



MINUTES

Ordinary Meeting of Council

Tuesday 26 November 2019

6.00pm

City of Albany Council Chambers

CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)



ORDINARY COUNCIL MEETING
MINUTES 26/11/2019

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ORDINARY COUNCIL MEETING
MINUTES 26/11/2019

1. DECLARATION OF OPENING

2.

6.00pm The Mayor declared the meeting open.

3. 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 past, present and emerging”.

4. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

| | |
|--|-------------------------|
| Mayor | D Wellington |
| Councillors: | |
| Breaksea Ward | R Hammond |
| Breaksea Ward | P Terry |
| Frederickstown Ward | R Stephens |
| Frederickstown Ward | G Stocks (Deputy Mayor) |
| Kalgan Ward | E Doughty |
| Kalgan Ward | M Benson-Lidholm JP |
| Vancouver Ward | J Shanhun |
| West Ward | A Goode JP |
| West Ward | S Smith |
| Yakamia Ward | R Sutton |
| Yakamia Ward | C Thomson |
| Staff: | |
| Chief Executive Officer | A Sharpe |
| Executive Director Infrastructure, Environment & Development | P Camins |
| Executive Director Community Services | S Kay |
| Meeting Secretary | J Williamson |
| Apologies: | |
| Vancouver Ward | T Sleeman (Apology) |
| Acting Executive Director Corporate & Commercial Services | D Olde (Apology) |

5. DISCLOSURES OF INTEREST

| Name | Report Item Number | Nature of Interest |
|------------------|--------------------|--|
| Councillor Terry | DIS185 | Financial. The nature of the interest being that Councillor Terry owns Telstra shares. In accordance with Section 5.76 of the <i>Local Government Act 1995</i> a person is to be treated as being closely associated with a relevant person (in this case the proponent Aurecon provides site acquisition services across Australia to assist Telstra in expanding its wireless network infrastructure). Councillor Terry holds shares in Telstra in excess of the amount stipulated in section 5.76 and as such is considered a closed associated person to Telstra. Councillor Terry left the Chamber and was not present during the discussion and vote for this item. |
| Councillor Smith | DIS185 | Impartiality. The nature of the interest being that Councillor Smith owns shares in Telstra. Councillor Smith does not own shares in excess of the stipulated amount in Section 5.76 and is not considered a closely related person for this purpose. Councillor Smith remained in the Chamber and participated in the discussion and vote for this item. |

6. REPORTS OF MEMBERS

6.01pm Councillor Thomson

Summary of key points:

- Stated that it was pleasing that Worra Park would remain as a public park as a result of consultation with residents.
- Councillor Thomson attended a community consultation session at Baltic Ridge Park together with approximately 25 residents and City staff.

6.02pm Councillor Shanhun

Summary of key points:

- Attended Remembrance Day, Citizenship Ceremony, Town Hall Tour and the Local Government Regional Conference.

6.04pm Councillor Doughty

Summary of key points:

- Attended the Gnowellen Bush Fire Brigade farewell to Penny and Mick Moir as long serving members of the Volunteer Bush Fire Brigade.
- Attended McHappy Day in Albany which raised \$5200.

6.06pm Councillor Stocks

Summary of key points:

- Attended the recent Tourism WA Awards on behalf of the Mayor, where the City received Gold for Major Festivals and Events with Field of Light: Avenue of Honour, and Silver for Excellence in Local Government Tourism.

6.07pm Councillor Stephens

Summary of key points:

- Councillor Stephens was pleased that the recent Regional Local Government Conference held by the City of Albany was a success.

7. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

8. PUBLIC QUESTION TIME

6.08pm Mr Richard Vogwill, La Perouse Road, Goode Beach representing the Frenchman Bay Association
Summary of key points:

- Mr Vogwill addressed Council regarding DIS181: Frenchman Bay Heritage Trail-Feasibility Study. Mr **Vogwill's tabled address is detailed at Appendix A.**

6.12pm Ms Chris Goodchild, 20 Negri Road, Willyung

Summary of key points:

- Ms Goodchild addressed Council regarding DIS182: Local Structure Plan No. 10-Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley. Ms Goodchild expressed concerns about transport depot's being in close proximity to current and future residential areas.

6.13pm Mr Nick Ayton, 55 Peels Place Albany

Summary of key points:

- Mr Ayton addressed Council in opposition to the Committee Recommendation for DIS182: Local Structure Plan No. 10-Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley.

6.17pm Mr Steve Thompson, representing Ardess Estate

Summary of key points:

- Mr Thompson spoke in support of the Committee Recommendation for DIS182: Local Structure Plan No.10-Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley.

6.21pm Mr Charles Walmsley, 325 Robinson Road, Robinson

Summary of key points:

- Mr Walmsley spoke in support of the Committee Recommendation for DIS182: Local Structure Plan No.10-Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley.
- Mr Walmsley assured Council that it would in no way be disadvantaged by allowing temporary transport depots as part of the development until the completion of the Ring Road, and that the relocation of those depots would be facilitated, and if necessary enforced, by the proponents.

There being no further speakers, the Mayor declared Public Question Time closed at 6.25pm.

9. APPLICATIONS FOR LEAVE OF ABSENCE Nil

10. PETITIONS AND DEPUTATIONS Nil

11. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR GOODE

THAT the minutes of the Ordinary Council Meeting held on 29 October 2019, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 12-0

12. PRESENTATIONS Nil

13. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS186: FINANCIAL ACTIVITY STATEMENT – SEPTEMBER 2019

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

RECOMMENDATION

CCS186: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR STEPHENS

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

CARRIED 12-0

CCS186: COMMITTEE RECOMMENDATION

MOVED COUNCILLOR SMITH
SECONDED COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS186: RESPONSIBLE OFFICER RECOMMENDATION

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

BACKGROUND

1. The Statement of Financial Activity for the period ending 30 September 2019 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

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

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

8. The City's 2019/20 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 30 September 2019 has been incurred in accordance with the 2019/20 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

| | |
|-----------------------------------|----------------------|
| File Number (Name of Ward) | FM.FIR.7 - All Wards |
|-----------------------------------|----------------------|

CCS187: LIST OF ACCOUNTS FOR PAYMENT – OCTOBER 2019

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

RECOMMENDATION

CCS187: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 October 2019 totalling \$5,509,709.98 be RECEIVED.

CARRIED 12-0

CCS187: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
 SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS187: 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 October 2019 totalling \$5,509,709.98.

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 October 2019. Please refer to the Attachment to this report.

| Municipal Fund | |
|---------------------------|-----------------------|
| Trust | \$0.00 |
| Credit Cards | \$31,080.66 |
| Payroll | \$1,578,037.31 |
| Cheques | \$60,617.49 |
| Electronic Funds Transfer | \$3,839,974.52 |
| TOTAL | \$5,509,709.98 |

As at 15 October 2019, the total outstanding creditors stands at \$369,429.21 and is made up as follows:-

| | |
|--------------------------|---------------------|
| Current | \$222,705.57 |
| 30 Days | \$165,085.90 |
| 60 Days | -\$65.00 |
| 90 Days | \$531.00 |
| TOTAL | \$388,257.47 |
| Cancelled Cheques | Nil |

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

6. Expenditure for the period to 15 October 2019 has been incurred in accordance with the 2019/2020 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 October 2019 has been incurred in accordance with the 2019/2020 budget parameters.

CONCLUSION

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

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

**CCS188: DELEGATED AUTHORITY REPORTS – SEPTEMBER TO
OCTOBER 2019**

| | |
|----------------------------|--|
| 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) |

BACKGROUND:

In compliance with Section 9.49A of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:

- Delegation: 006 - SIGN DOCUMENTS ON BEHALF OF THE CITY OF ALBANY (Chief Executive Officer)
- Delegation: 009 - GRANT FUNDING, DONATIONS, SPONSORSHIP
- Delegation: 018 - CHOICE OF TENDER, AWARD CONTRACT

RECOMMENDATION

**CCS188: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR DOUGHTY**

THAT the Delegated Authority Reports 16 September 2019 to 15 October 2019 be RECEIVED.

CARRIED 12-0

CCS188: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR GOODE**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS188: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 September 2019 to 15 October 2019 be RECEIVED.

CCS189: PROPOSED NEW LICENCE AGREEMENTS – ARC INFRASTRUCTURE AS LICENSOR – RAIL CORRIDOR LAND IN ELLEKER AND GRASMERE

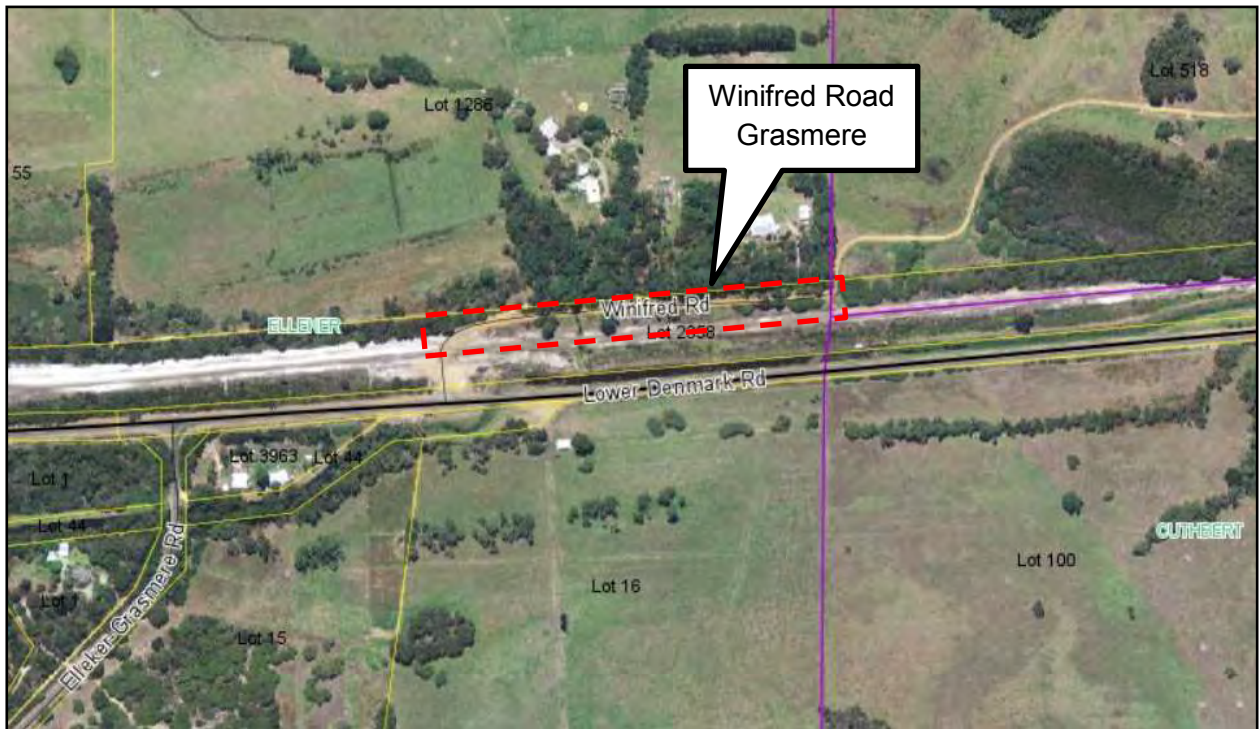
| | |
|------------------------------|---|
| Land Description | : Portion of Crown Reserve 7051 Lot 20 on Deposited Plan 405582, as detailed in Crown Certificate of Title Volume LR3025 Folio 864, Elleker AND Portion of Crown Reserve 16969 Portion Lot 2358, Grasmere; being rail corridor land |
| Proponent | : City of Albany |
| Owner | : Crown, under Management Order held by the Minister for Infrastructure, Transport and Regional Development / Public Transport Authority of WA as the responsible agency (managed by Arc Infrastructure Pty Ltd ABN 42 094 721 301 under Lease agreement) |
| Report Prepared By | : Team Leader Property and Leasing (T Catherall) |
| Responsible Officers: | : Acting Executive Director Corporate Services (D Olde) |

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
 - **Community Priority:** Provide positive leadership that delivers community outcomes.

Maps and Diagrams:





In Brief:

- Council is requested to consider two licence renewals with Arc Infrastructure Pty Ltd as Licensor over rail corridor land in the Elleker and Grasmere areas, to provide continued road access to residential properties.
- Arc Infrastructure manage the rail network in WA for the Public Transport Authority WA (PTA) under a Network Lease agreement.
- In the early 1990's the City of Albany entered into two lease agreements with the PTA over the subject land. These leases expired early 2002 and have remained on holding over pending determination of future management arrangements.
- The new licences will formalise the City's current land access arrangements for affected residents and allow time for the City to further investigate alternate access options to provide permanent access.
- It is recommended the licences are approved.

RECOMMENDATION

CCS189: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR GOODE

THAT Council APPROVE two new licence agreements with Arc Infrastructure Pty Ltd (as Licensor) over rail corridor land being portion of Reserve 7051 Elleker and portion of Reserve 16969 Grasmere subject to:

- a) Licence purpose being 'Civic Purposes / Roadway Access'.**
- b) Licence area for the Elleker road access Rd being approximately 3040m².**
- c) Licence area for the Grasmere road access being approximately 5584m².**
- d) Licence rent for each licence being \$550.00 plus GST per annum with Consumer Price Index applied annually.**

- e) Licence term being for a term of five years, with two further five year options. Licences to run concurrent with the commencement date being as soon as is practicable.
- f) Licence special condition to document an early termination clause should the City no longer require either licence area.
- g) All costs associated with the preparation, execution and completion of the licence documents being payable by the City of Albany (as Licensee).
- h) Further, the CEO investigate alternative land access options, including Shirley Court, Elleker, in order to provide secured unimpeded access to affected properties into the future, and report back to Council by June 2020.

CARRIED 12-0

CCS189: AMENDMENT BY COUNCILLOR GOODE

MOVED: COUNCILLOR GOODE

SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be AMENDED to include h):

Further, the CEO investigate alternative land access options, including Shirley Court, Elleker, in order to provide secured unimpeded access to affected properties into the future and report back to council by June 2020

CARRIED 13-0

CCS189: RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR GOODE

SECONDED: COUNCILLOR THOMSON

THAT the Responsible Officer Recommendation be ADOPTED.

CCS189: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE two new licence agreements with Arc Infrastructure Pty Ltd (as Licensor) over rail corridor land being portion of Reserve 7051 Elleker and portion of Reserve 16969 Grasmere subject to:

- a) Licence purpose being 'Civic Purposes / Roadway Access'.
- b) Licence area for the Elleker road access being approximately 3040m².
- c) Licence area for the Grasmere road access being approximately 5584m².
- d) Licence rent for each licence being \$550.00 plus GST per annum with Consumer Price Index applied annually.
- e) Licence term being for a term of five years, with two further five year options. Licences to run concurrent with the commencement date being as soon as is practicable.
- f) Licence special condition to document an early termination clause should the City no longer require either licence area.
- g) All costs associated with the preparation, execution and completion of the licence documents being payable by the City of Albany (as Licensee).

BACKGROUND

2. In early 1990's the former Shire of Albany entered into two lease agreements with the PTA, formerly Western Australian Government Railways Commission, to provide residents road access to their properties over rail corridor land.

3. The leases expired early 2002, and have remained on holding over arrangements, at the request of PTA, pending determination of future management arrangements. Current rental being \$1 payable on demand.
4. The subject land being portion of Reserve 7051, Millar Road, Elleker and portion of Reserve 16969, Winifred Road, Grasmere.
5. In April 2018, Arc Infrastructure Pty Ltd, previously Brookfield Rail Pty Ltd, advised they manage the rail network in WA for PTA under a long term Network Lease from the State Government. This includes managing rail corridor land adjoining the rail freight tracks.
6. The terms of the Network Lease, which expires in 2049, allow for Arc Infrastructure to grant certain rights of use and occupation in respect of the rail corridor land including to Local Governments for Civic Purposes.
7. As such Arc Infrastructure sought to review the two historic leases with the City. In discussions the City requested to excise the rail corridor land to secure ongoing use, however PTA and Arc Infrastructure declined the request.
8. PTA have now requested Arc Infrastructure to enter into new licence agreements to formalise use and in addition allow the City time to investigate alternate land access options, in order to provide unimpeded access.

DISCUSSION

9. It has been determined there is a requirement for ongoing resident access in both the Elleker and Grasmere areas. As such City officers have been investigating potential alternate road access options to secure permanent access.
10. The option of realigning the Millar Road access in Elleker to be within the adjacent road reserve area was considered, however concerns were raised by nearby residents and this option has not progressed at this time.
11. It has been acknowledged that alternate access options may prove difficult and take some time to achieve given the potential land matters to be worked through. Formalising the licences to provide access is considered the best option at this time.
12. Arc Infrastructure have agreed in principle to allow for the early termination of either licence upon the City establishing alternate land options for the roadway access. This will be documented as a special condition in the agreements.
13. The table below summarises the essential terms of the proposed licences:

| ITEM | DETAILS |
|------------------|---|
| Tenant | City of Albany |
| Land Description | <u>Elleker area</u> Portion Crown Reserve 7051 being Lot 20, Elleker <u>Grasmere area</u> Portion Crown Reserve 16969 being Lot 2358, Grasmere |
| Licence Areas | Elleker: approx. 3040 m ² Grasmere: approx. 5584m ² |
| Land Ownership | Arc Infrastructure under Network Lease from the Public Transport Authority (State Government of WA) |
| Permitted Use | Civic Purposes / Roadway Access |
| Term | 5 years with two further 5 year options |

| | |
|-------------------|---|
| Initial Rent | \$550.00 plus GST each licence area totalling \$1,100.00 plus GST per annum |
| Rent Review | Perth All Groups CPI applied annually |
| Outgoings | City responsible for all outgoings (if any) in respect to the licence areas |
| Utilities | City responsible for all utilities (if any) in respect to the licence areas |
| Maintenance | City responsible for maintenance and repair of licence areas as a result of use the licence Areas |
| Special Condition | Early termination in favour of the City should the City no longer require either licence area |

14. Arc Infrastructure have agreed in principle with the above position, subject to Council approval.

GOVERNMENT & PUBLIC CONSULTATION

15. The Minister for Infrastructure, Transport and Regional Development through the Western Australia State Government agency of the Public Transport Authority has been consulted and provided Arc Infrastructure under a Network Lease the approval to enter into licence agreement with the City of Albany for use of the subject corridor land.

16. Community Engagement

The City is formalising the existing use by entering into new licence agreements with Arc Infrastructure over rail corridor land. No community engagement is required for this action.

Should alternate access options be identified then the City will refer to the Communications and Engagement Strategy 2019–2022 (as updated and amended from time to time) to determine the appropriate level of community engagement required.

STATUTORY IMPLICATIONS

17. The licences on Crown land will comply with the Management Order held by the Minister for Infrastructure, Transport and Regional Development and the Network Lease to Arc Infrastructure.

POLICY IMPLICATIONS

18. There are no policy implications relevant to this report.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|-----------------|-----------------|---------------|--|
| Business Operation & Reputation <i>Licences not approved</i> | <i>Unlikely</i> | <i>Moderate</i> | <i>Medium</i> | <i>Seek to negotiate terms to Council satisfaction</i> |
| Reputation <i>Arc Infrastructure Network lease terminated</i> | <i>Possible</i> | <i>Moderate</i> | <i>Medium</i> | <i>Seek to negotiate access terms with PTA</i> |
| Opportunity: <i>To formalise the existing access arrangements and continue to meet City obligations to ratepayers ensuring safe access to residential properties</i> | | | | |

FINANCIAL IMPLICATIONS

20. The City will be responsible for the agreement development costs, being approximately \$2,650 plus GST.

21. Regulatory Cost Implications:

Annual licence rental of \$550.00 plus GST per licence will be accommodated on the current budget.

LEGAL IMPLICATIONS

- 22. The proposed Licence to Use and Occupy Corridor Land between Arc Infrastructure and the City will update the holding over arrangements currently in place with PTA.
- 23. The Licence documents will be developed and provided by Arc Infrastructure and reviewed by City's lawyer.
- 24. The legal agreements will protect the City and formalise City current and future use of the subject corridor land used for road access to residential properties.

ENVIRONMENTAL CONSIDERATIONS

- 25. There are no environmental implications relevant to this report.

ALTERNATE OPTIONS

- 26. Given the proposed licences will secure the continued access over the rail corridor land for residents until an alternate approach can be found, it is not considered there is an alternate option.
- 27. The City has an obligation to provide unimpeded access for residents to their property.

CONCLUSION

- 28. The new licence agreements with Arc Infrastructure will formalise the existing use by affected residents to access their properties in the Elleker and Grasmere areas.
- 29. The City will continue to investigate alternate land access options to secure permanent access.
- 30. The report requests Council to give consideration to approve the two licences with Arc Infrastructure for a term of five years with two further five year options.

| | | |
|-----------------------------------|---|--|
| Consulted References | : | Council Policy – Property Management (Leases and Licences) |
| File Number (Name of Ward) | : | PRO295 & PRO317, A234772 & A237403(West Ward) |
| Previous Reference | : | Nil |

CCS190: NATIONAL ANZAC CENTRE – Q1 2019-20 REPORT

| | |
|-------------------------------|--|
| Proponent | : City of Albany |
| Attachments | : National Anzac Centre (NAC) – Quarter 1 (Q1) 2019/20 Operational Report |
| Report Prepared By | : Manager Facilities (L Stone) |
| Responsible Officer(s) | : Executive Director Community Services (S Kay) |

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies
 - **Theme:** Smart Prosperous and Growing.
 - **Strategic Objectives:** To strengthen our region's economic base; and
 - To develop and promote Albany as a unique and sought after visitor destination.
 - **Community Priorities:** Strengthen our economy by supporting business innovation and diversity; and
 - Promote the Albany region as a sought after and iconic tourism destination.

In Brief:

- To provide Council with update on Q1 2019-20 performance of the NAC.

RECOMMENDATION

**CCS190: RESOLUTION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR TERRY**

THAT the NAC Operational Report for Q1 2019-20 be RECEIVED.

CARRIED 12-0

**CCS190: RESOLUTION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

THAT the Chief Executive Officer commence discussions with the Australian War Memorial (AWM) and Federal Government to explore the possibility of the National Anzac Centre becoming an annex of AWM, and/or the possibility of the City of Albany forming a partnership or Memorandum of Understanding with the Federal Government to assist with the ongoing management and funding of the National Anzac Centre and Heritage Precinct.

**CARRIED 12-0
ABSOLUTE MAJORITY**

CCS190: COMMITTEE RECOMMENDATION 1

**MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR SMITH**

THAT Responsible Officer Recommendation 1 be ADOPTED.

CARRIED 13-0

CCS190: COMMITTEE RECOMMENDATION 2

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DOUGHTY

THAT Responsible Officer Recommendation 2 be ADOPTED.

CARRIED 13-0

CCS190: RESPONSIBLE OFFICER RECOMMENDATION 1

THAT the NAC Operational Report for Q1 2019-20 be RECEIVED.

CCS190: RESPONSIBLE OFFICER RECOMMENDATION 2

THAT the Chief Executive Officer commence discussions with the Australian War Memorial and Federal Government to explore the possibility of the National Anzac Centre becoming an annex of AWM, and/or the possibility of the City of Albany forming a partnership or Memorandum of Understanding with the Federal Government to assist with the ongoing management and funding of the National Anzac Centre and Heritage Precinct.

BACKGROUND

2. The NAC is the City of Albany's most significant tourism asset.
3. The NAC represents a \$10.6 million dollar investment from the Federal and State Government with an additional \$1.5 million invested by Wesfarmers for the construction of the Convoy Walk and Lookout.
4. The City of Albany manages this national museum and understands the importance of generating economic outcomes for the region using the NAC and the Albany Heritage Park (AHP) assets to encourage increased visitation and extended stays to the region.
5. The City established an independent NAC Advisory Group during the 2016/17 financial year to assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards. The NAC Advisory Group has been meeting quarterly since convening.
6. It was agreed in November 2018 that the NAC Advisory Group would now meet twice a year. The next meeting is planned for November 2019.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of the NAC and the AHP and has established a reserve on the understanding that any surplus funds be reinvested and used to leverage additional grant funding to improve the asset.
8. This report template is reviewed regularly to ensure that the Community & Corporate Services Committee and the NAC Advisory Group receive all relevant information to assess its performance.

DISCUSSION

9. Q1 2019/20 achieved overall total visitation numbers of 325,906 visitors to the NAC since opening in November 2014. This equates to an average annual visitation of 66,285 visitors per year.
10. Total visitation for Q1 2019/20 increased by 188 visitors compared to the same period in 2018/19.

11. The visitation in Q1 2019/20 from the Great Southern Region totalled 328 people, consisting of 69% of visitors from Albany, 13% from Denmark, 8% Mt Barker and a range of 1% - 6% from Lake Grace, Gnowangerup, Katanning, Narrikup, and Wellstead.
12. The total visitation in Q1 2019/20 originated from Western Australia (47%) and interstate (53%).
13. Visitors from other States and Territories consisted of 32% from NSW, 29% from VIC, 21% from QLD, 12% from SA, followed by TAS, ACT and NT all with similar figures between 1-4%.
14. Of the total 6% of international visitors, 44% of these visitors originated from New Zealand, 24% from United Kingdom, 10% from USA, and 4% from Singapore.
15. Revenue generated in Q1 2019/20 by the NAC was \$2,428 more compared to the same period in 2018/19. The Forts Store revenue also increased by \$8,231 compared to the same period in 2018/19.
16. Average retail spend per head for 2019/20 Q1 reached \$10.58, an increase from same period last year of \$9.92.
17. As at the end of Q1 2019/20, 4,129 local residents were members of the NAC League of Local Legends program, with 318 joining during Q1.
18. The NAC had 128 non-local paying visitors in Q1 2019/20 as a result of the NAC League of Local Legends program.
19. In Q1 2019/20, commencement of 2 major projects being, phase one of the NAC Refresh and Hidden Stories of the Fortress grant works for Princess Royal Fortress.
20. As a result of a visit to the NAC on 13 September 2019, Dr Nelson, Director of the Australian War Memorial (AWM), it is recommended that the CEO Mr Andrew Sharpe be authorised to commence discussions on behalf of Council with the AWM Board and Executive.
21. Those discussions would also explore the opportunity for NAC to become an annex of AWM, and/or the possibility of the City of Albany forming a partnership or Memorandum of Understanding with the Federal Government to assist with the ongoing management and funding of the Heritage Precinct including the NAC.
22. A retail consultant, Terrific Trading Incorporated, has been appointed to complete a review process on the Fort Store and Albany Visitor Centre retail outlets to identify any opportunities for improvement. Terrific Trading has been in contact and had an initial visit to both sites. Due to their prior commitments, they will provide preliminary recommendations, short term improvement plan and training workshops during November 2019, with a follow up longer term action plan by January 2020.

GOVERNMENT & PUBLIC CONSULTATION

23. Not Applicable.

STATUTORY IMPLICATIONS

24. Not Applicable.

POLICY IMPLICATIONS

25. Not Applicable.

RISK IDENTIFICATION & MITIGATION

26. Nil.

FINANCIAL IMPLICATIONS

27. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as at 30 September 2019.

a. Full year operating expenditure budget includes:

- i. \$221,000 of costs from accounts that are “shared” across the AHP. A total of \$869,000 of budgeted costs reported under the AHP have been deemed to be a shared cost, across the four reporting areas under the AHP (NAC, Retail, Forts, and AHP Precinct). For the purpose of presenting a standalone view of the NAC, managers have used their best judgement to notionally allocate the \$869,000 across the four areas. Significant shared expenses attributed to the NAC include shared employee costs (\$90,000 of the \$221,000), marketing, ground maintenance, internal service delivery, security, electricity, and insurance.

| National ANZAC Centre | FY19/20 Budget | YTD Budget | YTD Actual | YTD Variance |
|---|--------------------|-----------------|-----------------|-----------------|
| Operating Income | \$915,000 | \$190,994 | \$193,365 | \$2,371 |
| Operating Expenditure | \$(582,589) | \$(137,053) | \$(115,172) | \$21,881 |
| Net Operating Income/(Expense) before Indirect Costs | \$332,411 | \$53,941 | \$78,193 | \$24,252 |
| Indirect Expenses | \$(221,454) | \$(54,051) | \$(41,787) | \$12,264 |
| Net Operating Income/(Expense) | \$110,957 | \$(110) | \$36,406 | \$36,516 |
| Capital Expense | \$(730,000) | \$0 | \$(427) | \$(427) |
| Total | \$(619,043) | \$(110) | \$35,979 | \$36,089 |

LEGAL IMPLICATIONS

28. Nil.

ENVIRONMENTAL CONSIDERATIONS

29. Nil.

ALTERNATE OPTIONS

30. The Committee can request further development and refinement of the quarterly reporting tool including both content and frequency of reporting.

SUMMARY CONCLUSION

31. Overall Q1 2019/20 has shown a steady hold in numbers visiting the NAC, this is pleasing after having the popular Field of Light installation. Q1 has shown slightly higher numbers for July Aug Sep compared to 18/19 same period. Positive outcomes from marketing along with the community response to the League of Local Legends program also assisted with continued growth.

32. An increase in the retail spend per head in the Fort Store has seen the Q1 average \$10.05 up by \$3.81 since 2015/16 as the first full year of trading. This is a positive contribution to revenue for the AHP precinct as a whole and demonstrates that the Store merchandise is attracting visitors and staff are marketing merchandise of interest.

33. Interest in the Princess Royal Fortress and exhibitions also continues to generate visitation to the NAC. Supporting figures of Q1 2019/20 saw 1013 people take part in Princess Royal Fortress Tours, 925 more people than the same time last year. The release of free educational activity sheets for families to use while visiting, along with the information hub has also enhanced the experience.
34. Overall Q1 saw steady figures of attendance in the NAC, Princess Royal Fortress and Fort Store sales. These were all higher than the same time in the previous year, during what is known as the 'quiet season' due to winter weather.

| | | |
|-----------------------------------|---|---------------------------|
| Consulted References | : | Nil. |
| File Number (Name of Ward) | : | All Wards |
| Previous Reference | : | CCS174: Q4 2018-19 REPORT |

CCS191: UPDATED CORPORATE BUSINESS PLAN

| | | |
|-----------------------------|---|--|
| Attachments | : | Corporate Business Plan |
| Report Prepared By | : | Facilitator Strategy and Improvement (S Grimmer) |
| Responsible Officers | : | Acting Executive Director Corporate and Commercial Services (D Olde) |

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
 - **Community Priority:** Provide positive leadership that delivers community outcomes.

In Brief:

- The *Local Government Act 1995*, requires local governments to update and adopt their Corporate Business Plan annually based on their Integrated Planning Framework, Community Strategic Plan and Annual Budget.
- The updated version reflects the City's 2019/20 budget and long term financial plan.

RECOMMENDATION

**CCS191: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT the revised Corporate Business Plan be ADOPTED.

CARRIED 12-0

CCS191: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS191: RESPONSIBLE OFFICER RECOMMENDATION

THAT the revised Corporate Business plan be ADOPTED.

BACKGROUND

2. The Corporate Business Plan is reviewed and updated annually to ensure it aligns with the annual budget and allocates the resources required to deliver community priorities as outlined in the City's Community Strategic Plan.
3. This plan supersedes the previously adopted Corporate Business Plan from last year.

DISCUSSION

4. The key changes from last year are the update of the CEO’s Key Performance Indicators and financial information to reflect the adopted budget.
5. The City’s performance against this plan is reported via the quarterly City Update and monthly Financial Reports

GOVERNMENT & PUBLIC CONSULTATION

6. The City is part of the LG Professionals Integrated Planning Network (IPN), has researched the approach taken across the Local Government sector, visited a number of WA Local Governments and consulted widely with State Government stakeholders.
7. The Corporate Business Plan reflects feedback from the community through a variety of engagement methods and platforms including a community perception survey which is independently conducted every 2 years and was last conducted in early 2019. Each Manager has been provided with the survey results including community responses to what they would most like the City to focus on and this information feeds into their annual update of their Business Unit Plans which are reported against in the quarterly City Update.
8. Community Engagement

| Type of Engagement | Method of Engagement | Engagement Dates | Participation (Number) | Statutory Consultation |
|-------------------------|----------------------|------------------|------------------------|------------------------|
| Community MARKYT Survey | Postal and On-line | March-April 2019 | 663 | Nil |

STATUTORY IMPLICATIONS

9. The *Local Government Act 1995*: Section 5.56(1) and (2) of the *Local Government Act 1995* requires that each local government is ‘to plan for the future of the district’, by developing plans in accordance with the regulations.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|-----------------|-----------------|---------------|---|
| <i>Compliance. Updated version not adopted by Council</i> | <i>Unlikely</i> | <i>Moderate</i> | <i>Medium</i> | <i>Address Council concerns and return for adoption</i> |

FINANCIAL IMPLICATIONS

12. The revised Corporate Business Plan aligns with the 10 Year Financial Plan and provides the basis for long term financial management of City assets and resources. A summary of the cost of services delivered and a 4 year Financial Summary are included in the Plan.

LEGAL IMPLICATIONS

13. There are no legal implications relevant to this report.

ENVIRONMENTAL CONSIDERATIONS

14. There are no environmental implications relevant to this report.

ALTERNATE OPTIONS

15. There are no alternate options relevant to this report.

CONCLUSION

16. The adoption of the revised Corporate Business Plan, reinforces Council's commitment to meaningful strategic planning and provides a sound basis for continual improvement within the City.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | Local Government Act 1995 Western Australia Integrated Planning & reporting Framework |
| File Number (Name of Ward) | : | CM.RVW.3 (All Wards) |
| Previous Reference | : | Annual Adoption of Corporate Business Plan |

CCS192: CITY UPDATE SEPTEMBER QUARTER 2019 - 2020

Attachments : City Update September Quarter 2019 -2020
Report Prepared By : Facilitator Strategy and Improvement (S Grimmer)
Responsible Officers: : Acting Executive Director Corporate Services (D Olde)

STRATEGIC IMPLICATIONS

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

- **Theme:** Leadership.
- **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
- **Community Priority:** Provide positive leadership that delivers community outcomes.

In Brief:

- The quarterly City Update reports progress against the Strategic Objectives and Operational Priorities as outlined in the City's integrated planning and reporting framework and the supporting budget.

RECOMMENDATION

CCS192: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR TERRY

THAT the City Update Report for the September quarter be NOTED.

CARRIED 12-0

CCS192: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS192: RESPONSIBLE OFFICER RECOMMENDATION

THAT the City Update Report for the September quarter be NOTED.

BACKGROUND

2. The City Update provides a quarterly snapshot on how the City is performing against the priorities set in the Corporate Business Plan.
3. A simple traffic light and comments system is used to report on the progress made against agreed performance targets
4. This the first report for the 2019/20 financial year with the only change to the format from the previous year being the removal of the capital works summary page as this information is provided in more detail in the monthly financial report.

DISCUSSION

5. The format aligns with the Your City brand. The City's performance against this plan is reported via the quarterly City Update and monthly Financial Reports.
6. The September 2019 report confirms that the City is on track to meet its Integrated Planning & Reporting (IPR) commitments in 2019/20.

GOVERNMENT & PUBLIC CONSULTATION

7. The Albany quarterly City Update is modelled on similar approaches from across the Local Government sector.
8. Community Engagement

| Type of Engagement | Method of Engagement | Engagement Dates | Participation (Number) | Statutory Consultation |
|--------------------|----------------------|------------------|------------------------|------------------------|
| N/A | | | | |

STATUTORY IMPLICATIONS

9. Section 5.56(1) and (2) of the *Local Government Act 1995* requires that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations. The advisory standard, framework and supporting guidelines stress the importance of measuring and reporting progress.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|-----------------|-----------------|---------------|--|
| <i>Reputation. Council fails to deliver against commitments made.</i> | <i>Unlikely</i> | <i>Moderate</i> | <i>Medium</i> | <i>Monitor and report performance quarterly and take appropriate action.</i> |

FINANCIAL IMPLICATIONS

12. While there are no direct financial implications in relation to this item the City monitor's financial trends to confirm that services, strategic priorities and projects are delivered within the constraints of the Annual Budget.

LEGAL IMPLICATIONS

13. There are no legal implications relevant to this report.

ENVIRONMENTAL CONSIDERATIONS

14. There are no environmental implications relevant to this report.

ALTERNATE OPTIONS

15. There are no alternate options relevant to this report.

CONCLUSION

16. The City Update provides a snapshot on how the City of Albany is performing against its Integrated Planning and Reporting framework.

| | | |
|-----------------------------------|---|--|
| Consulted References | : | Local Government Act 1995 Western Australia - Integrated Planning & Reporting Framework |
| File Number (Name of Ward) | : | CM.RVW.3 (All Wards) |
| Previous Reference | : | CCS173: City Update Quarter 4 – 2018/19 |

CCS193: SUNDRY DEBTOR WRITE OFF

Business Entity Name : City of Albany
Report Prepared By : Acting Manager Finance (S Van Nierop)
Assistant Accountant (E McGill)
Responsible Officers: : Acting Executive Director Corporate Services (D Olde)

CONFIDENTIAL REPORT

This report is confidential in accordance with section 5.23(2)(c) and (e, iii) of the Local Government Act 1995, being: (e) a matter that if disclosed, would reveal - (iii) information about the business, professional, commercial or financial affairs of a person.

STRATEGIC IMPLICATIONS

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

In Brief:

- Periodically, City officers review the aged debtors list and recommend writing off debts with little or no chance of recovery.
- City officers have reviewed overdue debts and taken action to recover amounts owing.
- The debt listed below is unable to be recovered.

RECOMMENDATION

**CCS193: RESOLUTION (AMENDED COMMITTEE RECOMMENDATION)
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR DOUGHTY**

THAT:

1. Council **APPROVE** the write off of the detailed sundry debt under section 6.12(1) of the Local Government Act 1995 as recommended in this report CCS193; and
2. **THAT** this matter be raised by the Audit and Risk Committee as part of the internal audit of the Procurement/Project Tender and Contract Management module which will be audited prior to the end of 2020.

**CARRIED 12-0
ABSOLUTE MAJORITY**

CCS193: AMENDMENT BY COUNCILLOR DOUGHTY

**MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR THOMSON**

THAT the Responsible Officer Recommendation be **AMENDED** to include the following:

THAT this matter be raised by the Audit and Risk Committee as part of the internal audit of the Procurement/Project Tender and Contract Management module which will be audited prior to the end of 2020.

CARRIED 7-6

Record of Vote

Against the Motion: Mayor Wellington, Councillors Terry, Hammond, Stephens, Goode and Shanhun.

This motion was not put to the vote as an amendment was proposed to the Responsible Officer Recommendation.

CCS193: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CCS193: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE the write off of the detailed sundry debt under section 6.12(1) of the Local Government Act 1995 as recommended in this report CCS193.

CCS194: SUNDRY DEBTOR WRITE OFF

Business Entity Name : City of Albany
Report Prepared By : Acting Manager Finance (S Van Nierop)
Assistant Accountant (E McGill)
Responsible Officers: : Acting Executive Director Corporate Services (D Olde)

CONFIDENTIAL REPORT

This report is confidential in accordance with section 5.23(2)(c) and (e, iii) of the Local Government Act 1995, being: (e) a matter that if disclosed, would reveal - (iii) information about the business, professional, commercial or financial affairs of a person.

STRATEGIC IMPLICATIONS

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

In Brief:

- Periodically, City officers review the aged debtors list and recommend writing off debts with little or no chance of recovery.
- City officers have reviewed overdue debts and taken action to recover amounts owing.
- The debt listed below is unable to be recovered.

RECOMMENDATION

CCS194: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR STEPHENS

THAT Council APPROVE the write off of the detailed sundry debt under section 6.12(1) of the Local Government Act 1995 as recommended in the confidential version of this report.

CARRIED 12-0
ABSOLUTE MAJORITY

CCS194: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS194: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE the write off of the detailed sundry debt under section 6.12(1) of the Local Government Act 1995 as recommended in the confidential version of this report.

CCS195: REGIONAL AIRPORTS PROGRAM – GRANT OPPORTUNITY

| | |
|------------------------------|--|
| Land Description | : Albany (Harry Riggs) Regional Airport |
| Proponent / Owner | : City of Albany |
| Business Entity Name | : City of Albany |
| Attachment | : <ul style="list-style-type: none">• Confidential (<i>Draft submission against funding criterion & Briefing on Upgrading Albany Code 3C to meet new Manual of Operating Standards – MOS139</i>) – <i>Distributed Separately</i> |
| Report Prepared By | : Manager Governance & Risk (Airport Operations) - S Jamieson |
| Responsible Officers: | : Acting Executive Director Corporate Services - D Olde |

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - **Themes:** Leadership, Clean, Green & Sustainable.
 - **Objectives:**
 - To provide strong, accountable leadership supported by a skilled and professional workforce; and
 - To build, maintain and renew city assets sustainably.
 - **Community Priority:**
 - Provide positive leadership that delivers community outcomes.
 - Design, construct and maintain infrastructure cost effectively in a manner that maximise its life, capacity and function.

Maps and Diagrams: Follow this report.

In Brief:

- Major Runway renewal works have been identified as being required in 2020.
- The Federal Governments Regional Airport Program Round 1 funding (33.3% matched) is now open, with applications closing on the 12 December 2019.
- Seek Minister for the Department of Transport (WA) approval to contribute towards the project.
- Approve the matched in-kind contribution from the Airport Reserve of \$1.667m.

RECOMMENDATION

CCS195: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY
MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT Council:

- (1) **NOTE that Regional Airports, such as the Albany (Harry Riggs) Regional Airport provide significant infrastructure investment, whilst not having the large passenger volumes to support a viable cost recovery model; and**
- (2) **NOTE modelling used in the City’s Asset Management Plan indicates that the Albany airport is socially sustainable (i.e. it only raises enough revenue to recover operating and current infrastructure capital costs).**

CCS195: RESPONSIBLE OFFICER RECOMMENDATION (continued)

(3) APPROVES formally:

- **Advising the State and Federal Government funding bodies that the City will financially commit to future runway renewal works, and APPROVE transferring \$1.667 million from the Airport Reserve, subject to a successful funding application; and**
- **Requesting both the Department of Infrastructure, Transport, Cities and Regional Development (Federal) and the Department of Transport (State) seek assistance from Airservices Australia to complement the runway upgrade with current air-navigational approach technology to address concerns raised by the Royal Flying Doctor Service (RFDS) in regards to Airport accessibility during inclement weather.**

CARRIED 12-0

BACKGROUND

2. Regional airports are required to provide significant infrastructure investment, whilst not having the large passenger volumes to support a viable cost recovery model.

Asset Management:

3. The City of Albany has been working with the Department of Transport (DoT) for the past 18 months to develop a Regional Airport Asset Management Plan (AMP).
4. The modelling used in the AMP indicates that the City of Albany aerodrome is socially sustainable, i.e. it raises enough revenue to recover operating and capital costs.

Asset condition:

5. The Albany Airport has an average asset condition across all assets of between Good (2) and Fair (3) on a scale of Excellent (1) to Failed (5).
6. The terminal building has recently been upgraded and is in Good (2) condition, however the Department of Transport (WA) Asset Verification Inspection assessed and rated the main runway as in Poor (4) condition.
7. The Asset Verification Inspection by GHD identified that the main runway asphalt surface is approaching end of life and requires replacement within the next two years.
8. The City of Albany (CoA) based on a previous inspection has the runway rated as Fair (3) condition.
9. It is requested that the City requests the Minister for Transport's approval to contribute towards the project and support the City's application for federal grant funding.

DISCUSSION

Asset Replacement, Upgrades and Disposals:

10. Asset renewal involves the replacement or refurbishment of an existing asset with a new asset capable of delivering the same level of service. Forecasting for asset renewal requirements is based on the Lifecycle Cost Model (LCCM).

11. The renewals investment at Albany Airport is dominated by the cyclical renewal of the runway surfacing which is predicted to occur on a 15 yearly cycle. The runway requires regular condition assessment (captured as an operational expenditure) to optimise the timing and type of asset renewal. And 2035 associated with the Runway 14/32 renewal.
12. Table 1 summarises the key capital expenditure projects and associated costs for the Airport over the short-term.

| CAPEX | Asset | Component | Year | Valuation Cost (FY18) |
|----------------|---------------------------------|----------------|-------------|-----------------------|
| Renewal | Runway 05/23 | Surface | 2019 | \$348,662 |
| Renewal | Hanger Area 2 | Surface | 2019 | \$179,245 |
| Renewal | Sealed Shoulders | Surface | 2019 | \$132,906 |
| Renewal | Hanger Area 1 | Surface | 2019 | \$52,054 |
| Renewal | Runway 14/32 | Surface | 2020 | \$4,917,423 |
| Renewal | Terminal Area and Tie Down Area | Surface | 2020 | \$563,182 |
| Renewal | Taxiway A | Surface | 2020 | \$161,863 |
| Renewal | Taxiway B | Surface | 2020 | \$23,681 |

Table 1 Summary of Planned Capital Expenditure Projects - Source LCCM - Capital)

13. The graph in Figure 1 highlights an expected funding short fall when the major capital expenditures related to airport pavements.

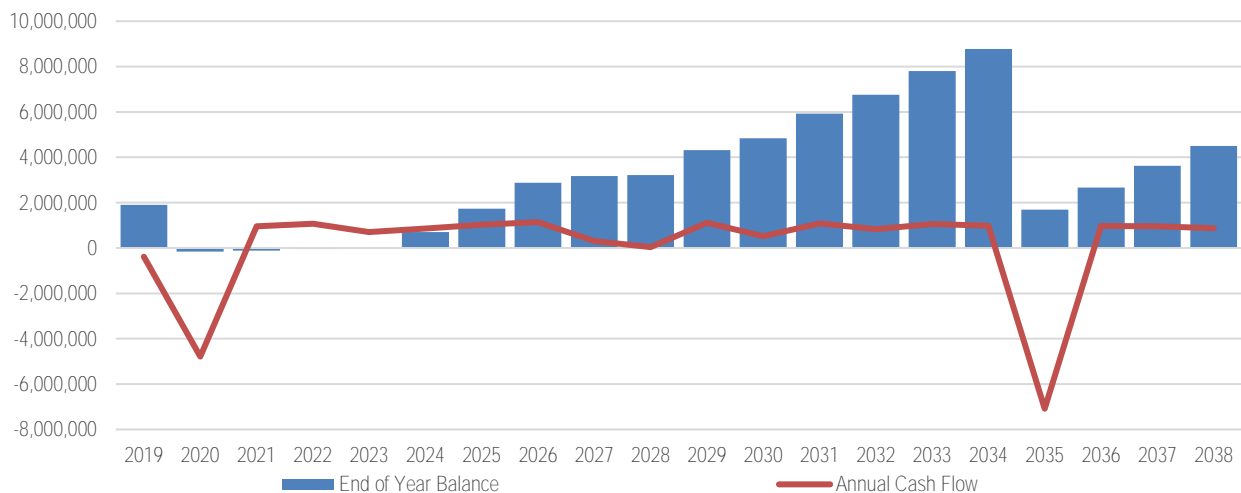


Figure 1 Albany Airport Reserve Balance 2019-2039

14. It is evident that alternative sources of funding to cover the forecast shortfall in 2020 and 2035 associated with the Runway 14/32 renewal is required, such as Federal and State government funding programs.
15. The objective of the funding program is to improve the safety and accessibility of airports or aerodrome in regional areas of Australia by assisting airport or aerodrome owners/operators to undertake essential works, promoting aviation safety and access for regional communities.
16. The funding is not available for upgrading the current runway rating to take larger aircraft.
17. A pictorial overview of upgrading the current Albany, Aerodrome Facility Reference Code 3C to meet the new Manual of Operating Standards (MOS) that comes into effect on the 2 August 2020, is detailed in the confidential attachment. This overview also details what would be required to upgrade to a Category 4C Aerodrome.

19. In summary the following provides a definition of the Aerodrome Facility Reference Codes are made up of a **Code Number** and a **Code Letter**:

| Aeroplane reference field length * | Code Number |
|---------------------------------------|-------------|
| Less than 800 m | 1 |
| 800 m up to but not including 1200 m | 2 |
| 1200 m up to but not including 1800 m | 3 |
| 1800 m and over | 4 |

Note: * The aeroplane reference field length is the minimum field length required for take-off at maximum take-off mass, at sea level, in standard atmospheric conditions, in still air and with zero runway slope. It is set out in the aeroplane flight manual.

| Wing span | Outer main gear wheel span * | Code letter |
|---------------------------------|---------------------------------|-------------|
| Up to but not including 15m | Up to but not including 4.5m | A |
| 15m up to but not including 24m | 4.5m up to but not including 6m | B |
| 24m up to but not including 36m | 6m up to but not including 9m | C |
| 36m up to but not including 52m | 9m up to but not including 14m | D |
| 52m up to but not including 65m | 9m up to but not including 14m | E |

* Outer main gear wheel span (OMGWS) is the distance between the outer edges of the main gear wheels. This value can be found in the aeroplane's operations manual.

20. The following provides an overview of the types of aircraft that can currently land at the Albany Airport, without being given dispensation:

| AEROPLANE TYPE | REF CODE |
|-------------------|----------|
| ATR 42-200 | 2C |
| Cessna 550 | 2C |
| DHC-8: | |
| 100 | 2C |
| 300 | 2C |
| Lear Jet 55 | 3A |
| IAI Westwind 2 | 3A |
| BAe 125-400 | 3B |
| Canadair: | |
| CL600 | 3B |
| CRJ-200 | 3B |
| Cessna 650 | 3B |
| Dassault-Breguet: | 3B |
| Falcon 900 | |
| Embraer EMB 145 | 3B |
| Fokker F28-2000 | 3B |
| Metro 23 | 3B |
| Shorts SD3-60 | 3B |

| AEROPLANE TYPE | REF CODE |
|---------------------------|----------|
| Bae: | |
| Jetstream 31 | 3C |
| Jetstream 41 | 3C |
| 146-200 | 3C |
| 146-300 | 3C |
| Bombardier Global Express | 3C |
| Embraer: | |
| EMB 120 | 3C |
| EMB 170 | 3C |
| Fokker: | |
| F27-500 | 3C |
| F28-4000 | 3C |
| F50 | 3C |
| F100 | 3C |
| SAAB SF-340 | 3C |

Note: The Fokker F100 lands regularly at the Albany Airport under dispensation for weight.

21. The grant funding assessment criteria used and justification (in part) that will be presented in support of the submission is detailed in the confidential attachment.

GOVERNMENT & PUBLIC CONSULTATION

22. **Consult:** Obtain stake-holder feedback on analysis, alternatives and decisions.
23. **Collaborate:** Partnering with the Civil Aviation Authority, Air services Australia, Regional Express (Rex), subject matter experts, state and federal government to consider upgrade alternatives and the identification of the preferred solution.

| Type of Engagement | Method of Engagement | Engagement Dates | Participation | Statutory Consultation |
|-----------------------|---|------------------|--|------------------------------|
| Consult & Collaborate | Face to face / formal correspondence | Quarterly | Stakeholders, federal, local, state, and airline (Rex) | Community Consultation Group |
| Consult & Collaborate | Meetings, document collaboration, email and telephone | On-going | Local, state appointed consultants | |

STATUTORY IMPLICATIONS

24. The *Civil Aviation Act 1988* (the Act) establishes the regulatory framework for maintaining, enhancing and promoting the safety of civil aviation, with particular emphasis on preventing aviation accidents and incidents.
25. The *Part 139 (Aerodromes) Manual of Standards 2019* (the MOS) sets out the standards for the construction, maintenance and operation of certified aerodromes, and the standards for radio communications facilities at all aerodromes.
26. The MOS prescribes, with quantitative dimensional precision, safety standards for a very wide range of technical matters pertaining to the physical construction and maintenance of a certified aerodrome, and the safety of landings, take-offs and surface movements.
27. *Local Government Act 1995*, section 6.8(1)(b): A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution. Voting Requirement: **Absolute Majority**.

POLICY IMPLICATIONS

28. Nil

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|---------------|-----------------|---------------|---|
| Financial & Reputational. <i>Financial savings not passed onto consumer, noting there is a community expectation that savings should be passed onto customers to reduce community fares, and in-turn facilitate a tourism visitor stimulus to the Albany and the region.</i> | <i>Likely</i> | <i>Moderate</i> | <i>High</i> | <i>Consider utilising savings made through Commonwealth and State funds to reduce REX Albany community fares.</i> <i>Include this in the funding proposal to both the State and Federal government funding bodies.</i> |

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|-----------------|--------------|---------------|---|
| <i>Analysis of the cost modelling contained within the AMP may identify potential positive funding benefits, such as reduced asset management costs.</i> | | | | |
| <p>Operations & Community Safety:</p> <p><i>Risk that the upgrade funding will not address, concerns raised by aviation operators.</i></p> | <i>Unlikely</i> | <i>Major</i> | <i>Medium</i> | <p><i>Clearly justify the rationale for the City's desire to improve safety, as articulated in the report.</i></p> <p><i>Seek additional funding.</i></p> |
| <p>Opportunity:</p> <p><i>Meet our communities' expectation for a safe aerodrome that is accessible in all weather.</i></p> | | | | |

FINANCIAL IMPLICATIONS

30. The full operational cost including depreciation of the Albany Airports assets still results in a subsidised operating result.
31. Therefore, seeking funding support is crucial.

City of Albany Contribution:

32. \$1.667 million from Airport Reserve (noting contribution can include, in-kind at \$39.00 per hour, for works conducted in-house by City staff).
33. Current balance of the Airport Reserve is \$2.355m (*actual 30 June 2019*)
34. Based on this contribution, the forecast closing balance for 30 June 2020, will be \$923 thousand.

Requested financial assistance:

35. Western Australian Government, **\$1.667m**, as follows:
 - a. \$ 1.08 million in 2020-21 Financial Year; and
 - b. \$ 0.587 million in 2021-22 Financial Year.
36. Commonwealth Government, \$1.667 million, noting the agreement goes out to June 2022.

Community Fares:

37. The City has collaborated with Regional Express (Rex) to deliver a highly successful community fare on the Albany/Perth route, which has seen a significant growth in passenger numbers, whilst not increasing the overall cost of airport fees and charges to Rex.
38. The three-year agreement commenced on 1 July 2017.
39. The City entered this agreement in good faith both parties agreed to include the requirement to provide a community fare on the Albany route at the set price.
40. As part of the current agreement, the City also agreed to fix the Rex Airport fees and charges (with CPI indexation) for the duration of the contract period.
41. The benefits from adopting this position was premised on:
 - a. Continuing to support the growth of the Rex's RPT passenger service and delivering improved socio economic benefits to the region,
 - b. Ensuring Rex continue to provide a low Community Fare for the next three years,

- c. Supporting and actively promoting growth in new inbound holiday and leisure air travel markets.
42. The City of Albany took the strategic decision to fix airport fees and charges, with the view that the community fare is of significant advantage to our community because it offers affordable airline travel.

LEGAL IMPLICATIONS

43. Legal implications will be addressed in the project management plan and conditions of funding agreement.

ENVIRONMENTAL CONSIDERATIONS

44. Environment implications will be addressed in the project management plan for any physical works.

ALTERNATE OPTIONS

45. No alternate option are proposed.

CONCLUSION

46. Noting the Albany Airports operational cost; which includes depreciation of a significant asset resulting in a subsidised operating result seeking funding support is crucial.
47. It is recommended that Council match funding with a one third contribution of \$1.6m from the Airport Reserve.

| | | |
|----------------------------|---|---|
| Consulted References | : | <ul style="list-style-type: none"> • Interpretation Act 1901 • Airport Master Plan 2012 • City's Airport Asset Management Frameworks and associated asset plans • Civil Aviation Safety Regulations 1998 • Part 139 (Aerodromes) Manual of Standards 2019 • Regional Airports Program – Round 1 Grant Opportunity |
| File Number (Name of Ward) | : | GS.APC.457 (All Wards) |
| Previous Reference | : | Audit & Risk Committee, 5 November 2019 Report AR069. |

**CCS196: NOMINATION TO THE GREAT SOUTHERN DEVELOPMENT
COMMISSION BOARD OF MANAGEMENT**

| | |
|-------------------------------|---|
| Proponent | : City of Albany |
| Attachments | : ICR19359508-Request for Nominations to the Great Southern Development Commission Board |
| Report Prepared By | : Chief Executive Officer (A Sharpe) |
| Responsible Officer(s) | : Chief Executive Officer (A Sharpe) |

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies
 - **Theme:** Smart Prosperous and Growing.
 - **Strategic Objectives:** To strengthen our region's economic base; and
 - To develop and promote Albany as a unique and sought after visitor destination.
 - **Community Priorities:** Strengthen our economy by supporting business innovation and diversity; and
 - Promote the Albany region as a sought after and iconic tourism destination.

In Brief:

- To advise Council of the call for nominations from the Great Southern Development Commission for vacancies on its Board of Management.

RECOMMENDATION

**CCS196: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

The following nominations for two vacancies on the Board of Management of the Great Southern Development Commission be **APPROVED**:

| |
|--|
| 1. Councillor Thomson |
| 2. Councillor Benson-Lidholm JP |
| 3. Councillor Terry |
| 4. Councillor Doughty |

**CARRIED 12-0
ABSOLUTE MAJORITY**

BACKGROUND

2. The Great Southern Development Commission (GSDC) is seeking nominations from local government representatives to fill two vacancies on its Board of Management.
3. In accordance with the *Regional Development Commissions Act 1993*, nominees for the vacancies must be members of the Council of a local government in the region, and are to be nominated by local governments in the region.
4. The terms of appointment will be for up to three years. The Minister for Regional Development, Hon Alannah MacTiernan MLC, will make the appointments to the Board after consultation with Cabinet.

DISCUSSION

5. Nomination forms can be obtained by contacting GSDC. All nominations must be accompanied by a current CV, and submitted no later than 5.00pm 20 December 2019.
6. Nominees are responsible for submitting their nominations forms.
7. Nominees should demonstrate the following skills:
 - Experience of decision making and planning at a local government level;
 - Active involvement in, and awareness of, economic and social development issues within the region;
 - Experience and/or knowledge of public sector governance, finance and risk management; and
 - A willingness and capacity to devote time and energy to the role.

GOVERNMENT & PUBLIC CONSULTATION

8. Not Applicable.

STATUTORY IMPLICATIONS

9. As the GSDC is not a committee of Council, the *Local Government Act 1995* does not apply, and there are no statutory implications.

POLICY IMPLICATIONS

10. Membership of the GSDC Board aligns with the City's Community Strategic Plan themes and priorities.

RISK IDENTIFICATION & MITIGATION

11. Nil.

FINANCIAL IMPLICATIONS

12. No direct financial implications have been identified.

LEGAL IMPLICATIONS

13. Nil.

ENVIRONMENTAL CONSIDERATIONS

14. Nil.

ALTERNATE OPTIONS

15. Council may choose to nominate no candidates, or less than four candidates.

| | | |
|-----------------------------------|---|--------------------------|
| Consulted References | : | Nil. |
| File Number (Name of Ward) | : | All Wards |
| Previous Reference | : | OCM 16/04/2013 Item 16.1 |

CCS197: REQUEST FOR NOMINATIONS TO SOUTH COAST ALLIANCE

- Attachments** : Governance and Meeting Framework (Council Committee Terms of Reference)
- Report Prepared By** : Manager Governance and Risk (S Jamieson)
- Responsible Officers:** : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
- **Theme:** Leadership.
 - **Objectives:**
 - To provide strong, accountable leadership supported by a skilled and professional workforce
 - To engage effectively with our community.
 - **Community Priorities:**
 - Provide informed and transparent decision making that is consistent with our strategic direct, meets our legal obligations, reflects the level of associated risk and is adequately explained to the community.
 - Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.

In Brief:

- Committee membership ceases at the time of the local government election. Nomination and appointments to committees are to be made at the first Ordinary Council Meeting held post the election.
- Nominations for the South Coast Alliance resulted in a ballot draw which was tied.
- Therefore, in accordance with the Act, nominations are called for at the next Ordinary Meeting of Council.

RECOMMENDATION

**CCS197: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR STOCKS**

THAT Report CCS197: Request for Nominations to South Coast Alliance Inc. be ACCEPTED as an Urgent Item in accordance with clause 3.5 of *Standing Orders Local Law 2014 (Amended)* for consideration by Council.

**CARRIED 12-0
ABSOLUTE MAJORITY**

Reason:

Nominations for representatives on the South Coast Alliance Inc. were called for at the Ordinary Council Meeting held on 29 October 2019. A ballot was conducted and a tie declared. In accordance with the *Local Government Act 1995*, this matter was deferred until the next Ordinary Council Meeting.

The report was omitted from the agenda for this meeting at the time of distribution due to an administrative oversight. Council is therefore requested to accept this report for consideration.

**CCS197: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

THAT Council APPOINT the following elected members to the South Coast Alliance Inc.

- | |
|-------------------------------|
| 1. Mayor |
| 2. Deputy Mayor |
| 3. Councillor Stephens |

**CARRIED 12-0
ABSOLUTE MAJORITY**

The Mayor and Deputy Mayor were appointed in accordance with the Terms of Reference of the South Coast Alliance Inc. Nominations were called for the one vacancy remaining.

Three nominations were received from Councillor Stephens, Councillor Benson-Lidholm JP and Councillor Terry.

A ballot was conducted and Councillor Stephens was the successful candidate.

BACKGROUND

2. In accordance with section 5.11(1)(d) of the *Local Government Act 1995* (the Act), a person's membership of a Committee is valid until the next ordinary local government election.
3. Therefore, nominations will be called for membership of all Council and external committees at the first Ordinary Council Meeting following the election.
4. Reports for consideration by Council are generally referred through a Standing Council Committee. Standing Committees operate in a functional, transparent and legally compliant meeting framework which provides an opportunity for elected members to engage in the development of strategy and policy.
5. Reports for consideration by Council should provide accurate and relevant information in order to facilitate informed decision making by elected members.
6. Standing Committees of Council are open to the public, with the exception of the Audit and Risk Committee.
7. The Terms of Reference and purpose of each committee are defined in the Governance and Meeting Framework.

DISCUSSION

8. At the Ordinary Council Meeting held on 29 October 2019, there was a tied vote for membership of the South Coast Alliance Inc. In accordance with the Act, appointments to the Alliance were not made at that meeting.
9. The Mayor and Deputy Mayor are automatically appointed to the Alliance as per the Terms of Reference, leaving one vacancy for an elected member to be appointed.

South Coast Alliance Inc.

The Alliance is comprised of representatives for the City of Albany, Shire of Denmark and Shire of Plantagenet. The Alliance promotes collaborative development in the region, and advocates for economic development, tourism and resource efficiency.

Executive Officer: Chief Executive Officer.

Meeting Schedule: Monthly.

Membership: Mayor, Deputy Mayor and one elected member.

GOVERNMENT & PUBLIC CONSULTATION

10. The *Local Government Act 1995* and supporting legislation and the Department of Local Government Guidelines were consulted.

STATUTORY IMPLICATIONS

11. In accordance with s5.11(1)(d) of the *Local Government Act 1995*, a person’s membership of a committee continues until the next ordinary local government election.
12. Division 2, Part 5 of the *Local Government Act 1995* deals with Council meetings, committees and their meetings.
13. Appointment to committees is by **Absolute Majority**.

POLICY IMPLICATIONS

14. There are no policy implications related to this report, unless the Terms of Reference for a committee to be amended.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|-----------------|-----------------|---------------|--|
| Business Operation <i>Risk: Members are not appointed to committees</i> | <i>Unlikely</i> | <i>Moderate</i> | <i>Medium</i> | <i>Elected Members are appointed to committees at a future council meeting. Officer reports and recommendations will be considered by whole of Council at Ordinary Council Meetings.</i> |

FINANCIAL IMPLICATIONS

16. A budget line exists for the cost of administering committees, including representation on external committees.

LEGAL IMPLICATIONS

17. The legal implication is related to compliance with specific provisions of the *Local Government Act 1995* including subdivision 2- Committees and their meetings.

ENVIRONMENTAL CONSIDERATIONS

18. There are no direct environmental considerations related to this report.

| | | |
|-----------------------------------|---|--|
| Consulted References | : | <i>Local Government Act 1995 Planning and Development (Development Assessment Panels) Regulations 2011 Department of Local Government Guidelines Governance and Meeting Framework Policy</i> |
| File Number (Name of Ward) | : | All Wards |
| Previous Reference | : | OCM 31/10/2017 Report Item CCS067 OCM 29/10/2019 Item CCS185 |

AR067: INTERNAL AUDIT – STRATEGIC INTERNAL AUDIT PLAN

Business Entity Name : City of Albany
Proponent : AMD Audit & Assurance t/as AMD Chartered Accountants
Directors: Tim Partridge and Maria Cavallo
Report Prepared By : Acting Manager Finance (S van Nierop)
Responsible Officers: : Acting Executive Director Corporate Services (D Olde)

CONFIDENTIAL REPORT

This matter was discussed under Confidential Cover, in accordance with s5.23(f) of the Local Government Act 1995; being a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

AR067: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR SMITH

THAT:

1. The Confidential Briefing Note outlining recommendations for the Internal Audit to be conducted by AMD be RECEIVED.
2. The Audit and Risk Committee AGREE upon the three modules recommended in the report to be audited by AMD in 2020, with the inclusion of the Procurement/Project Tender and Contract Management Module for auditing prior to the end of June 2020.
3. The City commit to a three year internal audit program with AMD with a minimum spend of \$60,000 over that three years.
4. The additional funding be incorporated in the next budget review.
5. The Internal Audit priorities be reviewed by the end of 2020.

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Goode

AR068: FRAUD AND CORRUPTION CONTROL POLICY

| | |
|------------------------------|---|
| Business Entity Name | : City of Albany |
| Attachments | : <ul style="list-style-type: none">• Annual Financial Report Interim Audit Results for the Year Ending 30 June 2019 (Confidential)• Report 5: 2019-20 - Fraud Prevention in Local Government• Fraud & Corruption Control Policy & Action Plan |
| Report Prepared By | : Manager Governance & Risk (S Jamieson) |
| Responsible Officers: | : Acting Executive Director Corporate Services (D Olde) |

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

AR068: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR SMITH

THAT:

- (1) **The Annual Financial Report – Interim Audit Results for the year ending 30 June 2019 be NOTED by the Committee; and**
- (2) **The Fraud & Corruption Control Policy that guides the Action Plan be ADOPTED.**

CARRIED 12-0

AR068: AMENDMENT BY COUNCILLOR DOUGHTY

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR TERRY

THAT:

- (1) **The Annual Financial Report – Interim Audit Results for the year ending 30 June 2019 be NOTED by the Committee; and**
- (2) **The Fraud & Corruption Control Policy that guides the Action Plan be ADOPTED.**

CARRIED 6-0

AR068: RESPONSIBLE OFFICER RECOMMENDATION

THAT:

- (1) The Annual Financial Report – Interim Audit Results for the year ending 30 June 2019 be NOTED by the Committee; and
- (2) The Fraud & Corruption Control Policy and Action Plan be ADOPTED.

BACKGROUND

2. As a result of high profile investigation into fraud in the public sector by the Corruption and Crime Commission (CCC) in Western Australia (WA), in particular local government entities, the Office of the Auditor General has recommended that in line with better practice, all entities should ensure they implement a coordinated approach to manage their fraud risks.
3. Entities should:
 - a. assess fraud risks across their business
 - b. develop a Fraud and Corruption Control Plan and review it at least once every 2years
 - c. develop and implement a periodic fraud awareness training program for all staff
 - d. ensure that all conflicts of interest are recorded, assessed and appropriate management plans are in place
 - e. have policies and procedures in place to verify the identity and integrity of employees and suppliers
 - f. document clear internal processes and systems to report any potential fraud, that include anonymous reporting
 - g. collect and analyse information received about potential fraud to identify any trends or emerging issues.

DISCUSSION

Annual Financial Report – Interim Audit Results for the year ending 30 June 2019

4. External audits, such as the interim audit conducted by the Office of the Auditor General (OAG), compliments the “Fraud & Corruption Control Policy & Action Plan” prepared for critique and Council adoption by drawing staff’s attention to deficiencies in internal control and other matters.
5. The interim audit was received on the 8 May 2019; addressed to the Mayor and Chief Executive Officer.
6. Noting the findings would be forwarded to the Minister for Local Government on completion of the audit it was considered appropriate to present to the Committee post the October 2019 election for openness and transparency.

Key to ratings detailed in the management letter:

7. The ratings in the attached management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if **action is not taken**.
8. Findings, recommendations and management comments are detailed in the attached management letter.

The Fraud & Corruption Control Policy & Action Plan

9. The attached report titled “**Report 5: 2019-20 - Fraud Prevention in Local Government**” - was tabled to parliament on the 15 August 2019; and all local governments have until the 15 November 2019 to comply.
10. Prior to this report being tabled, the City of Albany already had in place a working administrative policy position prepared by the Manager Governance & Risk and approved by the Executive as a working draft.
11. This working draft has been presented for critique by Council Committee.

GOVERNMENT & PUBLIC CONSULTATION

12. Consultation has been conduct in regards to interim report findings with the OAG, in particular the Senior Director Financial Audit.

STATUTORY IMPLICATIONS

13. Under section 7.12A of the *Local Government Act 1995*, all audited entities are required to prepare an action plan addressing significant matters relevant to their entity for submission to the Minister for Local Government within 3 months of this report being tabled in Parliament and for publication on the entity’s website.
14. This action plan should address the points above, to the extent that they are relevant to their entity, as indicated in this report.

POLICY IMPLICATIONS

15. There are direct policy implications related to this report.
16. Council is requested to review and determine the risk appetite in relation to supplier vetting.
17. Staff have recommended that for new contracts exceeding \$500,000 or have the potential to exceed, the following additional checks should be considered:
 - a. Corporate scorecard check which looks at Bankruptcy search;
 - b. Assessment of credit rating; and
 - c. Search of legal proceedings pending or judgements pending.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|-----------------|--------------|---------------|--|
| <i>Compliance Risks: Not be compliant, noting all local governments have until the 15 November 2019 to adopt a policy position and action plan.</i> | <i>Possible</i> | <i>Major</i> | <i>High</i> | <i>Formally adopt the Fraud Prevention Action Plan, implement plan, report findings and action areas of concern.</i> |

FINANCIAL IMPLICATIONS

19. There are no direct financial implications related to this report.

LEGAL IMPLICATIONS

20. Refer to the statutory implications section of the report.

21. Entities are required to meet a number of legislated responsibilities that help control fraud risks.
22. A summary of key elements are listed below, noting this list is not exhaustive:

| Legislation | Fraud related requirements |
|--|--|
| <i>Local Government Act 1995</i> | <ul style="list-style-type: none"> • disqualifies individuals from becoming elected members due to insolvency, criminal convictions, or misapplication of funds • councils must believe that a person is suitably qualified for the position of CEO, and CEOs must believe that staff are suitably qualified for their positions • all employees must be selected in accordance with the principles of merit and equity • mandates a general need for good government and the creation of a Code of Conduct • council members, the CEO and designated staff members must disclose financial interests' • employees must disclose any interests when they are advising or reporting to council • an audit committee must be formed • sets out penalties for improper use of information |
| Local Government (Rules of Conduct) Regulations 2007 | <ul style="list-style-type: none"> • requires council members to act ethically, be open and accountable • forbids council members from influencing employees or using their office for personal advantage • council members must declare any interests in matters being discussed at council or audit committee meetings • sets out restrictions on gifts and travel contributions to councillors and requirements for records to be kept |
| Local Government (Financial Management) Regulations 1996 | <ul style="list-style-type: none"> • CEOs are to establish efficient systems and procedures for collection and custody of money owing to the entity |
| Local Government (Audit) Regulations 1996 | <ul style="list-style-type: none"> • describes the function of the audit committee • Regulation 17 requires a CEO to review appropriateness and effectiveness of systems and procedures relating to risk management, internal control and legislative compliance. This is then reported to the audit committee |
| Local Government (Administration) Regulations 1996 | <ul style="list-style-type: none"> • sets out information on disclosure of financial interests • provides detailed information on what value of gifts must be reported and which are prohibited • requires a register of gifts to be publicly accessible • requires Codes of Conduct to contain information on gifts, travel contributions and disclosing interests |

ENVIRONMENTAL CONSIDERATIONS

23. Not applicable to this report.

CONCLUSION

24. That the Responsible Officer Recommendation be adopted.

| | | |
|----------------------------|---|--|
| Consulted References | : | <ul style="list-style-type: none">• <i>Local Government Act 1995</i>• Report 5: 2019-20 - Fraud Prevention in Local Government• Annual Financial Report – Interim Audit Results for the year ending 30 June 2019 |
| File Number (Name of Ward) | : | CM.STD.7 – Policy CM.STD.6 – Management Plan All Wards |
| Previous Reference | : | Not applicable. |

AR070: ANNUAL REPORT 2018-2019

| | |
|------------------------------|--|
| Proponent / Owner | : City of Albany |
| Attachments | : <ul style="list-style-type: none">• City of Albany Annual Report 2018/19 (which includes the City of Albany Annual Financial Report & Independent Auditors Report conducted by Moore Stevens on behalf of the Office of the Auditor General for the year ended 30 June 2019) |
| Report Prepared By | : Manager Governance & Risk (S Jamieson) Communications Manager (N Watson) |
| Responsible Officers: | : Acting Executive Director Corporate & Commercial Services (D Olde Cole) Executive Director Community Services (S Kay) |

STRATEGIC IMPLICATIONS

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

In Brief:

- Consider the acceptance of the City of Albany Annual Report 2018/19.
- Approve the proposed date for the conduct of the Annual Electors Meeting.

AR070: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR STEPHENS

THAT Council:

(1) In accordance with the requirements of section 5.54 of the *Local Government Act 1995* ACCEPT the City of Albany Annual Report 2018/19 (which includes the Auditors Report for the period ending 30 June 2019).

(2) In accordance with section 5.27 of the Act, the Annual Electors Meeting for the purpose of receiving the City of Albany Annual Report 2018/19 and other General Business will be held on Monday 16 December 2019 at 6.30pm.

CARRIED 12-0

BACKGROUND

2. The City of Albany is required to prepare annual financial reports in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.
3. There are also statutory annual reporting requirements under the Local Government (Administration) Regulations, such as the disclosure of the number of employees within certain salary bands.
4. In meeting these legal requirements, the City of Albany also takes the opportunity to provide the community with a broad report profiling their activities and achievements for the financial year.

DISCUSSION

Annual Financial Report for year ended 30 June 2019

5. **Financial Audit:** An onsite visit and audit of the Annual Financial Report 2018-19 was conducted by employees of Moore Stephens on behalf of the Office of the Auditor General.
6. The audit exit meeting between the City of Albany, Moore Stephens, and the Office of the Auditor General, was held at 6.00pm on Tuesday 5th November 2019. The Office of the Auditor General and Moore Stephens confirmed that the City has an unqualified audit result.
7. On 5/11/2019, the Audit & Risk Committee and other members of Council conducted a teleconference with the Moore Stephens who conducted the audit on behalf of the Office of the Auditor General.
8. On the 11/11/2017 the Draft Annual Financial Audit for the period ending 30 June 2019 was presented to the Audit & Risk Committee.
9. Staff advised the committee:
 - a. That the complete Annual Report will be presented to Council on the 26th November 2019, providing the Auditor General has signed the Memorandum confirming that the City's audit was complete and satisfactory.
 - b. In accordance with Section 5.27 of the Act, an Annual Electors Meeting must be held no later than 56 days after the local government has been accepted, and that 14 days public notice of the meeting must be given.
 - c. An Annual Financial Report is required to be compiled and subsequently audited, under the Local Government Act 1995 (the Act) and various Local Government regulations.
 - d. Should Council accept the 2017-18 Annual Report at this meeting, the Annual Electors Meeting will be scheduled for 6.30pm, Monday 16th of December 2019. Staff will ensure that local public notice is given 14 days in advance of the Annual Electors Meeting in accordance with Section 5.27 of the Act.
10. **Annual Report:** In accordance with the Act, in addition to the Annual Financial Report, the annual report must contain:
 - a. A report from the Mayor and CEO
 - b. An overview of the plan for the future of the district made in accordance with section 5.56 of the Act, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - c. The following prescribed matters, must be included in the Annual Report:
 - (i) Payments made to employees
 - (ii) Disabilities Services Act 1993 – Report made under sections 29(2)
 - (iii) Number of Complaints recorded in the Register of Complaints
11. The 2018-2019 Annual Report follows a similar structure to recent years, with a consistent look and feel, celebrating our people, facilities, achievements and our region and community through a wide array of images.
12. *Field of Light: Avenue of Honour* was a major highlight of the year and has been emphasised on pages 20-23 to celebrate its success and some of the stunning photos captured of the installation and event.
13. Reporting against the five key themes is in a table format this year to more easily define achievements against objectives and community priorities and create a stronger link back to the Community Strategic Plan.

GOVERNMENT & PUBLIC CONSULTATION

14. Post acceptance of the Annual Report (which includes the Annual Financial Report), Council is required to convene an Annual Electors Meeting as soon as practicable after the report has been accepted by the local government.

15. The CEO is to ensure the annual report is published on the local government’s official website within 14 days after the report has been accepted by the local government.
16. **Electors’ general meetings:** Section 5.27 of the Act, requires that a Meeting of the electors of a district be held once every financial year, not more than 56 days after the local government accepts the annual report for the previous financial year, and any other nominated general business.
17. The CEO is required to give at least 14 days local public notice of an electors meeting.
18. **Community Engagement:**

| Type of Engagement | Method of Engagement | Engagement Dates | Participation (Number) | Statutory Consultation |
|--------------------|--|--------------------------------|------------------------|------------------------|
| Inform | General meeting of electors – public meeting | 26/11/2019 to 16 December 2019 | Publically advertised | Yes |

STATUTORY IMPLICATIONS

19. In accordance with section 7.9 of the Act, an audit is required to examine the accounts and Annual Financial Report prepared for the Mayor, the CEO and the Minister.
20. Under the Audit and Risk Committee – Terms of Reference, the committee is to review the audit report and make appropriate recommendations to Council.
21. Section 5.54 of the Act, states in part: The Annual Report (which includes auditor’s report) is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.
22. Section 5.27 of the Act, requires that a Meeting of the Electors of a district be held once every financial year, not more than 56 days after the local government accepts the annual report for the previous financial year, and any other nominated general business.
23. The CEO is required to give at least 14 days local public notice of an electors meeting.
24. The voting requirement for ACCEPTANCE of the Annual Report is **Absolute Majority**.

POLICY IMPLICATIONS

25. There are no policy implications related to this item

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|-----------------|----------------------|---------------|--|
| <i>Operational. Management Audit Report not accepted by the Audit & Risk Committee.</i> | <i>Unlikely</i> | <i>Minor</i> | <i>Low</i> | <i>Audit & Risk Committee and Officers work with the auditors to address areas of concern to come to position of acceptance.</i> |
| <i>Statutory Non-Compliance. Council does not accept the Annual Report.</i> | <i>Unlikely</i> | <i>Minor</i> | <i>Low</i> | <i>City Officer will work with Council to come to a position of acceptance. Council set an alternate date to ensure compliance with the prescribed time period in accordance with the Act.</i> |
| <i>Reputation. Lack of community engagement.</i> | <i>Possible</i> | <i>Insignificant</i> | <i>Low</i> | <i>Notice of Annual Electors Meeting published, but not limited to, newspapers circulating throughout the district, on the City’s website and notices placed on community notice boards.</i> |

FINANCIAL IMPLICATIONS

27. There are no budget financial implications related to this report.

LEGAL IMPLICATIONS

28. The City has received an unqualified auditor’s report, therefore there are no legal implications related to this report.
29. In accordance with section 29(2) of the *Disability Services Act 1993*, a local government that has a disability access and inclusion plan must include in its annual report prepared under section 5.53 of the Act, a report about the implementation of the plan.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

31. The Council may accept as presented, accept with modification or reject the Annual Report.

CONCLUSION

32. As no matters of concern have been noted in the auditor’s report, it is recommended that the Responsible Officer’s Recommendation be adopted.

| | | |
|----------------------------|---|---|
| Consulted References | : | <ul style="list-style-type: none">• <i>Local Government Act 1995</i> (the Act);• <i>Local Government (Administration) Regulations 1996</i> |
| File Number (Name of Ward) | : | <ul style="list-style-type: none">• IM.PUB.24 (All Wards) – Publication - Annual Budget – City of Albany• FM.MEE.3 (All Wards) – Meetings – Audit & Risk Committee |
| Previous Reference | : | <ul style="list-style-type: none">• Audit & Risk Committee Meeting held on 11/11/2019 Resolution AR066. |

DIS180: UPDATE ON IMPLEMENTATION OF FOGO

Report Prepared By : Waste Project Officer (J Passmore)
Responsible Officers: : Executive Director Development, Infrastructure & Environment
(P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Clean, Green & Sustainable.
 - **Objective:** To identify and deliver improvements in sustainability within the City and wider community.
 - **Community Priority:** Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

In Brief:

- Council endorsement is sought to defer the commencement of the kerbside FOGO service to the first quarter of Financial Year (FY) 2020/2021.

RECOMMENDATION

DIS180: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the commencement of the kerbside FOGO service be DEFERRED until the first quarter of Financial Year 2020-21.

CARRIED 12-0

DIS180: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 11-0

DIS180: RESPONSIBLE OFFICER RECOMMENDATION

THAT the commencement of the kerbside FOGO service be DEFERRED until the first quarter of Financial Year 2020-21.

BACKGROUND

2. In May 2019 Council resolved:
 - a. That Council APPROVE the commencement of a kerbside FOGO service in January 2020 to properties receiving a kerbside waste collection.
 - b. That Council APPROVE Option 3, being fortnightly collection of all bins (FOGO, commingled recyclables and general waste) with weekly FOGO collection for 8 weeks during December-February.

DISCUSSION

3. In order to implement these changes a detailed review of the current contractual arrangements has been undertaken. Changes to the current contractual arrangements for both the Waste and Recycling and Greenwaste contracts are required in order to accommodate the FOGO service. This process has commenced and the City will implement the changes in accordance with the advice received from WALGA.
4. At present, there is no facility capable of accepting FOGO waste within the City. The City's current Greenwaste Processing contractor is implementing the modifications required by the Department of Water and Environmental Regulation to permit them to accept, transport and process food waste.
5. It is unlikely that the modifications to the facility, approvals and the contractual changes will be in place by January 2020. Delaying the commencement of the FOGO service will provide additional time to ensure the required modifications and approvals are in place.
6. The City has undertaken a lessons learnt process, including gathering information from other Local Governments and Contractors that have implemented either a three-bin GO or FOGO service. The insights from both other Local Government Authorities and contractors has recommended that January is not the preferred time to introduce changes to the service.
7. In October 2019, the City received notification that an application for Department of Water and Environmental Regulation funding for the Better Bins program was successful.
8. This funding provides \$30 per urban household to support a process to ensure all bin lids in the urban residential collection area are consistent with Australian standard colours (eg. red for general waste bins, yellow for recycling bins and lime green for FOGO bins).
9. It is proposed that the implementation of both the FOGO service and the changes to the bin lids are delivered as one streamlined project.
10. Postponing the start date will ensure that residents will only be impacted by one change rather than two, and the impact of communications is maximised in a less busy time of the year, rather than during the summer holiday period when some residents are absent and visitor numbers are high.
11. A start date of the first quarter of FY 2020-21 will provide enough time to implement the project and allow time to educate residents, not only on the changes to the bin lid but also outlining the new FOGO service. It will allow residents to adjust to the initial fortnightly FOGO collection period before the move to the weekly FOGO collection for eight weeks between December and February.
12. Commencing in January during the scheduled weekly FOGO collection period and then moving to fortnightly collections in mid-February may cause unnecessary confusion among residents.
13. The procurement and implementation of one project could reduce costs. Caddies and lids can be procured through one contract and implementation and lid changes can occur at the same time saving on implementation costs.
14. Delaying implementation to the first quarter of FY 2020-21 will ensure contractual arrangements and budget implications are finalised, required equipment is procured, routes and schedules are set, and communications are optimised for a smooth start to the service leading to maximum participation and best possible outcomes for the community.

GOVERNMENT & PUBLIC CONSULTATION

15. There has been no government consultation in relation to this item, although the City has been successful in receiving Department of Water and Environmental Regulation funding for the Better Bins program which will assist with communications for the FOGO service by providing all properties in the urban waste collection area with Australian standard colour bin lids.

16. The City is working with the Department of Water and Environmental Regulation's Waste Sorted program to develop communication materials for the introduction of the FOGO service.
17. There will be significant community education to advertise the start date of the FOGO service and how to effectively use the service. This will include Facebook, website, newsletter and newspaper advertising, workshops, displays, and information delivered with kitchen caddies to all urban households to assist with waste sorting.
18. Education is vital to the success of the project and it is vitally important to ensure that adequate time is provided to implement a comprehensive information and education process. Delaying the commencement will ensure that this is achieved.

STATUTORY IMPLICATIONS

19. Waste Avoidance and Recovery Act and associated Regulations.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|------------|-------------|---------------|---|
| Community <i>Risk: Postponing the start date may cause confusion among residents who expect the service to start in January.</i> | Possible | Low | Low | <i>Significant communications will be provided to residents to inform them of the confirmed start date and required actions.</i> |
| Reputation <i>Risk: Not delaying the start date may negatively impact the implementation process leading to discontent.</i> | Possible | Low | High | <i>Postpone start date to maximise community understanding and buy-in.</i> |
| Environment <i>Risk: When service commences there could be an increase in litter from overfull waste bins and illegal dumping</i> | Possible | Moderate | Medium | <i>A comprehensive implementation strategy to equip and educate the community encourage positive waste sorting behaviours will be essential. The City will work with relevant departments and community groups to provide options and assistance to minimise negative impact of the service change.</i> |
| Opportunity: <i>Delaying commencement of the FOGO service will ensure the required contracts, equipment purchases, communications and other implementation procedures are in place for a smooth start to the service. Delivering kitchen caddies and complementary information in a less busy time of the year is likely to optimise community understanding and effective participation in the new service. Delivering the bin lid change and changes to FOGO as one project will reduce costs and interruption to residents providing a better outcome and less inconvenience to the City's residents.</i> | | | | |

FINANCIAL IMPLICATIONS

22. There are no immediate financial implications related to this report. Any additional costs due to changes in contract arrangements are not understood and will be managed as part of the normal operational budget process for FY 2020-21.
23. There was \$255,000 allocated to Food Waste Diversion in the 2019/20 budget. It is proposed this continue to be utilised in this financial year towards preparations for implementation of the FOGO service with the remaining balance forward to next financial year.

24. The City was successful in an application for \$456,930 in funding for the Department of Water and Environmental Regulation’s Better Bins program to complement the introduction of the FOGO service.

LEGAL IMPLICATIONS

25. There are no legal implications related to this report.
26. Advice relating to contracts has been sought from WALGA and legal counsel.

ENVIRONMENTAL CONSIDERATIONS

27. The City of Albany values a clean, green and sustainable environment, and works to deliver a sustainable and efficient waste management service.

The FOGO service has potential to increase diversion of waste from landfill, reduce gas and leachate emissions associated with decomposing food in landfill and improve community waste and recycling habits.

28. Delaying the start date may have a small negative environmental impact as municipal food waste continues to go to landfill in the short term.
29. However, an effective implementation process will negate this in the long term, with improved understanding and participation from residents from the start of the service ensuring ongoing environmental benefits through optimal waste sorting and diversion.

ALTERNATE OPTIONS

30. Commencement of the FOGO service in January 2020 is not achievable.
31. Commence FOGO during the last quarter of this financial year, after March 2020 but before July 2020. This would provide a very tight timeframe for delivery and not enough time for implementation of a full education program.

CONCLUSION

32. It is recommended that Council approve the postponement of the kerbside FOGO service to the first quarter of Financial Year 2020-21.
33. This option is the recommended option as it allows for adequate time to plan the project effectively allowing for good delivery time for all lids, caddies and liners.
34. It also enables the City to undertake an extensive information and education program which is critical to a successful project. It will ensure that confusion to our residents is minimised and contamination rates are reduced.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | <ul style="list-style-type: none"> • City of Albany Community Waste Resource Strategy 2019-26 • State Waste Avoidance & Resource Recovery Strategy 2030 |
| File Number (Name of Ward) | : | CM.STD.6 (All Wards) |
| Previous Reference | : | DIS157 (OCM – May 2019) |

DIS181: FRENCHMAN BAY HERITAGE TRAIL – FEASIBILITY STUDY

- Land Description** : • City of Albany Managed Reserve 21337
• City of Albany Managed Reserve 26221
- Proponent / Owner** : City of Albany (Land vested in the care and control of the City of Albany)
- Attachments** : 1. Proposed Frenchman Bay Heritage Trail Feasibility Study – H+H Architects (September 2015)
2. Revised trail map (May 2016)
3. Trail & dam sketch (June 2016)
4. Community Engagement Report (Sep 2019)
5. Community Engagement Comments (Sep 2019)
- Report Prepared By** : Manger City Reserves (J Freeman)
- Responsible Officers:** : Executive Director Infrastructure Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

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

Theme: Leadership; and Clean, Green & Sustainable

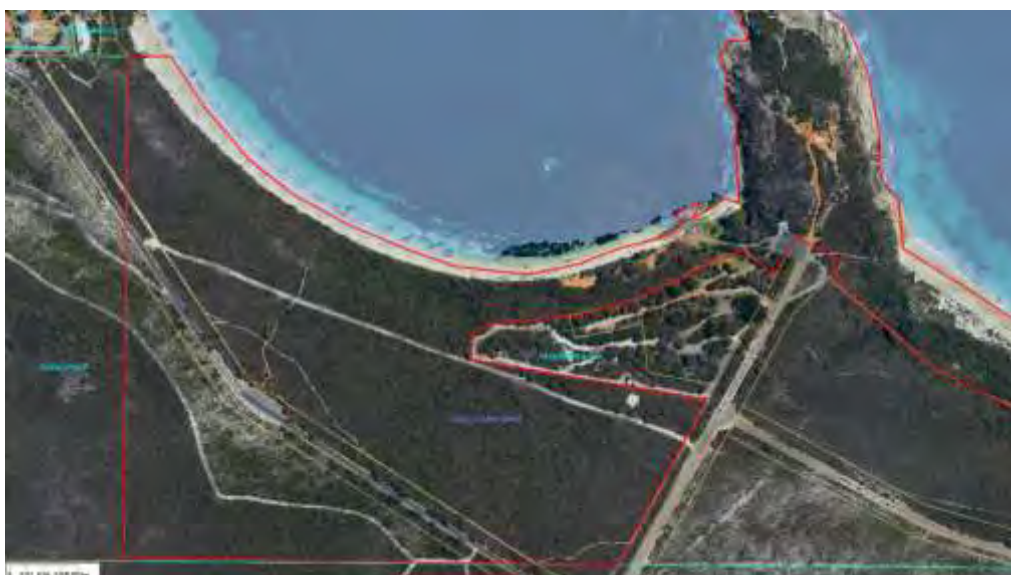
Objectives:

- To establish and maintain sound business and governance structures.
- To protect and enhance our natural and built environment in a changing climate

Community Priorities:

- Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.
- Sustainable protected and enhance our iconic coastline, reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves.

Maps and Diagrams:



Reserve 21337 – off Vancouver Road, Goode Beach

In Brief:

- Council endorsement is sought for the feasibility study and associated concept plans for Frenchman Bay Heritage Trail which will guide future development and improvements in the area, based on funding availability.

RECOMMENDATION

DIS181: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR STOCKS

THAT:

- 1) **The Frenchman Bay Heritage Trail Feasibility Study and concept plan be ENDORSED; and**
- 2) **The City supports, in principle, the Frenchman Bay Association seeking external funding to progress to the detailed design phase of the concept plan.**

CARRIED 12-0

DIS181: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 11-0

DIS181: RESPONSIBLE OFFICER RECOMMENDATION

THAT:

- 1) The Frenchman Bay Heritage Trail Feasibility Study and concept plan be ENDORSED; and
- 2) The City supports, in principle, the Frenchman Bay Association seeking external funding to progress to the detailed design phase of the concept plan.

BACKGROUND

2. The Frenchman Bay Heritage Trail is a project driven by the Frenchman Bay Association (FBA) which has been working on improving the trails within the area since 2015.
3. At the Ordinary Council Meeting in October 2017 the Frenchman Bay Heritage Trail Feasibility Study (DIS055) was brought to Council for endorsement and inclusion into the Trails Hub Strategy 2015-2025.
4. Feedback from the Goode Beach community suggested that the consultation undertaken had not been extensive and there was some opposition to the proposed trail.
5. Council therefore proposed an amended recommendation which was:
6. *THAT Council APPROVE the Frenchman Bay Heritage Trail Feasibility Study and Concept Plan for PUBLIC ADVERTISING and that submissions received as part of the public advertising be presented to Council with a Responsible Officer Recommendation at a future Council Meeting.*

7. The Feasibility Study was put out for public comment between 5 and 30 August 2019 and a community information session was undertaken on Sunday 11 August 2019. Noongar community representatives attended the information session.
8. A total of 28 formal submissions were received with 22 supporting. See Community Engagement Report attached for more details.
9. There has been a time delay between Council items due to a request from the Frenchman Bay Association that this item be delayed whilst other issues were being dealt with around Goode Beach.
10. The feasibility study makes recommendations for \$380,000 of upgrades to improve and create a loop trail that showcases the spectacular coastline and provides historical and cultural interpretation of Goode Beach.
11. This proposed trail is not to be included in the approved City of Albany Trails Hub Strategy 2015 – 2025 as there are a number of other priority projects in the vicinity within Torndirrup National Park and Discovery Bay.

DISCUSSION

12. The feasibility study has been developed by H+H Architects on behalf of the FBA. This study was developed in close consultation with City Reserves staff and local Noongar Elders.
13. The objective of the document is to establish a plan for a loop trail and associated interpretative signage that acknowledges the Noongar and European cultural heritage of the area. The plan identifies a total of 11 interpretative nodes along the trail and the background information for these have been researched and included in the plan.
14. An indicative cost estimate for the full project is \$380,000. Funding would need to come from a number of external grants if the project is to progress. Given that the project is not a priority in the Trails Hub Strategy, it is not proposed that the City contribute to the project at this stage.
15. The proposed trail has been developed as a standalone attraction and there may be potential to expand in the future (to Discovery Bay and Bald Head Island walk to the east and to Little Grove and the City centre to the west) to become a valuable section of a larger trail hub within the City. At this stage, the proposal is considered a worthwhile local community project however it is not considered a strategic priority.
16. The loop trail proposes to pass in front of Lots 1 and 2 Frenchman Bay Road and the structure plan allows for public access for this connection, however, this land is now up for sale and there would be negotiations required with new owners to confirm that this is still possible.
17. A revised map was submitted by the FBA in June 2016. This revised trail includes stairs down onto the beach from the Vancouver dam as a backup plan if access through Lots 1 and 2 cannot be successfully negotiated prior to construction.
18. Having an adopted feasibility study for the reserve will enable the FBA to apply for external funding opportunities in consultation with the City for the construction of the trail.

GOVERNMENT & PUBLIC CONSULTATION

19. Community Engagement

| Type of Engagement | Method of Engagement | Engagement Dates | Participation (Number) | Statutory Consultation |
|--------------------|----------------------------------|----------------------|-------------------------|------------------------|
| Inform | Public Comment Advertised | 5th-30th August 2019 | 28 submissions received | N/A |
| Consult | Community Information Session | 11th August 2019 | 43 | N/A |

20. 28 formal submissions were received as per the attached Community Engagement Report and Comments.
21. Through the development of the concept plan, the study authors consulted with a number of stakeholders during the planning of the trail to ascertain their views on the type, location and potential impact of the trail.
22. The organisations consulted include Albany Historical Society, Albany Museum, Department of Water, Department of Parks and Wildlife, Discovery Bay, Great Southern Development Commission, South Coast Natural Resource Management, Kinjarling Trail Project Committee and the City of Albany.
23. A site visit and walkover was held with two local Noongar Elders in early 2016 to discuss the plan. At this site visit, a number of concerns were raised about the underground water source that feeds the natural spring.
24. As a result of these concerns, the initial plan was amended and a new map showing the works around the spring and dam were altered. This amended plan was then presented to the Noongar Consultative Committee on 10 August 2017.
25. The committee supported the amended plan and the project, and noted that a formal heritage survey would be required as the next step prior to any on ground works. A detailed archaeological survey of Noongar heritage has been included as a specific step in the feasibility study.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

27. Nil

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|------------|-------------|---------------|---|
| Reputation. Community members negative response to additional clearing of vegetation | Possible | Moderate | Medium | Council ensures all appropriate studies and approvals are provided prior to any on ground works |
| Organisational Operations. Infrastructure not planned and built in a co-ordinated way. | Possible | Moderate | Medium | Council prioritises and implements works in accordance with current priorities. |
| Finance. Funding opportunities missed due to lack of planning. | Possible | Moderate | Medium | Council adopt the feasibility study. |
| Opportunity: To provide an interpretative trail that showcases natural and cultural heritage of Goode Beach | | | | |

FINANCIAL IMPLICATIONS

29. The construction of the trail and associated infrastructure will be funded through external funding bodies as opportunities arise. It is not proposed that City funds be directed to this project due to other priorities in the Trails Hub Strategy.
30. Once constructed, ongoing costs for maintenance and renewal will be the responsibility of the City of Albany and will be funded through the Reserves maintenance budget.

LEGAL IMPLICATIONS

31. There are no legal implications relevant to this item. All actions will be consistent with legislative requirements.

ENVIRONMENTAL CONSIDERATIONS

32. The purpose of both Reserves is consistent for this type of activity; R21337: Recreation, Pleasure Resort and Caravan Park and R26221: Recreation Special Conditions.
33. As a part of the feasibility study, Aurora Environmental undertook an initial environmental impact study of the area. They found four (4) potential threats that require further consideration prior to construction. These potential threats were spread of dieback, erosion, disturbance to rare and endangered flora, and fire.
34. All of above threats can be suitably mitigated as part of final trail design.
35. Prior to construction, all on ground works will be referred to the City Reserves officers to ensure all appropriate approvals and permits are in place and there are no outstanding environmental issues.

ALTERNATE OPTIONS

36. Council may choose not to endorse the Frenchman Bay Heritage Trail Feasibility Study and therefore the project will not proceed. Council may wish for plans to be altered or amended and represented to Council at a future time.

CONCLUSION

37. Frenchman Bay Heritage Trail feasibility study and concept plan is considered a worthwhile local community project which is currently not featured in the City of Albany Trails Hub Strategy.
38. This report recommends that the study be endorsed, allowing the Frenchman Bay Association to further progress the project, and explore avenues for funding in consultation with the City of Albany

| | | |
|-----------------------------------|---|--|
| Consulted References | : | City of Albany Trails Hub Strategy 2015 – 2025 |
| File Number (Name of Ward) | : | CR.COC.61 (Vancouver Ward) |
| Previous Reference | : | DIS055 - October 2017 |

DIS182: LOCAL STRUCTURE PLAN NO.10 – LOT 10 CHESTER PASS ROAD AND LOT 521 MERCER ROAD, WALMSLEY.

| | |
|---|--|
| Land Description | : Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley |
| Proponent / Owner | : Edge Planning & Property / Ardess 1607 Pty Ltd (A. Walmsley, F.Walmsley, G.Walmsley, P.Walmsley, E. Walmsley) |
| Business Entity Name | : Ten Year Developments Pty Ltd |
| Attachments | : <u>OCM November 2019</u> 1. November Schedule of Submissions 2. November Recommended Modifications 3. November Recommended Structure Plan Provisions 4. Combined Schedule of Modifications June and November 5. Ardess-Walmsley Local Structure Plan Final Background Information |
| Supplementary Information & Councillor Workstation | |
| Report Prepared By | : Senior Planning Officer – Strategic Planning (A Nicoll) |
| Responsible Officers: | : Executive Director Infrastructure, Development and Environment (P Camins) |

STRATEGIC IMPLICATIONS

1. The application for consideration proposes a structure plan to guide future development, subdivision and rezoning of land in the Walmsley area.
2. In making a decision on the proposed structure plan, the Council is obliged to consider;
 - a) *The Albany Local Planning Strategy 2010,*
 - b) *The Albany Local Planning Strategy 2019 (WAPC endorsed subject to modifications).*
 - c) *The Albany Industrial Land Strategy 2017; and*
 - d) *The Community Strategic Plan – Albany 2030.*
3. The structure plan complies with the strategic plans for the following reasons:

Albany Local Planning Strategy 2010

 - a) The Albany Local Planning Strategy (2010) seeks to provide the necessary land and supporting infrastructure to maintain an adequate supply and range of serviced industrial land in appropriate locations. The landholder of the Ardess Industrial Estate proposes to provide an additional supply of industrial land, which:
 - Is located with access to a 'Primary Distributor Road' (Chester Pass Road). Chester Pass Road is designed to facilitate efficient and safe regional and district traffic movement;
 - Is capable of accommodating additional light industrial activity, with a suitable buffer distance (200m) to designated residential land;
 - Achieves the Albany Local Planning Strategy goal of containing the spread of fragmented land to help protect biodiversity and the environment;

Albany Industrial Land Strategy 2017

- a) The *Albany Industrial Land Strategy (2017)* has recommended the investigation of land adjacent to the Ardess Industrial Estate, for Light and/or General industrial activities.

Albany Local Planning Strategy 2019

- a) The Albany Local Planning Strategy (2019) has the following overall Strategic direction: Support the growth of strategic and service industry by meeting the demand for industrial land and associated infrastructure requirements.
- b) The Albany Local Planning Strategy (2019) specifically Identifies the Ardess Estate as a light industrial expansion area and seeks to facilitate the preparation of a structure plan addressing the following matters:
- extent of expansion area;
 - justification for extent of expansion area;
 - industrial interface with residential land;
 - bushfire hazard;
 - impact on visual amenity and landscape;
 - land capability;
 - infrastructure constraints;
 - servicing requirements; and
 - any other requirements that may be determined by the City of Albany or State government agencies.
- c) The Albany Local Planning Strategy (2019) section 7.1 acknowledges that the impact of heavy freight movements on communities and tourism is significant and the management of potential road conflicts between heavy freight traffic and adjacent land uses is an important planning consideration.

It includes the following strategic direction: Provide for a safe and efficient road network that caters for the needs of freight, local and tourist traffic.

- d) The strategy also includes the following pertinent action;
- “Preserve Chester Pass Road and Hanrahan Road in Albany as major freight routes, until such time as the Albany Ring Road provides the more expedient and safer route for freight transport between the east and the port.”

Albany Community Strategic Plan – Albany 2030

- a) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

Maps and Diagrams: Subject Site – Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley.



In Brief:

- Local Structure Plan No.10 proposes the following key elements:
 - Additional light industrial development associated with the Ardess Industrial Estate;
 - Opportunity for Transport Depots; and
 - New areas for residential development, including a primary school and district sized public open space.
- At the June 2019 Ordinary Council Meeting, Council resolved to re-advertise the structure plan.

- The structure plan was re-advertised and additional comments were received.
- The proponent has undertaken a 'Transport Impact Assessment' to address concerns relating to accessibility of large trucks to and from the subject land (Restricted Access Vehicles).
- Main Roads WA has provided no objections to Restricted Access Vehicles using their road infrastructure (Chester Pass Road) to access the subject land and has no plans at this time to remove Restricted Access Vehicle access from the section of road.
- Main Roads however agrees that consideration should be given to restricting the establishment of industry requiring RAV access in the City of Albany within the Albany Ring Road, but as this is a town planning issue these outcomes need to be driven by the COA.
- City staff have recommended modifications to the structure plan to address concerns relating to land use, buffers, access capacity, habitat assessment, connection to services, stormwater management, density of land use and road upgrades.
- Council is requested to consider submissions received and to agree to recommend that the Western Australian Planning Commission support the Local Structure Plan No.10 subject to modifications, identified in the Schedule of Modifications

RECOMMENDATION

DIS182: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SUTTON

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

- 1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No.10, subject to modifications identified within the Schedule of Modifications.**
- 2. A further modification to Point 10 of the Strategies segment of the Draft Structure Plan as notified in the attached updated draft.**
- 3. A further modification to Point 10 to state that the Proponent of any transport depot to be accessed by RAVs and where RAVs are parked overnight shall apply for and obtain temporary development approval that shall be limited to a maximum period of five years**
- 4. Forward structure plan documentation, submissions and recommended modifications to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan.**
- 5. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.**

CARRIED 12-0

DIS182: AMENDMENT BY COUNCILLOR THOMSON
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SUTTON

THAT the following amendments be made to the Committee Recommendation:

1. A further modification to Point 10 of the Strategies segment of the Draft Structure Plan as notified in the attached updated draft.
2. A further modification to Point 10 to state that the Proponent of any transport depot to be accessed by RAVs and where RAVs are parked overnight shall apply for and obtain temporary development approval that shall be limited to a maximum period of five years.

CARRIED 12-0

Councillor Reason:

To ensure that the draft structure plan is clear on the point that temporary planning permission must be gained and that the maximum time frame for any temporary permission shall be five years.

Officer Comment:

The proposed amendment is supported by Staff as it will further clarify the requirements of any “Transport Depot” additional use.

This motion was not voted on as Councillor Thomson moved an Amendment to the motion.

DIS182: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SUTTON

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

1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No.10, subject to modifications identified within the Schedule of Modifications.
2. Forward structure plan documentation, submissions and recommended modifications to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan.
3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

DIS182: ALTERNATE MOTION BY COUNCILLOR TERRY
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR STOCKS

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

1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No. 10, subject to modifications identified within the ‘Combined June 2019 and November 2019’ Schedule of Modifications as appropriately amended:
 - a. That the structure plan is appropriately changed to:

- i. Support the use of “Transport Depot” on condition that any “Transport Depot” is only used by “as of right vehicles”.
 - ii. Recommend that any associated future scheme amendment includes appropriate modifications to Schedule 11 IA1; To include the use “Transport Depot” as a discretionary use on the condition that any “Transport Depot” is only used by “as of right vehicles”.
2. Forward structure plan documentation, submissions and recommended modifications to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan.
3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly, including that the City is supportive of expanding the light industrial area and allowing for additional residential and not supportive of transport depots being located at the subject site.

TIED 6-6
THE MAYOR EXERCISED HIS CASTING VOTE
MOTION LOST 6-7

Record of Vote

For the Motion: Councillors Terry, Stocks, Thomson, Smith, Stephens and Doughty.

Councillor Reason:

Since the Local Structure Plan was first lodged, the State and Federal Government have confirmed funding for the Albany Ring Road and have issued tenders for construction.

The main aim of building the Ring Road is to keep heavy freight vehicles, RAVs, away from the main roundabout and also away from residential and commercial zones on Albany Highway and Chester Pass Road inside the new Ring Road.

If Council were to permit a temporary approval for up to two Transport Depots, which by definition includes RAVs, then once the Ring Road is completed in early 2023 we will be permitting RAVs inside the Ring Road for up to three years.

When the temporary approval expires the lessee will need to relocate and any delay in relocation may lead to a compliance issue.

By making a long term strategic decision now based on the knowledge that the Ring Road will be completed in early 2023, Council will ensure that there are no compliance issues in the future and not require any temporary Transport Depots to relocate.

Officer Comment:

The Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed provisions for local planning schemes Schedule 2 part 9 Cl 72) enables a local government to issue Temporary Development Approvals.

“72. Temporary development approval

The local government may impose conditions limiting the period of time for which development approval is granted. “A Temporary Development Approval is an appropriate way to facilitate and control a land use approval in the interim whilst awaiting more certainty for changes to take affect within the statutory framework or environment.

Whilst Staff cannot assume that compliance action will be required, the alternative motion will remove the likelihood for any potential non-compliance even further.

The alternative motion will make little difference to the long term implementation of the Structure plan and any subsequent Planning Scheme.

Transport Depots that will allow “as of right vehicles” would be an appropriate long-term use for this area and will not have and a detrimental impact on the amenity of the area.

Staff therefore consider the alternative motion a suitable alternative.

DIS182: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 6-5

Record of Vote

Against the Motion: Councillors Doughty, Thomson, Smith, Stocks and Terry

DIS182: RESPONSIBLE OFFICER RECOMMENDATION

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

1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No.10, subject to modifications identified within the Schedule of Modifications.
2. Forward structure plan documentation, submissions and recommended modifications to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan.
3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

BACKGROUND

4. The proponent of the Ardess Light Industry estate (Lot 10 Chester Pass Road) approached the City with the idea of developing a Transport Depot.
5. The proponent was advised that a Transport Depot, located at the Ardess Light Industry estate is not currently permitted by the City's *Local Planning Scheme No.1*.
6. The City recommended that the proponent justify support for a Transport Depot via a structure plan proposal.
7. Subsequent to the above advice, in 2018 the proponent lodged a structure plan pertaining to Lot 10 Chester Pass Road and Lot 521 Mercer Road. The structure plan identified new areas for industry and residential and included provisions to support Transport Depots.
8. The structure plan was advertised and comments were received concerning allocation of public open space areas, buffers between industry and residential, management of stormwater, provision of utilities (e.g. sewer) and the suitability for Transport Depots.
9. The structure plan and associated comments were initially scheduled to be tabled at the May 2018 Council meeting. Prior to the Council meeting, the proponent withdrew the application to allow time to address matters of concern.
10. The proponent then prepared a new Structure Plan Map (2019), a new Stormwater Management Plan Map (2019), updated structure plan provisions and a Transport Impact Assessment to address matters of concern.
11. The Transport Impact Assessment calculated existing and future estimated vehicle movements on roads servicing the structure plan area. Based on vehicle movement calculations and current road design, the Transport Impact Assessment recommended limiting the amount of transport depots which utilise Restricted Access Vehicles (RAV's) to two (2).

12. The Transport Impact Assessment also confirmed that the private access road between Chester Pass Road and the Ardess industrial estate is capable of accommodating Restricted Access Vehicles (Large Trucks - RAV's > 19m in length), subject to widening of the Ardess Private Access Road to allow for RAV's to pass each other.
13. The updated plans and provisions were presented to the June 2019 Council meeting with a recommendation for support. Council resolved to defer the item to allow the structure plan to be re-advertised to obtain feedback from the community and affected stakeholders on the proposed changes.
14. Council is now requested to consider the submissions received following public re-advertising and determine whether to support the structure plan.

DISCUSSION

15. The following paragraphs discuss the key matters raised during the latest round of advertising, these matters include:
 - a) Ensure subdivision and development of the structure plan area mitigates any increase in stormwater runoff volume and rate so as not to affect land south of Mercer Road (Lot 990).
 - b) Protect environmental values associated with a watercourse running through Lot 10 Chester Pass Road.
 - c) Ensure the section of Chester Pass Road between Menang Drive and the Ardess industrial estate is capable of handling the movement of Restricted Access Vehicles (Trucks > 19m in length).
 - d) Ensure a temporary approval process for transport depots does not lead to compliance issues with transport depots refusing to relocate once their approval has expired.
 - e) Some members of the community are of the view that Restricted Access Vehicles will be removed from the subject section of Chester Pass Road, due to the impending development of the Albany Ring Road.
 - f) That the provision for major transport depots and RAVs at the Ardess industrial estate appears to be completely at odds with sensible strategic planning.
 - g) The proposal to create Terry Road as an 'Integrated Arterial Road' is contrary to the recently approved Warrenup-Walmsley Local Structure Plan.
 - h) The proposed modification to the structure plan reduces the retention of native vegetation.
16. The submissions received cover a broad range of matters, which are addressed in the attached Schedule of Submissions. The key matters which emerged are discussed in more detail below:

Stormwater

- a) A landholder to the south of the structure plan area (Lot 990 Mercer Road), considers that development of the structure plan area may require the development of a 'Living Stream' over Lot 990.
- b) The development of the structure plan does not result in the requirement for a living stream. Local Structure Plan No.10 does not apply to Lot 990 Mercer Road and is not relying on Lot 990 to manage stormwater.
- c) Development within the structure plan area will be required to mitigate any increase in runoff volume and rate caused by more paved areas, steep gradients and reduction in soil infiltration.
- d) Provisions have been included in the structure plan to ensure stormwater is appropriately managed.

Watercourse

- a) It was commented that effluent from industrial development should be controlled so as not to impact on the environmental values of a watercourse running through Lot 10.

- b) Controls to protect environmental values of the watercourse have been proposed. The following structure plan and scheme provisions address effluent management associated with industries:
- *Retention and infiltration are to occur on site using individual soakwells, retention basins or other measures as deemed necessary. Oil and grease traps are to be provided within each building site to the satisfaction of the local government to ensure that nutrient export off the site is kept to a minimum.*
 - *To protect development from inundation or flooding; to maintain the environment in its natural form; and to ensure the natural biophysical processes of the watercourse are accommodated, the construction or placement of any building or on-site effluent disposal systems shall be setback so as to achieve a minimum separation distance from the known high-water mark of a watercourse as follows: 30 metres from any seasonally flowing watercourse*
- e) It is considered that the above provisions mitigate concerns in respect to the environmental values of the watercourse running through Lot 10.

Transport Depots

- a) It was commented that transport depots may result in traffic conflict issues on Chester Pass Road.
- b) A Transport Impact Assessment confirmed that traffic conflict on Chester Pass road is not expected until such time that the whole structure plan area has been developed. In respect to this, the Transport Impact Assessment recommended that:
- *A right turn exit ban from the Private Access Road to Chester Pass Road will likely be required following full development of the site; and*
 - *Right turn restrictions wouldn't be required immediately as they would be subject to future surrounding intersection works on Chester Pass Road and future through traffic volumes on Chester Pass Road.*
- c) Controls to ensure safe Restricted Access Vehicle movement to the industrial precinct were recommended and include:
- *A right turn exit ban from the Private Access Road to Chester Pass Road required following full development of the site. Any right-turn ban would best be achieved through signage, as opposed to physical design.*
 - *Trees on the inner radius of the bend in the Private Access Road to be removed to allow for appropriate sight lines for oncoming traffic. Provide additional shoulder width at the corner to allow for two opposing RAV's to pass each other simultaneously (as per the Transport Impact Assessment report 2019).*
- d) The Transport Impact Assessment modelled transport movement considerate of various factors, including the development of 30 industries at the Ardess Estate and the movement of around 180 Restricted Access Vehicles (90 Restricted Access Vehicles with 2 movements per day – one in and one out of the estate). Based on the modelling, it has been recommended that a limit is placed on the amount of transport depots operating within the industrial estate. It is considered that the restriction on the number of RAV transport depots to two will address a number of the safety concerns expressed by members of the public.
- e) It is noted that Main Roads WA has made reference to the City of Albany giving consideration from a town planning perspective to restricting RAV industries within the Albany Ring Road. Noting the other points of the Main Roads WA submission, in conjunction with the proposed reduction and limit on the number of RAV level transport depots, it is considered that the proposed structure plan will not prejudice holistic consideration of the matter at a later date.

Temporary Approval

- a) It was commented that the proposal to temporarily approve transport depots is unworkable. It was commented that transport depots, once established, would not relocate once their approval notice has expired.
- b) The provision to limit the approval period of transport depots is subject to on road (Chester Pass) vehicle restrictions, which may be instigated by Main Roads WA on an as required basis after consultation with the City of Albany.
- c) Each transport depot would be required to obtain a temporary planning approval prior to being developed. If subsequently on road vehicle restrictions are imposed, then restricted access vehicles would not be able to gain access to the site on which planning approval is granted. Should a transport depot choose not to relocate once its time limited approval has expired, it would be in breach of its planning approval and be committing an offence under the *Planning and Development Act 2005*. Such an offence is liable to a fine of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.
- d) If on road vehicle restrictions are not imposed by Main Roads, and there is no traffic conflict on Chester Pass Road, then the transport depot may re-apply for a new temporary approval (5 years).
- e) In addition to the above, it is considered that the revised limit of two RAV level Transport Depots will be more manageable in respect to monitoring approvals.

Ring Road

- a) It was commented that Restricted Access Vehicles will likely be removed at an undetermined time after the completion of the ring road from the subject section of Chester Pass Road.
- b) Main Roads WA acknowledged that Chester Pass Road is approved for use by Restricted Access Vehicles and that Main Road WA does not currently have plans to remove accessibility rights. They further state that vehicle restrictions will be instigated on an as required basis after consultation with the City of Albany and industry.
- c) Main Roads agrees that consideration should be given to restricting the establishment of industry requiring RAV access in the City of Albany within the Albany Ring Road, but as this is a town planning issue these outcomes need to be driven by the COA.

Strategic Planning

- a) It was commented that transport depots and RAVs at the Ardess industrial estate is at odds with sensible strategic planning.
- b) City of Albany staff consider that enabling transport depots to establish at the Ardess Industrial Estate represents a viable alternative (lease opportunity) to locating at the Pendeen Industrial Estate, which is currently the only estate in Albany located adjacent to the Albany Ring Road and with approved RAV access.
- c) The recommendation to support transport depots at the Ardess industrial estate is in response to the *Albany Industrial Land Strategy (2017)*, which recommends the investigation of land adjacent to the Ardess Industrial Estate, for light and/or general industrial activities.

Terry Road

- a) It was commented that Terry Road should be constructed as a 'Neighbourhood Connector Road' and not an 'Integrated Arterial Road'.
- b) The structure plan recommends, in accordance with the Western Australian Planning Commissions 'Liveable Neighbourhoods' document, the development of Terry Road as an 'Integrated Arterial Road'. This is because the road is planned to:
 - Provide connection between centres and other key destinations (e.g. Bayonet Head and Albany's CBD); and
 - Be designed with limited crossovers to enable the convenient movement of vehicles and cyclists.

Native Vegetation

- a) The Department of Biodiversity, Conservation and Attractions expressed concern over the loss of vegetated habitat due to the proposal to clear vegetation to accommodate residential development.
 - b) The structure plan recommendation for residential development is in response to the City's Local Planning Strategy 2010, which identifies the subject land for 'urban' development. Other than the City buying land to protect vegetation or the Environmental Protection Authority issuing a protection order, there is limited statutory ability to protect the strip of vegetation located within the structure plan area.
 - c) As per Department of Environment Regulations clearing guidelines, the structure plan recommends the clearing of vegetation on the basis that:
 - The native vegetation does not comprise of a significant habitat (narrow strip of vegetation);
 - The native vegetation does not comprise a high level of biological diversity;
 - The native vegetation is not significant as a remnant of native vegetation in an area;
 - The native vegetation is not in association with a watercourse or wetland;
 - The clearing of native vegetation is not likely to exacerbate the incidence or intensity of flooding or deterioration in the quality of surface or underground water.
 - d) Prior to rezoning the native vegetation strip to enable residential development, an application may need to be made to the Environmental Protection Authority and Federal Department of Environment and Energy.
17. It is recommended that the Council agree to recommend that the Commission support the submitted structure plan subject to the modifications shown by an updated structure plan map, updated stormwater management map, updated structure plan provisions and Transport Impact Assessment.

GOVERNMENT & PUBLIC CONSULTATION

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

| Type of Engagement | Method of Engagement | Engagement Dates | Participation (Number) | Statutory Consultation |
|-------------------------|---|--------------------------------|------------------------|---|
| Statutory Consultation. | Mail out to agencies and adjoining landowners / occupiers and advertised in newspaper and on website. | 8 February 2018 – 8 March 2018 | 11 Submissions | <i>Planning and Development (Local Planning Schemes) Regulations 2015, Part 4, cl.18.</i> |
| Statutory Consultation. | Mail out to agencies and adjoining landowners / occupiers. | 4 July 2019 – 1 August 2019 | 27 Submissions | <i>Planning and Development (Local Planning Schemes) Regulations 2015, Part 4, cl.19 (d).</i> |

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

29. The Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation recommended protecting a strip of native vegetation, located in the northern precinct of the structure plan.
30. The City recommends that a portion of the native vegetation is cleared for residential development and a portion is ceded as public open space for nature oriented activities.
31. Prior to rezoning the native vegetation strip to enable residential development, an application may need to be made to the Environmental Protection Authority and Federal Department of Environment and Energy.

ALTERNATE OPTIONS

32. Council may consider alternate options in relation to the structure plan, including;
- a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed structure plan; or
 - b) Recommend that the Western Australian Planning Commission approve the proposed structure plan without modification; or
 - c) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to additional modifications and or provisions.
33. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, modifications to a structure plan may not be advertised on more than one occasion without the approval of the Commission.

CONCLUSION

34. The subject land comprises Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley.
- a) Lot 10 is currently zoned 'Light Industry' and partly developed to accommodate various industries including, garden centre, warehouse, storage, rural and workshop. The remainder of Lot 10 is vacant.
 - b) Lot 521 is currently zoned 'General Agriculture' and is used for livestock grazing. A vegetated area is located in the northern section of the lot.
35. The Structure Plan No.10 is proposing new areas for light industrial development (Lot 10 Chester Pass Road), and new areas for residential development (Lot 521 Mercer Road).
36. It is proposed that Transport Depots may be considered for development approval at the Ardess industrial estate, subject to complying with buffers to residential areas, access upgrades and limited use by restricted access vehicles.
37. Main Roads WA has raised no concerns with Restricted Access Vehicles using their road infrastructure (Chester Pass Road) to access the subject land.

38. Main Roads agrees that consideration should be given by the City to restricting the establishment of industries requiring RAV access in the City of Albany within the Albany Ring Road. The *Albany Local Planning Strategy (2010)* seeks to encourage the development of the Structure Plan area for urban growth. The *Albany Industrial Land Strategy (2017)* has recommended the investigation of land adjacent to the Ardess Industrial Estate, for light and/or general industrial activities.
39. The Albany Local Planning Strategy (2019 specifically Identifies the Ardess Estate as a light industrial expansion area and seeks to facilitate the preparation of a structure plan for the area.
40. The structure plan was advertised with a number of submissions received. The structure plan provisions have subsequently been recommended to the address matters raised.
41. Council is requested to agree to recommend that the Western Australian Planning Commission approve the structure plan subject to modifications.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | <ol style="list-style-type: none"> 1. <i>Local Planning Scheme No.1;</i> 2. <i>Local Planning Strategy 2010;</i> 3. <i>Draft Government Sewerage Policy;</i> 4. <i>State Planning Policy 2 Environment and Natural Resources Policy;</i> 5. <i>State Planning Policy No. 2.9 Water Resources;</i> 6. <i>State Planning Policy 5.4 Road and Rail Noise;</i> 7. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas;</i> 8. <i>Liveable Neighbourhoods;</i> 9. <i>EPA Guidance Statement No 3 - Separation Distances Between Industrial and Sensitive Land Uses.</i> |
| File Number (Name of Ward) | : | LSP10 (Yakamia Ward) |
| Previous Reference | : | OCM DIS093 22/5/2018 OCM DIS165 25/6/2019 |

DIS183: DRAFT KALGAN RURAL VILLAGE COST APPORTIONMENT SCHEDULE POLICY

| | |
|-----------------------------|---|
| Land Description | : Kalgan Rural Village Structure Plan area |
| Proponent | : City of Albany |
| Owner | : Various |
| Business Entity Name | : City of Albany |
| Attachments | : Draft Kalgan Rural Village Cost Apportionment Schedule of Submissions |
| Report Prepared by | : Development Engineer (A Millar) |
| Responsible Officer | : Executive Director Infrastructure, Development and Environment (P Camins) |

STRATEGIC IMPLICATIONS

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

In Brief:

- The adoption of the *Kalgan Rural Village Structure Plan* has led to a number of applications for subdivision within the area. The intensification of residential land use will increase the population of the area and create significant demands on existing infrastructure.
- The Draft Local Planning Policy will review/establish a Cost Apportionment Schedule, which prescribes appropriate financial contributions from developers toward the upgrade of road infrastructure within the Structure Plan area.
- The Kalgan Rural Village Cost Apportionment Schedule Policy (KRVCASP) has been prepared in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- The KRVCASP was endorsed by Council in June 2019 for advertising, which has now been completed. Several submissions were received and summarised in the attached Schedule of Submissions.

RECOMMENDATION

DIS183: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR STEPHENS

That Council in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to MAKE the Kalgan Rural Village Cost Apportionment Schedule Policy (as set out as an attachment to this item) subject to the following modifications:

- **Adjust the apportionment cost to upgrade Riverside Road for sealing works only.**
- **Adjust the number of lots contributing to Riverside Road from Lot 601.**

CARRIED 12-0

DIS183: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 11-0

DIS183: RESPONSIBLE OFFICER RECOMMENDATION

That Council in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to MAKE the Kalgan Rural Village Cost Apportionment Schedule Policy (as set out as an attachment to this item) subject to the following modifications:

- Adjust the apportionment cost to upgrade Riverside Road for sealing works only.
- Adjust the number of lots contributing to Riverside Road from Lot 601.

BACKGROUND

4. The Kalgan Rural Village Structure Plan (KRVSP) was adopted by Council on 21 June 2011 and subsequently endorsed by the Western Australian Planning Commission. However, the Structure Plan did not incorporate a development contribution plan to apportion cost contributions to developers for upgrade of infrastructure within the Structure Plan area.
5. In 2014, a previous version of this policy was advertised but not adopted. The policy was not adopted as a bridge upgrade by Main Roads WA and associated funding changes were imminent.
6. Main Road WA have now completed the bridge works and the City has acquired the land required for the bridge and future intersection works using contributions received. On this basis, a more accurate figure for the cost of expected upgrades is now available.
7. Contributions based on the 2014 schedule were received for a number of subdivisions and these contributions have been used for some of the upgrades already.
8. Council are now requested to consider the submissions received, and determine whether to adopt the Kalgan Rural Village Cost Apportionment Schedule Policy.

DISCUSSION

9. The Kalgan Rural Village Structure Plan has enabled higher density subdivision to occur within the subject area. A number of subdivision applications have been received, and further subdivisions are expected. Over time, the continued intensification of the residential land uses will increase the population of the area and create significant demands on existing infrastructure.
10. A number of road upgrades are necessary to ensure that the road network in the area is safe and will meet the expectations of the current and future land owners. The endorsed Kalgan Rural Village Structure Plan requires that contributions are made to upgrade a number of roads within the Structure Plan area.
11. The total road upgrade cost has been calculated for the entire development area to meet the needs of a 'build-out scenario' (i.e. all lots able to be created, are created) and apportioned across the development.
12. The City of Albany local planning policy is an appropriate mechanism to formalise the process of obtaining funds for standard infrastructure at the subdivision stage. It is necessary to note that as this policy pertains to standard infrastructure, it is not impacted upon by *State Planning Policy 3.6 – Development Contributions for Infrastructure and Part 7 of the Planning and Development (Local Planning Scheme) Regulations 2015*.
13. By adopting a policy position on the matter, the City of Albany will give developers a clear directive on appropriate financial contributions to assist with the upgrade of infrastructure within the Structure Plan area.

14. The *Kalgan Rural Village Cost Apportionment Schedule policy* is consistent with the requirements of both the *Kalgan Rural Village Structure Plan* and in general with the principles set out in *State Planning Policy 3.6 – Development Contributions for Infrastructure*.
15. Once the policy is adopted, in situations where contributions have been received by previous subdivisions, the City of Albany will refund the difference of any excess contributions.
16. The modification to limit the cost contribution to the sealing only on Riverside Road is due to the improvements to widening the existing culverts and cutting of the crest to improve the vertical geometry being existing issues, and not being created by an increased demand from the road.
17. The modification to maintain the same number of lots from Lot 601 contributing to Riverside Road as per the original apportionment schedule is a fair and equitable approach given the higher subdivision lot yield, and future connection to Hunton Road which was not part of the original Structure Plan.
18. A total of 8 submissions were received through the advertising process. Generally, the submissions are mostly in support of the proposed policy, with the majority of the submissions being subdividers seeking reimbursement as a result of the reduced cost per lot contribution.

GOVERNMENT & PUBLIC CONSULTATION

19. The *Kalgan Rural Village Cost Apportionment Schedule policy* was advertised in the local newspaper, and in a letter to all lots within the Kalgan Rural Village Structure Plan area. A summary of each submission and City of Albany response is summarised on the attached Schedule of Submissions.

| Type of Engagement | Method of Engagement | Engagement Dates | Participation (Number) | Statutory Consultation |
|-------------------------|--|---------------------------------|------------------------|--|
| Statutory Consultation. | Mail out to landowners in the Kalgan Rural Village Structure Plan area and advertised in newspaper and on website. | 8 July 2019 until 8 August 2019 | 8 Submissions | <i>Planning & Development (Local Planning Schemes) Regulations 2015, Part 2, cl.4 (1).</i> |

STATUTORY IMPLICATIONS

20. There are no statutory implications relating to endorsing the proposed Kalgan Rural Village Cost Apportionment Schedule as a local planning policy.
21. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

22. A local planning policy is the appropriate mechanism to formalise the process of obtaining funds for standard infrastructure at the subdivision stage. It is necessary to note that as this policy pertains to standard infrastructure, it is not impacted upon by *State Planning Policy 3.6 – Development Contributions for Infrastructure* and Part 7 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|------------|-------------|---------------|---|
| Reputation The costs of infrastructure contributions within the Contribution Policy are under-estimated | Possible | Moderate | Medium | The plan has been developed using a balanced approach with all available information. |
| Reputation Developers may still dispute the contribution amounts prescribed. | Possible | Moderate | Medium | Contributions are based on sound principles and financial analysis. |
| Opportunity: To facilitate the development of the Kalgan Rural Village Structure Plan by sharing infrastructure costs in an equitable manner. | | | | |

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

27. There are no environmental implications relating the adoption of the local planning policy.

ALTERNATE OPTIONS

28. Council has the following alternate options in relation to this item, which are:
- To resolve to proceed with the policy without modification;
 - To resolve to proceed with the policy subject to additional modification; and
 - To resolve not to proceed with the policy.

CONCLUSION

29. By adopting a policy position on the matter, the City of Albany will give developers a clear directive on appropriate financial contributions to assist with the upgrade of infrastructure within the Structure Plan area.
30. Modifications have been made to the policy to reflect the works which have now been undertaken by Main Roads WA.
31. Once adopted, refunds will be made to developers who paid the original contribution amount which included the abovementioned works.
32. Council is requested to accept the policy to enable the revised apportionment costs to be adopted.

| | | |
|-----------------------------------|---|--|
| Consulted References | : | 1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i> |
| File Number (Name of Ward) | : | N/A (Kalgan Ward) |
| Previous Reference | : | OCM 28/10/2014 Report Item PD053 OCM 25/6/2019 Report item DIS167 |

DIS184: PREPARE NEW LOCAL PLANNING SCHEME

| | |
|------------------------------|---|
| Land Description | : City of Albany. |
| Proponent / Owner | : City of Albany. |
| Business Entity Name | : City of Albany. |
| Attachments | : Report of a Review of <i>Local Planning Scheme No.1</i> . |
| Report Prepared By | : Senior Planning Officer – Strategic Planning (A Nicoll) |
| Responsible Officers: | : Executive Director Infrastructure, Development and Environment (P Camins) |

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - **Theme:** A connected and safe built environment.
 - **Objective:** To advocate, plan for and build friendly and connected communities
 - **Community Priority:** 5.2.2 Create infrastructure and connected streetscapes that are consistent and reflect our unique heritage

In Brief:

- The *Planning and Development (Local Planning Schemes) Regulations 2015* requires that every five years following publication of a scheme in the Government Gazette, the Local Government is to prepare a report on the operation of the scheme to the Western Australian Planning Commission.
- A report of a review of the City's *Local Planning Scheme No.1* has been undertaken and is attached for Council consideration.
- The report recommends that the Western Australian Planning Commission agrees with the City's recommendation to repeal its current scheme and prepare a new scheme in its place.

RECOMMENDATION

DIS184: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON

THAT pursuant to Part 6, r. 65 and r. 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council:

1. **ADOPT** the tabled 'Report on a review of the *Local Planning Scheme No.1*'; and
2. **AGREE** to request that the WA Planning Commission:
 - a) **RECEIVE** the 'Report of a review of the *Local Planning Scheme No.1*'; and
 - b) **RESOLVE** to agree with the recommendation in the report, which is to repeal the current scheme and for a new scheme to be prepared in its place.

CARRIED 12-0

DIS184: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be **ADOPTED**

CARRIED 11-0

DIS184: RESPONSIBLE OFFICER RECOMMENDATION

THAT pursuant to Part 6, r. 65 and r. 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council:

- 1 Adopt the tabled 'Report on a review of the *Local Planning Scheme No.1*'; and
- 2 Agree to request that the WA Planning Commission:
 - a) RECEIVE the 'Report of a review of the *Local Planning Scheme No.1*'; and
 - b) RESOLVE to agree with the recommendation in the report, which is to repeal the current scheme and for a new scheme to be prepared in its place.

BACKGROUND

2. Local Planning Scheme No. 1 was gazetted on 28 April 2014 and covers the entire City of Albany local government area.
3. As five years has transpired since gazettal, the City is required to report to the WAPC on the operation of the scheme.
4. In accordance with Part 6, r. 65 and r. 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Local Government is to prepare a 'Report of a review of the City's *Local Planning Scheme No.1*' and to include a recommendation as to whether the scheme:
 - a) Is satisfactory in its existing form;
 - b) Should be amended; or
 - c) Should be repealed and a new scheme prepared in its place.
5. A report of a review of the City's *Local Planning Scheme No.1* has been prepared and is attached for Council review.

DISCUSSION

6. The report poses a number of questions to ascertain how well the City's scheme is functioning in its current format. For example:
 - a) Is the scheme capable of facilitating the type of development for which demand is anticipated?
 - b) Are there structure plans that need to be incorporated into the scheme?
 - c) Can the direction and recommendations established in the Local Planning Strategy be implemented through the Scheme or are amendments to the scheme required?
7. It has been noted by the report that:
 - a) The scheme has facilitated significant development and subdivision within the City of Albany since its gazettal in 2014.
 - b) The City's Local Planning Strategy (2019) has now been endorsed and contains recommendations to undertake amendments to the scheme; and
 - c) The City's scheme is inconsistent with parts of the State's Model Scheme (e.g. zone classifications, reserve classifications and land use definitions).
8. It is necessary to note that since the gazettal of the scheme in 2014, there have been a number of changes within the legislative framework in Western Australia pertaining Local Planning Schemes.
9. The report therefore concludes that whilst the current scheme has performed sufficiently, due to the number of required modifications resulting from the Strategy and the State Model Scheme Text, it is recommended that the current scheme be repealed and a new scheme be prepared in its place.

GOVERNMENT & PUBLIC CONSULTATION

10. The initial preparation of the report of the scheme does not involve consultation. However, it is worth noting that the City has recently reviewed its Local Planning Strategy, which involved an extensive consultation process to recommend actions for reviewing the City’s Local Planning Scheme No.1.

| Type of Engagement | Method of Engagement | Engagement Dates | Participation (Number) | Statutory Consultation |
|-----------------------------------|--|--------------------------------|------------------------|---|
| Local Planning Strategy - Consult | Invitation to comment on draft strategy. | 23 July 2018 – 26 October 2018 | N/A | <i>Planning and Development (Local Planning Schemes) Regulations 2015. Part 3, r. 13.</i> |

11. The preparation of the new scheme will involve public consultation in accordance legislative requirements. Initially, the City of Albany will be required to place a public advertisement of its intention to review the scheme.

STATUTORY IMPLICATIONS

12. A Local Planning Scheme comes into force in a similar manner to an Act of Parliament. A Local Planning Scheme, and amendments thereto, must therefore receive the consent of the Minister for Planning before it becomes a legal document. Once a scheme is gazetted, it sets up a statutory framework for the development of the Municipality and becomes the primary tool to guide town planning matters.
13. Part 6, Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that in each fifth year following the date a scheme was last published in the Government Gazette, the Local Government is to:
- a) Prepare a report of a review of its Local Planning Scheme;
 - b) Approve the report by resolution; and
 - c) Provide the approved report to the Commission.
14. Voting requirements for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

15. Nil.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|---------------|-----------------|-----------------|---|
| <i>Risk: There is a risk that by not agreeing to create a new scheme, actions recommended by the recent strategy will not get implemented.</i> | <i>Likely</i> | <i>Moderate</i> | <i>Moderate</i> | <i>If the Council does not agree to prepare a new scheme, the Minister may direct the local government to prepare a new scheme.</i> |
| <i>Opportunity: Provide up-to-date legislation to govern the City of Albany and implementation of planning strategy outcomes.</i> | | | | |

FINANCIAL IMPLICATIONS

17. Nil

LEGAL IMPLICATIONS

18. Nil

ENVIRONMENTAL CONSIDERATIONS

19. Nil

ALTERNATE OPTIONS

20. Council has the following alternate options in relation to this item, which are:
- a. To resolve that the City’s Scheme No.1 is satisfactory in its existing form; or
 - b. To resolve that individual amendments should be made to the City’s Scheme No.1.

CONCLUSION

21. The City has recently adopted a new Local Planning Strategy, which recommends that the City undertake various amendments to its Local Planning Scheme. The amendments are expected to bring the City’s Scheme in-line with state expectations for Local Planning Scheme format and content.
22. The number of amendments, as recommended by the strategy are extensive and some of the amendments are substantial, meaning it would be beneficial to repeal the existing scheme and to prepare a new scheme in its place.
23. The City has developed a report to ascertain how well the City’s Scheme is functioning in its current format. The report concludes that the scheme is functioning well, however, the report notes that the City’s Scheme is inconsistent with the State’s Model Scheme. The report therefore recommends that the City prepare a new scheme to accommodate strategy recommendations.

| | | |
|-----------------------------------|---|--|
| Consulted References | : | <ul style="list-style-type: none"> • <i>Local Planning Scheme No.1.</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i> • <i>Local Planning Strategy 2019.</i> • City of Albany Strategic Community Plan. |
| File Number (Name of Ward) | : | DB.PLA.8 |
| Previous Reference | : | Nil |

**DIS185: TELECOMMUNICATIONS INFRASTRUCTURE – LOT 505,
222 COLLINGWOOD RD, COLLINGWOOD PARK**

| | |
|------------------------------|---|
| Land Description | : Lot 505, 222 Collingwood Road, Collingwood Park WA 6330 |
| Proponent | : Aurecon Australasia |
| Business Entity Name | : N/A |
| Attachments | : 1. Copy of Application 2. Schedule of Submissions |
| Report Prepared By | : Senior Planning Officer (T Gunn) |
| Responsible Officers: | : Executive Director Infrastructure, Development and Environment (P Camins) |

7.21pm Councillor Terry left the Chamber after declaring a Financial Interest in this item.

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 item relates to the following Strategic Objective of the Albany Local Planning Strategy (ALPS):

6.4.4 Telecommunications: *“To encourage the extension and maintenance of high quality telecommunications for the whole Albany district”*

Maps and Diagrams: Lot 505, 222 Collingwood Road, Collingwood Park



In Brief:

- The City of Albany has received a development application for Telecommunication Infrastructure (Mobile Phone Base Station) at Lot 505, 222 Collingwood Road, Collingwood Park.
- The application was advertised for public comment. Through this process, two submissions were received, both objecting to the proposal. The objections are discussed in detail throughout the report.
- Having considered the proposal against the applicable statutory framework, including *State Planning Policy 5.2 – Telecommunications Infrastructure*, Staff recommend the proposal be supported subject to conditions.

RECOMMENDATION

**DIS185: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for Telecommunication Infrastructure – Mobile Phone Base Station at Lot 505, 222 Collingwood Road, Collingwood Park:

Conditions:

1. **All development shall occur in accordance with the stamped, approved plans referenced P2190328, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.**
2. **If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.**
3. **A Construction Management Plan shall be submitted to the City of Albany for approval in writing and implemented to the satisfaction of the City of Albany.**
4. **Prior to commencement of the development, a final schedule of materials and colours to be used on the structures hereby approved shall be submitted for approval and implemented to the satisfaction of the City of Albany.**
5. **Unless otherwise agreed in writing with the City of Albany, no additional lighting is permitted on the telecommunications tower.**

CARRIED 11-0

DIS185: COMMITTEE RECOMMENDATION

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

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 10-0

DIS185: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for Telecommunication Infrastructure – Mobile Phone Base Station at Lot 505, 222 Collingwood Road, Collingwood Park:

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2190328, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.
3. A Construction Management Plan shall be submitted to the City of Albany for approval in writing and implemented to the satisfaction of the City of Albany.
4. Prior to commencement of the development, a final schedule of materials and colours to be used on the structures hereby approved shall be submitted for approval and implemented to the satisfaction of the City of Albany.
5. Unless otherwise agreed in writing with the City of Albany, no additional lighting is permitted on the telecommunications tower.

BACKGROUND

4. The subject site is located approximately 4.5km north-east of the Albany CBD. The subject site has recently been subdivided, and is currently developed with a single dwelling and associated outbuildings and stables.
5. The subject site is 10.14Ha in area and zoned General Agriculture under Local Planning Scheme No.1 (LPS1). The site is surrounded General Agriculture land to the south-east and north-west and City of Albany and Crown reserves located to the north-east and south-west of the site.
6. The telecommunication infrastructure is for Telstra and has been lodged on the basis of providing improved mobile phone network services to the Emu Point Locality.
7. The application includes an 80m² security fenced compound to accommodate Telstra equipment shelter and a monopole tower, which measures 36.26m above natural ground level.
8. Telecommunication Infrastructure is classified as a 'D' (discretionary) land use within the General Agriculture zone. Although not specifically required under the LPS1, the application was advertised to surrounding landowners for a period of twenty-one (21) days. During the advertising period a total of 2 submissions were received, both objecting to the proposal.
9. The proposal has been assessed against LPS1 and *State Planning Policy 5.2 – Telecommunications Infrastructure* (SPP 5.2). As per this policy, when determining telecommunications infrastructure, it is necessary to assess the impact on amenity against the overall public benefit of the infrastructure.

10. While acknowledging that the proposal will be partially visible when viewed from a number of properties within the area, it is necessary to consider that the mere fact that part of the proposed development will be visible does not, in itself, mean that the proposed development will have a negative impact on the visual amenity of the locality. As can be seen from SPP 5.2, factors such as the prominence of the development within the landscape and the extent to which visual aspects of value to the community as a whole might be compromised are relevant to this assessment.
11. Council is now requested to consider the application and determine whether to grant development approval.

DISCUSSION

12. The proposal consists of;
 - 1 monopole measuring 36.26m high.
 - 6 panel antennas attached to a triangular headframe at the 35m centreline level.
 - Equipment shelter, with ancillary equipment.
 - 80m² compound area which is proposed to be enclosed by security chain-mesh fencing.
13. The proposed infrastructure and compound are proposed in the eastern corner of lot 505. The acceptable boundary setbacks for General Agriculture land listed under *Table 8 – Site Requirements* of LPS 1 are; 15m from the front boundary and 10m from rear and side boundaries. The compound is setback 2.3m from Wright Street and 1.66m from the north eastern boundary, the centre of the monopole is located a further 2.75m from each boundary.
14. The lot is located at the end of Wright Street. The infrastructure directly abuts a Crown Reserve to the North East and unconstructed portion of Wright Street to the South East. Whilst the setbacks could be increased, this would not result in a material change to the appearance of the development in the landscape and would only serve to affect the landowners useable land area. Vegetation on the site and adjoining properties further serves to screen the development and reduce visual impacts. The above-mentioned variation is supported in accordance with the discretion provided for under clause 4.2 of LPS1.
15. The nearest residence is located on General Agriculture zoned land 110m to the southwest of the compound area. The neighbouring lot has large pockets of mature vegetation on the boundaries facing the infrastructure. A Visual Impact Analysis from this lot has been included with the application.
16. The proposal was advertised for twenty-one (21) days. Two submissions were received objection to the proposal. The matters raised in the submissions, including the proponents and officer comments are detailed in the attached schedule of submissions. The concerns were mainly in respect to visual impact, electromagnetic energy (EME) and questioning the proposed location. The main issues raised will be discussed in further detail below.
17. When assessing impacts on amenity, it is necessary to determine the level of existing amenity within the immediate area and secondly, within wider the locality.
18. The assessment of landscape in this report has been undertaken in reference with the Western Australian Planning Commission's *Visual Landscape Planning in Western Australia – a manual for assessment, siting and design*.
19. The existing amenity of Wright Street can be classified as a modified rural agricultural area, defined by sections of open paddocks and areas of dense vegetation, mainly consisting of native eucalypts, shrubs and trees less than 12m in height.

20. It is acknowledged that the proposal will be visible from private properties in the surrounding area. It is necessary to consider the overall public benefit of the proposal against any amenity impacts. The proposal is not located on ridge line. The applicant has proposed to leave the monopole unpainted in order to reduce the visual impact of the development.
21. The potential for detrimental health effects from the proposed tower was raised. It is necessary to note that the City is not a regulatory body in respect to electromagnetic energy (EME). The Federally established Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) enforce the *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz*. The EME report submitted by the applicant states that the maximum calculated EME level from the site will be 0.37% of the maximum public exposure level.
22. The notion of relocating the proposed infrastructure to an alternative location within the area was raised in both submissions. The applicant has advised that a number of sites were reviewed as part of the pre-application process. However, they have confirmed they wish to proceed with the site selected.

GOVERNMENT & PUBLIC CONSULTATION

23. The application was advertised for public comment for a period of 21 days, with nearby landowners directly notified by letter.
24. Two submissions were received during advertising which raised concerns in respect to the proposal. The issues raised are discussed above and in the attached schedule of submissions.

| Type of Engagement | Method of Engagement | Engagement Dates | Participation (Number) | Statutory Consultation |
|--------------------|----------------------|------------------------|------------------------|------------------------|
| Consult | Mail Out | 23/7/2019 to 13/8/2019 | 2 Submissions received | No |

STATUTORY IMPLICATIONS

25. Telecommunication Infrastructure is classified as a “D” use within the ‘General Agriculture’ zone under LPS1, meaning that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.
26. Voting requirements for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

27. The proposal has been assessed against the Western Australian Planning Commission’s *State Planning Policy 5.2 - Telecommunications Infrastructure*. The SPP 5.2 provides guiding principles for the location, siting and design of telecommunications infrastructure.
28. It is important to note that the SPP 5.2 provides the direction that telecommunication infrastructure should not be prohibited in any zone, hence why it is discretionary within all zones throughout the City of Albany. Furthermore, buffer zones and or setback distances are not to be included in planning schemes or policies. There is a clear direction in the SPP 5.2 to facilitate the roll out of an efficient telecommunications network, unless the location and siting unreasonably affects places of cultural or environmental significance, or the visual impact on balance has not been mitigated to outweigh the community benefit of the service it will provide the community.

29. Comment in reference to the key guiding principles for the location, siting and design of telecommunications infrastructure from SPP 5.2 are as follows;

“Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:

- a) *Be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;*
- b) *Be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;*
- c) *Not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and*
- d) *Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;”*

30. The applicant has taken steps to select a site and location that aims to minimise, perceived negative impacts on the visual amenity of the area.

31. The location is 1km from King George Sound, over 800m from Collingwood Park and over 400m from Emu Point Road. It is not anticipated the facility will be visible from any of these locations.

32. The subject land is not identified as an area of high landscape protection, nor does it contain any places of heritage significance.

33. The infrastructure is located within an existing cleared area and does not require the removal of any native vegetation.

34. The applicant has proposed a monopole rather than a lattice style tower as it is less obtrusive. It is also proposed to leave the infrastructure unpainted in a grey colour which is the preferred finish for telecommunication infrastructure as it blends as far as practical against lighter background such as the sky. The equipment shelter on ground level will be colour treated to blend against darker eucalypt backgrounds.

“Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community; and”

35. The site has been chosen to address the existing coverage issues in the Emu Point and surrounding areas partially shadowed by terrain. The site is centrally located to service the catchment population including the residential areas earmarked for further development, such as Bayonet Head.

“Telecommunications infrastructure should be collocated and whenever possible:

- a) *Cables and lines should be located within an existing underground conduit or duct; and*
- b) *Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.”*

36. There are no existing facilities which would allow co location to occur while still meeting the operational requirements for the infrastructure. The final layout and configuration of fibre and power cables will be to the agreement of Western Power, the landowner and Telstra.

37. The proposal demonstrates compliance with the policy objectives of SPP 5.2.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|------------|-------------|---------------|--|
| <p>Reputation The perception that the approval may generate unacceptable impacts on the amenity on the area.</p> | Possible | Moderate | Medium | The application has been assessed against the relevant statutory framework and sited to minimise any impacts on the amenity of the area. |
| Opportunity: Responds to community for improving mobile telecommunications in the municipality. | | | | |

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

40. The proponent has the right to seek a review of the Council's decision, including any conditions attached to an approval, conferred by the *Planning and Development Act 2005*. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

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

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

CONCLUSION

43. The proposal has been assessed against LPS 1 and the State Planning Policy relating to telecommunications infrastructure.
44. In determining the application it is necessary to consider and potential impacts on amenity against the long term benefit of improved mobile telecommunication services and coverage.
45. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | <ol style="list-style-type: none"> 1. Local Planning Scheme No. 1 2. Albany Local Planning Strategy 2010 3. State Planning Policy 5.2 - <i>Telecommunications Infrastructure</i> 4. Visual Landscape Planning in Western Australia – a manual for assessment, siting and design 5. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> |
| File Number (Name of Ward) | : | A246476 Breaksea Ward |
| Previous Reference | : | Nil |

7.22PM Councillor Terry returned to the Chamber. Councillor Terry was not present during the discussion and vote for this item.

DIS187: PLANNING AND BUILDING REPORTS OCTOBER 2019

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

RECOMMENDATION

DIS187: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR STOCKS

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

CARRIED 12-0

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

CCS197: Request for Nominations to South Coast Alliance Inc.

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

16. REPORTS OF CITY OFFICERS Nil

17. MEETING CLOSED TO PUBLIC Nil

18. CLOSURE

There being no further business the Presiding Member declared the meeting closed at **7.22PM.**



Dennis W Wellington
MAYOR

TABLED ADDRESS MR RICHARD VOGWILL

City of Albany OCM, 26 November 2019
Frenchman Bay Heritage Trail, Item *DIS181*

Richard Vogwill, La Perouse Road, Goode Beach, representing Frenchman Bay Association (FBA).

Thank you, Mr Mayor and Councillors. I would like to discuss Agenda item *DIS181*, the proposed Frenchman Bay Heritage Trail (FBHT).

The DIS Committee recently voted 11-0 in favour of recommending the trail to Council. We are hoping that the Council will approve our trail tonight so that we may start to advance the project.

Rather than being repetitious by describing the entire history of our trail again, I thought a series of summarised points might be more meaningful tonight.

- The proposed trail is located along and above Whalers Beach with information nodes with detailed signage, along the trail, describing the rich European and Aboriginal history of this area of Frenchman Bay.
- Currently, little is known about the Aboriginal history of this area; however, the elucidation of this history would be a priority objective of the early work – reference the feasibility study.
- A formal community consultation process has now been completed. A Public Comment Summary Report of this consultation is in the attachments and confirms that the community is very supportive of this project.
- We have held meetings with the Great Southern Centre for Outdoor Recreation Excellence (GSCORE), who have been impressed by our advanced trail plan, beautiful coastal location overlooking Frenchman Bay and rich site history.
- Rather than seeking retrospective inclusion in the City of Albany Trails Hub Strategy, we have specifically sought to align ourselves with the Great Southern Regional Trails Master Plan being developed by GSCORE, as we feel we are a better fit there, given our regional location.
- GSCORE has identified our trail as a priority project within their proposed '**CBD to Whaling Station Trail**' dual-use path. Thus, in their Master Plan our trail would form a key component of a regionally significant trail project. Our trail would also complement priority trail projects planned for Vancouver Peninsula– Mistaken Island and The Gap to Discovery Bay.
- The FBA does not feel that our trail will be competing with other City trail priorities. Our sources of funding will be external to the City and we will generally be applying for grants under the auspices of the GSCORE Regional Trails Master Plan.
- A special thanks to the City's Julie-Ann Grey and Jacqui Freeman for assisting us in advancing this project and most recently for helping us to complete the community consultation process.

We feel we have met all the City's requirements now. We had support from the Council in 2017 for the trail concept; have established a relationship with GSCORE; and will be seeking: (i) external funding in conjunction with GSCORE; and (ii) ongoing advice and direction from the City regarding the development and design of the trail.

Please support our trail project. Thank you.

Respectfully submitted, Richard Vogwill