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# MINUTES

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**Ordinary Meeting of Council**

**Tuesday 26 November 2024**

**6.00pm**

**Council Chambers**



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## 1. DECLARATION OF OPENING

The Mayor declared the meeting open at 6.00pm.

## 2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LANDOWNERS

*“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”*

## 3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

G Stocks

### Councillors:

Councillor

P Terry (Deputy Mayor)

Councillor

L MacLaren

Councillor

C McKinley

Councillor

S Grimmer

Councillor

R Sutton

Councillor

M Lionetti

Councillor

M Traill

Councillor

D Baesjou

### Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

M Giffellon

Executive Director Infrastructure, Development  
& Environment

P Camins

Executive Director Community Services

N Watson

Manager Governance & Risk Management

S Jamieson

Manager Development Services

J van der Mescht

Meeting Secretary

J Williamson

Meeting Secretary

M Robson

### Apologies/Leave of Absence:

Councillor

A Cruse (Leave of Absence)

Councillor

T Brough (Leave of Absence)

There were three media representatives and 47 members of the public in attendance.

## 4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
All Elected Members declared an Impartiality Interest in Report Item CCS678: Behavioural Complaint-Assessments and Proposed Resolutions. All Elected Members remained in the Chamber and participated in the discussion and vote for this item.		

## 5. REPORTS OF MEMBERS

### 6.01pm Councillor MacLaren

#### Summary of key points:

Councillor MacLaren attended the following engagements:

- Albany Regional Heritage Conference and Heritage Council Breakfast
- Festival of Torbay. Councillor MacLaren congratulated the organisers on the success of this inaugural event. The City of Albany Emergency Services Team providing an engaging display which was well received
- Torbay Catchment Group AGM. . Councillor MacLaren re-presented the Conservation Council of WA's *Len Howard Community Group Award* to Executive Officer Mr Peter Barnes. Diane Evers was awarded the *Outstanding Volunteer Award*
- Great Southern Town Teams social event at the Kendenup Town Hall
- Communications and Engagement Advisory Group introductory meeting and appointment of new members
- The 9 Pound Gun Firing at Princess Royal Fortress to celebrate the 10<sup>th</sup> Anniversary of the National Anzac Centre.
- City of Albany display at the Albany Agricultural Show including learning how Rangers deal with dangerous dogs, bush fire preparation and waste management. Councillor MacLaren also spent time manning the Friends of Yakamia display
- Met with Youth Advisory Council members and commended their work to educate young people about the safe disposal of used vapes
- Citizenship Ceremony at the Albany Town Hall.
- Pride at Parliament where Albany Pride Board Members were warmly welcomed.
- Pride Fair Day in the Supreme Court Gardens and learnt about the City of Perth and WA State Inclusivity Strategies
- Cancer Council Great Southern Hub Opening Day
- Great Southern Zone of WALGA meeting in Katanning. Discussion included comments on an issues paper on native vegetation, visa support for overseas workers and planning positions on renewable energy including wind turbines
- Albany 2026 Flagship Events announcement and launch of the Reconciliation Plan.
- Meeting regarding the Regional Reconciliation Action Plan

### 6.05 Deputy Mayor Terry

#### Summary of key points:

Deputy Mayor Terry attended the following engagements:

- St Joseph's College Graduation Awards
- Briefing on the Southern Ocean Reef. Machinery is on site ready to commence works.
- 10<sup>th</sup> Anniversary of opening of the National Anzac Centre.
- WA Tourism Awards. Deputy Mayor Terry congratulated Albany's Historic Whaling Station for being awarded a Gold Medal in Category 2, Tourist Attractions, and Singlefile Wines for winning a Gold Medal in the Tourism, Wineries, Distilleries and Breweries category.
- UWA Children's University Awards.
- Remembrance Day Service.
- Visit by the Governor General Her Excellency the Honourable Ms Sam Mostyn AC, and the Governor of Western Australia His Excellency the Honourable Chris Dawson AC APM.
- The Launch of the City of Albany 2026 Major Events.

### 6.09pm Councillor McKinley

#### Summary of key points:

Councillor McKinley attended the Remembrance Day Service and expressed his thanks to the RSL Albany Sub Branch for their continuing commitment to commemorative services.

### 6.10pm Councillor Grimmer

#### Summary of key points:

Councillor Grimmer attended the following engagements:

- Awards nights and Volunteer group meetings.
- Albany Agricultural Show.
- The visit by the Governor General Her Excellency the Honourable Ms Sam Mostyn AC, and the Governor of Western Australia His Excellency the Honourable Chris Dawson AC APM.

Councillor Grimmer carried out his regular visits to the Albany Library. Councillor Grimmer reflected on the importance of the Nurses Memorial Garden which commemorates the nurses who served in the Boer War, World War One and subsequent conflicts, and is the site of the Annual Nurses Memorial Service.

### 6.11pm Councillor Traill

#### Summary of key points:

Councillor Traill congratulated Albany's Historic Whaling Station on winning a Gold Medal for winning the Gold Medal at the 2024 WA Tourism Awards.

Councillor Traill attended the State Heritage Conference in Albany and the Launch of the .3T Scanner at I-Med.

Councillor Traill hosted a Curatorial Talk at the *Benjamin & Kitty: The Creative Brierley Family Exhibition* at the Albany Town Hall.

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

## 7. PUBLIC QUESTION TIME

**Conduct of Persons at Meetings:** Members of the public attending meetings must be respectful of the Presiding Member, Council and City Officers to ensure the meeting runs efficiently.

#### Prevention of Disturbance:

- Members of the public are admitted to meetings with the understanding that no expressions of dissent, approval, conversations or other interruptions will take place during proceedings.
- Attendees must:
  - Refrain from interrupting the meeting through approval, dissent or conversation.
  - Conduct themselves appropriately and follow directions if asked to leave.
  - Avoid obstructing access to the meeting or causing disturbances.

**Public Question Time.** In accordance with clause 4.2 (Procedures for public question time) and clause 8.3 (Where this local law does not apply or is silent) of the *City of Albany Standing Orders Local Law 2014 (as amended)*:

- Public Question Time is limited to 30 minutes, extendable at the discretion of the Presiding Member.
- The Presiding Member may decline to respond to a question if:
  - The same or a similar question was asked at a previous meeting.
  - The question or statement is offensive, unlawful or defamatory. The Presiding Member may request that it be rephrased to ensure that it is appropriate.

**Contents of Minutes** As per the *Local Government (Administration) Regulations 1996*, regulation 11:

- The minutes of the meeting will include a summary of questions raised during Public Question Time and a summary of any response provided.

**Documents Tabled at Meetings.** Documents tabled during Public Question Time or Reports of Members will not be included in the minutes. The minutes will note who tabled the document and will provide a document reference number.

**6.16pm Don Phillips**

**Summary of key points:**

Mr Phillips addressed Council regarding 15.1: Notice of Motion by Councillor Sutton.

Mr Phillips asked if the City would be pursuing outstanding landing fees from REX airlines and who was responsible for awarding Regular Passenger Transport services from Albany Airport.

The Mayor confirmed that the Department of Transport are the entity responsible for Regular Passenger Transport Services, and that the City continues to actively work with REX to recoup the outstanding fees owed.

**6.21pm Roland Paver**

**Summary of key points:**

Mr Paver addressed Council regarding 15.1 Notice of Motion by Councillor Sutton and the conduct of Public Question Time. Mr Paver's tabled address can be referenced at ICR24557033.

**6.26pm Rebecca Bodey**

**Summary of key points:**

Ms Bodey addressed Council regarding the Yakamia bushland.

**6.29pm Michelle Kinsella**

**Summary of key points:**

Ms Kinsella addressed Council regarding her concerns over signage at the Albany Leisure and Aquatic Centre and safe spaces.

**6.34pm Julianna Allen**

**Summary of key points:**

Ms Allen addressed Council regarding the Town of Port Hedland position on COVID vaccines.

Ms Allen asked if the City had received correspondence from the Port Hedland Council regarding their decision to distribute correspondence on COVID-19 vaccines.

The Mayor confirmed that the City had received a letter from the Town of Port Hedland on 08 November 2024. (Synergy Reference EF24553902)

**6.38pm Gary Richardson**

**Summary of key points:**

Mr Richardson addressed Council regarding his concerns related to COVID vaccines. Mr Richardson's tabled address can be referenced at ICR24557031.

**6.40pm Jen Zaz**

**Summary of key points:**

Ms Zaz addressed Council regarding her concerns related to COVID vaccines.

**6.43pm Michael Walmsley**

**Summary of key points:**

Mr Walmsley addressed Council regarding his concerns related to COVID vaccines.

**6.46pm Cliff Richards**  
**Summary of key points:**

Mr Richards addressed Council regarding his concerns related to COVID vaccines.

**6.50PM**

**RESOLUTION**

**MOVED: COUNCILLOR GRIMMER**  
**SECONDED: COUNCILLOR LIONETTI**

**THAT Public Question Time be extended by 15 minutes.**

**CARRIED 9-0**

**6.51PM Rod Sawyer**  
**Summary of key points:**

Mr Sawyer addressed Council regarding Yakamia bush. Mr Sawyer's tabled address can be referenced at EF24556045.

**6.53pm Zoe May**  
**Summary of key points"**

Ms May addressed Council regarding the burnout competitions at Albany Speedway. Ms May asked if, as part of the event approval process, the City of Albany had undertaken a risk assessment of the toxicity of burning rubber tyres. Ms May requested that the City provide a copy of the risk assessment.

**Response:**

The event organiser submitted a Risk Assessment and Risk Register for the Sets in the South 2024 event, which was subsequently assessed by the City's Event Approval Team and Environmental Health Team. That Risk Assessment did not identify burnout smoke as an environmental hazard and as such no risk assessment was conducted.

Assessment of any event approval application for future burnout events will consider smoke as a risk and whether any conditions to control this are necessary.

Ms May's tabled address can be referenced at ICR24557032.

**6.58pm Mark Allen**  
**Summary of key points:**

Mr Allen addressed Council regarding Yakamia bushland.

**7.03pm Ursula Linhoff**  
**Summary of key points:**

Ms Linhoff addressed Council regarding a proposal by Water Corporation for a desalination plant.

**7.08pm Jan Pickles, on behalf of Frenchman Bay Association**  
**Summary of key points:**

Ms Pickles addressed Council regarding a proposal by Water Corporation for a desalination plant.

There being no further speakers the Mayor declared Public Question Time closed at **7.10pm**.



- 8. APPLICATIONS FOR LEAVE OF ABSENCE Nil
- 9. PETITIONS AND DEPUTATIONS Nil
- 10. CONFIRMATION OF MINUTES

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL**

**SECONDED: DEPUTY MAYOR TERRY**

**THAT the minutes of the Ordinary Council Meeting held on 22 October 2024, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 9-0**

- 11. PRESENTATIONS Nil
- 12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.

**CCS673: MONTHLY FINANCIAL REPORT – SEPTEMBER 2024**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Monthly Financial Report – September 2024
<b>Report Prepared By</b>	: Manager Finance
<b>Authorising Officer:</b>	: Executive Director Corporate & Commercial Services

**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:
  - **Pillar:** Leadership.
  - **Outcome:** Strong workplace culture and performance

**IN BRIEF**

- Under the Local Government Financial Management Regulations, a local government is to prepare monthly a statement of financial activity and statement of financial position that is presented to Council.
- The City of Albany's Monthly Financial Report (inclusive of the statement of financial activity and the statement of financial position) for the period ending 30 September 2024 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the Monthly Financial Report for the period ended 30 September 2024 is preliminary and has not yet been audited.

**RECOMMENDATION**

**CCS673: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: Councillor Sutton**  
**Seconded: Councillor McKinley**

**THAT the Monthly Financial Report for the period ending 30 September 2024 be RECEIVED.**

**CARRIED 9-0**

**CCS673: COMMITTEE RECOMMENDATION**

**Moved: Deputy Mayor Terry**  
**Seconded: Councillor Traill**

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

**CARRIED 8-0**

**CCS673: AUTHORISING OFFICER RECOMMENDATION**

**THAT the Monthly Financial Report for the period ending 30 September 2024 be RECEIVED.**

## **DISCUSSION**

2. To fulfil statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the City's year to date financial performance. The report provides the:
  - (a) Statement of Financial Activity by nature classifications (satisfying Regulation 34 of the *Local Government (Financial Management) Regulations 1996*);
  - (b) Statement of Financial Position (satisfying Regulation 35 of the *Local Government (Financial Management) Regulations 1996*);
  - (c) Basis of Preparation;
  - (d) Explanation of material variances to year-to-date budget;
  - (e) Net Current Asset & Funding Position;
  - (f) Investment Portfolio Snapshot;
  - (g) Receivables; and
  - (h) Capital Acquisitions.
3. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS647, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is a material variance for reporting purposes in the Statement of Financial Activity for 2024/2025.
4. The Statement of Financial Activity and Statement of Financial Position may be subject to year-end adjustments and have not been audited.
5. It is noted 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**

6. The *Local Government (Financial Management) Regulations 1996* stipulate that each month Local Governments are required to prepare and report a Financial Activity Statement (reg 34) and a Financial Position Statement (reg 35).
7. Each of these statements are to be presented at an ordinary meeting of the council within 2 months after the end of the relevant month, as well as recorded in the minutes of the meeting at which it is presented.

## **POLICY IMPLICATIONS**

8. The City's 2024/25 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 2024 has been incurred in accordance with the 2024/25 budget parameters.
11. Details of any budget variation more than \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

## **LEGAL IMPLICATIONS**

12. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

13. Nil.

**ALTERNATE OPTIONS**

14. Nil.

**CONCLUSION**

15. The Authorising Officer's recommendation be adopted.
16. It is requested that any questions regarding this report are submitted to the Executive Director Corporate & Commercial Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

<b>Consulted References</b>	:	<i>Local Government (Financial Management) Regulations 1996</i>
<b>File Number</b>	:	FM.FIR.7

**CCS674: LIST OF ACCOUNTS FOR PAYMENT – OCTOBER 2024**

**Business Entity Name** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared By** : Manager Finance  
**Authorising Officer:** : Executive Director Corporate and Commercial Services

**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:
  - **Pillar/Priority:** Leadership.
  - **Outcome:** Strong workplace culture and performance.

**IN BRIEF**

- 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.

**RECOMMENDATION**

**CCS674: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL**  
**SECONDED: COUNCILLOR MCKINLEY**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 October 2024 totalling \$7,647,325.94 be RECEIVED.**

**CARRIED 9-0**

**CCS674: COMMITTEE RECOMMENDATION**

**MOVED: DEPUTY MAYOR TERRY**  
**SECONDED: COUNCILLOR MCKINLEY**

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

**CARRIED 8-0**

**CCS674: AUTHORISING OFFICER RECOMMENDATION**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 October 2024 totalling \$7,647,325.94 be RECEIVED.**

**DISCUSSION**

2. The table below summarises the payments drawn from the City's Municipal and Trust funds for the period ending 15 October 2024. Please refer to the Attachment to this report.

<b>Fund</b>	<b>Transaction Type</b>	<b>Amount (\$)</b>	<b>%</b>
Municipal	Electronic Funds Transfer	\$5,489,884.18	71.79%
Municipal	Payroll	\$2,133,930.79	27.90%
Municipal	Credit Cards	\$23,110.97	0.30%
Municipal	Cheques	\$400.00	0.01%
Trust	N/A	\$0.00	0.00%
<b>TOTAL</b>		<b><u>\$7,647,325.94</u></b>	<b><u>100.00%</u></b>

3. Included within the Electronic Funds Transfers from the City's Municipal account are Purchasing Card transactions, required to be reported under Regulation 13(A), totalling: \$1,351.45.
4. The table below summaries the total outstanding creditors as at 15 October 2024.

<b>Aged Creditors</b>	<b>Amount (\$)</b>
Current	\$303,160.24
30 Days	\$1,673,403.32
60 Days	\$35,472.08
90 Days	\$524,843.75
<b>TOTAL</b>	<b><u>\$2,536,879.39</u></b>

**STATUTORY IMPLICATIONS**

5. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment October 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.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. 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.
8. As part of the Local Government Regulations Amendment Regulations 2023 (SL2023/106), additional reporting is now required by Local Governments. Regulation 13(A), a new regulation, requires Local Governments to report on payments by employees via purchasing cards.

**POLICY IMPLICATIONS**

9. Expenditure for the period to 15 October 2024 has been incurred in accordance with the 2024/2025 budget parameters.

**FINANCIAL IMPLICATIONS**

10. Expenditure for the period to 15 October 2024 has been incurred in accordance with the 2024/2025 budget parameters.

**LEGAL IMPLICATIONS**

11. Nil

## ENVIRONMENTAL CONSIDERATIONS

12. Nil

## ALTERNATE OPTIONS

13. Nil

## CONCLUSION

14. That the list of accounts has been authorised for payment under delegated authority.

15. It is requested that any questions on specific payments are submitted to the Executive Director Corporate Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

<b>Consulted References</b>	:	<i>Local Government (Financial Management) Regulations 1996</i>
<b>File Number</b>	:	FM.FIR.2

**CCS675: DELEGATED AUTHORITY REPORTS – 16 SEPTEMBER 2024 to  
15 OCTOBER 2024**

**Proponent / Owner** : City of Albany  
**Attachments** : Executed Document and Common Seal Report  
**Report Prepared By** : PA to Mayor and Councillors  
**Authorising Officer:** : Chief Executive Officer

**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:
  - **Pillar:** Leadership.
  - **Outcome:** A well informed and engaged community.

**RECOMMENDATION**

**CCS675: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MACLAREN**  
**SECONDED: COUNCILLOR BAESJOU**

**THAT the Delegated Authority Reports 16 September 2024 to 15 October 2024 be RECEIVED.**

**CARRIED 9-0**

**CCS675: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR BAESJOU**  
**SECONDED: COUNCILLOR MCKINLEY**

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

**CARRIED 8-0**

**CCS675: AUTHORISING OFFICER RECOMMENDATION**

**THAT the Delegated Authority Reports 16 September 2024 to 15 October 2024 be RECEIVED.**

**BACKGROUND**

2. In compliance with Section 9.49A of the *Local Government Act 1995* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:
  - **Delegation: LG1.18 (D006)** – Sign Documents on Behalf of the City of Albany (Authority to Executive Deeds & Agreements and apply the Common Seal)
  - **Delegation: LG4.06 (D009)** – Provide Donations, Sponsorship, Subsidies & Authority to Apply for Grant Funding (Including the provision of sponsorship through the waiver of fees & charges)
  - **Delegation: LG5.05 (D018)** – Award Contracts (Supply of Equipment, Goods, Materials & Services)



## CCS676: CORPORATE BUSINESS PLAN – ANNUAL REVISION

**Attachment** : Corporate Business Plan 2024-2028 Amendments  
**Report Prepared By** : Business Planning and Performance Coordinator  
**Authorising Officer:** : Manager Finance

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany's Strategic Community Plan 2032:
  - **Pillar:** Leadership.
  - **Outcome:** Proactive, visionary leaders who are aligned with community needs and values.

### IN BRIEF:

- It is a legislative requirement that Council review its Corporate Business Plan (CBP) on an annual basis.
- The review has been completed and some minor changes are recommended as outlined below.

## ADDENDUM

### CCS676: ADDENDUM

Post the Community and Corporate Services Committee meeting held on 12 November 2024, discussion ensued around the proposed deletion of existing action 2.2.3.3 '*Facilitate promotion and adoption of sustainable waste behaviours*'. It was subsequently decided for this action to remain in the Corporate Business Plan.

As such, existing action 2.2.3.3 '*Facilitate promotion and adoption of sustainable waste behaviours*' is recommended to remain in the 2024 Corporate Business Plan, as detailed in the Amended Authorising Officer Recommendation.

### RECOMMENDATION

#### CCS676: RESOLUTION (AMENDED AUTHORISING OFFICER RECOMMENDATION) VOTING REQUIREMENT: ABSOLUTE MAJORITY

**MOVED: DEPUTY MAYOR TERRY**  
**SECONDED: COUNCILLOR TRAILL**

**THAT the amendments to the Corporate Business Plan 2024-2028 be APPROVED, noting that existing action 2.2.3.3 '*Facilitate promotion and adoption of sustainable waste behaviours*' will remain in the 2024 Corporate Business Plan.**

**CARRIED 9-0  
ABSOLUTE MAJORITY**

#### CCS676: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

**THAT the amendments to the Corporate Business Plan 2024-2028 be APPROVED**

#### CCS676: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR TRAILL**  
**SECONDED: MAYOR STOCKS**

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

**CARRIED 8-0**

CCS676: AUTHORISING OFFICER RECOMMENDATION

THAT the amendments to the Corporate Business Plan 2024-2028 be APPROVED

**BACKGROUND**

2. The CBP is the Council's four-year planning document that gives effect to the first four years of the [Strategic Community Plan](#). It is pivotal in ensuring that medium term commitments are both strategically aligned.
3. Under s5.56 of the *Local Government Act 1995*, local governments are required to review their CBP on an annual basis, and Council are required to approve any amendments to it.

**DISCUSSION**

4. The only substantive changes to the Corporate Business Plan are outlined in the attached 'Corporate Business Plan 2024-2028 Amendments' and summarised as follows:
  - i. The removal, amendment, and addition of a total of five actions, primarily to accommodate the formal integration of the new Chief Executive Officer's Key Performance Indicators into the Corporate Business Plan framework.
  - ii. The revision of the Executive Message following the appointment of a new Mayor.
  - iii. Further updates have been made to the standard Finance (pp. 38-42) and workforce (p. 37) information.

**GOVERNMENT & PUBLIC CONSULTATION**

5. N/A

**STATUTORY IMPLICATIONS**

6. Section 19DA(4) of the *Local Government (Administration) Regulations 1996* requires that an annual review of the Corporate Business Plan be undertaken.

**POLICY IMPLICATIONS**

7. N/A

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Legal and Compliance:</b> Legal implications arising out of non-compliance with Section 19DA(4) of the Local Government (Administration) Regulations 1996.	Rare	Moderate	Low	The only requirement is to 'review' the Corporate Business Plan. There is no requirement for the Corporate Business Plan to be Amended.
<b>Opportunity:</b> Integration of the Chief Executive Officer's Key Performance Indicators into the Corporate Business Plan will enhance oversight.				

**FINANCIAL IMPLICATIONS**

9. N/A

**LEGAL IMPLICATIONS**

10. N/A

## ENVIRONMENTAL CONSIDERATIONS

11. N/A

## ALTERNATE OPTIONS

12. Council may choose to not amend the Corporate Business Plan.
13. Council may choose to make additional or alternate amendments to the Corporate Business Plan.

## CONCLUSION

14. It is recommended that the amended Corporate Business Plan be approved.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995, s5.56</i></li><li>• <i>Local Government (Administration) Regulations 1996, Reg. 19D</i></li><li>• <i>IPR Framework and Guidelines 2019</i></li></ul>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	<ul style="list-style-type: none"><li>• OCM 24/08/2021 - Report Item CCS374 (Major Review)</li><li>• CCS 8/11/2022 - Report Item CCS492 (Non-Strategic Review)</li><li>• CCS 28/11/2023 – Report Item CCS577 (Minor Review)</li></ul>

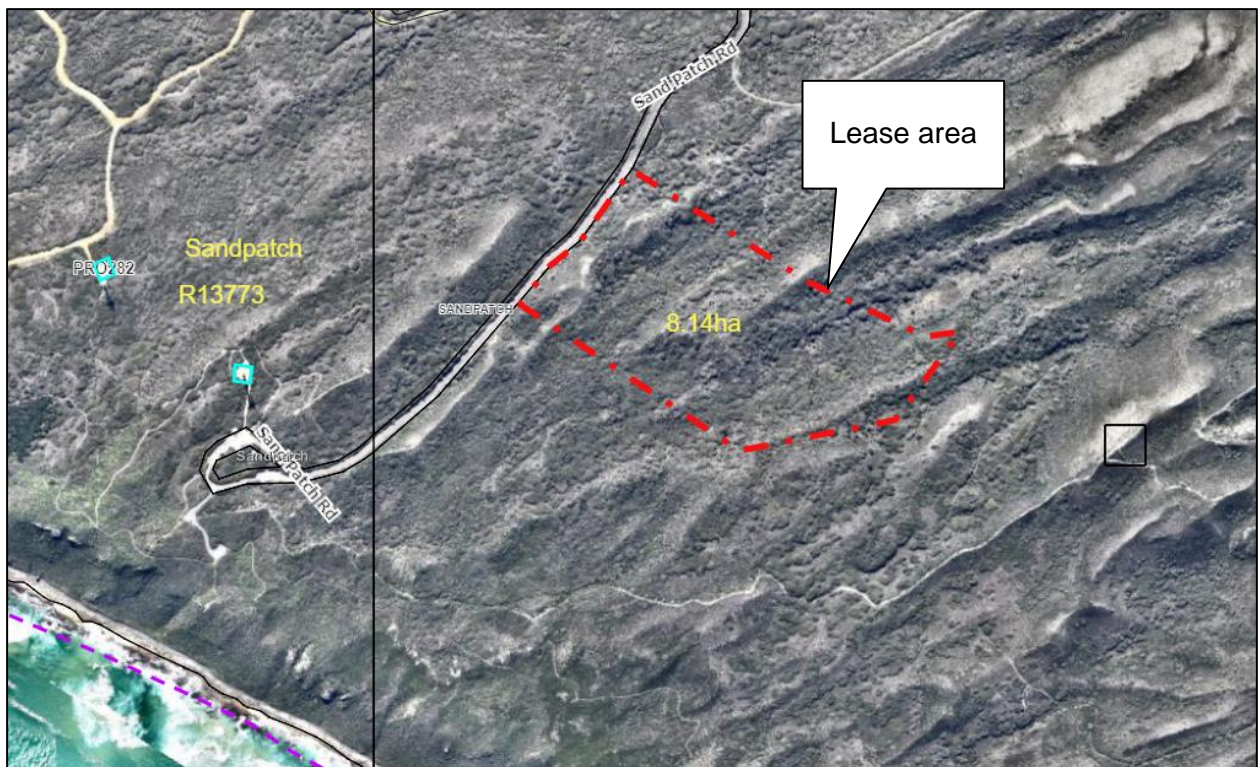
## CCS677: NEW LEASE – PORTION OF RESERVE 13773

<b>Land Description</b>	: Portion of Crown Reserve 13773, Lot 501 on Deposited Plan 60582, the subject of Certificate of Title LR3159 Folio 806, Sand Patch
<b>Proponent</b>	: Synergy Renewable Energy Developments Pty Ltd trading as SynergyRED (ACN 152 752 719) <ul style="list-style-type: none"><li>• Kurt Baker</li><li>• Jason Froud</li></ul>
<b>Owner</b>	: Crown (City of Albany under Management Order)
<b>Report Prepared By</b>	: Team Leader Property & Leasing
<b>Authorising Officer:</b>	: Executive Director Corporate & Commercial Services

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** 2. Planet – Shared responsibility for climate action.
  - **Outcome:** 2.2 Work towards net zero greenhouse gas emissions.

### Maps and Diagrams:



**IN BRIEF:**

- Council is requested to approve a new lease to Synergy Renewable Energy Developments Pty Ltd trading as SynergyRED, to construct a meteorological mast (met mast) on Reserve 13773, Sand Patch near the existing Albany and Grasmere Windfarms, subject to all necessary approvals.
- The met mast will capture meteorological data essential for the development and optimisation of future windfarms.
- Council received a briefing on the proposed project in March 2024.
- The new lease will be for a term of 10 years with a 7 year option, aligning with the Albany and Grasmere windfarms expiring in December 2041.
- It is recommended that Council approve the new lease with SynergyRED.

**RECOMMENDATION**

**CCS677: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL**  
**SECONDED: COUNCILLOR SUTTON**

**THAT Council APPROVE new lease to Synergy Renewable Energy Developments Pty Ltd trading as SynergyRED over portion of Crown Reserve 13773, subject to the terms and conditions outlined in section 16 in this report.**

**CARRIED 6-3**

**Record of Vote**

Against the Motion: Councillors Lionetti, Baesjou and McKinley

**CCS677: COMMITTEE RECOMMENDATION**

**MOVED: DEPUTY MAYOR TERRY**  
**SECONDED: COUNCILLOR TRAILL**

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

**CARRIED 7-1**

**Record of Vote**

Against the Motion: Councillor Baesjou

**RESOLUTION**

**MOVED: MAYOR STOCKS**  
**SECONDED: COUNCILLOR BAESJOU**

**THAT the meeting be re-opened.**

**CARRIED 8-0**

**RESOLUTION**

**MOVED: COUNCILLOR TRAILL**  
**SECONDED: DEPUTY MAYOR TERRY**

**THAT, in accordance with Part 4 of the City of Albany Standing Orders Local Law 2014 (as amended), the meeting be closed to allow discussion on Report Item CCS677: New Lease Portion of Reserve 13773**

**CARRIED 8-0**

**CCS677: AUTHORISING OFFICER RECOMMENDATION**

THAT Council APPROVE new lease to Synergy Renewable Energy Developments Pty Ltd trading as SynergyRED over portion of Crown Reserve 13773, subject to the terms and conditions outlined in section 16 in this report.

**BACKGROUND**

2. Crown Reserve 13773 is under Management Order issued to the City for the purpose of 'Conservation, Recreation, Water Supply and Wind and Wave Energy Power Generation' with power to lease for any term not exceeding 45 years, subject to Minister for Lands approval.
3. Reserve 13773 is a 'C' class reserve, with an area of approximately 1652 hectares, is located at Lot 501 Sand Patch Road, Sand Patch.
4. The City currently has two lease agreements with Synergy for the Albany and Grasmere windfarms and a lease with the Hang Gliding Association over the reserve.
5. SynergyRED, a 100% owned subsidiary of Synergy, has approached the City of Albany with a request to lease a portion of Reserve 13773 for the purpose of constructing a meteorological mast, at their own cost.
6. The mast will support wind energy feasibility studies by capturing critical weather data, including wind speed, direction, temperature, and pressure. This information will inform the future direction for the windfarms.
7. The proposal aligns with the City's strategic goals of promoting sustainable energy development and reducing greenhouse gas emissions. Additionally, the project aligns with the WA Government's Sectoral Emissions Reduction Strategy, which aims to achieve net zero emissions by 2050.

**DISCUSSION**

Land tenure

8. SynergyRED identified land on Reserve 2903, next to Reserve 13773, as the preferred location for the met mast.
9. Since the purpose of Reserve 2903 was for Quarantine of Stock and did not allow the City to lease the land, the City contacted the Department of Planning, Lands and Heritage (DPLH) for advice on tenure matters.
10. DPLH support the project and agreed to amalgamate Reserves 2903 and 13773 into a single Reserve 13773 to allow for the mast project. This process is now complete, enabling the lease for the met mast to move forward.
11. SynergyRED's installation of the mast will gather important data in assessing future wind energy projects.
12. This project supports the City's goal of progressing towards renewable energy solutions, consistent with the broader climate action strategies outlined in the Strategic Community Plan.

Lease terms

13. To align the lease with the existing two windfarm leases expiring in December 2041, a 10 year lease with a 7 year option is proposed.
14. SynergyRED propose a peppercorn rent as they are funding the full cost of building and installing the met mast.
15. This rent encourages investment in the infrastructure that will bring major public benefits, including better energy security, lowering greenhouse gas emissions and supporting broader environmental and sustainability goals.

16. The table below summarises the essential terms of the proposed surrender and new lease.

New Lease	Details
Tenant	Synergy Renewable Energy Developments Pty Ltd trading as SynergyRED
Land Description	Portion of Crown Reserve 13773, Lot 501 on Deposited Plan 60582, the subject of Certificate of Title LR3159 Folio 806, Sand Patch
Land Ownership	Crown (City of Albany under Management Order)
Lease Area	Approx 8.14ha subject to survey
Permitted Use	<ul style="list-style-type: none"> <li>the installation, operation and maintenance of a meteorological mast;</li> <li>the installation and maintenance of a gravel track for accessing the met mast site;</li> <li>for transporting equipment and personnel; and</li> <li>in accordance with and limited by the Management Order over the land.</li> </ul>
Rent	\$10.00 pa + GST
Term of Lease	10 years + 7 year option commencing December 2024
Outgoings	Tenant responsible for all outgoings, including insurance and utilities
Minister for Lands	Section 18 of the <i>Lands Administration Act 1997</i> , the Minister for Lands consent being obtained
Special Conditions	<p>Lease condition subsequent that the lease commences on signing subject to SynergyRED obtaining all relevant approvals for the proposal including but not limited to:</p> <ul style="list-style-type: none"> <li>Building Permit.</li> <li>Department of Water and Environmental Regulation (DWER).</li> <li>Water Corporation as within a Priority 1 Public Drinking Water Source Area.</li> <li>Aboriginal Heritage Assessment.</li> </ul> <p>If SynergyRED does not receive such approvals within 18 months from the date of the lease, this lease shall automatically terminate.</p>

17. The tenant has agreed in-principle to the above terms, subject to Council and Minister for Lands approval.

#### GOVERNMENT & PUBLIC CONSULTATION

18. Section 18 of the Land Administration Act 1997 provides that interests in Crown land cannot be assigned, sold, transferred or otherwise dealt with without the prior written approval of the Minister for Lands.
19. DPLH has given in-principle consent for the new lease, pending final approval from the Minister for Lands.
20. Section 3.58 of the Local Government Act 1995 governs property disposal, including leases.
21. Clause 30(2)(c) of the Local Government (Functions and General) Regulations 1996 exempts certain disposal from public notice, including those to government entities.
22. The proposed licence is exempt from public notice requirements.

## STATUTORY IMPLICATIONS

23. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including both leased and licensed land and buildings.
24. Section 18 of the *Land Administration Act 1997* requires Ministerial approval for any dealings with interests in Crown land, including lease agreements.
25. The proposed new lease complies with the statutory requirements for property disposal and interests in Crown land.

## POLICY IMPLICATIONS

26. The Property Management (Leases and Licences) Policy supports equitable access and efficient management of City owned and managed properties in line with statutory procedures.
27. The Policy provides that Government rents are to be market based. However a reduced rental can be applied where there is community benefit.
28. SynergyRED propose a peppercorn rent given the project provides substantial public benefit including enhanced energy security and reduced greenhouse gas emissions.
29. The cost of the project will be covered by SynergyRED, ensuring no financial burden on the City. Agreeing to a peppercorn rent ensures the project moves forward.
30. The recommendation is consistent with the Policy

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation:</b> New lease not approved – uncertainty of ongoing windfarms	Unlikely	Moderate	Medium	Negotiate terms that satisfy both Council and tenant
<b>Reputation and Financial:</b> Development not undertaken or completed	Possible	Moderate	Medium	Clause in lease to ensure development approvals are obtained within agreed timelines
<b>Reputation:</b> Delays in obtaining approvals from external agencies	Possible	Moderate	Medium	Work closely with tenant to ensure timely approvals and allow sufficient time for approvals
<b>Opportunity:</b> The project supports the City's goals for climate action and renewable energy exploration.				
<b>Opportunity:</b> The project aligns with the WA Government's Sectoral Emissions Reduction Strategy, which aims to achieve net zero emissions by 2050.				

## FINANCIAL IMPLICATIONS

32. All costs associated with the preparation and execution of the new lease documentation will be met by the tenant.
33. SynergyRED will fully fund the project, at no cost to the City.

## LEGAL IMPLICATIONS

34. The lease documentation will be prepared by City's lawyers to ensure enforceable terms to minimise risks to the City and Minister for Lands.



## ENVIRONMENTAL CONSIDERATIONS

35. The installation of a meteorological mast is environmentally low-impact and supports long-term sustainability through renewable energy development.
36. The project must comply with all relevant environmental legislation, including protection of flora, fauna and heritage sites, to preserve biodiversity in the area.
37. Approvals from both the Water Corporation since the site is located in the Priority 1 Public Drinking Water Source Area and DWER must be obtained prior to any works commencing.

## ALTERNATE OPTIONS

38. Council may:
  - a. Approve the new lease to SynergyRED; or
  - b. Seek amendments to the proposed terms of the new lease, including changing the rent from a peppercorn amount to commercial rent or a figure in between; or
  - c. Decline the new lease request.
39. Should Council impose a higher rental it may affect the progress of the project.
40. Should Council decline the new lease, the long term future of the existing windfarms beyond 2041 expiry becomes uncertain, and any potential for expanding the windfarms may be lost.

## CONCLUSION

41. SynergyRED has requested a lease in proximity to the Albany and Grasmere windfarms to construct a met mast on Reserve 13773, at their own cost.
42. The mast will collect weather data to support wind energy feasibility studies, which will guide the future development of the windfarms and energy security.
43. The met mast in Albany is an important part of Western Australia's plan to reduce carbon emissions. It supports the WA Government's goal of reaching net zero emissions by 2050, outlined in their Sectoral Emissions Reduction Strategy.
44. The proposed met mast aligns with the City's goals of promoting renewable energy initiatives and climate action.
45. It is recommended that the lease be approved.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• Property Management (Lease and Licences) Policy</li><li>• <i>Local Government Act 1995</i></li><li>• <i>Land Administration Act 1997</i></li><li>• <i>Local Government (Functions and General) Regulations 1996</i></li></ul>
<b>File Number</b>	:	PRO485 A165274
<b>Previous Reference</b>	:	Nil

## CCS678: BEHAVIOURAL COMPLAINT – ASSESSMENTS AND PROPOSED RESOLUTIONS

- Elected Member Portal** : *Strictly Private & Confidential* – Copy of Independent Assessors Reports and Submitted Complaints and Responses.
- This attachment is considered confidential in accordance with section 5.23(2) of the Local Government Act 1995, specifically: (b) The personal affairs of any person; and (d) Legal advice obtained, or which may be obtained by the local government.*
- Declaration of Interest** : **Impartiality:** All Elected Members present.  
\*Refer to the legal section of the report.
- Report Prepared By** : Manager Governance & Risk
- Authorising Officer:** : Chief Executive Officer

### 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:
  - **Pillar:** Leadership.
  - **Outcomes:** Strong workplace culture and performance.

#### In Brief: The Council:

- Must review the independent assessment of the alleged behavioural complaints.
- Consider the findings and recommendations in the Independent Assessor's Report.
- Decide on a course of action following the review.

**8.35PM** The meeting was adjourned for short comfort break.

**8.42PM** The meeting resumed.

**8.43PM**

#### RESOLUTION

**MOVED: COUNCILLOR BAESJOU**

**SECONDED: COUNCILLOR LIONETTI**

**THAT in accordance with clause 4.1 of the City of Albany Standing Orders Local Law, the meeting be closed to allow discussion of confidential item CCS678: Behavioural Complaint-Assessment and Proposed Solutions.**

**CARRIED 9-0**

Members of the public, media and staff left the Chamber. In attendance were Council, the Chief Executive Officer, Manager Governance and Risk and Meeting Secretary.

**9.34PM**

**RESOLUTION**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR TRAILL**

**THAT the meeting be re-opened.**

**CARRIED 9-0**

No members of the public or media returned to the Chamber.

**RECOMMENDATION**

**CCS678: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR MCKINLEY**

**THAT:**

- 1. The findings of the Alleged Behavioural Complaints against the respondents be NOTED.**
- 2. The outcomes resolved by the Council be communicated to the complainants.**

**CARRIED 9-0**

**BACKGROUND**

2. There are currently 3 main levels of complaints specific to council members, outlined below:
  - a. Behavioural Breaches:
    - Behavioural breaches include rude or inappropriate behaviour.
    - Behavioural breaches are dealt with in accordance with Division 3 of the Local Government (Model Code of Conduct) Regulations 2021.
    - Typical penalties for behavioural breaches include training as part of a behaviour improvement plan.
  - b. Minor Breaches:
    - Minor breaches range from misusing council resources to using office to disadvantage others.
    - Minor breaches are assessed by the Local Government Standards Panel.
  - c. Serious Breaches:
    - Serious breaches include failing to disclose a relevant interest in council decisions.
    - Serious breaches are referred to the State Administrative Tribunal (SAT) by the Director General of DLGSC.
3. The matters referred to in this report were dealt with in accordance with the law, being:
  - a. Local Government Governance Act 1995; and
  - b. Local Government (Model Code of Conduct) Regulations 2021.
4. The matters were referred for independent legal review.

## DISCUSSION

### Complaint Assessment Process

5. For each alleged behavioural complaint, the Council must:
  - a. Assess and determine whether to dismiss the complaint, as per Code of Conduct Clause 13.
  - b. Determine if the breach did not occur.
  - c. Determine if the breach is more likely to have occurred; and
    - Take no further action, or
    - Prepare an action plan.

### Report Summary

6. The attached “Strictly Private & Confidential Report” details the technical legal analysis by an independent assessor that has led to the findings and recommendations for Council consideration.
7. Findings have been made for each respondent.
8. The law obligates the Council to thoroughly address and resolve complaints concerning alleged behavioural misconduct.

### Independent Assessors’ Remit

9. The role of the Independent Assessor is to make assessments in accordance with the Local Government Act 1995 and Local Government (Model Code of Conduct) Regulations 2021, specifically under Division 3 – Complaints Only. The following points outline the key distinctions between the relevant divisions:
  - a. Division 2 Breaches: These involve general principles such as personal integrity, relationships, and accountability. If a breach is identified, it may be resolved internally through a meeting with the Mayor and Council. While an independent review can be considered, the Council must evaluate whether this is a good use of ratepayers' funds.
  - b. Division 3 Breaches: These pertain to behavioural matters related to personal integrity, relationships, and conduct at meetings. Complaints must be submitted in writing, using an approved form, within one month of the incident. The process includes handling the complaint, potential dismissal, and provisions for withdrawal.
  - c. Division 4 Breaches: These address both minor and serious breaches. Complaints in this category are managed by the Local Government Standards Panel, which investigates and takes appropriate actions.
  - d. Minor Breaches: Complaints related to minor breaches must be lodged within six months from the date of the alleged incident.

### Council Deliberations

10. The Council reviews the assessor's report and determines the appropriate action. This may include dismissing the complaint, taking no further action, or preparing an action plan if a breach is likely to have occurred.

Resolution and Communication:

11. The Council is required to consider the complaints, then make a resolution and communicate the outcome to the complainant and the respondent.
12. The following table summarises the findings from the Independent Complaints Assessors (PSL Legal):
13. **REDACTED CONFIDENTIAL SECTION OF REPORT**

**GOVERNMENT & PUBLIC CONSULTATION**

14. Consultation was conducted with the Western Australian Local Government Association (WALGA) Governance Advisory Team and the Independent Complaint Assessor. Findings and action plans will be shared with the Complainant.

**STATUTORY IMPLICATIONS**

15. The Local Government Act 1995 empowers the Council to address these matters. The Local Government (Model Code of Conduct) Regulations 2021 prescribe:
  - a. Overarching principles to guide behaviour.
  - b. Behaviours and complaints managed by local governments.
  - c. Rules of conduct considered by the Local Government Standards Panel.
16. The City of Albany Code of Conduct requires the Council to make a finding on complaints related to the alleged behaviour of council members, committee members, and elected candidates. The voting requirement for decisions is a Simple Majority.

**POLICY IMPLICATIONS**

17. A proposed policy has been developed for future Council consideration to allow a Committee of Council to manage future complaints.

**RISK IDENTIFICATION & MITIGATION**

18. Risk identification and categorisation rely on the City's Enterprise Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Legal: Risk:</b> Failure to adhere to guidelines and an agreed process may expose the City to legal challenges, damaging its reputation and incurring potential legal costs.	Rare	Moderate	Low	Follow the guidelines and the process detailed in the report.
<b>Reputational and People Health &amp; Safety: Risk:</b> Mishandling a complaint could escalate tensions between involved parties, negatively impacting the working environment and community relations.	Possible	Major	High	Maintain confidentiality and limit information being made public. Ensure that actions taken do not adversely affect the Council's standing in the community.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputational: Risk:</b> Public Perception. If the handling of the matter is perceived as biased or inadequate, it may erode public confidence in the City's ability to address code of conduct violations.	Possible	Major	High	Ensure transparency and fairness in the process.
<b>Confidentiality Risk:</b> Confidentiality only applies to the person who the complaint is lodged against. The complainant is advised of the outcome and is not bound by confidentiality.	Possible	Major	High	There is no mitigation. The City can only appeal to the complainant not to divulge the investigation results, such as findings and associated action plans.

### FINANCIAL IMPLICATIONS

19. Administration of this matter was funded from the existing operational budget.

### LEGAL IMPLICATIONS

20. **Confidentiality:** No direct statutory provision for confidentiality of behaviour breach allegations. The City can only appeal to the complainant not to divulge the investigation results, such as findings and associated action plans.
21. **Legal Privilege:** Covers this report, attached documents, and communications for legal purposes.
22. **Conflict of Interest:** Members must disclose any impartiality interest. The Presiding Member manages the meeting to ensure fairness.

### ENVIRONMENTAL CONSIDERATIONS

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

### ALTERNATE OPTIONS

24. Historically, Council has considered the following actions, if an action plan was considered warranted:
- Review and familiarisation – Code of Conduct & Policies.
  - Apology for engaging in the founded conduct in breach of the Code of Conduct.
  - Respectful and Inclusive Workplace Training.
  - Community Leadership Training.

### CONCLUSION

25. The law requires the Council to make a finding on complaints related to alleged behavioural complaints.
26. No action plans for any respondents have been proposed.
27. The CEO, acting as the complaints officer, has specific obligations under the Local Government Act 1995.
28. This ensures the complaint is managed according to correct procedures and by appropriate authorities.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Model Code of Conduct) Regulations 2021</i></li> <li>• <i>DLGSC Guidelines on the Model Code of Conduct for Council Members, Committee Members, and Candidates, March 2021.</i></li> </ul>
<b>File Number</b>	:	GO.CLS.6
<b>Previous Reference</b>	:	Not applicable.

## DIS421: DRAFT LOCAL PLANNING POLICY 1.2 SHIPPING CONTAINERS

<b>Land Description</b>	: City of Albany
<b>Proponent / Owner</b>	: City of Albany.
<b>Business Entity Name</b>	: City of Albany.
<b>Attachments</b>	: 1. Draft LPP 1.2 Shipping Containers 2. <a href="#">DIS408 OCM Minutes - August 2024</a> 3. Schedule of submissions with Officer Response
<b>Supplementary Information &amp; Councillor Workstation</b>	: Submissions
<b>Report Prepared By</b>	: Senior Planning Officer
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development & Environment

### 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:
  - **Pillar:** Place
  - **Outcomes:**
    - Responsible growth, development and urban renewal.
    - Interesting, vibrant and welcoming places.
    - Local history, heritage and character is valued and preserved.

### IN BRIEF:

- A Draft Local Planning Policy 1.2: Shipping Containers (LPP1.2) was advertised for public comment in September and October, following Council's endorsement to advertise at its meeting in August 2024.
- Some general and administrative modifications are proposed to draft LPP1.2, informed by submissions received.
- Staff recommend Council resolve to adopt final draft LPP1.2 (Attachment 1) with modification.

### RECOMMENDATION

**DIS421: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MACLAREN**  
**SECONDED: DEPUTY MAYOR TERRY**

**THAT Council ADOPT Local Planning Policy 1.2: Shipping Containers, being the version attached to this agenda for report item DIS421 DRAFT LOCAL PLANNING POLICY 1.2 SHIPPING CONTAINERS, pursuant to Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015***

**CARRIED 5-4**

### Record of Vote

Against the Motion: Councillors Lionetti, Sutton, McKinley and Grimmer



DIS421: COMMITTEE RECOMMENDATION

MOVED: MAYOR STOCKS

SECONDED: DEPUTY MAYOR TERRY

THAT Council ADOPT Local Planning Policy 1.2: Shipping Containers, **being the version attached to this agenda for report item DIS421 DRAFT LOCAL PLANNING POLICY 1.2 SHIPPING CONTAINERS**, pursuant to Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED 8-1

**Record of Vote**

Against the Motion: Councillor Lionetti

*Councillor Baesjou then proposed that a clarification of the correct version of the Local Planning Policy 1.2: Shipping Containers be included in the Committee Recommendation. The mover and seconder of the Authorising Officer Recommendation agreed to include the clarification in the substantive motion.*

DIS421: AUTHORISING OFFICER RECOMMENDATION

MOVED: MAYOR STOCKS

SECONDED: DEPUTY MAYOR TERRY

THAT Council ADOPT Local Planning Policy 1.2: Shipping Containers, pursuant to Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**BACKGROUND**

2. Draft LPP 1.2 was endorsed for advertising by Council at its August 2024 Ordinary Council Meeting.
3. The requirements to obtain development approval for the placement of shipping containers is set out under the *City of Albany Local Planning Scheme No.2* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Draft LPP1.2 aims to provide clarity and certainty over the assessment requirements applicable to shipping containers which would otherwise be unclear. It is considered this would also work to streamline assessment processes.
5. Refer to previous report item (DIS408) for further information and background on the draft policy.

**DISCUSSION**

6. Draft LPP 1.2 was advertised for public comment in September and October 2024 via an advert in a local paper and published on the City's website.
7. Five (5) submissions were received during advertising. Officer responses to the submissions can be found in the attached schedule of submissions with officer response.

Requirement for Development Approval

8. As referenced in DIS408, development approval is required for the placement of shipping containers. LPP1.2 seeks to provide clarity and certainty over the applicable assessment requirements.
9. Proposed LPP1.2 applies to the use of shipping containers for the purpose of outbuildings or storage in association with an approved land use under the City of Albany Local Planning Scheme No.2 only.
10. LPP1.2 also provides exemptions from the requirements to obtain development approval for the temporary placement of shipping containers, with further exemptions (in Agricultural Zones) proposed under planned amendments to the City of Albany Local Planning Scheme No.2 (LPS2).
11. It should also be noted that requiring a development approval does not mean the placement of a shipping container will not be supported however, this allows the Local Government to confirm the shipping container is located appropriately and does not impact the safety or expected amenity of the locality.
12. Officers are working on further exemptions from development approval requirements for shipping containers subject to criteria similar to that proposed by the submitter under an upcoming omnibus amendment to LPS2.

Amenity

13. Comments received during the advertising period both supported and raised concerns with the redevelopment measures and expressed conflicting views on the impacts of shipping containers on local amenity.
14. In response, officers consider that given the industrial function and appearance of shipping containers, redevelopment measures may be appropriate to ensure their appearance is consistent with the expected amenity of certain zones (if they are likely to be visible from adjoining properties or public places).
15. It should also be noted that shipping containers are generally only available for purchase when they have been degraded to the extent that they are no longer fit for purpose within the logistics industry and are therefore commonly rusted and/or damaged etc.

Structural requirements

16. Comments also questioned the requirement for shipping containers to be tied down.
17. Tie down requirements for shipping containers are contained within the Building Code of Australia and are not capable of being amended or altered under any local planning policy. This is a separate process governed under different legislation than the proposed local planning policy which does not mention tie downs for shipping containers.
18. The same submission also commented on the proposed requirement for shipping containers to be modified to enable opening from the inside and questioned how this would be possible.
19. Officers have given further consideration to this requirement and propose to expand this provision to facilitate the installation of a window, roof ventilator, air vent or similar as another means of achieving the desired safety outcome. Larger shipping container sales and hire companies, already offer these modifications to make containers suitable for alternative uses.
20. Officers also believe this provision would be better suited to an advice note within proposed LPP1.2 which would ensure this is not a mandatory requirement and is considered a recommendation only.

Administrative updates

21. Submissions have highlighted a conflict in provision 8 with the timeframe required for redevelopment measures listed as both 30 and 60 days. This provision has now been amended to allow 60 days for redevelopment measures to be implemented.
22. Finally, a submission highlighted that the previous provision 13, in which it is stated that redevelopment measures may be waived for the temporary placement of shipping containers is superfluous given the redevelopment measures are stated as applying to permanent placement of shipping containers only. Officers agree with this comment and the provision has since been deleted.

**GOVERNMENT & PUBLIC CONSULTATION**

23. The draft policy was advertised in accordance with Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for a period of 21 days.
24. Details of advertising as follows:

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Notice in Local Paper	17/09/2024	5 submissions received	Yes
Consult	Public comment – City website	17/09/2024 to 08/10/2024		Yes

**STATUTORY IMPLICATIONS**

25. A periodic review of the City's local planning policy (LPP) suite is currently underway.
26. Consideration of draft new LPPs and proposed modifications to existing LPPs require resolution of Council for endorsement to advertise and final adoption following advertising, subject to modifications, in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (Planning Regulations).
27. Should Council resolve to adopt LPP1.2, a notice of the policy must be published in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**POLICY IMPLICATIONS**

28. Adoption of proposed LPP1.2 will add an additional LPP to the City of Albany Local Planning Policy suite

**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
<b>Business Operation</b> <b>Risk:</b> Not approving draft LPP1.2 for advertising could result in inconsistent advice and/or assessment of applicable development proposals, leading to undesired outcomes.	Possible	Minor	Low	Policy provisions are consistent with the scheme standards and requirements, to provide guidance and supporting information for the consideration of applicable proposals.
<b>Opportunity:</b> To provide clarity and certainty on requirements for the development of shipping containers and to ensure shipping containers do not detract from the amenity of the area in which they are situated or affect the existing operation of the site.				

**FINANCIAL IMPLICATIONS**

30. There are no financial implications beyond what will be used for notice of adoption

**LEGAL IMPLICATIONS**

31. There are no legal implications relating to adopting draft LPP1.2.

**ENVIRONMENTAL CONSIDERATIONS**

32. There are no environmental implications relating to the adoption of draft LPP1.2

**ALTERNATE OPTIONS**

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

- To resolve to proceed with the policy with modifications.
- To resolve not to proceed with the policy.

**CONCLUSION**

34. Based on the discussion above, staff recommend Council resolve to adopt LPP1.2: Shipping Containers, with modifications informed by submissions received during advertising.

35. Upon formal adoption of LPP1.2, a notice will be published in a local newspaper and on the City of Albany website advising of the adoption of LPP1.2, in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

<b>Consulted References</b>	:	Draft <i>Local Planning Scheme No. 2</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>City of Albany Non-Habitable Structures Local Planning Policy</i> .
<b>File Number</b>	:	N/A
<b>Previous Reference</b>	:	OCM 27/08/2024 – DIS408

## DIS422: INITIATION TO ADOPT AMENDMENT NO.1 (OMNIBUS) TO LOCAL PLANNING SCHEME NO. 2 FOR ADVERTISING

<b>Land Description</b>	: City of Albany
<b>Attachments</b>	: Draft Scheme Amendment No.1 Report
<b>Report Prepared By</b>	: Senior Planning Officer – Strategic Planning
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development & Environment

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Place
  - **Outcome:**
    - Responsible growth, development and urban renewal.
    - Interesting, vibrant and welcoming places.
    - Local history, heritage and character is valued and preserved.
    - A safe, sustainable and efficient transport network.
  - **Pillar:** Planet
  - **Outcome:**
    - Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.
    - A resilient community that can withstand, adapt to, and recover from natural disasters.
  - **Pillar:** Prosperity
  - **Outcome:**
    - A strong, diverse and resilient economy with work opportunities for everyone.
    - A highly sought-after tourist destination.
  - **Pillar:** Leadership
  - **Outcome:** Grow awareness, understanding and engagement in City projects, activities and decisions.
2. The *Albany Local Planning Strategy 2019* (the Planning Strategy) is the local planning strategy that sets out the long-term planning directions for the Scheme area.
3. Scheme Amendment No. 1 (AMD001 Omnibus) aligns with the strategic objectives and actions identified under the Planning Strategy.

### IN BRIEF:

- An 'omnibus' amendment is used to address a range of unrelated issues or improvements to a local planning scheme.
- Various minor technical and administrative updates require minor changes to Local Planning Scheme No. 2 (LPS2). Staff have prepared AMD001 Omnibus to address these matters, as well as introduce improvements such as additional exemptions, and implement minor mapping updates.
- Council is requested to support initiation to adopt the AMD001 Omnibus to LPS2, for referral to the Western Australian Planning Commission (WAPC) and seek approval from the Minister to advertise.

## DIS422: ADDENDUM

During 14 November DIS Committee it was noted that the attachment for report DIS422: INITIATION TO ADOPT AMENDMENT NO. 1 (OMNIBUS) TO LOCAL PLANNING SCHEME NO. 2 FOR ADVERTISING had inconsistencies that required correction.

### Modification 11

**Issue:** Definitions for “Short-term rental accommodation” and “Short-term rental accommodation arrangement” do not appear in Modification 11.

**Correction:** These definitions are covered under the Deemed Provisions for local planning schemes and do not need to be repeated. However, terms not covered by the Deemed Provisions, such as "Chalet" and "Tourist and Visitor Accommodation," must be included

### Modification 13

**Issue:** Reference to "Column 3 Conditions" should be "Column 2 Conditions."

**Correction:** Updated to "Column 2 Conditions" and will be included in the November OCM addendum.

**Issue:** For No. 22, Column 3 mentions "Insert new conditions (3) and (4)"—but there is no (4).

**Correction:** Updated to remove reference to condition (4).

**Issue:** For No. 29, Column 2 Conditions starts numbering at 6 instead of 1.

**Correction:** Corrected numbering to start at 1.

### Modification 15

**Issue:** Subsections start at (c) instead of (a); similarly, Mod 16 starts at (e) instead of (a).

**Correction:** Updated both Mod 15 and Mod 16 to start at (a).

**Issue:** A4 – "Motel" is being deleted, and there is inconsistency in use classification (A vs. D).

**Correction:** "Motel" is removed because it is no longer used in the model scheme text or Deemed Provisions. The inconsistency in classification has been corrected.

**Issue:** A6 – Deletion of residential uses (Single House, Grouped Dwelling, Multiple Dwelling) despite recent RDAP decision allowing a Grouped Dwelling on Lot 215.

**Correction:** Base zone (Residential) already permits residential uses. Additional Use designation only needs to specify Shop and Office uses, along with applicable conditions.

**Issue:** A19 – Deletion of "Hospital" use despite an existing Day Hospital on Lot 252.

**Correction:** Hospital" is included as an "A" use in the Mixed Use zone, so it is no longer required in the Additional Use (D) will be corrected in the report.

### Modification 22

**Issue:** No. 28 under amendments references "subclause (2)(a)" instead of "(2)(b)."

**Correction:** Updated to reference "(2)(b)."

### Modification 23

**Issue:** Proposal to change the minimum AHD for SCA15 from 3.02m to 2.5m, with inconsistency compared to SCA16 (Oyster Harbour Inundation Area) which remains at 3.02m.

**Correction:** Minimum AHD for SCA15 is updated to align with the Risk Identification Report. Oyster Harbour's minimum AHD may be amended in the future pending progression of the CHRMAP and Risk Identification Report.

### **Officer Reason:**

An addendum is required to address and correct an error in the Omnibus report.

**RECOMMENDATION**

**DIS422: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: DEPUTY MAYOR TERRY**  
**SECONDED: COUNCILLOR TRAILL**

**THAT Council:**

1. Pursuant to section 75 of the *Planning and Development Act 2005*, **RESOLVES** to adopt Scheme Amendment No. 1 (Omnibus) to Local Planning Scheme No. 2, in accordance with the changes set out under Form2A in the Scheme Report (Attachment 1).
2. Pursuant to regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **RESOLVES** that the amendment is 'standard' in accordance with regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as it satisfies the following criteria:
  - (a) Amendments relating to zone/s are consistent with the objectives identified in the scheme for that zone or reserve;
  - (b) The amendments are consistent with the City of Albany Local Planning Strategy 2019, that has been endorsed by the Western Australian Planning Commission;
  - (e) It is considered the amendments will have a minimal impact on land in the scheme area that is not the subject of the amendment;
  - (f) The amendments do not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
  - (g) It is not considered a complex or basic amendment.
3. Pursuant to section 81 of the *Planning and Development Act 2005*, **DELEGATE** the Chief Executive Officer to refer the scheme amendment to the Environmental Protection Authority.
4. Pursuant to regulation 46C of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **DELEGATE** the Chief Executive Officer to:
  - a) Undertake modifications to Amendment No. 1 as required by the Minister, in accordance with section 83A (2)(b) of the *Planning and Development Act 2005*;
  - b) Undertake any further referrals of modified Amendment No. 1 to the EPA, if required, in accordance with section 83A(3) and section 81 and section 82 of the *Planning and Development Act 2005*; and
  - c) Resubmit the modified amendment to the Minister for approval, in accordance with section 83A (1) of the *Planning and Development Act 2005*.
5. In accordance with the requirements of regulation 47 (1) and (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **DELEGATE** the Chief Executive Officer to **ADVERTISE** Amendment No. 1 to Local Planning Scheme No. 2, as soon as reasonably practicable after the Minister grants approval in accordance with section 83A(2)(a) of the *Planning and Development Act 2005*.

**Note:**

- Advertisement of Amendment No. 1 including publication of a notice to be undertaken in accordance with Part 5 Division 3 regulation 47 and Schedule 2 Deemed Provisions Part 12 cl. 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in a form approved by the Western Australian Planning Commission.
- In accordance with Part 5 Division 1 regulation 35A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, when the proposed amendment takes effect, the approval of any approved structure plans under the scheme is not affected.

**CARRIED 9-0**

DIS422: PROCEDURAL MOTION

MOVED: DEPUTY MAYOR TERRY  
SECONDED: COUNCILLOR MACLAREN

THAT Report Item DIS422: INITIATION TO ADOPT AMENDMENT NO. 1 (OMNIBUS) TO LOCAL PLANNING SCHEME NO. 2 FOR ADVERTISING be DEFERRED and be presented to the Ordinary Council Meeting to be held on 26 November 2024.

CARRIED 8-0

**Reason:** The deferral will allow Council the opportunity to receive clarification regarding this report.

DIS422: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005*, RESOLVES to adopt Scheme Amendment No. 1 (Omnibus) to Local Planning Scheme No. 2, in accordance with the changes set out under Form2A in the Scheme Report (Attachment 1).
2. Pursuant to regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES that the amendment is 'standard' in accordance with regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as it satisfies the following criteria:
  - (a) Amendments relating to zone/s are consistent with the objectives identified in the scheme for that zone or reserve;
  - (b) The amendments are consistent with the City of Albany Local Planning Strategy 2019, that has been endorsed by the Western Australian Planning Commission;
  - (e) It is considered the amendments will have a minimal impact on land in the scheme area that is not the subject of the amendment;
  - (f) The amendments do not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
  - (g) It is not considered a complex or basic amendment.
3. Pursuant to section 81 of the *Planning and Development Act 2005*, DELEGATE the Chief Executive Officer to refer the scheme amendment to the Environmental Protection Authority.
4. Pursuant to regulation 46C of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to:
  - (a) Undertake modifications to Amendment No. 1 as required by the Minister, in accordance with section 83A (2)(b) of the *Planning and Development Act 2005*;
  - (b) Undertake any further referrals of modified Amendment No. 1 to the EPA, if required, in accordance with section 83A(3) and section 81 and section 82 of the *Planning and Development Act 2005*; and
  - (c) Resubmit the modified amendment to the Minister for approval, in accordance with section 83A (1) of the *Planning and Development Act 2005*.
5. In accordance with the requirements of regulation 47 (1) and (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to ADVERTISE Amendment No. 1 to Local Planning Scheme No. 2, as soon as reasonably practicable after the Minister grants approval in accordance with section 83A(2)(a) of the *Planning and Development Act 2005*.

Note:

- Advertisement of Amendment No. 1 including publication of a notice to be undertaken in accordance with Part 5 Division 3 regulation 47 and Schedule 2 Deemed Provisions Part



12 cl. 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in a form approved by the Western Australian Planning Commission.

- In accordance with Part 5 Division 1 regulation 35A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, when the proposed amendment takes effect, the approval of any approved structure plans under the scheme is not affected.

## BACKGROUND

4. The *Planning and Development Act 2005* (P&D Act) enables local governments to prepare and maintain local planning schemes to guide the use and development of land in their area.
5. These are maintained through periodic reviews and amendments to ensure the local planning framework remains contemporary.
6. Amendments to local planning schemes are required to follow the process set out under the P&D Act, the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations) and other associated legislation.
7. Refer to Statutory Implications section below for further information.
8. Since the gazettal and implementation of LPS2, officers have identified technical and administrative errors that require correction, plus updates required following changes to the state planning framework.
9. Further improvements to LPS2 have also be identified to provide clarity, remove ambiguity and increase efficiencies.

## DISCUSSION

10. This amendment (AMD001 Omnibus) was subsequently prepared to justify the proposed amendments.
11. The purpose of the proposed amendment is to:
  - a) Resolve administrative errors and minor technical matters that have been identified since LPS2 was gazetted
  - b) Update provisions to incorporate recent changes to the state planning framework and ensure consistency
  - c) Introduce new exemptions for certain developments to reduce requirements for Development Applications; and
  - d) Introduce further refinements to remove ambiguity and ensure LPS2 is maintained as a current and contemporary local planning scheme.
12. Details and rationale for the proposed changes to LPS2 are outlined under Attachment 1 Scheme Amendment No. 1 Report.
13. The proposed modifications fall into broad categories as follows:
  - Improvements to LPS2 provisions to reduce requirements for Development Applications.
  - Updates to reflect changes to legislation and the state planning framework since gazettal
  - Minor updates and corrections to technical and administrative errors and anomalies in the scheme text and map

Improvements

14. Updates are proposed across various provisions under LPS2, specifically Table 3 – Zoning Table and associated development requirements for land uses, to remove ambiguity, provide clarity and further refine and streamline development approval requirements.

Exemptions

15. New exemptions to the requirement for development approval for certain types of minor development.

Zoning table

16. Updates to permissibility of residential related land uses in the Zoning Table (Single House, Grouped Dwelling and Multiple Dwelling) to further support housing affordability and encourage diversity of dwelling typology and densities in certain zones, by the exempting requirement for development approval for change of use where proposal meets applicable requirements.
17. Updates proposed to delete assigned permissibility symbology for land uses under the Urban Development Zone
18. To remove ambiguity and ensure due regard can be given for appropriate development proposed in accordance with an endorsed structure plan, and enable minor development in areas without an endorsed structure plan. and replacing symbology with text referring to 'Land use permissibility in accordance with cl. 21 Schedule 5 Table 12 Urban Development zone' (specific updates to Table 12 provisions outlined below)
19. Minor updates to the permissibility of various land uses in certain zones, to remove ambiguity, ensure alignment with zone objectives, streamline and refine associated development provisions, and provide greater flexibility in the local planning framework where appropriate – such as proposed update from 'X' to 'A' for 'Bulky Goods Showroom' in the Mixed Use zone in alignment with zone objectives.
20. Updates to land use permissibility for certain land use proposals to reflect recent changes to the interpretation and consideration of certain land uses in specific zones, that may have a greater impact on adjoining sensitive uses and the locality.
21. The proposed updates aim to ensure a consistent approach to assessment and decision-making for such proposals – such as proposed update from 'D' to 'A' Home Business in the Rural Residential zone.
22. These updates are proposed to ensure a consistent approach during the consideration and decision-making proposed land uses, including public consultation where required, and that proposals demonstrate potential community concerns and identified impacts on amenity can be adequately managed.

State Planning Framework updates

23. Recent updates to the state planning framework and legislation include:
  - a) Implementation of changes throughout LPS2 following short-term rental accommodation (STRA) updates to the state planning framework and Planning Regulations, including deletion of existing and replacement with new land use definitions, changes to general definitions, associated updates to deletion and insertion of new land uses and assigned permissibility in the Zoning Table and general development provisions as required.
  - b) The new general and land use definitions relating to STRA and specifically in relation to unhosted and hosted short-term rental accommodation uses, have been added to Schedule 2 - Deemed Provisions of the Planning Regulations. Definitions and provisions under the Deemed Provisions, and not Schedule 1 - Model Provisions, are read as part of a local planning scheme. This means that local governments aren't required to update their local planning scheme with changes to the Deemed Provisions.

- c) However, in this instance, it was considered that the new land use definitions should be inserted into the relevant section of LPS2, to provide a better customer experience assisting various users and stakeholders navigating the local planning framework when seeking information and guidance on hosted or unhosted STRA proposals.
- d) In addition to STRA, updates to LPS2 to support the implementation of further changes to the local planning framework as part of continued implementation of Planning Reform by State government. Includes the introduction of references to planning codes and removal of the ability for local planning schemes to modify state planning policy through specific provisions.

Minor text and mapping updates

- 24. Following gazettal and implementation of LPS2, staff have identified various minor updates required to the scheme text and map, to address technical and/or administrative errors, address anomalies, to provide further clarity and remove ambiguity.

**GOVERNMENT & PUBLIC CONSULTATION**

- 25. In accordance with s. 83A(2)(a) of the P&D Act, following approval by the Minister to advertise a proposed standard amendment, the local government must, as soon as reasonably practicable, advertise the proposed standard amendment for 42 days.
- 26. Advertising to be undertaken in accordance with applicable requirements. including publishing a notice in a form approved by the Commission, in the local newspaper, on the website and letters sent to landholders directly affected by the amendment.

**STATUTORY IMPLICATIONS**

- 27. A local planning scheme is a statutory document that defines the way land can be used and developed.
- 28. The key elements of the statutory environment in relation to adoption and maintenance of local planning schemes including scheme amendments are set out in the P&D Act, the Planning Regulations.
- 29. The proposed omnibus scheme amendment has been prepared having regard to the Act, the Regulations and Model Scheme Text and Deemed Provisions contained therein.
- 30. The Planning Regulations identifies three different levels of amendments – basic, standard and complex.
- 31. Draft AMD001 is considered a standard amendment in accordance with the Planning Regulations as it satisfies applicable criteria as outlined under the Officer Recommendation above.
- 32. In accordance with r. 35 of the Planning Regulations, the local government may resolve to prepare or adopt an amendment to a local planning scheme, with the amendment then required to be forwarded to the Commission to seek approval from the Minister to advertise.
- 33. In accordance with the *Environmental Protection Amendment Regulations 2024* if a proposed amendment is unlikely to have an impact on the environment, there is no need to refer the amendment proposal to the Environmental Protection Authority.
- 34. This initiative is part of the Streamline WA initiatives to reduce the administrative burden and focus assessment on planning schemes that are likely to have an environmental impact requiring EPA consideration under the applicable legislation.

35. As referenced in the officer recommendation, should the Minister under section 83A(2)(b) of the Act require the local government to modify a proposed standard amendment submitted for approval to advertise, the local government must —
- modify the proposed amendment as required; and
  - resubmit the modified proposed amendment to the Minister in accordance with s. 83A of the P&D Act.

## POLICY IMPLICATIONS

36. There are no specific policy implications relating to the changes outlined under the proposed amendment.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Operational:</b> <i>Adoption for advertising of the omnibus amendment is not supported.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Staff to review and update the Scheme Amendment as proposed and resubmit with further information/clarification to address issues/concerns raised.</i>
<b>Opportunity:</b> <i>To facilitate further improvements and refinements by maintaining a contemporary and current local planning scheme and subsequently facilitate coherent regulatory outcomes.</i>				

## FINANCIAL IMPLICATIONS

38. The proposed scheme amendment has been developed within budget, with estimated future administrative costs adequately catered for within the current and forecasted budget.

## LEGAL IMPLICATIONS

39. There are no legal implications relating to the proposed scheme amendment.

## ENVIRONMENTAL CONSIDERATIONS

40. As outlined above, the proposed changes outlined under AMD001 are unlikely to have a significant environmental impact that would warrant referral and formal assessment of the amendment by the Environmental Protection Authority, as otherwise required under s. 81 of the P&D Act.

## ALTERNATE OPTIONS

41. In accordance with r. 46A of the Planning Regulations, the local government must resolve:
- a) to proceed to seek approval to advertise the proposed amendment, without modification, under section 83A of the Act; or*
  - b) to proceed to modify the proposed amendment and to seek approval to advertise the modified proposed amendment under section 83A of the Act; or*
  - c) not to proceed with the proposed amendment.*
42. If Council were to consider undertaking additional modifications to the amendment as proposed to be forwarded with the resolution seeking approval to advertise by the Minister, it is requested that Council defer the item to further workshop any significant modifications to the amendment with staff, prior to progressing.

## CONCLUSION

43. AMD001 Omnibus proposes various changes to LPS2 to ensure consistency with recent changes to the state planning framework, provide clarity and remove ambiguity by correcting minor administrative and technical matters and introduce new provisions to improve effectiveness and reduce red tape.
44. The changes proposed outlined under the scheme amendment are not expected to have environmental implications, meaning referral to the EPA is not required in this instance.
45. Council is requested to support initiation to adopt AMD001 to refer the amendment to the Commission, seeking approval to advertise from the Minister.

<b>Consulted References</b>	<ul style="list-style-type: none"><li>• <i>Local Planning Scheme No.2</i></li><li>• <i>Planning and Development Act 2005</i></li><li>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li><li>• <i>Environmental Protection Amendment Regulations 2024</i></li></ul>
<b>File Number</b>	DB.PLA.8
<b>Previous Reference</b>	OCM 28/02/23 Resolution DIS333.

**DIS423: PLANNING AND BUILDING REPORTS OCTOBER 2024**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports October 2024  
**Report Prepared By** : Senior Information Officer – Development Services  
**Authorising Officer:** : Manager Development Services

**RECOMMENDATION**

**DIS423: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BAESJOU**  
**SECONDED: COUNCILLOR SUTTON**

**THAT the Planning and Building Reports for October 2024 be RECEIVED.**

**CARRIED 9-0**

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

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Date and time Received: Wednesday 06 November 2024 at 3.08PM.

15.1: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: DEPUTY MAYOR TERRY

SECONDED: COUNCILLOR BAESJOU

THAT Council ADOPT and IMPLEMENT the following position on Public Question Time, contents of minutes and Tabled Documents:

1. **Public Question Time.** In accordance with clause 4.2 (Procedures for public question time) and clause 8.3 (Where this local law does not apply or is silent) of the *City of Albany Standing Orders Local Law 2014 (as amended)*:
  - Public Question Time is limited to 30 minutes, extendable at the discretion of Council.
  - The Presiding Member may decline to respond to a question if:
    - The same or a similar question was asked at a previous meeting.
    - The question or statement is offensive, unlawful or defamatory. The Presiding Member may request that it be rephrased to ensure that it is appropriate.
  - Priority during Public Question Time will be given to those members of the public who have registered to speak on an item on the agenda. Where there are multiple speakers on a number of topics, the Presiding Member may limit the number of speakers for each topic to allow participation by all those who wish to address Council during the prescribed time.
2. **Conduct of Persons at Meetings:**
  - Members of the public attending meetings must be respectful of the Presiding Member, Council and City Officers to ensure the meeting runs efficiently.
3. **Prevention of Disturbance:**
  - Members of the public are admitted to meetings with the understanding that no expressions of dissent, approval, conversations or other interruptions will take place during proceedings.
  - Attendees must:
    - Refrain from interrupting the meeting through approval, dissent or conversation.
    - Conduct themselves appropriately and follow directions if asked to leave.
    - Avoid obstructing access to the meeting or causing disturbances.
4. **Contents of Minutes** As per the *Local Government (Administration) Regulations 1996*, regulation 11, the minutes of the meeting will include a summary of questions raised during Public Question Time and a summary of the response.
5. **Documents Tabled at Meetings.** Documents tabled during Public Question Time or Reports of Members will not be included in the minutes. The minutes will note who tabled the document and will provide a document reference number.

CARRIED 9-0

15.1: AMENDMENT BY DEPUTY MAYOR TERRY

MOVED: DEPUTY MAYOR TERRY

SECONDED: COUNCILLOR BAESJOU

THAT the Motion be AMENDED to include the following wording:

**Conduct of Persons at Meetings:** Members of the public attending meetings must be respectful of the Presiding Member, Council and City Officers to ensure the meeting runs efficiently.

**Prevention of Disturbance:**

- Members of the public are admitted to meetings with the understanding that no expressions of dissent, approval, conversations or other interruptions will take place during proceedings.
- Attendees must:
  - Refrain from interrupting the meeting through approval, dissent or conversation.
  - Conduct themselves appropriately and follow directions if asked to leave.
  - Avoid obstructing access to the meeting or causing disturbances.

CARRIED 9-0

*Deputy Mayor Terry then proposed an Amendment to the Motion.*

15.1: AMENDMENT BY COUNCILLOR GRIMMER

MOVED: COUNCILLOR GRIMMER  
SECONDED: COUNCILLOR LIONETTI

THAT Point 3 of the motion be AMENDED to read:

**Documents Tabled at Meetings.** Documents tabled during Public Question Time or Reports of Members will not be included in the minutes. The minutes will note who tabled the document and will provide a document reference number. **Tabled documents will be distributed to Elected Members for their information.**

LOST 1-8

**Record of Vote**

For the Motion: Councillor Lionetti

*Councillor Grimmer then proposed an amendment to the Motion.*

15.1: NOTICE OF MOTION BY COUNCILLOR SUTTON  
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR TRAILL

THAT Council ADOPT and IMPLEMENT the following position on Public Question Time, contents of minutes and Tabled Documents:

1. **Public Question Time.** In accordance with clause 4.2 (Procedures for public question time) and clause 8.3 (Where this local law does not apply or is silent) of the *City of Albany Standing Orders Local Law 2014 (as amended)*:
  - Public Question Time is limited to 30 minutes, extendable at the discretion of Council.
  - The Presiding Member may decline to respond to a question if:
    - The same or a similar question was asked at a previous meeting.
    - The question or statement is offensive, unlawful or defamatory. The Presiding Member may request that it be rephrased to ensure that it is appropriate.
  - Priority during Public Question Time will be given to those members of the public who have registered to speak on an item on the agenda. Where there are multiple speakers on a number of topics, the Presiding Member may limit the number of speakers for each topic to allow participation by all those who wish to address Council during the prescribed time.
2. **Contents of Minutes** As per the *Local Government (Administration) Regulations 1996*, regulation 11, the minutes of the meeting will include a summary of questions raised during Public Question Time and a summary of the response.
3. **Documents Tabled at Meetings.** Documents tabled during Public Question Time or Reports of Members will not be included in the minutes. The minutes will note who tabled the document and will provide a document reference number.

**Councillor Reasons:**

The proposed position will provide certainty for Council and members of the public around what is recorded in the minutes of Council and Committee Meetings, and protocols for the conduct of, and participation in, Public Question Time.

The proposed position aligns with the existing City of Albany Standing Orders Local Law 2014 (as amended) and local government legislation, regulations and guidelines.

The proposed position will encourage relevant and constructive questions from members of the public wishing to address Council, which will then provide Council with the opportunity to consider those views when making an informed decision.

When Public Question Time is utilised for issues already decided or for individual publicity, it can significantly impact the opportunity for meaningful community engagement.

Adopting this position on Public Question Time and tabled documents fosters an engaged, respectful and transparent meeting process. It strikes a balance between public participation and engagement, and the need for a safe, respectful and inclusive environment during Council and Committee Meetings.



### Public Question Time

The Local Government Operational Guideline Number 03 defines Public Question Time as “a means by which the public can seek responses from their council about issues affecting the local government that are of concern to them.”

Limiting Public Question Time to 30 minutes, with the possibility of extension (by resolution of Council), ensures that the session remains manageable and efficient. The establishment of a procedure that ensures an equal and fair opportunity, with time management in mind, is important.

There are potential limitations on the types of questions that may be accepted by the Presiding Member. The provision allowing the Presiding Member to decline to respond to repetitive, offensive, unlawful or defamatory questions safeguards the integrity of the meeting.

By allowing the Presiding Member to request rephrasing of questions, Council encourages a culture of constructive dialogue. It also ensures that discussions remain constructive and focused on relevant issues and maintain a respectful environment for all in attendance.

When members of the public focus on decisions already made at previous meetings it can extend the duration of Public Question Time unnecessarily. If a significant portion of Public Question Time is taken by individuals speaking about previous decisions, those members of the public wishing to address Council on a matter to be discussed at the meeting may not receive the opportunity to do so.

If Public Question Time is dominated by repetitive queries or statements, other members of the public may feel discouraged from participating. They may feel that their concerns will not receive adequate attention or that Public Question Time is not a productive use of their, or Council's time.

The value of Public Question Time lies in its ability to facilitate engagement on matters to be discussed at the meeting. When participants in Public Question Time divert the discussion away from those matters, it reduces the potential for productive engagement.

### Questions and Responses

Members of the public may ask questions or seek clarification on the matters to be discussed at the meeting during Public Question Time.

Where possible, those questions will be answered at the meeting at which they were asked. If a response is unable to be provided at the meeting, a summary of the questions will be taken on notice and a response provided in writing and included in the agenda and minutes of the next meeting.

### Tabled Documents

Documents tabled during Public Question Time or Reports of Members will not be included in the minutes. The minutes of the meeting will record who tabled a document and provide a reference number. This will assist in producing clear and concise minutes while ensuring that tabled documents are recorded, retained and will remain accessible for future reference. Tabled documents will be classified as being for permanent retention.

Consideration must be given to the content of tabled documents. A document may contain material which is inappropriate or defamatory in nature or have been produced by a third party. The City may be unable to determine if a document is subject to copyright, or if the information contained in the document is fit for publication.

The minutes of a meeting should provide a clear record of the decision-making process. Tabled documents which do not relate to the matters to be discussed at a meeting are not relevant to the discussion and decision-making process.

### Minutes

The minutes of a meeting are intended to be a record of the collective decision making of Council, and in accordance with the Department of Local Government Guideline A Guide to the Preparation of Agendas and Minutes there is no legislated requirement for the minutes to be recorded verbatim.

Minutes should contain reports and recommendations, and any associated attachments presented for a decision of Council, disclosures of interest, and a chronological record of the time that members left and returned to the Chamber during the meeting (where applicable).

Requests by members to include particular comments in the minutes should be declined unless those comments relate directly to the decision-making process. Should Council decide to include comments in the minutes, those words should be made available on the screens in the Chamber and verified by members prior to their inclusion in the minutes.

### **Officer Comment:**

The proposed approach to Public Question Time and Tabled Documents aims to provide clarity and structure, in line with the City of Albany Standing Orders Local Law 2014.

**16. REPORTS OF CITY OFFICERS**

**17. MEETING CLOSED TO PUBLIC**

CCS678: BEHAVIOURAL COMPLAINTS-ASSESSMENTS AND PROPOSED SOLUTIONS

**18. CLOSURE**

There being no further business the Mayor declared the meeting closed at **9.36PM**.

*(Unconfirmed Minutes)*

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Gregory B Stocks  
**MAYOR**