



MINUTES

Ordinary Meeting of Council

Tuesday 26 April 2016

6.00pm

City of Albany Council Chambers

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

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

All Councillors, Staff and Volunteers at the City of Albany will be...

Focused: on community outcomes

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

United: by working and learning together

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

Accountable: for our actions

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

Proud: of our people and our community

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

ORDINARY COUNCIL MEETING
MINUTES – 26/04/2016

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1. DECLARATION OF OPENING

6:00:53 PM The Mayor declared the meeting open.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward
Breaksea Ward
Frederickstown Ward
Frederickstown Ward
Kalgan Ward
Kalgan Ward
Vancouver Ward
Vancouver Ward
West Ward
West Ward
Yakamia Ward
Yakamia Ward

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

Staff:

Chief Executive Officer
Executive Director Corporate Services
Executive Director Planning and
Development
Executive Director Economic
Development and Commercial Services
Executive Director Community Services
Manager City Engineering

A Sharpe
M Cole
D Putland
C Woods
A Cousins
D King

Meeting Secretary

J Williamson

Apologies:

Executive Director Works and
Services

M Thomson (Apology)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Terry	CSF223	Impartiality. The nature of the interest being that Councillor Terry's son works for an entity owned by the owner of a property that is adjacent to the property concerned. Councillor Terry remained in the Chamber and participated in the discussion and vote.
Councillor Dowling	PD120	Impartiality. The nature of the interest being that Councillor Dowling is the co-owner of a property in Flynn Way. Councillor Dowling left the Chamber and did not participate in the discussion or vote.
Councillor Terry	WS106	Impartiality. The nature of the interest being that Councillor Terry's employer leases his business premises for a property owner along this strip of Albany Highway. Councillor Terry remained in the Chamber and participated in the discussion and vote.

5. REPORTS OF MEMBERS

[6:02:49 PM](#) Councillor Smith

Summary of key points:

- Attended consultation sessions for Muttonbird Beach and the Landcorp site at Middleton Beach.

[6:05:21 PM](#) Councillor Shanhun

Summary of key points:

- Attended the Anzac Dawn Service, and congratulated staff on the recent PUBLIC in the Great Southern street art.

[6:06:05 PM](#) Councillor Terry

Summary of key points:

- Attended Sports Person of the Year Awards, meeting with Minister for Regional Development, Senator Fiona Nash, PUBLIC, Civic Receptions, Road Safety Forum, Anzac services, Centennial Park Western Precinct opening.

[6:09:25 PM](#) Mayor's Report

The Mayor gave a summary of recent events attended on behalf of Council since the Ordinary Council Meeting held 23 March 2016.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

[6:11:13 PM](#) Councillor Dowling left the Chamber for the duration of Public Question Time as her husband, Mr Alastair Dowling, addressed Council during Public Question Time regarding PD120: Delay to Intersection Closure of Flynn Way and Lower King Road.

[6:11:26 PM](#) **Ms Trudi Anderson, 26 Stirling Terrace, Albany**

Summary of key points:

- Addressed Council regarding PD124: Residential Buildings (Student Housing) - 28-30 Stirling Terrace, Albany.

[6:15:06 PM](#) **Mr Ian Dougan, 27 Frederick Street, Albany**

Summary of key points:

- Addressed Council regarding PD124: Residential Buildings (Student Housing) – 28-30 Stirling Terrace, Albany.

[6:19:39 PM](#) **Ms Jane Mouritz, 2/5 Barnett Street, Middleton Beach**

Summary of key points:

- Addressed Council regarding the Landcorp site at Middleton Beach.

[6:21:43 PM](#) **Mr Barry Panizza, 194 Willyung Road, Albany**

Summary of key points:

- Addressed Council regarding 15.1: Notice of Motion by Councillor Stocks.

[6:25:02 PM](#) **Mr Lennon Swann, 1 McCardell Crescent, Oyster Harbour**

Summary of key points:

- Addressed Council regarding PD120: Delay to Intersection Closure of Flynn Way and Lower King Road. Mr Swann spoke against the motion.

[6:26:46 PM](#) **Mr Mark Hind, 47 Waters Road, Oyster Harbour**

Summary of key points:

- Addressed Council regarding PD120: Delay to Intersection Closure of Flynn Way and Lower King Road. Mr Hind spoke against the motion.

[6:30:23 PM](#) **Mr Ian Woods, 2 Corine Way, Bayonet Head**

Summary of key points:

- Addressed Council regarding 15.1: Notice of Motion by Councillor Stocks.

[6:34:18 PM](#) **Mr Alastair Dowling, 19 Flynn Way, Bayonet Head**

Summary of key points:

- Addressed Council regarding PD120: Delay to Intersection Closure of Flynn Way and Lower King Road.

[6:37:19 PM](#) There being no further speakers the Mayor declared Public Question Time closed.

8. APPLICATIONS FOR LEAVE OF ABSENCE Nil.

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR PRICE

THAT the minutes of the Ordinary Council Meeting held on 22 March 2016, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 13-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

**ED031: 17th NATIONAL CARAVANS CLUBS RALLY – OCTOBER
2019 ALBANY HOST DESTINATION**

Proponent / Owner	: City of Albany
Attachments	: Memorandum of Understanding
Report Prepared By	: Manager Tourism Development & Services (M Bird)
Responsible Officers:	: Executive Director Economic Development & Commercial Services (C Woods)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This strategy directly relates to the following elements from the Community Strategic Plan – Albany 2023 and the Corporate Business Plan 2014-2018.
 - a. **Key Theme: 1.** Smart Prosperous and Growing.
 - b. **Strategic Objective: 1.2** To strengthen our region's economic base.

Strategic Objective 1.3 To develop and promote Albany as a unique and sought after destination.
 - c. **Strategy 1.2.2.** Strengthen our economy by support by supporting business innovation and diversity

Strategy 1.3.1. Encourage, support and deliver significant events that promote our region.

Strategy 1.3.2. Promote the Albany region as a sought after and iconic tourism destination.
2. The City of Albany 2013-17 Economic Development Strategy identified the importance of securing major tourism events with the objective to *"identify and secure events to Albany that have the ability to generate significant economic impact and align with our community strategic plan and build on our natural advantages and our Brand"*.

In Brief:

- The City of Albany is investigating hosting the 17th National Caravan Clubs Rally in October 2019.
- The National Association of Caravan Clubs Ltd (NACC) is the National body representing the individual State Associations of Caravan Clubs.
- Every three years the NACC stage a National Rally which is attended by Caravan club members from every state.

RECOMMENDATION

ED031: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR PRICE

THAT Council:

- 1. AUTHORISE the Chief Executive Officer to enter into a Memorandum of Understanding with the Western Australian Association of Clubs Inc. 17th National Caravan Clubs Rally Committee to provide the host destination rights for the 17th National Caravan Clubs Rally in October 2019.**
- 2. In accordance with (1) above, the Memorandum of Understanding be in accordance with the draft document attached to report ED031 - 17th National Caravans Clubs Rally – October 2019 Albany Host Destination. Further, should there be any changes be required to the draft document a further report will be presented to council for consideration.**

CARRIED 12-1
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillor Terry

ED031: AMENDED MOTION BY COUNCILLOR TERRY
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Committee Recommendation be AMENDED to remove point 2 in its entirety.

LOST 1-12

Record of Vote

For the Motion: Councillor Terry

Councillor's Reason:

The reason why I am suggesting making this amendment to the motion is that I feel that the addition of clause 2 to that recommendation could effectively undermine the confidence that Council has in staff to negotiate in good faith with the National Caravan Clubs committee for the benefit of the City.

I understand some hesitancy from some committee members to provide full delegation to staff in matters such as this due to previous experiences but I feel that in the case that it is unwarranted and could be seen to be micromanaging staff, something that I am sure that we don't really want to be doing and I don't think we should be either.

If the Committee Recommendation was accepted without amendment then any change to the MOU would need to be brought back to Council. I think this is overbearing and obstructive of the efficient management of the City. However, if the majority of Councillors want some oversight then changing the wording of subclause 2 to “further, should there be substantive changes to the draft document, a further report will be presented to Council for consideration. And that could be considered, but still, I think it would be overbearing.

ED031: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR PRICE

THAT Council:

1. AUTHORISE the Chief Executive Officer to enter into a Memorandum of Understanding with the Western Australian Association of Clubs Inc. 17th National Caravan Clubs Rally Committee to provide the host destination rights for the 17th National Caravan Clubs Rally in October 2019.
2. In accordance with (1) above, the Memorandum of Understanding be in accordance with the draft document attached to report ED031 - 17th National Caravans Clubs Rally – October 2019 Albany Host Destination. Further, should there be any changes be required to the draft document a further report will be presented to council for consideration.

CARRIED 8-0

ED031: AMENDED RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR PRICE

THAT Council:

1. AUTHORISE the Chief Executive Officer to enter into a Memorandum of Understanding with the Western Australian Association of Clubs Inc. 17th National Caravan Clubs Rally Committee to provide the host destination rights for the 17th National Caravan Clubs Rally in October 2019.
2. In accordance with (1) above, the Memorandum of Understanding be in accordance with the draft document attached to report ED031 - 17th National Caravans Clubs Rally – October 2019 Albany Host Destination. Further, should there be any changes be required to the draft document a further report will be presented to council for consideration.

CARRIED 5-3

Against: Councillor Sutton, Councillor Terry, Mayor Wellington

ED031: RESPONSIBLE OFFICER RECOMMENDATION

THAT the City of Albany:

- Enter into a Memorandum of Understanding with the Western Australian Association of Clubs Inc. 17th National Caravan Clubs Rally Committee to provide the host destination rights for the 17th National Caravan Clubs Rally in October 2019.

BACKGROUND

3. The National Association of Caravan Clubs Ltd (NACC) is the National body representing the individual State Associations of Caravan Clubs.
4. Every three years caravan clubs that are registered with the National Association of Caravan Clubs meet at a National Caravan Clubs Rally organised by the host state. The Rallies are held over a period of ten days with the dates being determined by the host state as being the best suited for maximum visitor benefit.
5. The NACC have allocated the 2019 National Caravan Clubs Rally to Western Australia to organise.
6. Apart from social events organised for the participants, the NACC will hold its 2019 Annual General Meeting (Triennial) during the Rally to allow club members present to attend.
7. The Western Australian Association of Caravan Clubs Inc. (**WAACCI**) is the state body for the thirty two Caravan clubs in Western Australia and has delegated the planning and running of the 17th National Caravan Clubs Rally to the National Rally Committee whose members are drawn from member clubs of WAACCI.
8. The City of Albany has been approached by the NACC WA Committee to host the 2019 event.
9. The 15th National Caravan Clubs Rally was held in Rockhampton, Queensland in September 2013 and attracted 564 vans representing some 81 clubs from across Australia.
10. The 16th National Caravan Clubs Rally will be held in Canberra, ACT in September 2016.

DISCUSSION

11. The proposed Albany location for the event is Centennial Park grounds east of Lockyer Avenue.
12. Centennial Park facilities are currently being upgraded however the scheduled date for completion is March 2017 which is well in advance of the proposed event date of October 2019.
13. The NACC will require access to the venue for a period of 21 days (preliminary dates 9-29 October 2019) including 5 days setup, 10 days for the Rally and 6 days pack up.
14. NACC representatives have met with City officers for preliminary discussions for the event hosting opportunity and a draft MOU is attached outlining terms of the proposed host destination agreement.
15. Securing the 17th National Caravan Clubs Rally in 2019 will generate significant economic benefit for the Albany and surrounding region local economy.
16. Major benefits to Albany potentially include;
 - Direct visitor spend into local economy from an estimated (conservative) 400 vans and 750 attendees holidaying in Albany for a minimum of 9 days. Based on previous similar events (average spend \$92 per attendee per night) estimated visitor spend could be in the order of \$621,000.

- Direct spend into local economy from event organisers over 20 day period estimated to be \$200,000 from staging event.
- Total direct spend benefits to Albany are estimated to be around \$800,000.
- Increasing destination awareness for Albany by implementing a targeted marketing program to the National Caravan Clubs member database.
- Reinforce the market awareness already created by previous events targeting the self-drive self-contained visitor type (CMCA, Anzac Albany) and supports infrastructure and product development programs coordinated and implemented by the City for the nature based camping grounds.

GOVERNMENT & PUBLIC CONSULTATION

17. The Albany Chamber of Commerce and Industry Inc is a strong supporter of Albany securing host venue status for events such as the National Caravan Clubs Rally.
18. City of Albany officers have met with representatives from local caravan park operators. The proposed MOU includes a condition for event organisers to engage with local caravan park operators in the planning and delivery of the event.
19. The Community Strategic Plan involved widespread community consultation in late 2012 and early 2013. The community identified a number of economic priorities under the theme of Smart Prosperous and Growing including the attraction of iconic major events.

STATUTORY IMPLICATIONS

20. Nil

POLICY IMPLICATIONS

21. Nil

RISK IDENTIFICATION & MITIGATION

22. The risk identification and categorisation relies on the [City's Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial Proposed MOU is not agreed by the City and event is hosted elsewhere	Possible	Moderate	Medium	Host destination requirements are considered low versus potential return on investment. Financial risk to the City is considered low as majority of deliverables are in kind via provision of venue and the like.
Reputational Lack of community engagement in particular with local caravan park operators may cause negative local media	Possible	Insignificant	Low	City to ensure event organisers engage with local community and caravan park operators in the planning and delivery of the event.

FINANCIAL IMPLICATIONS

23. The MOU outlines the agreement requirements for the City of Albany as host destination for the Rally. These include provision of venue at no cost to event organisers, site power and water consumption costs, daily waste removal service, temporary dump point(s), use of City marquee and portable toilet/showers (if required and subject to availability). There is also a requirement to assist in the marketing of the event including attending the 2016 event to promote the 2019 Albany Rally. The cost to Council for deliverables as detailed above is estimated to be in the order of \$20,000.
24. There is no requirement for the City to pay a hosting fee.
25. If Council approves the motion then City officers will seek financial support for marketing the destination and event from partner sources such as the Perth Convention Bureau and Tourism WA.
26. Financial and resource allocation is required by the City for the 2016/17 financial year to attend and market the Albany destination at the 2016 Canberra Rally and in the 2019/20 financial year to host the Albany Rally event.

LEGAL IMPLICATIONS

27. Nil

ENVIRONMENTAL CONSIDERATIONS

28. Nil.

ALTERNATE OPTIONS

29. Council may chose not to support further investigation of this opportunity.

CONCLUSION

30. Securing the 17th National Caravan Clubs Rally in Albany in 2019 achieves a City strategic deliverable to identify iconic events that provide community and economic benefits and work with partners to attract market and host events.
31. Overall there is expected to be around 750 additional visitors to the Albany region staying a minimum of 10 days and with event organiser expenditure the total direct spend is an estimated \$800,000 into the local Albany economy.
32. Assuming an estimated cost to the City of \$20,000 plus in-kind officer time this event offers a strong return on investment ratio measurement.
33. The event is planned to be staged in October 2019 which is a traditional shoulder visitor period for the destination and will therefore inject additional visitor expenditure that would not have otherwise been achieved. Existing research indicates local food, general retail and hospitality businesses are the largest beneficiaries of these events.

Consulted References	:	Nil
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Nil

ED032 : NATIONAL ANZAC CENTRE ADVISORY GROUP – TERMS OF REFERENCE

Proponent / Owner	: City of Albany
Attachments	: National Anzac Centre Advisory Group Terms of Reference
Report Prepared By	: Executive Director Economic Development & Commercial Services (C Woods)
Responsible Officers:	: Executive Director Economic Development & Commercial Services (C Woods)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This strategy directly relates to the following elements from the Community Strategic Plan – Albany 2023 and the Corporate Business Plan 2014-2018.
 - a. **Key Theme: 1.** Smart Prosperous and Growing.
 - b. **Strategic Objective: 1.2** To strengthen our region's economic base.

Strategic Objective 1.3 To develop and promote Albany as a unique and sought after destination.
 - c. **Strategy 1.2.2.** Strengthen our economy by supporting business innovation and diversity

Strategy 1.3.1. Encourage, support and deliver significant events that promote our region.

Strategy 1.3.2. Promote the Albany region as a sought after and iconic tourism destination.

In Brief:

- The City of Albany in partnership with the Department of Premier and Cabinet, The Department of Veteran Affairs (DVA), The West Australian Museum (WAM) and Tourism Western Australia (TWA) successfully project managed the construction and commissioning of the National Anzac Centre (NAC) in October of 2014.
- To ensure the ongoing viability of the National Anzac Centre and in recognition of its national significance the State and Federal Government requested Council establish an Advisory Group with (as a minimum) representatives from the Returned Services League (RSL), WAM and TWA to assist in the realisation of the NAC objectives.

RECOMMENDATION

**ED032: RESOLUTION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SMITH**

THAT:

- 1. The Terms of Reference for the National Anzac Advisory Group be AMENDED to require the Chief Executive Officer to present to Council for endorsement, the Chair and Members of the Advisory Group.**
- 2. The Amended Terms of Reference be ENDORSED by Council.**

**CARRIED 13-0
ABSOLUTE MAJORITY**

Officer's Reason (Chief Executive Officer):

The amendment will allow Council to endorse the appointments to the National Anzac Advisory Group.

**ED032: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council ENDORSE The National Anzac Advisory Group terms of reference and AUTHORISE the CEO to establish the inaugural Advisory Group Membership.

BACKGROUND

2. The Albany Heritage Park is a 260 hectare parkland reserve set in the heart of Albany, Western Australia. It surrounds the summits of Mount Clarence and Mount Adelaide, and stretches from the port of Albany to the shores of Middleton Beach. The park encompasses a unique blend of historical, cultural and natural attractions, beautiful wildflowers and granite formations, and Aboriginal and European cultural sites.

Mount Adelaide features:

- The National Anzac Centre;
- The Princess Royal Fortress;
- The Forts Store;
- A sculpture titled 'Longing, Memory, Sight'
- The Convoy Walk and Convoy Lookout;
- Garrison Restaurant and Bar; and
- Carlyles Function Centre.

Mount Clarence features:

- Apex Drive;
- Apex Lookout;
- Avenue of Honour;
- The Desert Mounted Corps Memorial; and
- The Padre White Lookout.

Other areas In the Albany Heritage Park include:

- Rotary Lookout;
- Plantagenet Battery;
- Ataturk Statue; and
- Point King Lighthouse.

3. The National Anzac Centre is the centrepiece attraction of Albany Heritage Park. It was opened by the Prime Ministers of Australia (Mr Tony Abbot) and New Zealand (Mr John Keys) and the Premier of Western Australia (Mr Colin Barnett) on 1 November 2014, to coincide with the centenary of the first Anzac's convoy departure to war from Albany's King George Sound.
4. In late 1914, more than 40,000 Australians and New Zealanders left Albany, bound for the Great War. The National Anzac Centre tells their story. It is Australia's foremost museum dedicated solely to honouring the Anzacs of the First World War, and offers visitors a deeply personal connection with the Anzac tradition revealed through interactive, multimedia displays; unique artefacts; rare images and film; and audio commentary.
5. With content developed by the Western Australian Museum and the Australian War Memorial, visitors experience the Great War through the personal accounts of 30 Anzacs – and 2 of their foes across the renowned battlefields of Gallipoli, the Palestine, Sinai and the Western front.
6. The WA Government's Department of Finance Building Management and Works (BMW) was asked in March 2013 to manage the design, construct and fit-out of the then named Anzac Interpretive Centre. BMW engaged Peter Hunt Architect in April 2013. A design was established in May 2013. The project was tendered to a select list of builders in September 2013. The site was cleared at the same time as a forward works package and the builder started construction on 11 November 2013 (Remembrance Day).
7. The construction reached Practical Completion on 3 October 2014 with final fit-out, software installations and exhibition lighting installed and ready for opening on 1 November 2014.
8. The project has involved consultancies, contractors and suppliers from across the globe including Albany, Western Australia, Australia, New Zealand, France, the UK and Italy.

Architect:	Peter Hunt Architect
Interpretive Design Co-ordination:	Western Australian Museum
Builder:	BGC Construction Pty Limited
Project Manager:	Department of Finance, BMW
Total cost:	\$10.6million (jointly funded by the Federal and State Governments and excluding the \$1.5million provided by Wesfarmers for the Convoy Walk, Convoy Lookout and sculpture)

DISCUSSION

9. The NAC has exceeded all forecast operational targets since opening on 1 November 2014 and has been awarded both State Heritage and WA Tourism Awards, whilst winning the Silver Award for Best New Tourism Business at the Australian Tourism Awards in 2015.
10. To ensure the NAC and the Albany Heritage Park precinct is strategically developed and operated as a sustainable tourism asset into the future, the establishment of the NAC Advisory Group is considered paramount.
11. City officers have received verbal commitment from both the West Australian Museum and Tourism Western Australia to nominate key personnel to the Advisory Group as soon as practicable.

12. It is the CEO's intention to establish the Advisory Board commencing July 1st 2016.

13. The Advisory Group structure and terms of reference have been designed specifically to attract and engage expertise to assist in the ongoing sustainability of the Albany Heritage Park precinct and the National Anzac Centre in a structure which is both flexible and effective.

GOVERNMENT & PUBLIC CONSULTATION

14. The preparation of this Advisory Group structure and terms of reference has been at the request of the state government and has been done in consultation with both Tourism Western Australia and the West Australian Museum.

STATUTORY IMPLICATIONS

15. Nil

POLICY IMPLICATIONS

16. Nil

RISK IDENTIFICATION & MITIGATION

17. The risk identification and categorisation relies on the [City's Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial. <i>The combined expertise of the Advisory Group has the potential to increase the financial performance of the NAC and the Albany Heritage Park. Council risks securing grant funding, sponsorship and operational efficiencies if not supporting the Advisory Group.</i>	<i>Likely</i>	<i>Major</i>	<i>Medium</i>	<i>Endorse the Terms of Reference and instruct CEO to appoint Advisory Group.</i>
Reputation <i>The Department of Premier and Cabinet requested Council establish an Advisory Group as part of its financial commitment. Tourism WA continues to work closely with the City of Albany to ensure the NAC benefits the region.</i> <i>Failure to proceed with the Advisory Group risks the strong and cooperative relationship that has been established with our key stakeholders.</i>	<i>Almost Certain</i>	<i>Moderate</i>	<i>High</i>	<i>Endorse the Terms of Reference and instruct CEO to appoint Advisory Group.</i>

FINANCIAL IMPLICATIONS

18. The 2016/17 budget will accommodate meeting and travel expenses for the membership of the Advisory Panel. The budget allocation for year 1 is \$10,000 per annum.
19. The value of the expertise provided voluntarily to further the objectives of the National Anzac Centre and the Heritage Park Precinct whilst difficult to quantify would exceed \$50,000 annually.
20. Further the value of the Advisory Group outcomes and the strategic relationships in securing additional grant funding, sponsorships, events, marketing and infrastructure upgrades are significant.

LEGAL IMPLICATIONS

21. Nil

ENVIRONMENTAL CONSIDERATIONS

22. Nil.

ALTERNATE OPTIONS

23. Council may choose to alter the Advisory Group Terms of Reference or to advise our key stakeholders that the City will continue to manage the NAC and Heritage Park without external assistance.

CONCLUSION

24. The NAC is an asset of National significance that if managed correctly will continue to attract visitors from out of the region and to increase their length of stay in the region. It is a powerful attractor which has influential stakeholders willing to contribute to its ongoing success whilst also monitoring the significant investment they have contributed to the facility.
25. The establishment of the proposed Advisory Group is identified as a strategic opportunity for the City of Albany to capitalise on external expertise and networks whilst maintain positive relationships with our key partners and stakeholders.

Consulted References	:	Nil
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Nil

PD120: DELAY TO INTERSECTION CLOSURE OF FLYNN WAY AND LOWER KING ROAD

Land Description	: Intersection of Flynn Way and Lower King Road, Bayonet Head.
Proponent / Owner	: City of Albany / State Government
Business Entity Name	: City of Albany, Lowe Pty Ltd
Attachments	: Original subdivision approval (ICR6016891.TIF) Removal of Temporary Intersection Plan.pdf
Supplementary Information & Councillor Workstation	Nil
Report Prepared By	: Land Officer (A Veld)
Responsible Officers:	: Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:

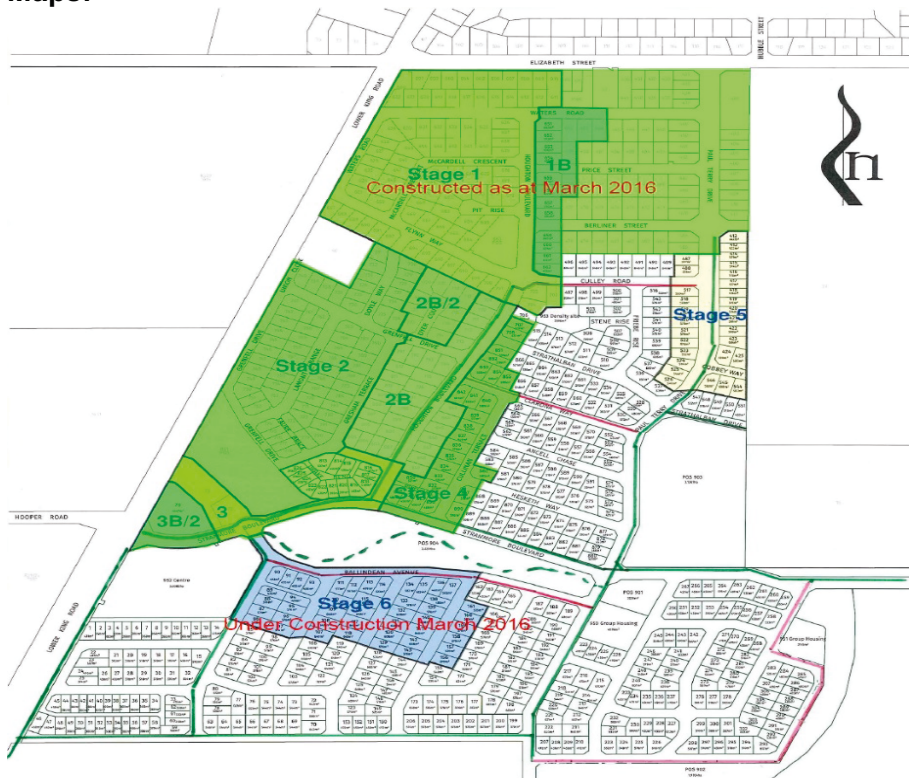


6:49:23 PM Councillor Dowling left the Chamber after declaring an Impartiality Interest in this item.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2014-2018](#):
 - a. **Key Theme:** 3. A connected built environment.
 - b. **Strategic Objective:** 3.1. To advocate, plan and build friendly and connected communities.
 - c. **Strategy:** 3.3.2. Provide proactive planning & building services.

Maps:



In Brief:

- Council consider delaying the proposed permanent closure of the intersection of Flynn Way and Lower King Road as detailed in the original 2006 subdivision application for Lot 43 Lower King Road, Bayonet Head and ratified at November 2014 OCM.

RECOMMENDATION

PD120: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SUTTON

THAT Council resolves to leave the intersection of Flynn Way and Lower King Road open for three months to allow resident consultation to be undertaken and reassess the best time for closure of the intersection.

LOST 3-9

Record of Vote

For the Motion: Councillors Goode, Sutton and Hammond

Note: Therefore Councils previous resolution to close the Flynn Way intersection (PD058: Proposed Permanent Closure of Intersection of Flynn Way and Lower King Road, Bayonet Head-OCM 25 November 2014) takes effect.

PD120: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR GOODE

THAT Council, resolves to leave the intersection of Flynn Way and Lower King Road open for **three months to allow resident consultation to be undertaken and reassess the best time for closure of the intersection.**

CARRIED 5-0

PD120: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, resolves to leave the intersection of Flynn Way and Lower King Road open for six months to allow resident consultation to be undertaken and reassess the best time for closure of the intersection.

BACKGROUND

2. In October 2006 the Western Australian Planning Commission approved the subdivision of Lot 43 Lower King Road, which commenced with Stage 1 of the Oyster Harbour Development.
3. The subdivision plan included a temporary access point to the development via the intersection of Flynn Way and Lower King Road. This was to be eventually closed once entrances to the development were created south (Stranmore Boulevard) and east (Paul Terry Drive).

4. Properties on Flynn Way, McCardell Crescent, Pitt Rise, Waters Road (Lots 612-622), Elizabeth Street (Lots 600-610), Houghton Boulevard (Lots 636-639, 677 & 704) and Culley Road (Lots 702 & 703) were required to have a notification on the Certificate of Title stating, *access from the land to Lower King and vice versa is provided on a temporary basis only and access to and from the land via Lower King Road will be closed on completion of the subdivision of the land creating the lots described in this notification*
5. The intersection of Flynn Way and Lower King Road in the Oyster Harbour Development was constructed approximately 8 years ago to provide access to the Oyster Harbour development. The access was constructed to a high standard.
6. After the completion of Houghton Blvd (providing a through route to Stranmore Blvd) and at the developer's request, in November 2014 City staff requested that Council approve the closure of the temporary intersection. However, the developer had not specified a timeframe for the proposed closure and, as a result, the Council resolution did not specify a time for closure of the intersection.

DISCUSSION

7. While the City anticipated that closure of the intersection was imminent, this was delayed by the developer for a number of logistical reasons.
8. The next stage of construction at that time was shown on the staging plan as Stage 5. It included construction of Paul Terry Drive, which when completed will provide an alternate route to stage 1 (and the Elizabeth Heights development to the east) in addition to Houghton Blvd. However, lower than expected demand for sloping lots (as will be created in Stage 5) has resulted in the developer rethinking the staging of the land release, causing the construction of Paul Terry Drive to be likely delayed by a number of years.
9. In addition, during the intervening period (since November 2014), a number of dwellings have been constructed on Houghton Blvd. Four Houghton Blvd and Grenfell Drive residents have complained about the pending closure, claiming that they were not informed of it happening by the real estate agent or developer at the time of purchase. It is worth noting that at the time of sale, closure of Flynn Way was imminent.
10. Due to the complaints that had been received regarding the imminent closure (and no complaints about it remaining open) and Paul Terry Drive construction had not commenced, officers proposed a delay in the closure until Paul Terry Drive is constructed.
11. Officers are of the opinion there are no specific Engineering or Planning reasons for its immediate closure.
12. Some residents in the broader Oyster Harbour community are likely unaware of the proposed closure and there may be benefits in consulting with them to achieve a best for most outcome in regards to the timing of the closure.
13. On hearing of the proposal to delay the intersection closure, a resident on Flynn Way has since complained about the City neglecting to act on the Council resolution to close the intersection. This resident has also raised safety issues about the intersection.
14. In light of identified safety concerns, City officers have undertaken a Road Safety Audit and identified some minor modifications to improve the intersection and traffic safety.

GOVERNMENT & PUBLIC CONSULTATION

At the time of the original item to recommend closure – November 2014:

15. Section 3.50 of the *Local Government Act 1995* sets out the procedure for permanently closing thoroughfares. A local government may advertise, by public notice, the proposed order giving details of the proposal, including the location of the thoroughfare and where, when and why it would be closed, and inviting submissions from any person who wishes to make a submission.

16. This notification was undertaken by way of public notices, published in the Albany Advertiser on August 19, 2014, displayed at the road intersection, in the Albany Public Library and at the City's North Road Offices. Submission regarding the public notification closed on 26 September 2014.
17. Only one submission was received. This was from a resident objecting to the road closure on the basis of convenience and emergency access in the event of a hazard. No objections or conditions were received by any service providers during the WAPC consultation process at the time of the original subdivision application.

In relation to delaying the enacting of PD058 from OCM November 2014 (this Item):

18. Correspondence has been undertaken with a number of residents who have complained about the closure with advice given to them that we will delay closure.
19. Correspondence has been undertaken with the resident who is strongly for the intersection closure.
20. No additional public consultation has been undertaken since proposing the delay in closure.

STATUTORY IMPLICATIONS

21. Section 3.50 of the Local Government Act 1995, titled;
"3.50 Closing certain thoroughfares to vehicles".
22. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

23. There are no policy implications.

RISK IDENTIFICATION & MITIGATION

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. Public perception that Council is not acting on the previous resolution.	Likely	Moderate	Medium	Notify affected landowners about Council's decision to delay the intersection closure.
Reputation. Decision will result in some members of the community being dissatisfied.	Likely	Moderate	Medium	Clearly communicate the rationale for the decision to all affected landowners
People Health and Safety. Safety concerns raised by resident re- intersection remaining open	Likely	Moderate	Medium	Communicate with all affected landowners of the Council decision. Provide onsite signage at the intersection before beginning site works. Take measures to improve safety of intersection in accordance with the Road Safety Audit.

FINANCIAL IMPLICATIONS

24. There are minor administrative costs associated with advertising the Council resolution to the public which can be accommodated in the 2015/16 budget allocation for land acquisition.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

26. There are no environmental considerations related to this item.

ALTERNATE OPTIONS

27. Intersection of Flynn Way & Lower King Road remains open until such time as Paul Terry Drive is constructed from Elizabeth St to Stranmore Blvd.
28. Intersection of Flynn Way & Lower King Road is closed immediately, in accordance with Council resolution PD058 from OCM November 2014.
29. Intersection of Flynn Way & Lower King Road remains open permanently – rescind PD058 from OCM November 2014.
30. Intersection of Flynn Way & Lower King Road remains open for a shorter period of time.

CONCLUSION

31. The original Council item to close the access could be seen as being premature, without the full construction of Paul Terry Drive to Stanmore Blvd. Delaying of the closure of Flynn Way would be prudent and would allow better permeability through the subdivision until such time as the additional alternate traffic route into the Oyster Harbour subdivision is constructed.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	RD.RDC.2 (Kalgan)
Previous Reference	:	OCM 25/11/14 PD058

6:57:17 PM Councillor Dowling returned to Chamber. Councillor Dowling did not participate in the discussion or vote for this item.

**PD121: CONSIDERATION OF SCHEME AMENDMENT– LOTS 201, 202
AND 203 CHESTER PASS ROAD, LANGE**

Land Description	: Lots 201, 202 and 203 Chester Pass Road, Lange
Proponent	: City of Albany
Owner	: City of Albany
Business Entity Name	: N/A
Attachments	: Local Planning Scheme Amendment No. 18 report
Supplementary Information & Councillor Workstation:	: Nil
Report Prepared by	: Planning Officer (C McMurtrie)
Responsible Officer	: Executive Director Planning and Development (D Putland)

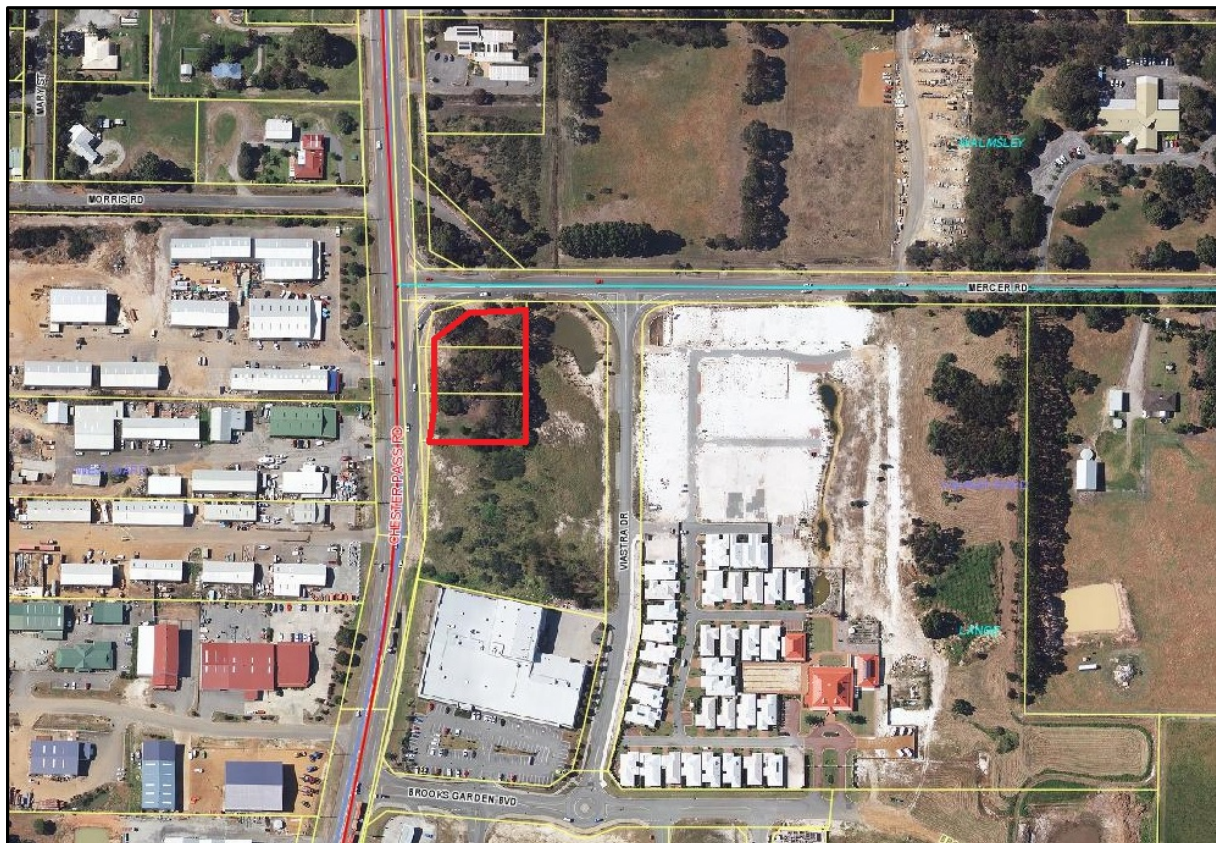
Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

Maps and Diagrams



In Brief:

- A request has been submitted for Council to adopt a local planning scheme amendment to:
 - Rezone Lots 201, 202 and 203 Chester Pass Road, Lange from the 'General Agriculture' zone to 'Special Use Zone SU23';
 - Amend 'Schedule 4 – Special Use Zones' as follows:
 - a. Include in the Description of Land column 'Lots 201, 202 and 203 Chester Pass Road, Lange';
 - b. Include the use of 'Pharmacy' in the Special Use column;
 - c. Include the following in the Conditions column:
 - '5. The Pharmacy use shall include a dispensary and the sale of incidental and medical products.
 - 6. In making application for a Pharmacy use, the developer shall provide evidence that approval has been granted under the Pharmacy Location Rules as set by the National Health Act 1953 and the National Health (Australian Community Pharmacy Authority Rules) Determination 2006, for as long as these rules are current.'
- and
 - Amend the Scheme Maps accordingly.
- City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
- The proposal will facilitate the development of the subject land in conjunction with Lot 1004 Viastra Drive, Lange.
- Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

RECOMMENDATION

PD121: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MULCAHY

SECONDED: COUNCILLOR SMITH

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

1. **Adopt Amendment No. 18 to amend *City of Albany Local Planning Scheme No. 1* by:**
 - (1) **Rezoning Lots 201, 202 and 203 Chester Pass Road, Lange from the 'General Agriculture' zone to 'Special Use Zone SU23';**
 - (2) **Amending 'Schedule 4 – Special Use Zones' as follows:**
 - a. **Include in the Description of Land column 'Lots 201, 202 and 203 Chester Pass Road, Lange';**
 - b. **Include the use of 'Pharmacy' in the Special Use column;**
 - c. **Include the following in the Conditions column:**
 - '5. The Pharmacy use shall include a dispensary and the sale of incidental and medical products.**

6. In making application for a Pharmacy use, the developer shall provide evidence that approval has been granted under the Pharmacy Location Rules as set by the National Health Act 1953 and the National Health (Australian Community Pharmacy Authority Rules) Determination 2006, for as long as these rules are current.'

and

(3) Amending the Scheme Maps accordingly.

2. Note that the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as 'Mixed Business' and sets a planning objective to provide appropriate locations for establishing and growing business activity;
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

CARRIED 13-0

PD121: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

PD121: RESPONSIBLE OFFICER RECOMMENDATION

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

1. Adopt Amendment No. 18 to amend *City of Albany Local Planning Scheme No. 1* by:
 - (1) Rezoning Lots 201, 202 and 203 Chester Pass Road, Lange from the 'General Agriculture' zone to 'Special Use Zone SU23';
 - (2) Amending 'Schedule 4 – Special Use Zones' as follows:
 - a. Include in the Description of Land column 'Lots 201, 202 and 203 Chester Pass Road, Lange';
 - b. Include the use of 'Pharmacy' in the Special Use column;
 - c. Include the following in the Conditions column:
 - '5. The Pharmacy use shall include a dispensary and the sale of incidental and medical products.
 - (3) In making application for a Pharmacy use, the developer shall provide evidence that approval has been granted under the Pharmacy Location Rules as set by the National Health Act 1953 and the National Health (Australian Community Pharmacy Authority Rules) Determination 2006, for as long as these rules are current.'

and

(4) Amending the Scheme Maps accordingly.

2. Note that the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as 'Mixed Business' and sets a planning objective to provide appropriate locations for establishing and growing business activity;
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

5. Amendment No. 18 has been prepared to seek:

- The rezoning of Lots 201, 202 and 203 Chester Pass Road, Lange from the 'General Agriculture' zone to 'Special Use Zone SU23';
- The amendment of 'Schedule 4 – Special Use Zones' as follows:
 - a. Include in the Description of Land column 'Lots 201, 202 and 203 Chester Pass Road, Lange';
 - b. Include the use of 'Pharmacy' in the Special Use column;
 - c. Include the following in the Conditions column:
 - '5. The Pharmacy use shall include a dispensary and the sale of incidental and medical products.
 - 6. In making application for a Pharmacy use, the developer shall provide evidence that approval has been granted under the Pharmacy Location Rules as set by the National Health Act 1953 and the National Health (Australian Community Pharmacy Authority Rules) Determination 2006, for as long as these rules are current.'

and

- The amendment of the Scheme Maps accordingly.

6. The subject land is located approximately 3.9 kilometres north-north-west of Albany town centre and has an area of approximately 4629 square metres. The land is relatively flat and currently landscaped as public gardens. The subject land is bounded by Chester Pass Road to the west, Mercer Road to the north and Lot 1004 Viastra Drive to the south and east. Due to the road layout at the intersection of Chester Pass and Mercer Roads and the shape of Lot 1004 Viastra Drive, the subject land cannot be accessed directly from either Chester Pass Road or Mercer Road.

7. Lot 1004 Viastra Drive is zoned 'Special Use Zone SU23', but has not yet been developed. The land to the west of Chester Pass Road is zoned 'Light Industry' and developed with a mix of light industrial and showroom uses. The land to the north is partially reserved for 'Parks and Recreation' and 'Public Purposes'. The 'Parks and Recreation' local scheme reserve is developed with a tourist information bay, while the 'Public Purposes' reserve, which is contiguous with the City of Albany depot and the offices of South Coast Natural Resource Management, is currently undeveloped.

8. The amendment document states that:

“When the adjoining land at Lot 1004 Viastra Drive passed into new ownership in 2015, the City entered into discussions with these owners in an effort to secure vehicle access to the subject land. In these discussions, the owners indicated their preference to purchase the three lots and develop them in conjunction with their land at Lot 1004 Viastra Drive. This option was supported by Council at its meeting held on 22 September 2015, noting the need to rezone the land to a similar Special Use zoning as Lot 1004 Viastra Drive. As part of the Contract of Sale, the City has agreed to undertake the rezoning of the subject land on behalf of the Buyers.

While no details are yet available, it is understood that the owners of Lot 1004 Viastra Drive would like to develop their property and the adjoining land as a medical centre / day hospital and pharmacy, consistent with the Special Use zoning of the land.”

DISCUSSION

9. The City’s planning Staff support the proposed local planning scheme amendment, as it is consistent with the Albany Local Planning Strategy and will facilitate the development of the land in conjunction with Lot 1004 Viastra Drive.
10. The proposed local planning scheme amendment is consistent with the current strategic direction set by the *Albany Local Planning Strategy*, which identifies the site as part of the ‘Mixed Business’ area and sets a planning objective to provide appropriate locations for establishing and growing business activity.
11. As outlined above, the City entered into discussions with the owners of Lot 1004 Viastra Drive, in an effort to secure vehicle access to the subject land, when Lot 1004 changed hands in 2015. During discussions, the owners of Lot 1004 indicated that they would like to purchase the subject land from the City and develop them in conjunction with Lot 1004. It is understood that the owners of Lot 1004 Viastra Drive intend to develop a medical centre / day hospital and pharmacy, consistent with the provisions of ‘Special Use Zone SU23’.
12. Although ‘Special Use Zone SU23’ currently includes *“other ancillary health and support uses approved by the Local Government”*, the proposed amendment includes the use of ‘Pharmacy’ as a separate land use.
13. This has been proposed, as a dispensary use would generally support a medical centre or hospital, but would not include the retail component that is common with most pharmacies. However, a dispensary is often financially assisted or operated by the principal use that it supports (the medical centre or hospital). If the business model employed requires that the pharmacy use operates as a separate entity, it may be difficult to attract an operator if a retail component cannot be approved, as this improves the financial viability of the venture. It is preferred that the ‘Pharmacy’ use is specified separately, as this will give clarity to future decision-making.
14. The purchaser has advised the City that they understand that a licence for a pharmacy will be granted under the Pharmacy Location Rules as set by the *National Health Act 1953* and the *National Health (Australian Community Pharmacy Authority Rules) Determination 2006*, as it is intended that the development will have more than seven full-time prescribing doctors on-site. Under these circumstances, the minimum separation distances between pharmacies are waived. The proposed amendment includes a condition for insertion into ‘Schedule 4 – Special Use Zones’, regarding this licensing requirement *“as long as those rules are current”*, as it is understood that the Pharmacy Location Rules may be phased out in future.

GOVERNMENT & PUBLIC CONSULTATION

15. The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment be adopted by a resolution of Council prior to the proposal being advertised for public comment. Consequently, no other consultation has been undertaken at this stage.

STATUTORY IMPLICATIONS

16. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
17. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning. Section 81 of the Act requires a local government to refer an adopted local planning scheme amendment to the Environmental Protection Authority to determine if it should be assessed.
18. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
19. The proposal is considered to be a standard scheme amendment for the following reasons:
- The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as 'Mixed Business' and sets a planning objective to provide appropriate locations for establishing and growing business activity;
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
20. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

21. *State Planning Policy 2.5 – Land Use Planning in Rural Areas* applies to rural land in Western Australia and shall be considered in assessing amendments to rural zoned land in a local planning scheme. The policy aims to protect rural land from incompatible land uses, supports primary production activities and protects priority agricultural land.
22. In this instance, the subject land has an area of less than one hectare, it is not currently used for agricultural purposes and is encircled by non-rural land uses. The 'General Agriculture' zoning of the subject land is considered to be an anomaly and its rezoning would not be in contravention of *State Planning Policy 2.5* or the current moratorium on the rezoning of 'General Agriculture' or 'Priority Agriculture' zoned land.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.	Possible	Minor	Medium	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.
Community, Organisational Operations and Reputation The proposal may attract objections from members of the public or other public authorities.	Possible	Minor	Medium	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.

FINANCIAL IMPLICATIONS

24. The City is currently in the process of selling Lots 201, 202 and 203 Chester Pass Road to the owners of Lot 1004 Viastra Drive.

LEGAL IMPLICATIONS

25. As part of the contract of sale, the City has agreed to undertake the rezoning of the subject land on behalf of the purchasers.

ENVIRONMENTAL CONSIDERATIONS

26. There are no environmental implications directly relating to the item.

ALTERNATE OPTIONS

27. Council has the following alternate option in relation to this item, which is:
- To resolve not to proceed to advertise the amendment to the local planning scheme.

SUMMARY CONCLUSION

28. It is recommended that Council adopt Local Planning Scheme Amendment No. 18, as the proposal is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will facilitate the development of the subject land in conjunction with Lot 1004 Viastra Drive, Lange.

Consulted References	:	1. <i>Local Planning Scheme No. 18</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Albany Corporate Business Plan 2013-2017</i> 5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i> ; 6. <i>Catalina Central Planning Framework</i>
File Number (Name of Ward)	:	LAMD18 (Yakamia Ward)
Previous Reference	:	Nil

PD122: CONSIDERATION OF 'CHEYNE BEACH' LOCAL PLANNING POLICY

Land Description	: Portion of Reserve 878, Lots 1 and 15 Baxteri Road and Lots 2 and 14 Cheyne Road, Cheynes
Proponent	: City of Albany
Owner	: Crown
Business Entity Name	: Nil
Attachments	: Draft 'Cheyne Beach' Local Planning Policy
Supplementary Information & Councillor Workstation	: Nil
Report Prepared By	: Planning Officer (C McMurtrie)
Responsible Officer(s)	: Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is broadly consistent with the strategic directions set in the *Albany Local Planning Strategy*.

Maps and Diagrams:



In Brief:

- Council is requested to consider whether it wishes to proceed with the draft 'Cheyne Beach' local planning policy to guide the development of leaseholds on Crown Reserve 878, Lots 1 and 15 Baxteri Road and Lots 2 and 14 Cheyne Road, Cheynes.
- The main objectives of the local planning policy will be to protect the established character of the area and to restrict land uses in line with leasing arrangements.
- City Staff are supportive of proceeding with the draft 'Cheyne Beach' local planning policy, as it will ensure a consistent approach to planning within the settlement and will give lessees greater certainty as to what type of development will be permitted on their leasehold.
- It is requested that Council resolves to proceed with the draft 'Cheyne Beach' local planning policy.

RECOMMENDATION

PD122: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HOLLINGWORTH

SECONDED: COUNCILLOR SUTTON

THAT Council, in pursuance of Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to: Proceed with the 'Cheyne Beach' local planning policy without modification.

CARRIED 13-0

PD122: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

PD122: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, in pursuance of Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to: Proceed with the 'Cheyne Beach' local planning policy without modification.

BACKGROUND

4. Crown Reserve 878 is under management order H359478 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of 'Recreation, Camping, Holiday Accommodation, Accommodation Associated with the Fishing Industry and Fire Station' for any term not exceeding 21 years, subject to the consent of the Minister for Lands.
5. The reserve currently hosts 29 leases for holiday accommodation, seven leases for accommodation associated with the fishing industry and one fishing licence. While the Cheyne Beach Caravan Park was originally part of the reserve, it has now been excised and is freehold land.

6. A standard *Cheyne Beach Holiday Accommodation Lease Agreement* was developed by the City to replace the 29 holiday accommodation leases that were due to expire on 31 December 2015. Council approved renewal of those leases utilising the standard *Cheyne Beach Holiday Accommodation Lease Agreement* on 25 August 2015. A standard lease agreement for accommodation associated with the fishing industry is currently under development.
7. The City of Albany *Local Planning Policy Manual* was originally adopted by Council on 14 December 2010 and collated all of the City's local planning policies in one document for ease of use. The policies deal with various planning and development matters within the Local Planning Scheme area and assist the local government in making decisions under the Scheme. Following its initial adoption, the *Local Planning Policy Manual* underwent a number of revisions, including a comprehensive update to align with *Local Planning Scheme No. 1* on 27 May 2014, which included a change of title to *Local Planning Scheme No. 1 Policy Manual*.
8. Reserve 878 is located approximately 50km west-north-west of Albany town centre and has an area of approximately 115 hectares. The Reserve is surrounded by approximately 3,500 hectares of National Park, which is managed by the Department of Parks and Wildlife. The 29 holiday accommodation leaseholds are located on Baxteri Road. There are 11 leaseholds located on the inland (south-western) side of the road, while the remaining leaseholds are located on the seaward (north-eastern) side. The leaseholds are generally rectangular in shape and range from 825m² to 1202m² in area. The seven leaseholds for accommodation associated with the fishing industry are located on Cheyne Road, with a large leasehold of 7918m² on the seaward side and the remainder on the inland (south) side of the road, adjacent to the caravan park. These leaseholds are roughly square in shape, some with battleaxe access legs, and range from 1826m² to 2187m² in area.
9. The subject land and the surrounding National Park are covered by the 'Parks and Recreation' local scheme reserve. Lot 7774 Bald Island Road, which is freehold land and contains the caravan park, lies to the south of the leaseholds for accommodation associated with the fishing industry and is zoned 'Caravan and Camping'. A further freehold land parcel of 40 hectares lies to the south of Reserve 878 and is zoned 'General Agriculture'.
10. Council resolved to prepare a 'Cheyne Beach' local planning policy at its Ordinary Meeting on 24 November 2015.

DISCUSSION

11. *Local Planning Scheme No. 1* does not prescribe development standards for local scheme reserves. Therefore, it is deemed necessary to proceed with a 'Cheyne Beach' local planning policy, which will supplement *Local Planning Scheme No. 1* by establishing a set of standards that will guide development of the leaseholds within the settlement.
12. The development standards will maintain the established character of the settlement. The key character elements that have been identified are as follows:
 - Small rectangular single storey dwellings and sheds clad in either cement sheeting, weatherboard, corrugated steel or a mix of these materials and located centrally on each leasehold;
 - Low pitched skillion, or medium pitched gabled, corrugated steel roofs;
 - Limited use of fencing; and
 - Lawn areas with native species intermittently planted.

13. City Staff prepared a draft local planning policy that seeks to maintain this character by:
 - Maintaining the current 5 metre maximum building height, as measured from the natural ground level (single storey development);
 - Limiting development to existing leaseholds;
 - Prescribing setbacks to maintain the established pattern of development; and
 - Minimising the development of fencing.
14. Ensuring that the established character of the settlement is maintained will protect the amenity of the area. In particular, the open layout of the settlement and the outlook toward the ocean will be preserved.
15. The draft local planning policy divides the settlement into three distinct precincts. Precinct 1 covers the holiday accommodation leaseholds, Precinct 2 covers the leaseholds for accommodation associated with the fishing industry, while Precinct 3 lies within the foreshore area.
16. It is proposed to restrict the use of land within Precinct 1 to that of 'Holiday Accommodation', as defined in clause 10.3(a) of the *Cheyne Beach Holiday Accommodation Lease Agreement*, rather than as defined in *Local Planning Scheme No. 1*. The key difference between these definitions is that the Lease Agreements do not place a restriction on the length of stay, whereas *Local Planning Scheme No. 1* restricts occupancy to no more than three months in any calendar year by the same person or persons. However, the lease agreements do contain a condition that leaseholds are not to be used as a person's primary place of residence.
17. It is not proposed to set land use controls for Precinct 2 at this time, as the leasing arrangements for the precinct are still under development. However, it is proposed to include a statement that the purpose of Precinct 2 is to provide accommodation associated with the fishing industry, and the City will retain the discretion to approve accommodation units and any associated storage buildings on these leaseholds. Processing and retail or wholesale activities will be prohibited in the precinct. It is expected that the leasing arrangements for Precinct 2 will include a condition requiring the removal of all buildings and structures from a leasehold upon expiration or termination of a lease, and that the land will be returned to its original condition. On this basis, it is proposed to include a recommendation that any accommodation units and non-habitable structures within Precinct 2 are transportable or are of a temporary nature.
18. It is proposed to include a prohibition on new development within Precinct 3, on account of its location within the foreshore area and subsequent vulnerability to coastal erosion and sea level rise.
19. The *Lower Great Southern Strategy*, published in 2007, identified Cheyne Beach as an existing rural village and suggested that it may have expansion potential. This was examined in more detail in the subsequent *Albany Local Planning Strategy* and it was found that the settlement had potential for expansion. It has since been determined that the locality is not suited to permanent habitation, though its continued use as a holiday and fishing settlement can be considered as being broadly consistent with the direction set by the *Albany Local Planning Strategy*.
20. The draft 'Cheyne Beach' local planning policy will ensure a consistent approach to planning within the settlement and will give lessees greater certainty as to what type of development will be permitted on their leasehold.

GOVERNMENT & PUBLIC CONSULTATION

21. Schedule 2, clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that a local government publish a notice of a proposed local planning policy in a newspaper circulating in the scheme area and give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.
22. In this instance, the City published a notice of the proposed local planning policy in a newspaper circulating in the scheme area and wrote directly to each of the Cheyne Beach lessees, seeking their comment. However, no submissions were received from lessees or members of the public.

STATUTORY IMPLICATIONS

23. Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows a local government to prepare a local planning policy. Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for making a local planning policy.
24. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

25. The draft 'Cheyne Beach' local planning policy does not support any new development in Precinct 3, which is currently impacted by coastal processes including erosion and tidal flooding. This requirement is consistent with *State Planning Policy 2.6 – State Coastal Planning*, which recommends that a vertical sea level rise of 0.9 metres be adopted when considering the setback distance and elevation to allow for the impact of coastal processes over a 100 year planning timeframe (2010 to 2110).

RISK IDENTIFICATION & MITIGATION

26. 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
<i>Community, Organisational Operations and Reputation</i> By not proceeding with the draft 'Cheyne Beach' local planning policy, the City risks complications arising in the assessment of future development applications, due to the lack of development standards for local scheme reserves in Local Planning Scheme No. 1.	Possible	Moderate	Medium	Proceeding with a 'Cheyne Beach' local planning policy to establish a set of standards that will guide development of the leaseholds within the settlement.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

29. The City's Co-ordinator of Environmental Health has confirmed that the conventional effluent disposal systems that have been installed to service existing short-term accommodation units are capable of managing effluent accumulating from longer-term occupation. However, Council subsequently resolved to include a requirement within the local planning policy that any new or replacement effluent disposal systems utilise Alternative Treatment Units (ATUs).
30. It is proposed to include advice within the local planning policy pertaining to the management of weeds, the clearing of vegetation and the keeping of pets. Weeds are to be eradicated, clearing requires approval from the Department of Environment Regulation and the keeping of livestock, animals and domestic pets, is not permitted.

ALTERNATE OPTIONS

31. Council may consider alternate options in relation to this item, such as:
- Proceeding with the 'Cheyne Beach' local planning policy with modification; or
 - Not proceeding with the 'Cheyne Beach' local planning policy.

SUMMARY CONCLUSION

32. *Local Planning Scheme No. 1* does not prescribe development standards for local scheme reserves. A 'Cheyne Beach' local planning policy will supplement *Local Planning Scheme No. 1* by establishing a set of standards that will guide development of the leaseholds within the settlement. The development standards set within the draft local planning policy are designed to maintain the established character of the Cheyne Beach settlement, which will in turn preserve the amenity of the area.
33. Proceeding with the draft 'Cheyne Beach' local planning policy will ensure a consistent approach to planning within the settlement and will give lessees greater certainty as to what type of development will be permitted on their leasehold.
34. On this basis, it is recommended that Council resolves to proceed with the draft 'Cheyne Beach' local planning policy.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Corporate Business Plan 2013-2017</i> 5. <i>Lower Great Southern Strategy</i> 6. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i> 7. Western Australian Planning Commission <i>State Planning Policy 2.6 – State Coastal Planning</i> 8. Western Australian Planning Commission and Fire Emergency Services Authority <i>Planning for Bush Fire Protection Guidelines, Edition 2</i>
File Number (Name of Ward)	:	A174625 (Kalgan Ward)
Previous Reference	:	O.C.M 17/07/2001 – Item 11.3.2 O.C.M 18/09/2001 – Item 11.3.2 O.C.M 16/08/2005 – Item 11.1.1 O.C.M 19/10/2010 – Item 2.7 O.C.M 25/08/2015 – Item CSF189 O.C.M 24/11/2015 – Item PD103

PD123: PLANNING AND BUILDING REPORTS MARCH 2016

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

Responsible Officer's Signature:



RECOMMENDATION

PD123: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MULCAHY
SECONDED: COUNCILLOR SUTTON

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

CARRIED 13-0

**PD124: RESIDENTIAL BUILDINGS (STUDENT HOUSING) – 28-30
STIRLING TERRACE, ALBANY**

Land Description	: 28-30 Stirling Terrace, Albany
Proponent	: Great Southern Community Housing Association
Owner	: Great Southern Community Housing Association
Business Entity Name	: Great Southern Community Housing Association
Directors	:
Attachments	: 1. Context Plan 2. Plans 3. Management Plan 4. Schedule of Submissions
Supplementary Information & Councillor Workstation:	: Nil
Report Prepared by	: Senior Planning Officer (A Bott)
Responsible Officer	: Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. The proposal is consistent with the strategic directions identified in the *Albany Local Planning Strategy*.

Maps and Diagrams:



In Brief:

- Council is asked to consider an application for three Residential Buildings (student housing) at 28-30 Stirling Terrace, Albany.
- The application was advertised for public comment and referred to surrounding residents.
- Three letters of objection have been received from nearby residents. The objections primarily relate to concerns over parking, amenity and design.
- Staff recommend that Council approve the proposed development, subject to conditions.

RECOMMENDATION

PD124: PROCEDURAL MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR DOWLING

THAT this item be DEFERRED for a period of one month to allow Council to examine the full submissions made by residents.

CARRIED 11-2

Record of Vote

Against the Motion: Mayor Wellington and Councillor Mulcahy

Councillor's Reason:

Council should be afforded the time to examine the full submissions made by three residents of neighbouring properties prior to making a decision on this matter.

PD124: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MULCAHY
SECONDED: COUNCILLOR MOIR

THAT Council resolves to ISSUE a notice of determination granting development approval with conditions for three Residential Buildings (Student Housing) at 28-30 Stirling Terrace, Albany

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans dated (**insert date of approval**).
2. The use hereby approved shall operate in accordance with the approved management plan at all times.
3. A landscaping plan detailing the size, species and location of trees/shrubs shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany
4. The new crossovers shall be constructed to the City of Albany's specifications, levels and satisfaction.

Advice:

A 'Permit for Vehicle Crossover Construction' is required from the City of Albany prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. 97024 1/3 – 97024 3/3 (refer City of Albany Subdivision and Development Guidelines).

5. Suitable arrangements shall be made with, and to the satisfaction of the City of Albany, for payment of a cash-in-lieu contribution or joint use of another parking facility to compensate for the shortfall of 17 car parking bays.
6. A vehicular parking and access plan shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.
Advice:
Car parking and access is to be designed in accordance with the Australian Standard 2890.
The plan (and subsequent construction when approved) shall clearly indicate the intended use of all parking bays (e.g. disabled bay, loading bay, etc.), access areas, line marking, kerbing and sealing.
7. All parking spaces shall be marked out and maintained in good repair, to the satisfaction of the City of Albany.
8. Details of bicycle parking shall be submitted and approved to the satisfaction of the City of Albany.
9. Stormwater disposal plans, details and calculations shall be submitted for approval and constructed to the satisfaction of the City of Albany.
Advice:
Stormwater disposal is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines'; and
The stormwater disposal system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.
10. A Tree Protection Plan shall be submitted for approval and implemented to the satisfaction of the City of Albany, before any of the substantive development is commenced, and shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site. Within the areas fenced, nothing shall be stored or placed, and the ground levels shall not be altered.
Advice:
The Plan shall detail what measures will be undertaken to ensure the protection of the trees and shall include, but not be limited to:
 - a) *The erection of protective fencing around the trees to be retained;*
 - b) *The laying of geotextile membranes and boarding to protect tree root zones within protective fencing;*
 - c) *The technique for construction of (foundations, built form, roads, car parks, footpaths and other surfaces, etc., as necessary);*
 - d) *The locations for (site compounds, office, car parking, equipment, material storage, machinery, access and servicing of development);*
 - e) *An Arboricultural Management Strategy including details of pruning works, the timing and phasing of all Arboricultural works and tree protection measures.*
11. A plan indicating the location and type of refuse storage shall be submitted for approval by, and implemented to the satisfaction of, the City of Albany.
Advice:
The refuse storage areas shall be capable of accommodating all waste produced by the development and shall be screened from public view.
12. A construction management plan shall be submitted for approval by, and implemented to the satisfaction of, the City of Albany.

13. A heritage management plan shall be submitted for approval by, and implemented to the satisfaction of, the City of Albany.

Advice:

The plan shall detail the ongoing use and protection of the heritage buildings on the property.

14. Exact details of the privacy screen for the balcony areas shall be submitted for approval in writing, and implemented to the satisfaction of the City of Albany.

Advice:

Please note that the screening shall be permanent, solid, vertical screening. The City of Albany will not consider louvers, lattice, etc acceptable in this instance.

15. Prior to commencement of development a schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval by the City of Albany.

THIS MOTION WAS SUPERSEDED BY THE PROCEDURAL MOTION BY COUNCILLOR STOCKS TO DEFER THE ITEM.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. An increase in student numbers within the Albany region has resulted in a demand for student housing in close proximity to the central area.
6. The subject lot lies within the Albany CBD, at the eastern end of Stirling Terrace. The lot has an area of approximately 2329m² and is zoned 'Residential' R30 under City of Albany Local Planning Scheme No. 1.
7. Land zoned 'Regional Centre' lies to the south-west. Land to the north and east is zoned 'Residential'.
8. The application was advertised for public comment for a period of 21 days. Nearby landowners were directly notified by letter. A total of three submissions were received, all of which raise concerns around the proposal.
9. Council is now requested to consider whether to grant development approval.

DISCUSSION

10. The proposal consists of three residential buildings, providing a total of 20 beds.
11. Norman House is also currently utilised as student accommodation, providing a total of six beds. It is proposed to continue to use Norman House in this manner in conjunction with the proposed new buildings.
12. The subject lot currently contains two buildings of local heritage significance – Norman House, which is recorded on the Municipal Heritage Inventory and Cheyne's Cottage, which is both recorded on the Municipal Heritage Inventory and on the Local Planning Scheme Heritage List. Both buildings will remain unaltered under the current development proposal.
13. The application is generally consistent with the provisions of the *Albany Historic Town Design Policy* and the *State Planning Policy 3.1 – Residential Design Codes*.
14. A total of three submissions were received from members of the public during the advertising period, all of which raised concerns regarding the proposal.

15. The main concerns raised and the proposed mitigation measures can be addressed under the following headings:

Parking

16. A number of submissions have raised concerns regarding potential parking issues resulting from the proposal.
17. The applicants have proposed 15 car parking bays on-site. *Local Planning Scheme No.1* requires a total of 33 bays for the proposed number of beds, inclusive of visitor parking. Therefore, the proposal has a shortfall of 18 car parking bays.
18. The proposed tenancy agreement only allows occupants to park their vehicles at the premises if the occupant is granted a separate licence by the Great Southern Community Housing Association. Therefore, the proposal differs from a standard residential development whereby there is no control over the use of car parking bays.
19. Clause 5.8.5.4 of *Local Planning Scheme No.1* provides the City the ability to discount the requirement of one car parking bay on the basis that on-site bicycle parking will be provided. The applicant has stated that bicycle parking will be provided, reducing the car parking shortfall to 17 bays. The provision of bicycle parking will be secured via a condition of development approval.
20. In addition to the above, *Local Planning Scheme No.1* provides the City with the ability to vary the parking standard and accept a cash-in-lieu payment for car parking or address the shortfall via a joint parking arrangement.
21. Cash-in-lieu allows the City to accept money for a shortfall in order to provide and/or upgrade car parking bays in a nearby existing or proposed parking facility, including on-street parking where possible and appropriate.
22. Joint parking arrangements allow two or more owners or users of land to share parking facilities on one or more lots. However, the proponent will have to provide evidence that the peak hours of operation of the buildings or uses are different and do not substantially overlap (i.e. parking used for an office during the day and a restaurant at night). The joint parking arrangement would have to be in the form of a legal agreement, and placed on the relevant certificate(s) of title(s).
23. It is proposed that a planning condition is applied to the development approval that will provide the option of making a cash-in-lieu contribution or reaching a joint parking arrangement to cover the shortfall of 17 car parking bays.

Amenity

24. Impact on amenity is a concern consistently raised in the submissions. Concerns primarily relate to noise generated from the proposed development.
25. The proponents have submitted a detailed Management Plan for the use of the premises. The Plan contains a number of provisions to control noise impacts, including;
- A full-time caretaker living on site;
 - All tenants signing a tenancy agreement;
 - House Rules which all tenants are required to abide by, this includes behaviour standards and visitor exclusion hours;
 - Tenants being evicted within 24 hours in the event of illegal activity and 48 hours in the event of anti-social behaviour;
 - A commitment to respond to noise control instructions issued by the City of Albany.

26. It is recommended that the implementation of, and ongoing compliance with the Management Plan is applied as a condition of development approval.
27. City staff consider that the implementation of the plan will create a controlled environment with the necessary measures in place to deal with issues promptly. The provision of an on-site caretaker is highly beneficial, as it ensures a presence to monitor potential noise nuisance and provides a point of contact for adjoining landowners, should an issue arise.

Heritage Impact

28. The subject lot contains two locally listed heritage buildings and trees;
 - Norman House and Oak tree – Category B under the Municipal Heritage Inventory; and
 - Cheyne's Cottage and Magnolia Tree – Category B under the Municipal Heritage Inventory and entered on the Local Heritage List under *Local Planning Scheme No. 1*.
29. The application proposes to maintain both buildings and trees unaltered. It is also proposed that Norman House continue to be utilised as student accommodation, providing a total of six beds.
30. Given the proximity of the development to the nearby *Stirling Terrace Precinct*, the application was referred to the State Heritage Office for comment. It was advised that the proposal would not impact the heritage precinct.
31. The period of greatest risk for the two trees is during construction. Therefore, it is proposed that a Tree Protection Plan be prepared for the two trees to ensure that they are not damaged during construction. Such a condition is common in such circumstances and will mitigate the risk of root damage or canopy removal.
32. As an ongoing condition, any work to be undertaken on the trees will require an arborists report to be submitted and associated works approved by the City of Albany. Once again, such a condition is common practice for the conservation of heritage listed trees.
33. While Cheyne's Cottage will remain unutilised under the current proposals, it is recommended a planning condition be applied to ensure that the heritage significance of the place is protected into the future, until such a time it can be appropriately reused.

Design and Building Requirements

34. Concerns were raised regarding the compliance of the proposed building and car parking with various Building Code and Department of Fire and Emergency Services standards.
35. The planning application for the City is only assessed under the scope of the *Planning and Development Act 2005* and associated polices. The building permit process provides the legal requirement and assessment of the proposal against the *Building Code of Australia* and associated legislative requirement pertaining to disability access and fire.
36. As part of the building permit process, the applicant will be required to have the plans certified by a private building surveyor. The certification of the plans ensures that all obligations under the *Building Code of Australia* and subsidiary legislation are met and complied with. It is common for minor changes to be made to the plans between the planning approval and building permit being lodged, in order to comply with the requirements of the Building Code and other legislation. The building permit application will be reviewed by City planning staff prior to a determination being issued.
37. The application has also been assessed against the provisions of *State Planning Policy 3.1 – Residential Design Codes* and is broadly compliant. However, the issue of overshadowing from the proposed development was raised during consultation.

38. The *Residential Design Codes* allow for 35% of an adjoining property's site area to be overshadowed.
39. An overshadowing diagram has been prepared for the proposal, as per the R-Codes. The diagram shows that the proposal will overshadow 22.3% of the adjoining property. The proposal is therefore compliant with the deemed-to-comply provisions of the R-Codes applicable to solar access for adjoining sites.
40. The application proposes a height variation to the R-Code deemed-to-comply provisions of 0.5 metres for the ridge of building one. It is of note that the proposed ridge line remains below that of the adjoining Norman House and is considered compliant with the design principles of the R-Codes.
41. It is proposed to install privacy screening on balconies as per the R-Codes. Details of the screening will be required as a condition of development approval.

GOVERNMENT & PUBLIC CONSULTATION

42. The proposal was advertised for public comment for a period of 21 days, in accordance with clause 9.4 – *Advertising of Applications of Local Planning Scheme No. 1*. Surrounding landowners were directly notified in writing.
43. A total three submissions were received during the advertising period. All three submissions raised concerns in relation to the proposal. Staff comments and recommendations are provided in the attached schedule, while the broad issues are discussed in paragraphs 14-41 above.
44. Given the proximity of the proposal to the State Registered *Stirling Terrace Precinct*, the application was referred to the State Heritage Office for comment. The following advice was received:
 - *The proposed new buildings are adequately separated from the Registered Precinct and will not have an impact on the heritage values of the place.*
 - *28-30 Stirling Terrace contains two separate buildings, Norman House and Cheyne's Cottage which are not included in the State Register of Heritage Places but are included in the Register of the National Estate and the City of Albany's Municipal Heritage Inventory and are protected under your Town Planning Scheme.*
45. On the basis of the State Heritage Office advice the proposal is considered to have no impact on the nearby *Stirling Terrace Precinct*. The assessment of the heritage impact and management of the two heritage building on the property are discussed above.

STATUTORY IMPLICATIONS

46. Residential Building is classified as an 'A' use within the 'Residential' zone under *Local Planning Scheme No. 1*, meaning that the use is not permitted, unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Scheme.
47. Voting requirement is a **Simple Majority**.

POLICY IMPLICATIONS

48. The application is subject to *Albany Historic Town Design Policy* and the *State Planning Policy 3.1 – Residential Design Codes*.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Organisational Operations and Reputation</i> The proposed use could give rise to unacceptable detrimental impacts on the amenity of the area.	Possible	Moderate	Medium	Mitigation of impacts to be achieved through adoption and enforcement of appropriate planning conditions.

FINANCIAL IMPLICATIONS

50. All costs associated with the development will be borne by the proponent.
51. However, should the proponents be aggrieved by Council's decision or any attached conditions and seek a review of that decision or conditions through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

LEGAL IMPLICATIONS

52. Council is at liberty to use its discretion to approve or refuse the proposal. An applicant aggrieved by a decision or condition may apply for a review to the State Administrative Tribunal, in accordance with Section 252 of the *Planning and Development Act 2005*.
53. The proponent has the right to seek a review of the Council's decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

54. The subject lot is largely developed; however, there is existing vegetation which will be cleared to accommodate the proposed development. The subject lot also contains two trees of heritage significance – Cheyne's Cottage Oak tree and Norman House Magnolia tree. It is proposed to maintain the two trees in perpetuity. The conservation and protection of these trees through the construction process and into the future will be secured via an appropriate planning condition.
55. It is also proposed that a landscaping plan be required as a condition of development approval.

ALTERNATE OPTIONS

56. Council may consider alternate options in relation to this item, such as:
- To determine that the proposed development is unacceptable and to resolve to refuse the application; or
 - To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

SUMMARY CONCLUSION

57. The proposal is considered to be consistent with the objectives of the zone and the requirements of *Local Planning Scheme No.1*. On this basis, it is considered the proposal can be appropriately managed through ongoing planning conditions.
58. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. Western Australian Planning Commission <i>State Planning Policy 3.1 – Residential Design Codes</i> 4. <i>Albany Historic Town Design Policy</i>
File Number (Name of Ward)	:	A158499 (Frederickstown Ward)
Previous Reference	:	Nil

CSF230: FINANCIAL ACTIVITY STATEMENT – FEBRUARY 2016

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

Responsible Officer's Signature:



RECOMMENDATION

CSF230: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR TERRY

THAT Council RECEIVE the Financial Activity Statement for the period ending 29 February 2016.

CARRIED 13-0

CSF230: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF230: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 29 February 2016.

BACKGROUND

1. The Statement of Financial Activity for the period ending 29 February 2016 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.

6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

8. The City’s 2015/16 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 29 February 2016 has been incurred in accordance with the 2015/16 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CSF231: LIST OF ACCOUNTS FOR PAYMENT – MARCH 2016

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

Responsible Officer's Signature:



RECOMMENDATION

CSF231: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DOWLING

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 March 2016 totalling \$5,699,896.11.

CARRIED 13-0

CSF231: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR PRICE
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF231: 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 MARCH 2016 totalling \$5,699,896.11.

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

Municipal Fund

Trust	\$12,614.50
Credit Cards	\$19,110.08
Payroll	\$1,187,594.88
Cheques	\$67,030.20
Electronic Funds Transfer	\$4,413,546.45
TOTAL	<u>\$5,699,896.11</u>

3. As at 15 March 2016, the total outstanding creditors, stands at \$1,536,767.49 and made up as follows:

Current	\$161,077.95
30 Days	\$1,354,557.70
60 Days	\$19,723.26
90 Days	\$1,408.58
TOTAL	<u>\$1,536,767.49</u>

Cancelled cheques – nil

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

7. Expenditure for the period to 15 March 2016 has been incurred in accordance with the 2015/2016 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 March 2016 has been incurred in accordance with the 2015/2016 budget parameters.

SUMMARY CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CSF232: DELEGATED AUTHORITY REPORTS

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

Responsible Officer's Signature:



RECOMMENDATION

CSF232: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MOIR

THAT Council RECEIVE the Delegated Authority Reports 16 February 2016 to 15 March 2016.

CARRIED 13-0

CSF232: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF232: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports 16 February 2016 to 15 March 2016.

CSF233: PROPOSED LAND ACQUISITION – LOT 39 NO 5 BETHEL WAY, YAKAMIA

Land Description	: Lot 39 No 5 Bethel Way, Yakamia
Proponent	: City of Albany
Owner	: G & P Walton
Attachments	: Draft Yakamia Structure Plan
Report Prepared by	: Senior Lands Officer (N Crook)
Responsible Officer	: Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



CONFIDENTIAL REPORT

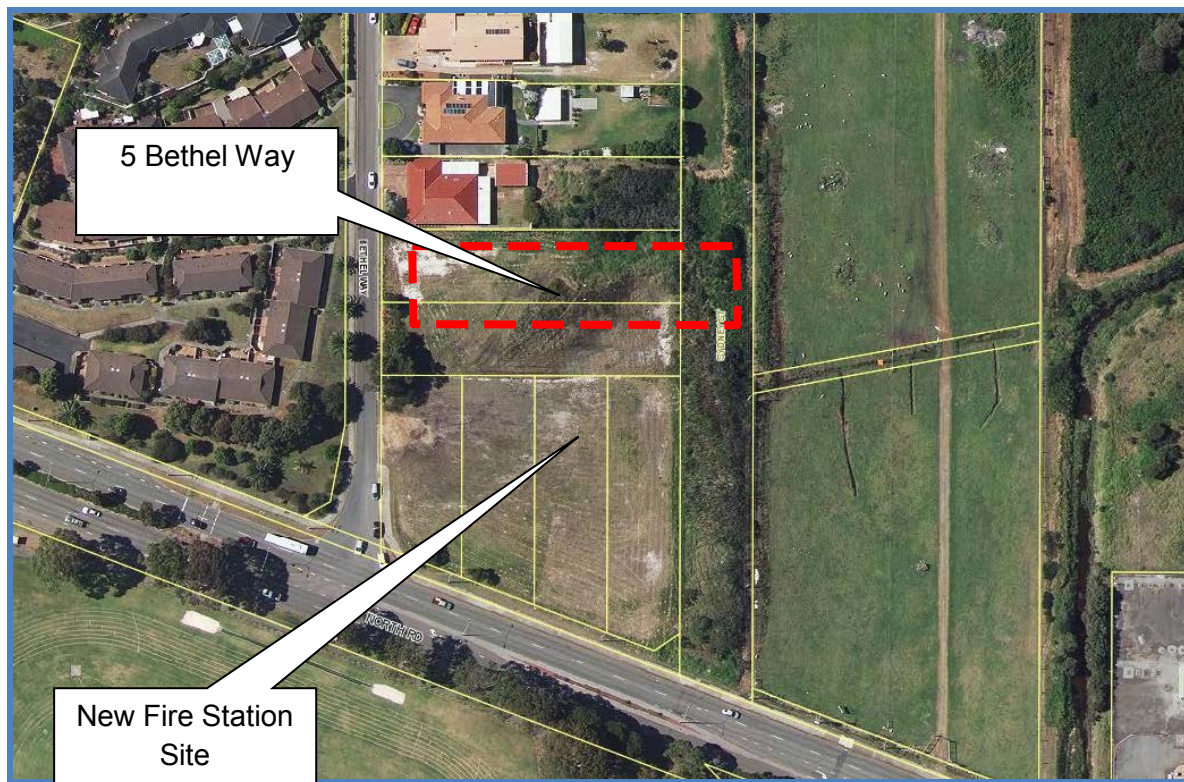
This Report was considered behind closed doors in accordance with section 5.23 (2)(e) of the Local Government Act 1995, being a matter that if disclosed, would reveal information that has a commercial value to a person.

Councillor Terry declared an Impartiality Interest in this item. Councillor Terry remained in the Chamber and participated in the discussion and vote.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 3. A Connected Built Environment
 - b. **Strategic Objective:** 3.1 To advocate, plan and build friendly and connected communities
 - c. **Strategy:** 3.1.1 Improve connectedness and traffic flows

Maps and Diagrams:



In Brief:

- Council, at its meeting held in December 2015, considered the draft Yakamia / Lange Structure Plan and recommended that it be forwarded to the Western Australian Planning Commission for approval.
- This Structure Plan sets out the road network for future development in Yakamia and Lange, including the creation of Range Road between North and Mercer Roads and an east-west road link between the future Range Road and Bethel Way.
- The east-west road link between Range Road and Bethel Way requires the purchase of 5 Bethel Way for the future road reserve.
- City officers recently became aware that 5 Bethel Way was listed for sale and took action to negotiate its purchase while it remains a vacant lot.
- A purchase price has been agreed and a Contract of Sale has been entered into, though the land purchase is conditional upon the approval of Council. It is recommended that Council support the purchase of this land to facilitate the future road network in Yakamia. Monies are available in the Land Acquisition Reserve for this purpose.

RECOMMENDATION

CSF233: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR SUTTON

THAT Council:

- (1) APPROVES the acquisition of Lot 39 No 5 Bethel Way, Yakamia for a purchase price as detailed in the officer's report;**
- (2) APPROVES the transfer of the required funds from the Land Acquisition Reserve to fund the purchase of Lot 39 No 5 Bethel Way, Yakamia.**

CARRIED 13-0
ABSOLUTE MAJORITY

CSF233: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR PRICE

That the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF233: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- (1) APPROVES the acquisition of Lot 39 No 5 Bethel Way, Yakamia for a purchase price as detailed in the officer's report;**
- (2) APPROVES the transfer of the required funds from the Land Acquisition Reserve to fund the purchase of Lot 39 No 5 Bethel Way, Yakamia.**

BACKGROUND

2. Various properties within the localities of Yakamia and Lange are zoned 'Future Urban' under the City's *Local Planning Scheme No. 1*. Development and subdivision on land zoned for 'Future Urban' purposes is restricted unless a Structure Plan has been prepared.
3. Over a number of years, the City undertook detailed environmental studies and extensive consultation with State Government agencies and affected landowners. All information was then collated and the Yakamia / Lange Structure Plan was formulated.
4. The draft Structure Plan was initially adopted by Council for public advertising in November 2014. At the close of advertising, submissions were reviewed and modifications recommended.
5. The draft Structure Plan was then further considered by Council at a workshop held in November 2015. At the meeting held on 15 December 2015, Council resolved as follows:

"THAT Council, pursuant to Schedule 2, Part 4, cl. 20 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to recommend to the Western Australian Planning Commission that the proposed Yakamia/Lange Structure Plan (as modified) should be approved, including the following supporting appendices:

- *Local Water Management Strategy;*
- *Environmental Opportunities and Constraints Plan;*
- *Road Contribution Plan; and*
- *Issues Background Paper.*

AND

Advise all landowners:

- *That they should consult the Department of Planning regarding its requirements for scheme amendments to normalise the zones and densities nominated in the Structure plan; and*
 - *That the City of Albany will not be the applicant on their behalf for any further local planning scheme amendments."*
6. The City has not yet had received a decision of the Western Australian Planning Commission on the approval of the Yakamia / Lange Structure Plan, however Department of Planning officers have advised it will be considered at the April meeting of the Statutory Planning Committee and at present, the recommendation is that the Structure Plan be approved with minor modifications.

DISCUSSION

Yakamia / Lange Structure Plan & Road Network

7. The Structure Plan indicates the creation of a significant link road (Range Road) between Mercer and North Roads. Range Road is expected to carry high volumes of traffic and is being designed with the potential to become a dual carriageway, though initially will be constructed as a two lane road.
8. The Structure Plan states that direct crossover access onto Range Road will not be permitted, with all lots to be accessed from internal subdivisional roads. Entry onto Range Road will be restricted to key intersections. The road network also includes an east-west road link between the future Range Road and Bethel Way to provide additional connectivity to the Sydney Street properties, which may be developed at higher densities in the future.
9. The proposed east-west road link between Range Road and Bethel Way requires the purchase of 5 Bethel Way and the ceding of land from Lot 421 North Road. In addition, the City's land at Lot 4743 North Road could be subdivided to create the Range Road reserve to Target Road.

10. City officers had recently discussed commencing these negotiations in the 2016/17 financial year, as land deals can take some time to finalise and there may be a requirement to commence the construction of Range Road, at least to Target Road, in 5-10 years.
11. The draft Yakamia / Lange Structure Plan includes a Road Contributions Plan for upgrading of the road network within the broader structure plan area. All developers will be required to make a per lot contribution, though those developers required to give up land for Range Road or construct this road will receive a credit for land ceded. This will offset in part any costs incurred by the City in upgrading the road network through Yakamia and Lange.

Purchase of 5 Bethel Way

12. The City recently became aware that 5 Bethel Way was listed for sale on the open market. It had a listing price of \$280,000
13. It is noted that 5 Bethel Way has a land area of 1666m², with dual frontage to both Bethel Way and Sydney Street (though that portion of Sydney Street is not yet constructed). The land is zoned Residential R25 under the City's *Local Planning Scheme No 1* and has easy access to reticulated water and sewer. As such, it has the potential to accommodate four grouped dwellings.
14. It is understood that the owners purchased the land in 2006 for \$290,000 in strong market conditions and originally listed the property for sale in 2011 at a price of \$325,000. The land failed to sell at this price.
15. In 2015, City officers undertook a feasibility study into the costs associated with the creation of the road reserves for Range Road, the east-west road link to Bethel Way, the widening of Sanford Road to allow the duplication of this road and all construction costs, including intersection treatments, drainage, contingencies etc. This included a market valuation of a few key properties, including 5 Bethel Way.
16. In April 2015, 5 Bethel Way was given a market valuation of \$260,000. The City has been advised that other properties along Sydney Street / Bethel Way of the same size have sold in the last few years for values between \$275,000 and \$295,000. This includes the purchase of 3 Bethel Way by the Department of Fire and Emergency Services for \$290,000 (July 2015).
17. The City has negotiated a purchase price of \$260,000, conditional upon the approval of Council and with settlement to occur 28 days from the date of Council's approval. This is commensurate with the market valuation previously applied and less than the sale of similar properties surrounding.
18. It is considered beneficial to purchase the land at this time, because if the land was sold to new owners with development intentions, this would likely drive the purchase price higher. It was also possible new owners would object to the sale of the land and compulsory acquisition would then be required, which can be a long and costly exercise.
19. The City has sold a number of properties over the last few years and, as a result, there is currently \$460,000 available in the Land Acquisition Reserve. The intent of the Land Acquisition Reserve is to hold monies from the sale of Council land deemed surplus to requirements, such that the City has a reserve from which to draw monies for the purchase of land essential for the provision of City services. 5 Bethel Way is required for a key road link, which is essential to the future development of this portion of Yakamia, whilst ensuring the optimal operation of the future Range Road.

Future Road Reserve

20. If the land purchase is supported by Council, it is intended that the land will be held in freehold title until such time as the Yakamia / Lange Structure Plan is granted final approval. Once the Structure Plan is approved, the City will then commence negotiations with the owners of Lot 421 North Road to seek the ceding of the remainder of the Bethel – Range road link and portion of the Range Road reserve. It is anticipated that this could either occur as part of this owner's intention to develop their land or as a credit for the requirements that would apply at the time of future development.
21. As a separate action, the City will also consider the subdivision of the City's freehold Lot 4743 North Road to create the Range Road reserve. The City may also consider a super-lot subdivision at this time to create a number of larger scale lots that may be suitable for sale as development lots. Further information will be presented to Council on this proposed subdivision once more work has occurred.
22. Once all parts of the Bethel – Range road link are available to the City, it is proposed that 5 Bethel Way will be dedicated as a public road. However, in the short term it will be held as a freehold title. While highly unlikely, in the event that this east-west road link cannot be achieved, the City would retain the option on on-selling the land for residential purposes.

GOVERNMENT & PUBLIC CONSULTATION

23. The City has consulted extensively with the Department of Planning throughout the preparation of the Yakamia / Lange Structure Plan and a range of other state government agencies who provided input into various environmental studies.
24. No public consultation has occurred on the purchase of 5 Bethel Way and discussions with the landowner and their agent remain confidential, as is fitting for a commercial land transaction.

STATUTORY IMPLICATIONS

25. Clause 3.59 of the *Local Government Act 1995* outlines the processes to be observed when a Local Government enters into a commercial enterprise, including the acquisition of land. These processes only need to be observed when a transaction is considered to be a major land transaction.
26. Under Clause 8A of the *Local Government (Functions and General) Regulations 1996* states that a land transaction is an exempt land transaction if it is less than \$10 million or 10% of the City's operating expenditure. This proposed land purchase complies with this part as an exempt land transaction and, as such, there are no statutory requirements to be observed.
27. Section 56 of the *Land Administration Act 1997* allows the Minister to dedicate land as a road when it has been acquired for this purpose. The future dedication of 5 Bethel Way will be subject of a future item to Council, as it falls outside of the current delegated authority. This will likely be addressed as part of other road creation actions in this locality.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisation Operations: <i>The land is not purchased and the land is sold to new owners who wish to independently develop the land in a manner which is not consistent with City's intention to create an east-west road link in this location.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Exercise option to purchase the land.</i>
Reputation: <i>Public perception that this is an unnecessary expense on behalf of the City.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Make clear that the land purchase is consistent with the draft Yakamia / Lange Structure Plan and this road link is key to the future infill development of this area of Yakamia.</i>

FINANCIAL IMPLICATIONS

30. The purchase of this property will cost \$260,000 as the purchase price and approximately \$2,500 in legal / settlement fees.
31. It is proposed that the purchase funds will be drawn from the Land Acquisition Reserve. There is currently \$460,000 available in the Reserve. Any associated fees can be drawn from the Manage Land Asset Costs budget line item.

LEGAL IMPLICATIONS

32. The City has appointed Albany Legal to act on its behalf in the settlement of this property.

ENVIRONMENTAL CONSIDERATIONS

33. As 5 Bethel Way is currently cleared, there are no environmental considerations relevant to this item.

ALTERNATE OPTIONS

34. Council may:
- a. Decide to purchase 5 Bethel Way for future road purposes; or
 - b. Defer the purchase of 5 Bethel Way until all land required for the east-west road link is available, though this is a much higher risk option and may result in a higher purchase price for the land in the future.

SUMMARY CONCLUSION

35. It is considered that forward action on behalf of the City will be required to achieve the creation of the road network in Yakamia / Lange, in particular Range Road and the east-west road link between Range Road and Bethel Way.
36. While it is hoped that most of the land required for road reserves will be ceded either directly as a condition of subdivision or at an earlier stage, with a credit for any future proposed subdivision, 5 Bethel Way is the only land that is required in its entirety for road purposes without any capacity to accommodate any development. Given this, its purchase is considered essential to the creation of the east-west road link between Range Road and Bethel Way.

37. This land purchase will be of a larger action to create the road reserves from North Road to Target Road and from the future Range Road to Bethel Way.
38. There are monies available in the Land Acquisition Reserve for the purchase of 5 Bethel Way and the expenditure of portion of this reserve for this purpose is considered appropriate.
39. It is recommended that Council support the purchase of Lot 39 No 5 Bethel Way, Yakamia.

Consulted References	:	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Local Planning Scheme No 1
File Number (Name of Ward)	:	CP.AQD.1; A85303
Previous Reference	:	OCM 15.12.2015 Item PD093

CSF234: LUMP SUM PAYMENT OF FINANCIAL CONTRIBUTION – IMPERIAL GROUP PTY LTD – GARRISON CAFÉ, RESTAURANT & TAKEAWAY

Land Description	: Reserve 38226 and being Portion of Lot 555 on Deposited Plan 75417 comprised in Certificate of Crown Land Title Volume LR3164 Folio 426
Proponent	: Imperial Group Pty Ltd (ACN 152 740 728) Directors being John Saville-Wright and Lynette Vincenti
Owner	: Crown
Attachment	: Contribution letter dated 17 September 2014 Proposed draft Letter of Agreement
Report Prepared by	: Team Leader Property & Leases (T Catherall)
Responsible Officer	: Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:

CONFIDENTIAL REPORT

This Report was considered behind closed doors in accordance with section 5.23 (2)(e) of the Local Government Act 1995, being a matter that if disclosed, would reveal information that has a commercial value to a person.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:

Key Theme: Civic Leadership

Strategic Objective: 5.1 To establish and maintain sound business and governance structures.

Strategy: 5.1.2 Develop informed and transparent decision making processes that meet our legal obligations.

Maps and Diagrams:



IN BRIEF

- Council is requested to consider authorising the payment of the value of the remainder financial contribution to Imperial Group Pty Ltd, tenant of Garrison café, restaurant and takeaway, as a lump sum cash payment.
- The tenant has cited cash flow difficulties attributed to the tenant's financial contribution towards the additional café/restaurant building works, instead of these funds being held for operating cash.
- Council, at its meeting held in May 2014 approved the new lease and recovery of any tenant financial contribution through rental adjustment on terms agreed by the parties. It was agreed the contribution would be converted into future moratorium with respect to turnover rent.
- Based on projected forecast turnover figures it is likely to use the full contribution over the next three years.
- The tenant has requested the recovery of the contribution be brought forward and paid immediately rather than overtime, in a lump sum payment.
- The City has no legal obligation to pay this money which has already been spent on the building.
- Lump sum payment amount being \$115,590.15 (GST inclusive). Monies are available in the Debt Management Reserve for this purpose. The Debt Management Reserve will be reimbursed from turnover rent invoiced over the next three years or until the amount is fully recovered, whichever is sooner.
- Any additional capital expenditure at Garrison café, restaurant and takeaway will be recovered through a variation of lease or other appropriate mechanism.
- It is recommended that Council authorise the lump sum payment to facilitate to assist with Garrison cash flow issues and support the ongoing operations at the Albany Heritage Park.

RECOMMENDATION

CSF234: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR PRICE

THAT Council:

- (1) **AUTHORISES** the payment of \$115,591.15 (GST inclusive) being the value of the remainder of the financial contribution to Imperial Group Pty Ltd, as a lump sum payment, as detailed in the officer's report;
- (2) **APPROVES** the transfer of the amount of \$105,000 from the Debt Management Reserve for the lump sum payment to Imperial Group Pty Ltd.
- (3) **NOTES** the Debt Management Reserve will be reimbursed from turnover rent over the next three years or until the amount is recovered in full, whichever is sooner.
- (4) **NOTES** any variation of lease will be brought to Council for endorsement.

**CARRIED 13-0
ABSOLUTE MAJORITY**

Officer Comment (Executive Director Corporate Services):

The amendment to the Committee Recommendation clarifies the amount of the payment to Imperial Group Pty Ltd, and specifies the amount to be transferred from the Debt Management Reserve.

CSF234: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- (1) AUTHORISES the payment of the value of the remainder financial contribution to Imperial Group Pty Ltd, as a lump sum payment, as detailed in the officer's report;
- (2) APPROVES the transfer of the required amount from the Debt Management Reserve for the lump sum payment to Imperial Group Pty Ltd.
- (3) NOTES the Debt Management Reserve will be reimbursed from turnover rent over the next three years or until the amount is recovered in full, whichever is sooner.
- (4) NOTES any variation of lease will be brought to Council for endorsement.

CSF234: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: MAYOR WELLINGTON

That the Responsible Officer recommendation be ADOPTED.

CARRIED 8-0

CSF234: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) AUTHORISES the payment of the value of the remainder financial contribution to Imperial Group Pty Ltd, as a lump sum payment, as detailed in the officer's report;
- (2) APPROVES the transfer of the required amount from the Debt Management Reserve for the lump sum payment to Imperial Group Pty Ltd.
- (3) NOTES the Debt Management Reserve will be reimbursed from turnover rent over the next three years or until the amount is recovered in full, whichever is sooner.
- (4) NOTES any variation of lease will be brought to Council for endorsement.

BACKGROUND

2. As part of the Albany Heritage Park infrastructure project in 2014, the City converted the former Repository Store building into a café and restaurant space.
3. Following completion of a Request for Proposal process, Council at its meeting in May 2014 approved a new lease to Imperial Group Pty Ltd for café, restaurant and takeaway.
4. At the request of the tenant, Imperial Group Pty Ltd, additional café/restaurant building works were completed, to facilitate its enhanced use of the building and its operational preferences.
5. The tenant agreed to contribute \$228,450.50 (GST inclusive) for the additional building works. It is noted the City would not have expended the value of the contribution on the building if not for the request of the tenant.
6. It was agreed the tenant would recover the financial contribution over time by moratorium with respect to turnover rent, as set out in the lease. Once the total amount of turnover rent subject to the moratorium equals the contribution amount, no further moratorium of turnover rent shall apply during the term of the lease.
7. The tenant is to provide the City with a statutory declaration stating the turnover at the end of each quarterly period of the lease.
8. Based on projected forecast turnover figures it is likely to use the full contribution over the next three years.

9. The lease rental is comprised of two portions: A fixed component and a variable component.
10. The fixed component being base rent of \$26,000 per annum adjusted by CPI annually.
11. The variable rent component being based on turnover calculated as 10% of annual gross receipts from \$260,001 to \$500,000 inclusive and 7% of annual gross receipts over \$500,001 and the turnover threshold of \$1 million. The turnover threshold is adjusted by CPI annually.
12. In August 2015, the City received a request from the tenant for the monthly base rent and outgoings for the months of May to August 2015 to be deducted from the contribution amount. In accordance with the lease the moratorium is with respect to turnover rent only equal to the contribution amount. There is no provision in the lease for the base rent to be offset by the contribution.
13. However taking into consideration the start-up financial outlay of Garrison in the first year of trading and to address seasonal cash flow issues, the City approved a once-off arrangement for the base rent and outgoings for the months of May to August 2015, totalling \$13,953.18, to be deducted from the contribution.

DISCUSSION

14. The tenant has recently approached the City to request the value of the remainder financial contribution to be paid as a lump sum cash payment, in lieu of any moratorium on turnover rent.
15. The tenant has cited cash flow difficulties attributed to the financial contribution towards the additional building works, instead of being held for operating cash. This has resulted in insufficient funds to cover kitchen equipment finance obligations and delays with payment of City lease obligations such as rent and outgoings.
16. It is noted there is no legal obligation to pay the contribution given this was not a loan and could not have been under the Retail Shops lease.
17. Since the lease commencement in October 2014, moratoria for turnover rent has been applied to the value of \$56,050 plus \$13,953.18 being once-off moratoria for base rental and outgoings.
18. As at 30 September 2015, the closing contribution balance is \$158,447.32 (GST inclusive).
19. The City proposes to withhold from the proposed payment, all amounts currently outstanding under the lease totalling \$42,857.17 (GST inclusive). These include:
 - \$28,281 being projected turnover rent calculation for quarters ending December 2015 and March 2016;
 - \$12,059.65 being base rent for the months of December 2015 to April 2016; and
 - \$2,516.52 being outgoings for months of February to April 2016.
20. It is noted the projected turnover will be adjusted against actual turnover, once turnover figures are provided to the City.
21. The value of the remainder contribution to be paid to the tenant being \$115,590.15 (GST inclusive).
22. The total of turnover rent subject to the moratorium will be deemed to equal the contribution and as such no further moratorium applies.
23. City officers have met with the tenant and support the lump sum payment to assist the ongoing operation of Garrison in the future, subject to Council approval.
24. A letter of agreement, to be executed by the tenant, has been drafted to document the fully paid status of the financial contribution.

25. The tenant has also sought minor capital improvements to the building. This may result in a variation to the lease or other appropriate mechanism and if required, a further report will be submitted to Council.

GOVERNMENT & PUBLIC CONSULTATION

26. No public consultation has occurred on the matter and no public advertising is required under the Local Government Act 1995.
27. Section 6.12 of the Local Government Act 1995 sets out the requirements for Reserves. As the proposed use is in line with the purposes of the Debt Management Reserve, there is no need for giving of public notice.

STATUTORY IMPLICATIONS

28. Section 6.12 of the Local Government Act 1995 sets out the requirements for Reserves.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: Closure of the café/restaurant in a tourism precinct	Possible	Moderate	Medium	Seek to negotiate terms to Council satisfaction.
Legal & Compliance: No legal obligation to pay contribution given not a loan and could not have been under a Retail Shops lease	Likely	Minor	Medium	Lease remains static.
Financial: Projected turnover is less than actual turnover, resulting in the tenant owing City money	Possible	Minor	Medium	Adjust against actual turnover, once figures are provided by the tenant to the City.
Financial: Lump sum payment not approved	Possible	Minor	Medium	Lease remains static.

FINANCIAL IMPLICATIONS

31. The proposed lump sum payment amount being \$115,590.15 (GST inclusive). Monies are available in the Debt Management Reserve for this purpose.
32. The Debt Management Reserve will be reimbursed over the next three years from turnover rent or until the amount is recovered in full, whichever is the sooner.
33. Any legal fees associated with the documentation can be drawn from the Manage Leased Assets budget line item.

LEGAL IMPLICATIONS

34. There is no legal obligation to pay the contribution given this was not a loan and could not have been under the Retail Shops lease.
35. The City has appointed Albany Legal to prepare the documentation associated with the settlement of the payment.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

37. Council may:
- Authorise the lump sum payment to the tenant, Imperial Group Pty Ltd; or
 - Make and alternate recommendation on the proposed payment to the tenant; or
 - Decline the payment.
38. Should Council decline the payment, it is understood the tenant will continue to experience cash flow issues and may have difficulty in continuing to operate Garrison café and restaurant and meet lease obligations.

SUMMARY CONCLUSION

39. The tenant has cited cash flow difficulties and requested a lump sum payment of the value of the remainder financial contribution, in lieu of the moratorium with respect to payment of turnover rent.
40. Current amounts outstanding under the lease will be withheld from the payment leaving the value of the remainder contribution to be paid to the tenant of \$115,590.15 (GST inclusive).
41. There are monies available in the Debt Management Reserve to cover the lump sum payment.
42. Should Council authorise the lump sum payment, a letter of agreement will be executed to document the fully paid status of the financial contribution.
43. It is recommended that Council authorise the lump sum payment as it is considered the payment will address cash flow issues and may assist the tenant to continue Garrison café, restaurant and takeaway operations at the Albany Heritage Park.

Consulted References	:	Council Policy – Property Management (Leases and Licences) <i>Local Government Act 1995</i>
File Number (Name of Ward)	:	PRO397; A171322 (Frederickstown Ward)
Previous Reference	:	SCM 23/01/2014 Item SCM008 OCM 08/04/2014 Item CSF073 OCM 27/05/2014 Item CSF088

**CSF235: QUARTERLY REPORT – TENDERS AWARDED – JANUARY
TO MARCH 2016**

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

Responsible Officer's Signature:



RECOMMENDATION

CSF235: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TERRY

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – January to March 2016.
CARRIED 13-0

CSF235: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF235: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – January to March 2016.

CSF236: NOMINATION BY COUNCILLOR MOIR TO THE CORPORATE SERVICES AND FINANCE COMMITTEE

Proponent : City of Albany
Attachment : Council Policy: Governance and Risk Framework
Responsible Officer(s) : Chief Executive Officer (A Sharpe)
Report Prepared By : Council Liaison Officer (J Williamson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objectives:**
 - 5.1. To establish and maintain sound business and governance structures.
 - 5.3 To engage effectively with our community.
 - c. **Strategic Initiative:** 5.3.2. Councillor Forums

In Brief:

- Councillor Moir has formally advised the Chief Executive Officer that he wishes to nominate for membership of the Corporate Services and Finance Committee.
- At the Corporate Services and Finance Committee meeting held on Tuesday 12 April 2016, the Committee recommended that Councillor Moir be nominated as a member of the Corporate Services and Finance Committee.

RECOMMENDATION

CSF236: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SUTTON

THAT the nomination from Councillor Moir for membership of the Corporate Services and Finance Committee be ACCEPTED and Councillor Moir be APPOINTED as a member of the Corporate Services and Finance Committee.

CARRIED 13-0
ABSOLUTE MAJORITY

BACKGROUND

2. Councillor Moir has formally advised that he wishes to nominate for membership of the Corporate Services and Finance Committee.
3. Nominations for membership of Council Committees were called for prior to the Ordinary Council Meeting held on 27 October 2015.
4. All Elected Members can reserve the right to nominate to committees at a later date.

5. The Corporate Services and Finance Committee is open to all Elected Members who wish to become a member of the committee, as per the abridged Terms of Reference:

- **Corporate Services & Finance Committee.** The Corporate Services and Finance Committee will monitor and comment on the financial health and strategies of Council and will be responsible for the delivery of the following Civic Leadership Objectives contained in the City of Albany Strategic Plan:
 - To establish and maintain sound governance structures;
 - To provide strong, accountable leadership supported by a skilled and professional workforce;
 - To engage effectively with our community.

Executive Officer: Executive Director Corporate Services

Meeting Schedule: 2nd Tuesday of the Month.

Nominations: Open to all Councillors | **Membership:** Open to all Councillors.

Past Chairperson and Committee Members: *Councillor Stocks (Chair), Councillor Calleja (Deputy Chair), Councillor Mulcahy (Deputy Chair), Mayor Wellington, Councillor Bowles, Councillor Dowling, Councillor Hortin, Councillor Sutton, Councillor Price, Councillor Hammond and Councillor Hollingworth.*

6. Appointment to Committees is by **ABSOLUTE MAJORITY** (in accordance with s5.10 of the Act)

CSF237: ALBANY ENTERTAINMENT CENTRE

Land Description : Albany Entertainment Centre, Lot 2 Deposited Plan 60527 Vol 2766 Folio 771, 2 Toll Place, Albany
Report Prepared by : Executive Director Corporate Services (M Cole)
Responsible Officer : Chief Executive Officer (A Sharpe)

Responsible Officer's Signature:



CONFIDENTIAL REPORT

This Report was considered behind closed doors in accordance with s5.23 (2) (c) and (e,iii) of the Local Government Act 1995, being:

(c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

(e) A matter that if disclosed, would reveal-(iii) information about the business, professional, commercial or financial affairs of a person, - where the trade secret of information is held by, or is about, a person other than the local government.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** Civic Leadership
 - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
 - c. **Strategy:** Develop informed and transparent decision making processes that meet our legal obligations.

In Brief:

- The Department of Culture and the Arts (DCA) seeks in-principal agreement to from the City of Albany (the City) to transfer the land from the City to the State of Western Australia.
- The DCA also seeks to establish a new management model for the Albany Entertainment Centre (AEC).
- The DCA proposes to establish an Operations Committee to provide immediate oversight of the operations of the AEC and to prepare a business case for a new operational model. The Operations Committee will comprise the following:
 - An independent chairperson
 - Manager of the AEC
 - PTT Director of Operations
 - Director of Infrastructure DCA
 - CEO of the Great Southern Development Commission
 - CEO of the City of Albany nominees may be from Corporate Services, Finance, and Community Development

RECOMMENDATION

CSF237: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR PRICE

SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council:

- (1) GIVES in-principal agreement for the City to transfer the land on which the AEC is built back to the State Government;**
- (2) AGREE that the proposed Operations Committee provide immediate oversight of the operations of the AEC and prepare a business case for a new operational model;**
- (3) AUTHORISES the Chief Executive Officer to also appoint senior staff from Corporate Services and Community Services as nominees to represent the City on the Operations Committee; and**
- (4) NOTES that the Operations Committee is to report to both the Perth Theatre Trust (PTT) and the City of Albany and be supported by a secretariat provided by the PTT.**

CARRIED 13-0

ABSOLUTE MAJORITY

BACKGROUND

2. The Albany Entertainment Centre (AEC) has been a long running issue for the City of Albany (the City), both prior to construction as to size, location and facility type, and now post-construction regarding long term ownership and management of the facility.
3. Representatives from the Department of Culture and the Arts (DCA) met with representatives from the City in March 2016 to discuss a transfer of land title and the future operational model for the Albany Entertainment Centre (AEC).
4. Following the meeting, the DCA has now formally written seeking in-principle agreement from the City to transfer the land from the City to the State of Western Australia and to work towards establishing a new management model for the AEC.

DISCUSSION

5. Management and ownership of the AEC was last considered by Council in September 2013.
6. Since construction of the AEC was completed in August 2010, AEC was managed by the private company AEG Ogden (Perth) Pty Ltd until 31 December 2014. Since then, the AEC has been managed by the Perth Theatre Trust (PTT).
7. Ownership of the AEC was due to transfer to the City from 1 July 2015 but in a letter from the Hon John Day, the then Minister for Planning Culture and the Arts, the State Government was to continue to own and manage the AEC for a further five years. As part of that letter the Minister said the City and the State Government would work closely together to develop an efficient and sustainable operating model for the AEC.
8. Unbeknown to the Ministry of Culture and the Arts, the land on which the AEC was built was transferred from the WA Land Authority to the City, presumably in anticipation of the City of Albany taking on ownership of AEC from 1 July 2015.

9. The transfer is inconsistent with the original 2007 Albany Waterfront Agreement and subsequent agreement reached in 2010 between the City and State Government not to progress the transfer of the ownership of the AEC until the City was in a position to effectively undertake the operational management and fiscal responsibility for the AEC. The PTT has accepted responsibility to manage the AEC on an interim basis.
10. The DCA has sought in-principal agreement of the City to transfer the AEC to the State Government, with effect before the end of the 2015/16 financial year. Such a transfer will restore the position agreed in 2010 in which the State Government will continue to contribute towards operational costs and provide management services through the PTT.
11. The meeting also discussed PTT and the City working in partnership to develop a new management model for the AEC aimed at improving operational efficient of the venue and to enhance its long term viability.
12. Options discussed at the meeting were:
 - a. Option 1: Maintain current operational arrangements
 - b. Option 2: Maintain current model with reduced budget (\$840k)
 - c. Option 3 - Establish not-for-profit (NFP) entity to manage AEC
 - d. Option 4 - Contract External Manager (commercial)
 - e. Option 5 – CoA take over management AEC and operate as a business unit with State subsidy
13. It is proposed establish an Operations Committee to provide immediate oversight of the operations of the AEC and to prepare a business case for a new operational model. The Operations Committee will comprise the following:
 - An independent chairperson
 - Manager of the AEC
 - PTT Director of Operations
 - Director of Infrastructure DCA
 - CEO of the Great Southern Development Commission
 - CEO City of Albany nominees from Corporate Services, Finance, and Community Development
14. For 2016/17 financial year, the PTT will develop the operational budget for AEC so that the subsidy from the State Government and the City are consistent with the allocations agreed by the City. The City's contribution for 2015/16 is \$420,000.

GOVERNMENT & PUBLIC CONSULTATION

15. The City has been consulted with representatives of the DCA, PTT and GSDC.

STATUTORY IMPLICATIONS

16. Nil

POLICY IMPLICATIONS

17. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial and Operational <i>No long term agreement is reached and the City takes on full ownership and management of the AEC.</i>	<i>Unlikely – the State Government is seeking to retain ownership</i>	<i>Severe</i>	<i>High</i>	<i>Actively seek long term agreement on the ownership and management of the AEC.</i>

FINANCIAL IMPLICATIONS

19. A budget allocation of \$420,000 is included in the 2015/16 annual budget. The amount is subject to indexation and these amounts are included in the Long Term Financial Plan.
20. The former Minister for Arts and Culture has committed the State Government to continuing to own and manage the AEC for a further five years from 1 July 2015. The City's contribution is therefore secure until 30 June 2020. By working closely with the State Government through the Operations Committee, the City will have input into the development of an efficient and sustainable operating model for the AEC and minimising the impact on the City.

LEGAL IMPLICATIONS

21. Nil

ENVIRONMENTAL CONSIDERATIONS

22. Nil

ALTERNATE OPTIONS

23. The Council could refuse to give in-principle agreement to transfer ownership of the land back to the State Government and also refuse to support the proposed establish an Operations Committee. There is a risk that if no other long term agreement is reached, the may be required to assume full ownership and management of the AEC.

SUMMARY CONCLUSION

24. Administration supports proposals from the DCA for in-principle agreement from the City to transfer the land from the City to the State of Western Australia and to work towards establishing a new management model for the AEC. The City's interests will be ensured through participation in the proposed Operations Committee.

Consulted References	:	Previous reports to Council
Previous Reference	:	CSF021 – OCM 24 September 2013

CSF238:ENDORSEMENT OF ORGANISATION STRUCTURE AND PROPOSED RE-APPOINTMENT OF DESIGNATED SENIOR EMPLOYEE

Proponent / Owner	: City of Albany
Attachments	: <ul style="list-style-type: none">• CONFIDENTIAL – Draft Contract of Employment in accordance with section 5.23(2) (a)(b)(e) of the Local Government Act 1995 (will be tabled at the meeting)• Organisational Chart
Report Prepared By	: Manager Governance, Risk Management (S Jamieson) Manager Human Resources (G Brownhill) Chief Executive Officer (A Sharpe)
Responsible Officers:	: Chief Executive Officer (A Sharpe)

Responsible Officer's Signature:



CONFIDENTIAL REPORT

This Report was considered behind closed doors in accordance with section 5.23 (2)(a)(b)(e) of the Local Government Act 1995, being:

- *a matter affecting an employee or employees*
- *the personal affairs of any person*

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 5. Civic leadership
 - b. **Strategic Objectives:** 5.2. To provide strong, accountable leadership, supported by a skilled and professional workforce

In Brief:

- It is recommended that elected members meet behind closed doors to discuss this item as it relates to the appointment of a senior designated staff member.
- Should Councillors wish to view the proposed employment contract prior to the meeting, arrangement can be made through the Office of the CEO.
- The purpose of this report is:
 - a. Seek endorsement of Council of the proposed new organisational structure.
 - b. Designate the Executive Director Commercial Services as a Senior Employee.

RECOMMENDATION

CSF238: RESOLUTION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR SUTTON

THAT Council:

1. **ENDORSE** the Chief Executive Officer's proposed organisational structure as detailed in the report for four Directorates, to take effect from Wednesday 1 June 2016; and
2. **Designate** the following Executive Director positions as Senior Employees as defined under section 5.37 (1) of the *Local Government Act 1995*:
 - a. **Executive Director Corporate Services;**
 - b. **Executive Director Works and Services;**
 - c. **Executive Director Planning and Development; and**
 - d. **Executive Director Commercial Services.**

CARRIED 12-1

Record of Vote

Against the Motion: Councillor Mulcahy

CSF238: RESOLUTION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council:

1. **ENDORSE** the Chief Executive Officer's recommendation to appoint Mr Cameron Woods to the position of Executive Director of Commercial Services; and
2. **OFFER** Mr Woods a renewed employment contract for a term of three years to take effect from Wednesday 1 June 2016.

CARRIED 13-0

BACKGROUND

2. In accordance with the resolution of Council made at the Ordinary Council Meeting held on 17 April 2012, the following positions are Designated Senior Employees under the provisions of the *Local Government Act 1995* s 5.37 (1):
 - a. Executive Director Corporate Services;
 - b. Executive Director Community Services;
 - c. Executive Director Planning and Development; and
 - d. Executive Director Works and Services.
3. Council has delegated the power to the Chief Executive Officer to determine the organisational structure. However, noting that a change is proposed to the current structure it is considered appropriate to seek endorsement from Council on the four Directorates.

4. Please note that it is proposed to rename the Economic Development and Commercial Services directorate to Commercial Services. This change in name is considered to more accurately reflect the operations of the Directorate.

DISCUSSION

5. Current Structure:

Currently the Community Services directorate is responsible for the following functions and services:

- a. Function: Economic Development and Commercial Services - Reporting to an Executive Director – Mr Cameron Woods
 - (i) Albany Heritage Park (includes the National Anzac Centre);
 - (ii) Tourism Development and associated support services (Albany Visitors Centre);
 - (iii) Recreational services supported by cost recovery commercial activities (Albany Leisure and Aquatic Centre); and
 - (iv) Albany Regional Airport
- b. Function: Community Services – Reporting to an Acting Executive Director – Mr Adam Cousins
 - i. Albany Public Library;
 - ii. Albany Regional Day Care;
 - iii. Community Communications;
 - iv. Vancouver Arts Centre;
 - v. Community Development (Youth, Seniors, Noongar Liaison)
- c. Function: Office of the Chief Executive Officer
 - i. Facilitator Strategy and Improvement
 - ii. Stakeholder Relations Manager
 - iii. Manager Major Projects

Note: Other Directorates are proposed to remain unchanged.

6. Proposed Structure

It is proposed that the Community Services directorate functions are re-aligned and the responsibility for delivery of the functions allocated as follows:

- a. Function: Commercial Services - Reporting to an Executive Director – Mr Cameron Woods
 - (i) Albany Heritage Park (includes the National Anzac Centre);
 - (ii) Tourism Development and associated support services (Albany Visitors Centre);
 - (iii) Recreational services supported by cost recovery commercial activities (Albany Leisure and Aquatic Centre);
 - (iv) Albany Regional Airport; and
 - (v) Albany Regional Day Care (moving from Community Services in recognition of centre as commercial business unit).

- b. Function: Office of the Chief Executive Officer - Community Services Team – Reporting directly to the Chief Executive Officer, through an Executive Manager – Mr Adam Cousins
- (i) Community Services Team
- Albany Public Library;
 - Community Communications;
 - Vancouver Arts Centre;
 - Community Development (Youth, Seniors, Noongar Liaison);
 - Events and Communications
 - Stakeholder Relations Manager (now administratively reporting to Executive Director Community Services and directly to the Chief Executive Officer – to be reviewed in June 2016).
- c. Function Corporate Services – Reporting to an Executive Director
- (i) Facilitator Strategy and Improvement (now reporting to the Executive Director Corporate Services who has been assigned the responsibility of delivering the City's Integrated Planning Framework);

Contract Extension & Appointment as the Executive Director Commercial Services

7. Mr Cameron Woods is currently acting as the Executive Director of Economic Development and Commercial Services. Mr Woods was originally appointed as the Manager of the Albany Leisure and Aquatic Centre (ALAC).
8. At the Ordinary Council Meeting held 19 June 2012, Mr Woods was appointed to the position of Acting Director Community Services for a period not exceeding one year.
9. At the Ordinary Council Meeting held 16 April 2013, Mr Woods was appointed for a period of three years as the Executive Director of Community Services.
10. It is recommended that Mr Woods is appointed as Executive Director Commercial Services for a term of three years.

Appointment of an Executive Manager Community Services

11. The current Acting Executive Director Community Services, Mr Adam Cousins, has been responsible for the listed community services function for a period of 12 months.
12. During this time Mr Cousins has shown the skills and attributes to be a senior leader and he has proven himself in delivering organisational objectives.
13. Therefore it is appropriate to provide Mr Cousins with the opportunity to be placed in a position where he can further develop and be mentored directly by the Chief Executive Officer.

GOVERNMENT & PUBLIC CONSULTATION

14. Nil

STATUTORY IMPLICATIONS

15. Extract from LOCAL GOVERNMENT ACT 1995 – SECT 5.37

“Section 5.37 Senior Employees:

- (1) A local government may designate employees or persons belonging to a class of employee to be a senior employees*
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a) and the council may accept or reject the CEO’s recommendation, but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*
- (3) Unless subsection (4a) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed and the advertisement is to contain such information with respect to the position as is prescribed.*
- (4a) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract is referred to in section 5.39 is renewed.”*

Note: As this report is recommending the re-appointment of an existing Senior Designated Employee in Executive Director Mr Cameron Woods, the renewal of the proposed contract does not require public advertising. However section 5.37(2) above requires Council to be informed and accept or reject the recommendation of the CEO.

16. Voting Requirement: **Simple Majority**

POLICY IMPLICATIONS

17. There are no policy implications related to this report, noting that Council has previously designated this position as a Senior Employees under the *Local Government Act 1995*.
18. It should be noted that the current Committee’s Terms of Reference will be reviewed accordingly and potentially renamed to align with the proposed organisational structure. Any changes would be required to be reported and resolved by Council.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal. Recruitment process challenged.	Unlikely	Major	Medium	Proposed appointment process confirmed as legislatively compliant
Reputation. Public perception that increase in staffing is not justified	Likely	Moderate	High	Justification based on sound business case and provides current employees with development opportunities, without having to leave the City of Albany.

FINANCIAL IMPLICATIONS

20. All cost associated with the organisational restructure can be met by the current employee budget allocation.

LEGAL IMPLICATIONS

21. There are no direct legal implications related to this report.

ENVIRONMENTAL CONSIDERATIONS

22. Nil

ALTERNATE OPTIONS

23. No alternate options are proposed

SUMMARY CONCLUSION

24. It is recommended that Council adopt the Responsible Officer's Recommendation

Consulted References	:	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	Not applicable

WS103: MEMORANDUM OF UNDERSTANDING - WATERWISE COUNCIL PARTICIPATION RENEWAL

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Attachments	: Memorandum of Understanding (MoU)
Supplementary Information & Councillor Workstation	: Water Efficiency Audits 2015 for ALAC and VAC : Nil
Report Prepared by	: Assets Officer (M Holt)
Responsible Officer	: Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023:
 - a. **Key Theme:** 2.Clean, Green & Sustainable.
 - b. **Strategic Objective:** 2.3. To advocate for and support 'green initiatives' within our region.
 - c. **Strategy:** 2.3.1. Promote and support effective conservation and environmental management.

In Brief:

- Council support is sought to renew the Memorandum of Understanding (MoU) to continue a partnership with the Water Corporation and the Department of Water to achieve improved water use efficiency across all City of Albany infrastructure.
- The MoU allows access to a range of resources and training to enable City staff to monitor and improve water use efficiency and the develop Water Efficiency Management Plans.
- Having Waterwise status demonstrates the City's commitment to being Clean, Green and Sustainable.

RECOMMENDATION

WS103: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council SUPPORT the commitment to achieve improved water use efficiency through the Waterwise Councils Program through signing the Memorandum of Understanding between Water Corporation and Department of Water and City of Albany.

CARRIED 13-0

WS103: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR

SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 4-0

WS103: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council SUPPORT the commitment to achieve improved water use efficiency through the Waterwise Councils Program through signing the Memorandum of Understanding between Water Corporation and Department of Water and City of Albany.

BACKGROUND

2. In August 2014, Council adopted the Carbon Footprint Reduction Strategy and Action Plan.
3. As part of the Carbon Footprint Reduction Strategy (CFRS), Council made a commitment to improving water use efficiency and the establishment of a Water Efficiency Management Plan (WEMP).
4. In 2015 a MoU was signed by the City of Albany, Water Corporation and the Department of Water following a water audit of the Albany Leisure and Aquatic Centre for Waterwise Aquatic Centre endorsement.
5. Since the MoU was signed, the Albany Leisure and Aquatic Centre has submitted and actioned a WEMP.

DISCUSSION

6. Water is essential for life and with the growing pressures on our water resources from population growth and the effects of climate change.
7. To assist in the reduction of water use for the Council, it is important that the City develop a water management plan that will provide direction for potential water reduction, financial savings, improved efficiency and conservation.
8. In 2008, the City was a part of the International Council for Local Environmental Initiatives (ICLEI) program until it ceased in 2010.
9. The ICLEI program requires extensive resources to complete the set milestones to achieve Waterwise status.
10. The Water Corporation and the Department of Water with support of ICLEI have developed a Waterwise Council Program. The aim of the program is to build a cooperative working relationship between local government and other departments to improve water use efficiency and requires considerably less resources.
11. By updating the MoU for the Waterwise Councils Program, the City will be able to continue to explore the opportunities for potential water and financial savings through improved efficiency and access to Waterwise materials and training.

12. Under the previous MoU, two water audits were conducted for the Albany Leisure & Aquatic Centre and the Vancouver Arts Centre in February 2015. The Vancouver Arts Centre demonstrated that 61% of the building's water usage was through leaks from old toilet systems and vandalism to external tapware. In November 2011, all toilets at the Vancouver Arts Centre were retrofitted with dual flush toilets, internal tapware retrofitted with disabled lever action taps and external taps fitted with anti-vandal taps. Another internal water audit is scheduled to be conducted May 2016.
13. The Albany Leisure and Aquatic Centre was audited in April 2015. The water audit demonstrated that the main water uses are for showers and ablutions (65%), and irrigation (12%). Recommendations from the audit included an upgrade of the old change room (old basketball courts), sub-metering and data logging be fitted to the various key ablution facilities and more staff and patron involvement such as review of maintenance schedules and the display of promotion material on water efficiency. The report also commended the Albany Leisure and aquatic centre that it was well maintained and already quite water efficient.
14. A Water Efficiency Management Plan (WEMP) was submitted and approved by the Water Corporation in 2015. Actions are continuing to be implemented in coordination with the 10 year forward capital works program. The WEMP will also require to be updated by 31 October 2016 in accordance with the new water efficiency endorsement criteria in order to be re-endorsed and eligibility for recognition.
15. At the completion of the program, the City will be an endorsed Waterwise Council.

GOVERNMENT & PUBLIC CONSULTATION

16. Consultation with Government agencies and the community will occur as the need arises.

STATUTORY IMPLICATIONS

17. Not applicable

POLICY IMPLICATIONS

18. The Council **Environmental Policy** states the City of Albany is committed to ensuring that appropriate responses are undertaken to mitigate potential climate change impacts.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environment. Inefficient use of water in City facilities having a negative impact on aquifer capacity and local water supplies.	Possible	Moderate	Medium	City engages with other agencies to develop joint strategies to improve water use efficiency through participation in the Waterwise Councils Program.
Finance. Over use of water resulting in higher costs.	Possible	Moderate	Medium	Through participation in the Waterwise Program, develop cost efficient means of using water.
Organisational Operations. MOU not signed and City does not participate in Waterwise Councils Program.	Possible	Moderate	Medium	City continues to utilise best practise, where resources and in house expertise allows.

FINANCIAL IMPLICATIONS

20. The Waterwise Council Program Assessments recommendations will require analysing and prioritising for future budget consideration.

LEGAL IMPLICATIONS

21. Not Applicable

ENVIRONMENTAL CONSIDERATIONS

22. The Community Strategic Plan Objective 2.2 - to maintain and renew city assets in a sustainable manner, which will be adhered to by developing the Carbon Footprint Reduction Strategy, and Environmental Policy for all City facilities and operations.

ALTERNATE OPTIONS

23. Council may decline the participation of the Waterwise Councils Program with the Water Corporation.

CONCLUSION

24. The Waterwise Councils Program will enable the City to develop a water management strategy and will allow the City to accurately measure the City's water use and manage its water consumption efficiently and sustainably.

Consulted References	:	Council Policy - Environmental
File Number (Name of Ward)	:	EM.EDU.2 (All Wards)
Previous Reference	:	OCM 20/10/09 Report Item 15.1.1, OCM 15/06/10 Report Item 15.3.1, OCM 17/08/10 Report Item 3.6 and 3.7, OCM 16/11/10 Report Item 3.7, OCM 24.03.15 Report Item WS064.

WS104: REVISED 5 YEAR GREAT SOUTHERN REGIONAL ROAD GROUP (GSRRG) FUNDING APPLICATION PROGRAM

Land Description	: Road Reserves – various locations
Proponent / Owner	: City of Albany
Attachments	: Revised 5-year GSRRG Funding Application Program
Supplementary Information & Councillor Workstation	: Nil
Report Prepared by	: Co-ordinator, Assets and Finance (S Pepper)
Responsible Officer	: Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023:
 - a. **Key Theme:** 2. Clean, Green and Sustainable
 - b. **Strategic Objective:** 2.2. To maintain and renew city assets in a sustainable manner.
 - c. **Strategy:** By scheduling maintenance, servicing and renewal in a timely manner that maximises the life and performance of infrastructure.

In Brief:

- City Assets has revised the 2015 adopted five(5) year Great Southern Regional Road Group (GSRRG) funding application program involving State and Federal funding which is sourced through the GSRRG funding pool administered by Main Roads Western Australia.
- Approval is sought to make annual applications for funding for projects as identified in the 5 year program.

RECOMMENDATION

WS104: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council:

- (1) **NOTE** the Revised 5 Year Great Southern Regional Road Group Funding Application Program as tabled; and
- (2) **APPROVE** annual applications for funding in support of the proposed works in accordance with the program.

CARRIED 13-0

WS104: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 4-0

WS104: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) NOTE the Revised 5 Year Great Southern Regional Road Group Funding Application Program as tabled; and
- (2) APPROVE annual applications for funding in support of the proposed works in accordance with the program.

BACKGROUND

2. The State provides road funds for a number of programs administered by the State Road Funds to Local Government Advisory Committee. The Great Southern Regional Road Group (GSRRG) coordinates an annual application process to determine the distribution of these funds. Currently there are four sources of road funding available through this process.
3. Identified Roads of Regional Significance (as outlines in Roads 2030) are eligible for Road Project Grants. State funding is spread across 10 WA Regional Road Groups and is based on a percentage (27%) of the vehicle licence fee revenue which varies from year to year.
4. Funding provides two thirds (67%) of total project costs with the other third coming from Council's own resources. The GSRRG has also enacted a cap of 20% which limits the amount that any one Council can receive from the funding pool each year.
5. The GSRRG Policy and Procedure Guideline and Project Prioritisation Guidelines govern the assessment of projects put forward for funding. Projects are scored and then ranked into four broad categories – preservation, concluding, continuing, and new projects.
6. State Black Spot Program funds are also allocated to individual Regional Road Groups for distribution. The GSRRG also processes the National Black Spot Program which sources federal funding for complying projects.
7. State Program funding covers two thirds (67%) and the National Program covers all (100%) of total project costs. For the national program crash criteria is required to demonstrate a benefit cost ratio (BCR) of over 2 to comply. For the state program either a BCR or a road safety audit are required to comply.
8. The Great Southern Technical Working Group members each assess the applications and rank them on being the most appropriate and cost effective.
9. Commodity Routes Supplementary Funding (CRSF) is provided for roads which are not Roads of Regional Significance (Roads 2030) but where there is a significant high priority transport task associated with the transport of a commodity.
10. \$2.5m is provided state wide and distributed according to project ranking with no regional constraints. CRSF funding provides two thirds (67%) of total project costs and is limited to a maximum of \$250,000 per submitted project.

DISCUSSION

11. State funding provides a reliable and consistent source of income for maintaining and improving the City's road network. In the current financial year (2015/16) the City of Albany has been allocated \$1.17m for its road network. This is made up of:
 - a. RRG Road Projects - \$700,000;
 - b. State Black Spot Projects - \$102,000; and
 - c. National Black Spot Projects - \$375,000.
12. Funding applications for the 2016/17 financial year have already been submitted (end of July 2015) and combined are likely to total \$1,418,000 as can be seen detailed in the attached program.
13. With the preparation and annual review of the Long Term Financial and Asset Management Plans, a 10 year Forward Capital Works Program has been prepared identifying projects and allocating grant funding and the City's own resources in successive financial years. This information has been collated to provide to Council a listing of proposed projects over the next five years.
14. The projects identified have been recommended as complying with application requirements and assessed as likely to receive funding. However, there is no guarantee that funding will be secured for these projects.
15. RRG Road Projects are the most likely to secure funding as the scoring system more heavily weights traffic volumes and the City is well placed in this regard compared with other Local Government areas in the Great Southern.
16. The State Black Spot funding allocation for the Great Southern has been dramatically reduced in the last couple of years (based on accident statistics) and now equates to approximately \$350k. This funding is aimed at low cost - high benefit safety improvements, for which the City has been reasonably successful in recent years. Each year the City reassesses possible projects and has road safety audits conducted on those short listed as being suitable. With new projects being identified and considered, applications can vary from year to year.
17. Commodity Routes Supplementary Funding is dependent on Heavy Vehicle traffic volumes and freight tonnages. The City has submitted two applications for funding with approval of funding totalling \$205k.

GOVERNMENT & PUBLIC CONSULTATION

18. This document complies with the rules and guidelines governing the Great Southern Regional Road Group allocations for road funding and therefore no additional government consultation has been conducted.
19. This document also complies with the Asset Management Plan – Roads which was adopted at a Special Council Meeting on 25 June 2013 and therefore has been subject to consultation with the community and elected members.

STATUTORY IMPLICATIONS

20. Under section 3.18 of the Local Government Act 1995, the City of Albany is to satisfy itself that the services and facilities it provides are managed effectively and efficiently.

POLICY IMPLICATIONS

21. This document complies with the Council adopted Asset Management Policy, Strategy and Plan – Roads along with the Long Term Financial Plan.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial: Failure to make funding application thereby missing out on state contribution.	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Forward planning through adoption and review of this program reveals funding opportunities.</i>
Financial: Funding application is unsuccessful forcing the City to fund entire project.	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Defer project & apply for funding in the following year. Project is delayed but budget is not overspent.</i>

FINANCIAL IMPLICATIONS

23. The projected projects and costs are subject to annual revision dependent on the success of funding applications. Projects are consistent with and are factored into the current Long Term Financial Plan.

LEGAL IMPLICATIONS

24. Not applicable.

ENVIRONMENTAL CONSIDERATIONS

25. As part of this commitment any construction works identified in this document will be undertaken in accordance with the Environmental Code of Conduct adopted by Council in 2006.

ALTERNATE OPTIONS

26. There are no alternatives associated with this item.

CONCLUSION

27. The approval of the revised 5 Year Forward Capital Works Program will provide the City with a strategic direction for the management of its road assets over the next five year period.

Consulted References	:	Nil
File Number (Name of Ward)	:	GS.PRG.22; GS.PRG.23.
Previous Reference	:	OCM 25.02.14 Item WS026, OCM 24.03.15 item WS066

WS105: QUEENS GARDENS RESTORATION – PROUDLOVE PARADE

Land Description	: Queens Gardens – Proudlove Parade
Proponent / Owner	: City of Albany
Attachments	: Draft Design Panels (Overall, Stages 2a, 2b and 3)
Supplementary Information & Councillor Workstation	: Nil
Report Prepared by	: Coordinator Developed Reserves (J Purvis)
Responsible Officer	: Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:

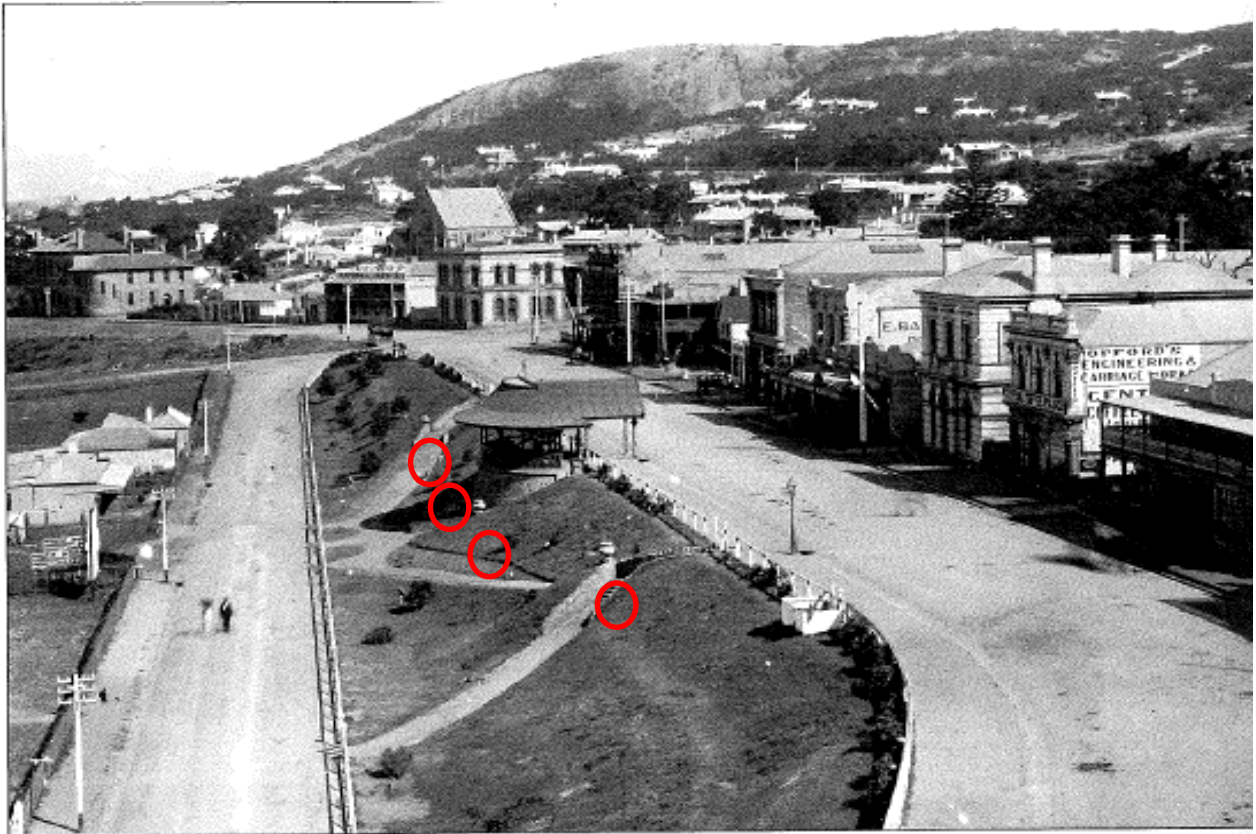


STRATEGIC IMPLICATIONS

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

Maps and Diagrams: Project Location





Photograph showing the landscaped gardens below Stirling Terrace, and the 1898 bandstand built to commemorate Queen

In Brief:

- Stage 1 of Queens Gardens was completed in 2012.
- A draft concept design has now been completed for the remainder of the Queens Gardens.
- A grant of \$10,000 has been successful by the Frederickstown Progress Association from the Australian Garden History Society “**Restoration Fund for Historic Gardens**” for the supply and installation of historical urns in their original locations and a further contribution to garden works.
- The design has been supported by the State Heritage Council, although only three urns can be re-instated due to the footbridge being over the original location of the fourth.
- Approval is sought for the concept design and proceed with works as budget permits.

RECOMMENDATION

WS105: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR DOWLING

SECONDED: COUNCILLOR STOCKS

THAT Council:

- (1) **APPROVE** the concept design for Queens Gardens.
- (2) **APPROVE** the acceptance of \$10,000 from the Australian Garden History Society “**Restoration Fund for Historic Gardens**”.

**CARRIED 13-0
ABSOLUTE MAJORITY**

WS105: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SHANHUN

SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 4-0

WS105: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) APPROVE the concept design for Queens Gardens.
- (2) APPROVE the acceptance of \$10,000 from the Australian Garden History Society "Restoration Fund for Historic Gardens".

BACKGROUND

2. The Queens Gardens are located on the slopes along Proudlove Parade and are an extension of the recent works undertaken in Stirling Terrace. The gardens have historical significance within Albany.
3. The works are to be undertaken to restore the historical value of the formerly iconic gardens, similar to Stage 1, and to improve slope stability, safety and the general amenity of the gardens.
4. There will be three urns placed at locations identified in the historical photograph from 1898, contained in this report.

DISCUSSION

5. The draft concept design represents formal gardens continuing on from Stage 1, at the York Street end, moving into open grassed formal areas with tree plantings and seating, and into a native garden area with local coastal plants representing the natural history of Albany.
6. The concept has been divided into three stages, with commencement of works for Stage 2A to occur prior to June 2016, to address erosion issues in this area.

GOVERNMENT & PUBLIC CONSULTATION

7. This concept design has been developed in conjunction with the Frederickstown Progress Association and referred to State Heritage and the local Noongar community with feedback received in regard to the urn locations and a request to include native species.
8. A site information session was undertaken on the 3 March 2016 between 4pm and 5pm, for the community to discuss the designs. This was advertised in local newspapers and by letter to proximity residents/businesses.
9. The concept design was out for public comment between the 4 March and 4 April 2016.
10. No submissions were received and one person attended the workshop suggesting lighting for the grassed terraces in stage 2B.
11. The Frederickstown Group is assisting the City with the final planting list, planting works and will be involved in the urn installations.

STATUTORY IMPLICATIONS

12. No implications.

POLICY IMPLICATIONS

13. No implications.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environment: Erosion due to inadequate plant cover or poor contouring	Likely	Moderate	High	Mulching and contouring of the erosion prone areas as part of the works.
Reputation: Staged works not progressed resulting in expectations not being met by community.	Possible	Moderate	Medium	Leave site as is
Finance: The \$10,000 grant funds will be lost if not spent.	Almost certain	Moderate	High	Further funding sought or funded by Council.

FINANCIAL IMPLICATIONS

15. \$66,650 is allocated in the current capital works program for 2015/16
16. The grant for \$10,000 will be for the supply and installation of the urns and a contribution to garden works.
17. This should cover majority of works for stages 2A and 2B, with stage 3 being achievable under the City's operational budget.
18. Further grants will be sought for the works around the wheelchair accessible path and the rotunda in future.

LEGAL IMPLICATIONS

19. No implications.

ENVIRONMENTAL CONSIDERATIONS

20. The proposed works will deal with some ongoing erosion issues at the site.
21. There are no other environmental impacts.

ALTERNATE OPTIONS

22. If Council chooses not to adopt the Queens Gardens Improvement Plan, ongoing maintenance will be undertaken and issues addressed as they arise.

SUMMARY CONCLUSION

23. Further reports will be provided as each stage progresses.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 Queens Gardens Improvement Plan
File Number (Name of Ward)	:	PR.DEC.27 (Frederickstown)
Previous Reference	:	<ul style="list-style-type: none"> 2015/2016 City Adopted Budget

WS106: UNDERGROUND POWER PROGRAM, LOCALISED ENHANCEMENT PROJECTS – ALBANY HIGHWAY
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File Number (Name of Ward)	: ET.COG.1 (Frederickstown)
Land Description	: Albany Highway – York Street to Sanford Road section.
Attachments	: Artist's impressions of Albany Highway without underground power lines
Supplementary Information & Councillor Workstation	: Nil
Reporting Officer(s)	: Executive Director Works and Services (M Thomson)
Responsible Officer(s)	: Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:	
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Councillor Terry declared an Impartiality Interest in this item. Councillor Terry remained in the Chamber and participated in the discussion and vote.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023:
 - a. **Key Theme:** 3. A Connected Built Environment
 - b. **Strategic Objective:** 3.1 To advocate, plan and build friendly and connected communities
 - c. **Strategy:** 3.1.2 Consistent and connected streetscapes.

Maps and Diagrams:



Current view of over overhead power lines, looking from Sanford Road towards York Street.

In Brief:

- The City has been offered funding through the State Government's Underground Power Program (Localised Enhancement Projects, Round Five) to replace overhead power lines with underground systems on Albany Highway, from York Street to Sanford Road.
- The project has had a lengthy development process involving multiple rounds of consultation however project support and funding arrangements have not been finalised due to the reliance on a financial commitment from affected landowners.
- City staff have been tasked to prepare a financial contribution model for consideration.
- It is felt that a contribution model will not be acceptable and as a consequence Council approval is sought to discontinue the project.

RECOMMENDATION

**WS106: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR PRICE**

THAT Council:

- (1) **DISCONTINUE** the Underground Power Project – Albany Highway between Sanford Road and York Street;
- (2) **ADVISE** the Office of Energy that the City of Albany wishes to decline the funding offer through the Underground Power Program, Local Enhancement Projects.

CARRIED 13-0

WS106: COMMITTEE RECOMMENDATION

**MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR MOIR**

THAT Council:

- (1) **DISCONTINUE** the Underground Power Project – Albany Highway between Sanford Road and York Street;
- (2) **ADVISE** the Office of Energy that the City of Albany wishes to decline the funding offer through the Underground Power Program, Local Enhancement Projects.

CARRIED 4-0

WS106: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) **DISCONTINUE** the Underground Power Project – Albany Highway between Sanford Road and York Street;
- (2) **ADVISE** the Office of Energy that the City of Albany wishes to decline the funding offer through the Underground Power Program, Local Enhancement Projects.

BACKGROUND

2. The Underground Power Program is an initiative by the State Government, administered by the Office of Energy. The program was established in 1996 to improve the standard of electricity supply by addressing the reliability issues in areas with existing overhead power lines. The program offers two types of projects; Major Residential Projects which involve suburban areas, and Localised Enhancement Projects which aim to beautify urban gateways, scenic routes and tourism/heritage centres.
3. This project has a long development history dating back to 2010 and a comprehensive report concerning was presented to Council in July 2015 at its Ordinary Council Meeting (OCM) which refers.
4. At this meeting the recommendation made by the Works and Service Committee was that Council:
 - i. AUTHORISE expenditure of up to \$1,100,000 and ACCEPT the funding offer of \$500,000 from the Underground Power Program, Local Enhancement Projects for the provision of underground power on Albany Highway between Sanford Road and York Street, Albany.
 - ii. AGREE to the raising a loan up to the value of \$600,000 specific to the project as detailed in this report, subject to compliance with Clause 6.20 of the Local Government Act 1995;
 - iii. NOTE that consideration will be given to the imposing of an appropriate service charge to recover project cost, in part, prior to the 2016/2017 financial year and REQUEST that the Executive Director of Works and Services provide a report providing detailed options for consideration.
5. This recommendation was not accepted at the July 2015 OCM due to it not having an absolute majority of Council. However this decision was revoked and reconsidered at the subsequent August 2015 OCM where it was resolved as per the committee recommendation.
6. In many ways the project is complex as the general precedent of underground power conversions is that affected landowners are required to make some contribution to the capital cost. Naturally this requirement is not easily achieved.
7. The overall project cost is \$1,100,000 with \$500,000 with \$300,000 from City funds and the remaining \$300,000 being recovered through a service charge.
8. Since the August 2015 OCM, further liaison with the funding agency has revealed there is a reluctance for Minister sign off for any funding agreement if it is not confirmed that at least 50% of the affected landowners are willing to contribute to (a portion of) the project cost. The only means of overcoming this is if Council is prepared to fully fund or increase its contribution.
9. Two rounds of community consultation have been undertaken for the project and this revealed support for the project, but a reluctance to contribute to the capital cost. Responses thus far have not indicated a better than 50% response and it is not considered likely that this will increase through further iterations of consultation.
10. Council noted that consideration will be given to the imposition of an appropriate service charge to recover project costs, in part, prior to the 2016/2017 financial year and that the Executive Director of Works and Services provide a report providing detailed options for consideration.
11. Council has not previously considered the matter in the context of fully funding the contribution (i.e. without any landowner contribution).

DISCUSSION

12. There are a number of options available to the Council to recoup a portion of the cost of the Underground Power project – levying a service charge, offering self-supporting loans, or approving an increase the general rate base.

Service Charge

13. The Local Government Act (1995) enables the Local Government to apply a service charge for specific works, services or facilities. Provision of underground electricity is one of the prescribed works listed in the Act.
14. Under a service charge arrangement, there exists a number of possible models which Council may wish to consider:
- a. Recover 25% of the total project cost applying to each property which has a frontage to the proposed works (in accordance with Council resolution of November 2010). The City can offer a one off payment, 6 year or 10 year repayment options.
 - b. Fully subsidise the contribution from residential properties affected and recover cost from commercial properties. This will result in less cost being recovered, somewhere in the order of 20% (approximately \$240,000).
 - c. Recover 15% or any amount specified by Council and increase the general rate base to cover the additional costs.
15. Under option (a) above, for reference, indicative charges would be as follows (depending on road frontage):
- a. One off payment ranging from \$9,000 to \$44,000;
 - b. City raises a 6 year loan payments (per annum) would range from \$1,600 to \$8,000.
 - c. City raises a 10 year loan, payment (per annum) would range from \$1,000 to \$5,000.
16. Should Council agree to a service charge, it must give local public notice of its intention to do so, and the date from which it is proposed the fees or charges will be imposed, as part of the 2016/17 budget process.

Self-Supporting Loans

17. Should affected ratepayers not be able to complete a one off payment, then a self-supporting loan could be offered to provide some financial relief. A legal agreement between the City and the ratepayer would be required and registered against the certificate of title of the property in question, to ensure protection for both parties. Any legal costs would be borne by the City.
18. The use of self-supporting loans may be an excessive administrative burden to Council, as each ratepayer would be required to enter into an agreement, and annual cost recovery processes would be required.

General Rate Base Increase

19. The application of a general rate base increase may not be well received by the community, as the area benefitting this project is limited to Albany Highway between York St and Sanford Road. While the aesthetics of this part of the City will be improved, the local ratepayers would be the only beneficiaries. Any projected rate increase would impact on the long term financial plan.

General Comment

20. Further modelling of financial contributions has revealed that there are a number of properties with significant frontage where the City cannot impose any charge due to underground power being provided from another frontage. This is meant that the charges are increased for the remaining landowners.

21. It is not considered viable under the circumstances to increase any proposed charge to landowners, given there is already some reluctance regarding the cost impost.
22. While the project has significant benefit from a street scape enhancement perspective, it is felt that Council will need to either fully fund or significantly increase its contribution to the balance of the project in order to avoid the consequences of negativity as a result of the imposition of a service charge.
23. Given support for the project has been marginal at best, and due to the complex nature of implementing the project, staff resourcing and so on, it is considered appropriate that the project discontinue. It should be noted however that the opportunity is lost for the funding and there is not likely to be any opportunity for funding in future.
24. Given the City has not materially acted on the previous resolution, and no funding agreement has been finalised, a rescission is not required.

GOVERNMENT & PUBLIC CONSULTATION

25. Two rounds of public consultation have been undertaken on the proposed project. In 2011 during the initial project proposal, of the 27 landowners contacted (some owning multiple properties), 9 were in support and 4 were not, with 14 not responding at all.
26. A second consultation effort was undertaken during June 2015. A public meeting was held with 14 adjacent landowners and City of Albany officers in attendance. There were very few written responses received 4 in total - 2 in support for the project, 2 not in support of the project and one of the responses indicated a willingness to make a contribution.
27. A third mail out could be undertake in order to receive an absolute and definitive response concerning whether landowners would contribute to the project in some form.
28. It is very likely that there will be significant negative responses if a service charge is imposed.

STATUTORY IMPLICATIONS

29. Sections 6.32 and 6.38, Division 5 and 6, Part 6 of the *Local Government 1995*, deal with the imposition, setting and public advertising of fees and charges. If a service charge is imposed on owners within a defined part of the district for prescribed work/service in relation to the land, the money is to be used within the financial year it is imposed, or placed in a reserve account created for the purpose.

POLICY IMPLICATIONS

30. Not applicable.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operations and Financial: <i>The City's Long Term Financial Plan will be compromised, if a service charge is <u>not</u> imposed and higher priority projects may be deferred.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Discontinue with the project as recommended or incorporate a fully funded model into the LTFP.</i>
Reputation: <i>Landowners who do not support the project may provide negative feedback, in respect to the imposition of a service charge.</i>	<i>Likely</i>	<i>Major</i>	<i>High</i>	<i>Either the City fully fund the required contribution or do not proceed with the project as recommended.</i>

FINANCIAL IMPLICATIONS

32. The project estimate of the proposed location on Albany Highway is \$1.1 million. This would consist of the following funding arrangements:
- State Government funding: \$500,000
 - City of Albany: \$600,000
33. In accordance with the November 2010 resolution of Council, it was committed to fund (minimum) 25% of the cost from general revenue income, and (up to) 25% contributed by adjoining property owners by way of a service charge.
34. As noted in this report, previous projected contributions from individual landowners have increase substantially due to some larger properties within the project area having an underground power supply from another frontage. Under these circumstances imposing a charge would not be appropriate (or allowable).

LEGAL IMPLICATIONS

35. Should the City agree to the imposition of a service charge, compliance with the specific provisions of the Local Government Act 1995, including Division 5 and 6, Part 6 of the *Local Government 1995*, which deal with the imposition, setting and public advertising of fees and charges, would apply.
36. Should the Council support the introduction of self-supporting loans to manage the cost recovery, legal agreements would be required to protect the interests of both the ratepayers and Council.

ENVIRONMENTAL CONSIDERATIONS

37. Not applicable.

ALTERNATE OPTIONS

38. Council may wish to fully fund the \$600,000 contribution and consider an allocation in the 2016/2017 budget.

CONCLUSION

39. The Localised Enhancement Project for the undergrounding of power and provision of street lighting for Albany Highway, York Street to Sanford Road, is an opportunity to improve the overall streetscape and amenity at the entrance to the Central Business District.
40. While the project is supported generally from a streetscape enhancement perspective, there is no clear indication about support from affected landowners. If a service charge is imposed to recover a portion of project costs, this presents a risk of an adverse reaction from landowners/ratepayers.
41. This report recommends that the project discontinue.

Consulted References	:	<i>Local Government 1995 – sections 6.32 and 6.38</i>
File Number (Name of Ward)	:	ET.COG.1 (Frederickstown)
Previous Reference	:	OCM 16.11.10 ITEM 3.3, OCM 28.07.15 ITEM WS078, OCM 25.8.15.

WS107: UWA - OLD POST OFFICE – VERANDAH REFURBISHMENT

Land Description	: 33-39 (Lot B44) Stirling Terrace, Albany
Proponent / Owner	: City of Albany
Attachments	: City of Albany Heritage Assets Maintenance and Conservation Old Post Office
Supplementary Information & Councillor Workstation	: Nil
Report Prepared By	: Manager City Engineering (D King)
Responsible Officer(s):	: Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023:
 - a. **Key Theme:** 2. Clean, Green and Sustainable
 - b. **Strategic Objective:** 2.2. To maintain and renew city assets in a sustainable manner.
 - c. **Strategy:** By scheduling maintenance, servicing and renewal in a timely manner that maximises the life and performance of infrastructure.





In Brief:

- The Old Post Office verandah is in urgent need of major restoration works.
- Due to the high profile nature of this project, the purpose of this report is to apprise Council of the issues and note actions to be taken by City staff moving forward in order to expedite the works.

RECOMMENDATION

WS107: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR HAMMOND

THAT Council NOTE the following:

1. **Advice concerning Heritage and Conservation issues for the Old Post Office (in particular its verandah);**
2. **The City will explore avenues for funding the refurbishment project, including co-contributions from the University of Western Australia and the Great Southern Development Commission, make applications where applicable and report back to Council;**
3. **The City will commence approvals processes and documentation of the project in readiness for a future budget allocation.**
4. **The City will present the project for consideration for funding as a high priority in the 2016/2017 financial year.**

CARRIED 13-0

WS107: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 4-0

WS107: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE the following:

1. **Advice concerning Heritage and Conservation issues for the Old Post Office (in particular its verandah);**
2. **The City will explore avenues for funding the refurbishment project, including co-contributions from the University of Western Australia and the Great Southern Development Commission, make applications where applicable and report back to Council;**
3. **The City will commence approvals processes and documentation of the project in readiness for a future budget allocation.**
4. **The City will present the project for consideration for funding as a high priority in the 2016/2017 financial year.**

BACKGROUND

2. The Old Post Office (UWA Building) is located on Stirling Terrace at a prominent location at the centre of the original town. It is a three-storey brick and stone structure with ornamental towers and gables, a clay-tiled roof and open verandahs at three levels on the south side. It overlooks the foreshore and harbour.
3. The building has cultural heritage significance as it was the base station of the intercolonial telegraph of 1875, linking Western Australia with Adelaide and the rest of the world. It was originally used as a customs house, post office and telegraph office, and provided a venue for local government meetings, theatrical performances, debates, lectures, concerts, socials and even church services. The site is registered on the WA State Register of Heritage Places – Category A+ to ensure maximum conservation protection.
4. The building is currently leased to the University of Western Australia (UWA). The lease agreement does require the lessee to address major structural issues such as this.
5. In 2014, concerns were raised about the condition of the verandah at the rear of the building.
6. The City had completed some minor works on the verandah to address a termite issue, but it became evident that further works would be required.
7. Advice was sought from a heritage interpretation, and heritage structural engineering consultant to determine what options the City had to attend to the immediate and longer term issues concerning the structure.
8. The verandah has been propped under guidance of the heritage structural engineer to ensure its safety and stability while options could be assessed.

DISCUSSION

9. The heritage consultant had inspected the site, assessed the Old Post Office Conservation Plan and other relevant reports about the condition of the premises and provided two recommendations for the verandah. The two options proposed are to:

Option 1	Complete localised conservation and repair work; or
Option 2	Remove the verandah completely and undertake a program of reconstruction.
10. On the basis that it was considered to be the most cost effective solution Option 1 was actioned noting the difficulty in construction and the unknown extent of works may result in a risk and unknown costs.
11. Unseasoned jarrah timber for the required repairs was procured and works commenced February 2016 (after giving some time for timber to season prior to installation).
12. Further deterioration became evident during these works which was not listed in the structural report.
13. It is a highly likely that further deterioration will be revealed during this work program if it is to continue.
14. Option 2, to remove and reconstruct the verandah, would address immediate safety concerns, and restore the facility to its original condition, providing a more permanent, long term maintenance solution.
15. A cost estimate has been drawn up by a qualified Quantity Surveyor in line with the recommendations in Option 2. The estimated cost is \$361,000.

16. Given the risks associated with Option 1 concerning unknown deterioration and escalating costs, it is considered more cost effective to discontinue this approach and carry out option 2.
17. The City will submit this project for funding in the 2016/17 budget, however, given the urgent nature of the works, preparations will commence immediately in terms of preparing plans, developing a brief and a tender document and seeking necessary planning approvals to enable the project to proceed without delay.

GOVERNMENT & PUBLIC CONSULTATION

18. As the premises are leased, the current tenants – University of Western Australia and Spectrum Theatre - have been consulted to inform them of the proposed works and will be kept informed as the project progresses.
19. The Heritage Council has been consulted as part of the preparation of the heritage report and formal approvals will be sought.

STATUTORY IMPLICATIONS

20. There are no statutory implications relating to this project.

POLICY IMPLICATIONS

21. There are no policy implications relating this matter.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: Impact on the Old Post Office leases	Possible	Moderate	Medium	Ongoing consultation with lessees during the initiation and construction processes.
People Health and Safety: Safety of people within and around the building being compromised due to failure of the structure.	Likely	Severe	High	The site is currently safe with props supporting the structure, however the props are a temporary measure only. Long term stability can be achieved through the refurbishing project being undertaken.

FINANCIAL IMPLICATIONS

23. The estimated cost of the project is \$361,000. The City will present the project in the 2016/2017 budget papers.
24. City staff will explore funding opportunities through Heritage Grants (Heritage Council and Lotterywest) but it is unlikely that funding will be available given that the building is not solely used for community purposes.
25. In advance of budget considerations, City staff will progress project approvals and will develop tender documentation. This work will be undertaken in house utilising existing operational budgets.

LEGAL IMPLICATIONS

26. There are no legal implications relating this item.

ENVIRONMENTAL CONSIDERATIONS

27. Nil

ALTERNATE OPTIONS

28. There are no alternate options proposed. The works are considered to be of an urgent nature.

CONCLUSION

29. The Old Post Office verandah is in urgent need of major restoration works.

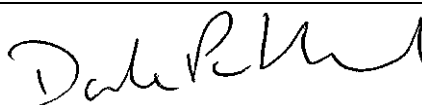
30. This report recommends that actions be noted so that preliminary works can be expedited subject to 2016/2017 budget considerations.

Consulted References	:	Old Post Office Conservation Plan 2001; Report of Old Albany Post Office Roof and Front Verandah Restoration 1984; Old Post Office Heritage Report 2016
File Number (Name of Ward)	:	PRO016 (Frederickstown)
Previous Reference	:	N/A

LEMC008: APPROVAL OF LOCAL RECOVERY PLAN

Proponent	: City of Albany
Attachment	: Draft Local Recovery Plan LEMC Minutes 17 March 2016 (unconfirmed)
Report Prepared By	: Administration Coordinator-Rangers & Emergency Services (S Lees)
Responsible Officer(s):	: Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 3. A connected built environment.
 - b. **Strategy:** 3.2.1 Plan for and monitor community safety and security.

In Brief:

- The Local Emergency Management Committee (LEMC) has developed the Local Recovery Plan in accordance with the requirements of Section 36 of the *Emergency Management Act 2005*, and *State Emergency Policy 4.4*.
- The LEMC has endorsed the Local Recovery Plan.
- Council is now required to approve the Local Recovery Plan in accordance with the *Emergency Management Act 2005*.
- The purpose of the Local Recovery Plan is to describe the arrangements for effectively managing emergency recovery at a local level.
- The scope of the plan is limited to the boundaries of the City of Albany, and forms part of Local Emergency Management Arrangements.

RECOMMENDATION

LEMC008: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GOODE

THAT Council APPROVE the Local Recovery Plan, in accordance with the requirement of the *Emergency Management Act 2005*.

CARRIED 13-0

**LEMC009: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY
MANAGEMENT COMMITTEE – DECEMBER 2015**

Proponent : City of Albany
Attachment : LEMC Minutes 17 December 2015
Report Prepared By : Administration Coordinator-Rangers & Emergency Services
(S Lees)
Responsible Officer(s): : Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



In Brief:

- Receive the confirmed minutes of the Local Emergency Management Committee meeting held on 17 December 2015.

RECOMMENDATION

LEMC009: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR SMITH

THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 17 December 2015 be RECEIVED.

CARRIED 13-0

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

15.1: NOTICE OF MOTION BY COUNCILLOR STOCKS

15.1: RESOLUTION (NOTICE OF MOTION BY COUNCILLOR STOCKS)

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR HAMMOND

THAT Council REVIEW the Council Policy regarding permissible signage with particular attention to:

- 1. Allowing perimeter fence sponsorship advertising for local sporting clubs leasing Council owned facilities.**
- 2. Leisure based temporary signage rules to encourage activity within the City boundaries.**
- 3. Providing more effective ways to assist and simplify the process related to local business signage.**

CARRIED 13-0

Councillor's Reasons:

1. Current Policy is out of date.
2. Better community engagement.
3. Assist Sporting clubs and local groups to have better clarity and remain sustainable.
4. Simplify the approvals process

Officer Comment (Executive Director Planning and Development):

Support review of the policy.

16. **REPORTS OF CITY OFFICERS** Nil

17. MEETING CLOSED TO PUBLIC

[7:24:22 PM](#)

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR GOODE

THAT Council move behind closed doors to discuss the following Confidential Items:

CSF233: Proposed Land Acquisition-Lot 39 No 5 Bethel Way, Yakamia

CSF234: Lump Sum Payment of Financial Contribution-Imperial Group Pty Ltd-Garrison Café, Restaurant and Takeaway

CSF237: Albany Entertainment Centre

CSF238: Endorsement of Organisation Structure and Proposed Re-Appointment of Designated Senior Employee

CARRIED 13-0

[7:49:54 PM](#)

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR MOIR

THAT Council come out from behind closed doors and reopen the meeting to the public.

CARRIED 13-0

All Confidential Items were then dealt with when the meeting re-opened to the public.

18. CLOSURE There being no further business the Mayor declared the meeting closed at

[7:55:17 PM](#)



Dennis W Wellington
MAYOR