard infrastructure, it is not impacted upon by Statement of Planning Policy 3.6 – Development Contributions for Infrastructure and Part 7 of the Planning and Development (Local Planning Scheme) Regulations 2015.

13. By adopting a policy position on the matter, the City of Albany will give developers a clear directive on appropriate financial contributions to assist with the upgrade of infrastructure within the Structure Plan area.
14. The *Kalgan Rural Village Cost Apportionment Schedule policy* is consistent with the requirements of both the *Kalgan Rural Village Structure Plan* and in general with the principles set out in *Statement of Planning Policy 3.6 – Development Contributions for Infrastructure*. It is therefore recommended that Council agree to advertise the policy.
15. Once the policy is adopted, in situations where contributions have been received by previous subdivisions, the City of Albany will refund the difference of any excess contributions.

## GOVERNMENT & PUBLIC CONSULTATION

16. If the Council resolves to support the *Kalgan Rural Village Cost Apportionment Schedule 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.
17. 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.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail out to landowners in the Kalgan Rural Village.  Newspaper and City's website.	21 days from the day that the first notice is published.	N/A	21 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

## STATUTORY IMPLICATIONS

18. There are no statutory implications relating to endorsing the proposed *Kalgan Rural Village Cost Apportionment Schedule policy* for advertising.
19. Voting requirement for this item is **SIMPLE MAJORITY**.

## POLICY IMPLICATIONS

20. The City of Albany has sought advice from the Department of Planning Lands and Heritage who have advised that a local planning policy is the appropriate mechanism to formalise the process of obtaining funds for standard infrastructure at the subdivision stage. It is necessary to note that as this policy pertains to standard infrastructure, it is not impacted upon by *State Planning Policy 3.6 – Development Contributions for Infrastructure* and Part 7 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

## RISK IDENTIFICATION & MITIGATION

21. 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
<b>Reputation.</b> <i>The costs of infrastructure contributions within the Apportionment Policy are under-estimated.</i>	Possible	Moderate	Medium	<i>The plan has been developed using a balanced approach with all available information.</i>
<b>Reputation.</b> <i>Advertising the proposed policy could give rise to objectionable comments from landowners and developers.</i>	Possible	Moderate	Medium	<i>Contributions are based on sound principles and financial analysis.</i>
<b>Opportunity:</b> <i>To facilitate the development of the Kalgan rural Village Structure Plan by sharing infrastructure costs in an equitable manner.</i>				

## FINANCIAL IMPLICATIONS

22. Should Council decide not to adopt the draft *Kalgan Rural Village Cost Apportionment Schedule policy* to obtain developer contributions for infrastructure upgrades, the City may become liable for significant costs associated with road and intersection upgrades.
23. Once the policy is adopted, in situations where contributions have been received by previous subdivisions, the City of Albany will refund the difference of an excess contributions.

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

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

## ALTERNATE OPTIONS

26. 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

27. By adopting a policy position on the matter, the City of Albany will give developers a clear directive on appropriate financial contributions to assist with the upgrade of infrastructure within the Structure Plan area.
28. The Kalgan Rural Village Cost Apportionment Schedule policy has been review to incorporate the latest figures applicable to required upgrades for the Kalgan Rural Village Structure Plan area and it is now ready for public consultation.
29. Council is requested to accept the policy for the purpose of advertising.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i>
<b>File Number (Name of Ward)</b>	:	N/A (Kalgan Ward)
<b>Previous Reference</b>	:	OCM April 2011 Item 1.1

**DIS168: PLANNING AND BUILDING REPORTS MAY 2019**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports April 2019  
**Report Prepared By** : Administration Officer – Planning (J Ferrell)  
Administration Officer – Development Services (Z Sewell)  
**Responsible Officers:** : Executive Director Development Services (P Camins)

**RECOMMENDATION**

**DIS168: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MOIR**  
**SECONDED: COUNCILLOR SHANHUN**

**THAT Council NOTE the Planning and Building Reports for May 2019.**

**CARRIED 10-0**

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**15.1 NOTICE OF MOTION BY COUNCILLOR SMITH**

**Date and Time Received:** Notice Received: Thursday 23 May 2019 at 8.14PM

**15.1: RESOLUTION (AMENDMENT BY COUNCILLOR SMITH)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT:**

1. The City consult with community associations by facilitating a workshop/s to determine levels of support required for future asset maintenance and operations within their communities.
2. A subsequent presentation to be delivered by staff through a workshop with Councillors that examines existing leasing/funding/in kind assistance offered, and to explore potential opportunities and models of support in line with the facilitated engagement.
3. Council commence and maintain a commitment to seek State Government support for a State-Based funding stream for assistance with ongoing maintenance programs for historic places.

**CARRIED 10-0**

**Councillor Reason:**

Further engagement with representatives of Community Associations discussed support from Community Development Staff at the City. They would like an opportunity for facilitated discussion/s to determine the resource support required (both financial and capacity building) to enable the City to consider and recommend to Council ongoing models of resourcing.

This would enable community groups to build capacity around management of their assets and the delivery of community social and wellbeing programs.

Councillor Smith then proposed an amendment to her Notice of Motion, with the permission of the seconder Councillor Sutton.

**15.1: NOTICE OF MOTION BY COUNCILLOR SMITH  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT:**

1. Council request a report detailing existing community halls (the Asset) in the municipality, including the terms of leases to community associations and any concessions previously or currently offered or given by the City to assist with the maintenance of the Asset. The report should include ~~with~~ recommendations for a sustained and non-competitive future support program to be resourced via the budget and included in the Long Term Financial Plan.
2. Council commence and maintain a commitment to seek State Government support for a State based funding stream for assistance with maintenance programs for historical places.

**Councillor Reason:**

The unique heritage across the City of Albany is evident in many ways, shapes and forms, including through our Community Halls of which some are listed on the State Heritage Register such as King River Hall and the Albany Town Hall. Many community organisations are also custodians of significant historical information and artefacts that have not had appropriate support in preserving, registering or archiving. The fundraising activities that these organisations undertake are well supported but often insufficient to provide an ongoing infrastructure maintenance program, or even their insurance costs.

Community engagement via Council Meet and Greet sessions elicited crucial feedback that community halls are essential to their communities; they provide general meeting space, for playgroups, community festivals and markets etc. Maintenance of the Community Halls ensures continued community interaction, a growing sense of volunteerism, and a sense of place that reflects the community's identity, diversity, and heritage.

This notice of motion embodies many aspects of the City of Albany's 2030 Community Strategic Plan, through seeking to assist in maintaining infrastructure that promotes Albany's unique heritage, and engenders civic pride, as well as developing, encouraging, and supporting community organisations and the use of community spaces.

For Council to address the current issues the Community Halls are facing, we need to better understand how the Halls are currently managed, the support they currently receive - either from the City or other sources - and their insurance costs. The aim from this review is to then build a specific funding stream that Community Halls would be able to utilise. Ideally, the support/financial model would be an ongoing model that would not be a competitive process that would see organisations competing against each other via annual submissions – consideration of a longer term funding agreement would provide certainty and stability for the organisations to assist them build capacity for their own strategic and asset management plans. The City as the owner should be supportive of this.

Many Councils across Australia are recognising the strategic and heritage value of Community Halls and are developing programs to support them. However, we are encouraged to list our heritage assets with the State Heritage Office but with no real understanding of the ramifications of this on asset maintenance and use, and the lack of access to funding opportunities.

The two main existing funding sources are through the State Heritage Office (which is extremely narrow) or LotteryWest which also includes general community organisations competing for support for equipment and other items. The State Government through the Department of Local Government, Sport and Cultural Industries provides a specific funding avenue for sporting groups to maintain their asset infrastructure and deliver programs; the City should be lobbying the State Government and WALGA to have a similar stream for developed for Heritage assets also.

**Officer Comment (Acting Executive Director Corporate Services):**

The City currently has 81 community leases to a variety of community groups, including 11 progress/community associations with a small proportion of buildings that are heritage listed.

While the City has ownership or management rights of the land on which they sit the City is not always the asset owner of the halls themselves.

In order to consider any feasibility study and support program for community halls further information would be required on:

- Definition of community halls
- Function and utilisation
- Extent of heritage listing
- Clarification around ownership rights and management responsibilities
- Availability of building condition reports
- Current maintenance responsibilities
- Options for other funding opportunities

This information is considered essential to be able to clearly outline to Council whether the suggested program of support is feasible and sustainable.

However, such a study will raise issues of compliance and condition of these halls which will require the City to action. As any works required are not usually the responsibility of the City under the lease agreement, the lessee will be required to rectify.

The above investigations will require an appropriate budget allocation or additional resourcing to undertake the task.

In the meantime the City holds some limited historical information on the 11 progress/community halls that detailed a variety of condition levels at that time. A benchmark figure for maintenance and capital renewal expenditure would be around \$100-150k per annum for the 11 halls. Noting there are another three progress/community halls within the municipality with arrangements direct with the Department of Planning, Lands and Heritage and not the City.

State and Federal funding bodies have shifted their policy positions and no longer provide funding to community groups for maintenance. Lotterywest, previously the main funder of community infrastructure, now only considers significant upgrades or new infrastructure.

Other LGAs such as Kalgoorlie-Boulder offer matched funding for all heritage listed buildings, City of Perth offer grants for any heritage listed building, both include private buildings and not limited to those for community use. The WA government offers funding for heritage listed buildings through the Heritage Council. The WA government also offers funding for sporting clubs through the Department of Local Government, Sport and Cultural Industries.

City officers have developed a new Community Facilities Assistance Fund (CFAF) initiative as a pilot program to support community groups in maintaining their assets. An allocation of \$30,000 for the pilot has been provided in the 2019/20 budget subject to Council approval.

The CFAF as it currently stands, aims to support community groups develop their capacity and their ability to manage the assets they are responsible for, as well as retain a sense of ownership and responsibility.



**16. REPORTS OF CITY OFFICERS Nil**

**17. MEETING CLOSED TO PUBLIC Nil**

**18. CLOSURE**

There being no further business the Mayor declared the meeting closed at **7.04PM**

*(Unconfirmed Minutes)*

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Dennis W Wellington  
**MAYOR**

- (Lot 4) 283 Two Peoples Bay Road Kalgan. Brad Taylor arrived March 2016. We understand that this issue has never been presented as agenda item for full council to vote upon.
- Zoning is priority agriculture. Industry is NOT permitted without express approval by the City of Albany.
- 27 July 2018. Eight months after his initial application, and two years and four months after his operations began, with several irregularities in procedure by the Council along the way, approval was granted for a Rural (Arborist, Storage Yard/Depot) and Earthworks in excess of 600mm.
- Conditions were put in place to protect the sensitive nature of the region, the neighbours, and the tourist businesses within 300m of the proposed industry (Willowie Horse Riding, Nippers Café, Albany Bird Park, Two Peoples Caravan Park). Conditions and regulations are obviously put in place to protect all the users in the area – tourists, over-50 cyclists, fishermen, birdwatchers, the neighbours, wildlife and environment.
- The conditions were not to our liking. We thought they were far too lenient given the NOISE, the VISUAL IMPACT, the NUISANCE, and the potential for the development to blow out.
- Nearly everyone involved (us, our neighbours, our planner David Congdon, our lawyer Carolyn Smiddy Brown, and even the council officers) felt the operation of the business was in the wrong place. Scott Reitsema said they didn't want to oppose him, because it would be too costly for the City of Albany to challenge him IF he went to the SAT and Brad Taylor would most likely win (?).
- However, we hoped we would at least be partially protected from the worst aspects of the operations by the conditions.
- The enforcement of the conditions was left in the hands of council officers (most notably) Paul Camins, Craig McMurtrie, Scott Reitsema, Kellee Brown. Some of the conditions had time-limits for their implementation. The applicant had 28 (or 30?) days from 27 July 2018 to appeal to SAT. He didn't. We didn't expect him to adhere to them anyway.
- Last Wednesday my wife met with Scott Reitsema, Jan Vandermescht, Kellee Brown and Shiralee Mayger. She was told that Brad Taylor is appealing to the SAT for modification of the conditions, ten months past the deadline for an appeal, and she was told that the Council would not oppose a modification of their own conditions in the event of SAT asking them about the conditions. Apparently Scott Reitsema said it would be too costly to challenge him.
- One of them told my wife that Brad Taylor had been fined for non-compliance.
- So, Brad Taylor gets fined, and the conditions are removed. What does that tell us? That the fine was in lieu of implementing the conditions? That the original conditions, which we were relying on, were wrong? That the council had made a mistake in imposing the conditions? That in future all that anyone has to do, if they don't agree with council conditions is pay a fine, and the conditions will disappear?
- Correct me if I am wrong, but isn't Council obliged to enforce their conditions once they have made a determination on an application? I would like to know what is going on, and what I can do about it, given that a third party has little chance of intervention to the SAT.