



MINUTES

Ordinary Meeting of Council

Tuesday 28 June 2016

6.00pm

City of Albany Council Chambers

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

VISION

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

VALUES

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

Focused: on community outcomes

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

United: by working and learning together

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

Accountable: for our actions

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

Proud: of our people and our community

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

ORDINARY COUNCIL MEETING
MINUTES – 28/06/2016

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1. DECLARATION OF OPENING

[6:00:22 PM](#) The Mayor declared the meeting open.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

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

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

Staff:

Chief Executive Officer
Executive Director Corporate Services
Executive Director Planning and
Development
Executive Director Works and
Services
Executive Manager Community Services
Manager Tourism Development
and Services

A Sharpe
M Cole
D Putland
M Thomson
A Cousins
M Bird

Meeting Secretary

J Williamson

Apologies:

Kalgan Ward
Executive Director Economic
Development and Commercial Services

J Price (Apology)
C Woods (Apology)

Two members of the media and ten members of the public were in attendance.

4. **DISCLOSURES OF INTEREST** Nil

5. **REPORTS OF MEMBERS** Nil

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

7. **PUBLIC QUESTION TIME**

[6:01:43 PM](#) **Mr David Congdon, Harley Dykstra**

- Mr Congdon addressed Council in support of PD129: Approval of Local Development Plan No. 4, Lot 3134 Frenchman Bay Road, Torndirrup and PD132: Consideration of Adoption of Local Planning Scheme Amendment – Lot 422 Affleck Road, Kalgan.

[6:05:16 PM](#) There being no further speakers, the Mayor declared Public Question Time Closed.

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

9. **PETITIONS AND DEPUTATIONS** Nil

10. **CONFIRMATION OF MINUTES**

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON

THAT the minutes of the Ordinary Council Meeting held on 24 May 2016, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 12-0

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR MOIR

THAT the minutes of the Special Council Meeting held on 13 June 2016, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 12-0

11. **PRESENTATIONS** Nil

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

ED034: ALBANY HERITAGE PARK – 3rd QUARTERLY REPORT

Proponent	: City of Albany
Attachments	: Albany Heritage Park – Quarterly Report
Report Prepared By	: Executive Director Commercial Services (C Woods)
Responsible Officer(s)	: Executive Director Commercial Services (C Woods)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This strategy directly relates to the following elements from the Community Strategic Plan – Albany 2023 and the Corporate Business Plan 2014-2018.
 - a. **Key Theme: 1.** Smart Prosperous and Growing.
 - b. **Strategic Objective: 1.2** To strengthen our region's economic base.
 - c. **Strategic Objective 1.3** To develop and promote Albany as a unique and sought after destination.
 - d. **Strategy 1.2.2.** Strengthen our economy by supporting business innovation and diversity.
 - e. **Strategy 1.3.2.** Promote the Albany region as a sought after and iconic tourism destination.

In Brief:

- To provide Council with quarterly statistical and financial year to date updates on the performance of the National Anzac Centre and Albany Heritage Park.

RECOMMENDATIONS

ED034: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

Moved: Councillor Sutton

Seconded: Councillor Dowling

THAT Council NOTE the Albany Heritage Park Report July 2015 to March 2016.

CARRIED 12-0

ED033: COMMITTEE RECOMMENDATION

Moved: Councillor Sutton

Seconded: Councillor Goode

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

ED033: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE the Albany Heritage Park Report July 2015 to March 2016.

BACKGROUND

2. The National Anzac Centre is the City of Albany's most significant tourism asset.
3. The National Anzac Centre is a \$10.6 million dollar investment from the Federal and State Government with an additional \$1.5 million invested by Wesfarmers for the construction of the Convoy Walk and Lookout.
4. The City of Albany manages the asset and understands the importance of generating economic outcomes for the region using the National Anzac Centre and the Albany Heritage Park assets to encourage both increased visitation and extended stays to the region.
5. Key stakeholders will also receive this quarterly report in an effort to further develop the relationships and as recognition of their significant investment and commitment to the City of Albany.
6. The City will establish an independent National Anzac Centre Advisory Committee for the 2016/17 financial year to assist in the further development of both the NAC and AHP to ensure the assets continue to evolve and attract both local repeat visitation and visitors from outside the region.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of NAC and the AHP and has established a reserve on the understanding that any surplus funds will be reinvested and be used to leverage additional grant funding to improve the asset.

DISCUSSION

8. This NAC report template is constantly being reviewed to ensure that the Economic Development Committee and the soon to be established National Anzac Advisory Group receive all relevant information as to its performance.
9. Ongoing feedback from both the Economic Development Committee and the National Anzac Centre Advisory Group is encouraged to ensure the report is meeting expectations.
10. Officers will provide a more detailed description on the financial variances at the Committee Meeting.

GOVERNMENT & PUBLIC CONSULTATION

11. Not Applicable.

STATUTORY IMPLICATIONS

12. Not Applicable.

POLICY IMPLICATIONS

13. Not Applicable.

RISK IDENTIFICATION & MITIGATION

14. Nil.

FINANCIAL IMPLICATIONS

15. Nil.

LEGAL IMPLICATIONS

16. Nil.

ENVIRONMENTAL CONSIDERATIONS

17. Nil.

ALTERNATE OPTIONS

18. The Committee can further develop and refine the reporting tool as it requires or request changes to the current quarterly reporting timeline.

SUMMARY CONCLUSION

19. The financial performance of the NAC and AHP year to date is well above budget and the National Anzac Centre continues to deliver economic outcomes to the region as is evident from the visitation profiles.

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

CS029: CONNECTED COMMUNITIES 2014-2018 STRATEGY PROGRESS REPORT

Proponent	: City of Albany
Attachments	: Connected Communities 2014-2018 Strategy Briefing Note and Progress Report
Report Prepared by	: Senior Community Development Officer (T Flett)
Responsible Officer	: Executive Manager – Community Services (A Cousins)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 3. A Sense of Community.
 - b. **Strategic Objective:** 4.3 To build resilient and cohesive communities with a strong sense of community spirit.
 - c. **Strategy:** 4.1.2 Community Development

In Brief:

- The Connected Communities Strategy 2014-2018 was adopted in June 2014.
- The attached briefing note and report details achievements against the strategy since adoption and highlights key activities delivered in 2015/16, for noting by the Community Services Committee.

RECOMMENDATION

CS029: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR MOIR

THAT the Connected Communities Strategy 2014-2018 Annual Progress Report be NOTED.
CARRIED 12-0

CS029: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

CS029: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Connected Communities Strategy 2014-2018 Annual Progress Report be NOTED.

BACKGROUND

2. The 'Connected Communities 2014-2018' Community Development Strategy was adopted by Council in July 2014. The strategy was developed through a period of research and extensive community consultation, and builds on the work of previous strategies to support communities to reach and sustain their potential.
3. The strategy has four focus areas:
 - Safe Communities;
 - Sustainable Communities;
 - Connected Communities; and
 - Inclusive Communities.

DISCUSSION

4. The City has delivered a significant range of activities and initiatives against the key objectives within the strategy.
5. 24% of the strategies have been fully delivered, with 63% of strategies in progress and on track for completion. The remaining 13% of strategies will be delivered in 2016/17. A detailed briefing note and detailed report on progress is attached.

GOVERNMENT & PUBLIC CONSULTATION

6. Nil.

STATUTORY IMPLICATIONS

7. Nil.

POLICY IMPLICATIONS

8. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>Connected Communities Strategy progress report not noted.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Comprehensive report attached with briefing note.</i>

FINANCIAL IMPLICATIONS

10. Nil.

LEGAL IMPLICATIONS

11. Nil.

ENVIRONMENTAL CONSIDERATIONS

12. Nil.

ALTERNATE OPTIONS

13. Connected Communities 2014-2018 briefing note and detailed progress report is not noted.

SUMMARY CONCLUSION

14. The City has delivered against a significant number of objectives within the Connected Communities 2014-2018 Strategy as indicated in the attached briefing note and detailed progress report.
15. The Connected Communities 2014-2018 Strategy is progressing on schedule and will be reviewed and redeveloped in 2018.

Consulted References	:	Connected Communities 2014-2018 Strategy
File Number (Name of Ward)	:	CS.PLA.2
Previous Reference	:	CSC 3 July 2014

PD127: DRAFT CITY OF ALBANY PUBLIC HEALTH PLAN 2016-2020

Attachments	: 1. Draft City of Albany Public Health Plan (2016-2020) 2. Schedule of Submissions
Supplementary Information & Councillor Workstation:	Copies of Submissions
Report Prepared by	: Manager Health Services (S Reitsema)
Responsible Officer	: Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 3: A Connected Built Environment and 4: A Sense of Community
 - b. **Strategic Objective:** 3.2: To develop and implement planning strategies that support people of all ages and backgrounds, and 4.3: To develop and support a healthy, inclusive and accessible community.
 - c. **Strategy:** 3.2.2: Deliver programs that improve public health and wellbeing, and 4.3.1: Develop a range of activities and facilities that are appropriate for all ages.

In Brief:

- Council is requested to adopt the City of Albany Public Health Plan (PHP) (2016-2020).
- The purpose of the PHP is to improve and promote public health and wellbeing amongst all residents in the City of Albany.
- The PHP aims to support all members of the community, across all life stages to achieve good health and wellbeing outcomes across a range of identified priority health issues.
- The PHP has been developed through a period of research, community & stakeholder engagement consultation and priority setting.
- The PHP builds on and informs a number of key City strategies and plans and will be used as an overarching document for the development of future plans and policies.

RECOMMENDATION

PD127: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR GOODE

THAT Council ADOPT the City of Albany Public Health Plan 2016-2020.

CARRIED 12-0

PD127: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 7-0

PD127: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the City of Albany Public Health Plan 2016-2020.

BACKGROUND

2. The *Public Health Bill 2014* (“the Bill”) has been introduced to Parliament, after many years of consultation and development. It is anticipated that it will be passed by both Houses of Parliament in the near future.
3. The purpose of the Bill is to provide a modern, flexible and proactive risk based framework for the regulation of public health in Western Australia.
4. The Bill proposes to replace much of the existing *Health Act 1911*, and aims to provide the community with modern legislation to promote public health and wellbeing, help prevent disease, injury, disability and premature death, inform individuals and communities about public health risks
5. The Bill acknowledges that Local Government is the tier of Government closest to the community, and is therefore a key advocate and protector of public health in the community.
6. The Bill requires local governments to produce a Public Health Plan (PHP) which is evidence based and identifies the local public health needs. The local PHP is to also to be in alignment with the state’s PHP.
7. In its 2013-2014 budget Council allocated funding to develop a Public Health Plan.
8. The City engaged the services of *Stoneham and Associates* (Local Government and Public Health Consultants) to assist with the community/stakeholder consultation, data/evidence collection, priority setting and formulation of the plan.
9. Consultation and data/evidence collection took place during the latter half of 2014 and early 2015. The draft Plan has resulted from this consultation.
10. The draft plan was advertised for public comment for a period of 25 days (12 April 2016 – 6 May 2016). Relevant stakeholders were directly notified of the comment period by email. A total of four submissions were received, all of which provided great feedback in regards to the plan. Some changes to the plan, based on this feedback, have now been incorporated
11. Council is now asked to adopt the City of Albany Public Health Plan 2016-2020.

DISCUSSION

12. Development of the Public Health Plan (PHP) was led by Planning and Development Services’ Health Service team, however support and input was received from all other City of Albany Directorates.
13. Although not yet a legislative requirement, it was recognised that the development of a PHP will assist in setting priorities and direction for the City of Albany’s Health Service Team which experiences ever-increasing workloads and demands.
14. A range of community consultation strategies were undertaken to inform the development of the City of Albany’s PHP. Two key strategies included the development and distribution of an online community survey, and a series of community discussion groups with young people.
15. A total of 165 online surveys were completed by community members, with the most common age of respondents being 30-59 year olds.

16. The issues of concern to these community members were diverse and included:
 - ageing population
 - alcohol and drug issues
 - mental health issues
 - getting people active
 - improved and linked cycle paths and infrastructure; and
 - access to health services
17. The key public health and wellbeing issues identified by the community were factored into the priority setting process for the City of Albany PHP.
18. As part of the consultation processes, an online survey was forwarded to a range of non-Government and Government stakeholder agencies who deal with public health, community wellbeing and social health. A total of 22 organisations responded.
19. Comments from these stakeholders were positive and supportive and they showed an interest in collaborative working arrangements with the City of Albany. This has recently been displayed through the initiative from the WA Country Health Service's Great Southern office, in providing a shared Health Promotion Officer role.
20. The PHP covers a broad range of topics, including but not limited to:
 - Why Do We Need It?
 - The City's Role
 - Public Health Priorities
 - Implementation, Reporting and Review
 - Action Plans for Environmental Health Protection, Chronic Disease Prevention, Enhanced Community Lifestyle and Starting from Within.
21. The overarching theme within the PHP is to drive, in partnership with local stakeholders, a system-wide approach to promoting healthy lifestyles for the Albany community.
22. It is expected that implementation of the PHP will occur through:
 - The implementation of actions directly identified in this document; and
 - The development and subsequent implementation of a range of action plans, the review of existing plans, or through future plans that may be called for, which reflect the policy directions and community issues identified in the PHP.
23. The City will measure and report against an agreed range of community health and wellbeing indicators, with the aim to track outcomes over time.
24. The nature of the PHP is dynamic, reflecting a commitment to work with partner organisations to progressively address priority health and wellbeing issues and to develop and implement a number of strategies under the PHP.

The identified strategic objectives include:

Environmental Health Protection

Strategic Objective 1

Protect and enhance human health through disease prevention and the creation of environments supportive of health

Strategic Objective 2

Expand the primary role of the Environmental Health Officer to incorporate health promotion principles

Strategic Objective 3

Manage environmental health risks that have the potential to affect the community as a result of emergency events

Enhanced Community Lifestyle

Strategic Objective 1

Provide and support social opportunities that enhance community cohesion including those for an ageing population

Strategic Objective 2

Promote mental health and wellbeing through collaborative partnerships

Chronic Disease Prevention

Strategic Objective 1

Increase opportunities and support available for residents to lead healthy, active lifestyles

Strategic Objective 2

Provide a local environment that enhances community health and wellbeing

Strategic Objective 3

Advocate to external bodies to reduce negative impact on community health and wellbeing

Starting From Within – The City of Albany as a Role Model

Strategic Objective 1

Make health everyone's business within the City of Albany Services

Strategic Objective 2

Provide and support opportunities that encourage and promote City of Albany staff to lead a healthy lifestyle

25. The implementation, monitoring and review of the PHP will be overseen by the City of Albany's Health Services Team, but requires the execution of actions by relevant departments and support of senior management across the City of Albany.

GOVERNMENT & PUBLIC CONSULTATION

26. A total of four submissions were received, following the 25 days comment period. The feedback was very positive and included a number of suggestions in regards to updating some of the statistical data and also to incorporate specific information.

STATUTORY IMPLICATIONS

27. Review and evaluation of the Public Health Plan will occur as required under the *Public Health Bill 2014 - Part 6 Public Health Plans section 42 (5 and 6)*.
28. Voting requirement is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

29. The Public Health Plan contributes to the achievement of the following key Australian and Western Australian government policies, plans, and legislative requirements:
- Public Health Bill;
 - Healthy Spaces and Places;
 - Liveable Neighbourhoods; and
 - Health Promotion Strategic Framework (2012-2016).
30. The Public Health Plan also builds on and informs a number of local City plans, strategies and policies, namely:
- Albany Local Planning Strategy;
 - Age-Friendly Albany (2016-2020);
 - Connected Communities (2014 – 2018);
 - Cycle City Albany (2014 – 2019); and
 - Trails Hub Strategy (2015-2025);

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>The Public Health Plan raises community expectations and is not delivered as per the Plan</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Media and communication strategy to manage community expectations.</i> <i>Funds are allocated in future budgets or applied for, to accommodate activities or resourcing identified in the Plan or subsequent policies/strategies.</i>

FINANCIAL IMPLICATIONS

32. A number of the actions identified in the PHP's Action Plan may require future funding. However, it is anticipated that the plan will support external funding or resource sharing opportunities.

LEGAL IMPLICATIONS

33. Once adopted, the PHP will comply with the obligations set out in the pending Public Health Bill.

ENVIRONMENTAL CONSIDERATIONS

34. A number of the actions identified in the PHP's Action Plan may require environmental considerations. (e.g. Mosquito control, pollution response)

ALTERNATE OPTIONS

35. Council can choose not to adopt the PHP. This is not recommended as the adoption of a plan is an obligation set out in the pending Public Health Bill.
36. Council can opt to modify the PHP. If Council chooses this option, it is recommended the PHP return to the Planning and Development Services Committee for updating and review.

SUMMARY CONCLUSION


37. In its 2013-2014 budget Council allocated funding to develop a Public Health Plan. In response, the City has undertaken extensive consultation to identify the perceived public health risks and to set priorities.
38. The Public Health Plan (2016-2020) provides strategic guidance to Council and City staff for the future.

Consulted References	:	Community Strategic Plan: Albany 2023
File Number (Name of Ward)	:	PH.PLA.1 (All Wards)
Previous Reference	:	Adopted in 2014/2015 Budget

PD128: HOME BUSINESS AND DAM - LOT 355 EMU POINT DRIVE, ROAD, COLLINGWOOD PARK

Land Description	: Lot 355 Emu Point Drive, Collingwood Park
Proponent	: Franz Liva
Owner	: Franz Liva and Kelli Liva
Business Entity Name	: N/A
Directors	
Attachments	: 1. Area Plan 2. Site Plan 3. Application 4. Recommended Site Plan 5. Submission Table
Supplementary Information & Councillor Workstation	: Copy of submissions
Report Prepared by	: Senior Planning Officer (A Bott)
Responsible Officer	: Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



THIS ITEM WAS WITHDRAWN BY THE APPLICANT. A REPORT WILL BE PRESENTED TO A FUTURE PLANNING AND DEVELOPMENT COMMITTEE MEETING FOR CONSIDERATION.

STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council is asked to consider a development application for a Home Business and Dam at Lot 355 Emu Point Drive, Collingwood Park.
- The application was advertised for public comment and referred to surrounding residents in writing.
- Thirteen letters of objection have been received from nearby residents. The objections primary relate to concerns over traffic, amenity impacts and environmental impacts.
- The applicant has requested to expand the dam to the limit of the area granted a clearing permit. It has been determined through City of Albany assessment and agency referral that further expansion of the dam is not supported.
- Staff consider the retention of the vegetation which is currently covered by the clearing permit, in addition to rehabilitation, as being an offset to allowing the dam to remain without further expansion.
- Staff recommend that Council approve the proposed development, subject to conditions.

RECOMMENDATION

PD128: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to ISSUE a notice of determination granting development approval, with conditions, for a Home Business and Dam at Lot 355 Emu Point Drive, Collingwood Park WA 6330.

Conditions:

- (1) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans dated (XXXX).
- (2) The proposal shall comply with any details and/or amendments marked in red on the stamped, approved plans.

Advice:

The development of the dam area shall not extended beyond the red line shown on the attached plan.

- (3) Fully detailed earthworks plans, including proposed levels, shall be submitted for approval prior to further works being undertaken. As a minimum these plans shall meet the following requirements:
 - Earthworks that have been undertaken within 10 metres of the rear boundary shall be returned to a level consistent with the level of the adjacent reserve (this includes the area shown as current parking, as well as the lake). No development shall take place in this zone (green area on attached plan).
 - At a line offset 10 metres from the rear boundary, fill may be added at a 1:6 (H:L) batter. This may rise to a level that will allow fall at 2% or greater, all the way from Emu Point Drive.
 - If fill is to remain behind lot 4 (315 Emu Point Drive), a 300 millimetre diameter pipe shall be installed by the applicant from the now undrained lot to the rear reserve and a minimum one metre wide private drainage easement placed on the title of lot 355 (307-321 Emu Point Drive).
- (4) The vehicle storage area shall be suitably drained and sealed, and stormwater treated prior to discharge.
- (5) All vehicle wash-downs shall be undertaken off-site at the appropriate commercial facilities and there shall be no direct discharges from the vehicle storage area.
- (6) No servicing of vehicles shall be undertaken on the premises.
- (7) A landscaping plan detailing the size, species and location of trees/shrubs shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
- (8) Details of rehabilitation planting shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany for land within the 10 metre exclusion area and surrounding the dam.
- (9) All landscaped areas shall be maintained as per the approved landscaping plan(s) to the satisfaction of the City of Albany.
- (10) The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.

Advice:

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

- (11) The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
- (12) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
- (13) No preparation of bitumen shall be undertaken on the premises.
- (14) There shall be no dumping of construction waste (including asphalt) on the premises.

PROCEDURAL MOTION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR SUTTON

THAT the report be deferred and represented at the June 2016 OCM following a site visit.

CARRIED 7-0

PD128: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval, with conditions, for a Home Business and Dam at Lot 355 Emu Point Drive, Collingwood Park WA 6330

Conditions:

- (1) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans dated (XXXX).
- (2) The proposal shall comply with any details and/or amendments marked in red on the stamped, approved plans.

Advice:

The development of the dam area shall not extended beyond the red line shown on the attached plan.

- (3) Fully detailed earthworks plans, including proposed levels, shall be submitted for approval prior to further works being undertaken. As a minimum these plans shall meet the following requirements:
 - Earthworks that have been undertaken within 10 metres of the rear boundary shall be returned to a level consistent with the level of the adjacent reserve (this includes the area shown as current parking, as well as the lake). No development shall take place in this zone (green area on attached plan).
 - At a line offset 10 metres from the rear boundary, fill may be added at a 1:6 (H:L) batter. This may rise to a level that will allow fall at 2% or greater, all the way from Emu Point Drive.
 - If fill is to remain behind lot 4 (315 Emu Point Drive), a 300 millimetre diameter pipe shall be installed by the applicant from the now undrained lot to the rear reserve and a minimum one metre wide private drainage easement placed on the title of lot 355 (307-321 Emu Point Drive).
- (4) The vehicle storage area shall be suitably drained and sealed, and stormwater treated prior to discharge.

- (5) All vehicle wash-downs shall be undertaken off-site at the appropriate commercial facilities and there shall be no direct discharges from the vehicle storage area.
- (6) No servicing of vehicles shall be undertaken on the premises.
- (7) A landscaping plan detailing the size, species and location of trees/shrubs shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
- (8) Details of rehabilitation planting shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany for land within the 10 metre exclusion area and surrounding the dam.
- (9) All landscaped areas shall be maintained as per the approved landscaping plan(s) to the satisfaction of the City of Albany.
- (10) The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.
Advice:
A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. 97024 1/3 – 97024 3/3 (refer to the City of Albany's Subdivision and Development Guidelines).
- (11) The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
- (12) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
- (13) No preparation of bitumen shall be undertaken on the premises.
- (14) There shall be no dumping of construction waste (including asphalt) on the premises.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. The subject lot lies to the north side of Emu Point Drive, approximately 5 kilometres north-east of Albany city centre. The lot has an area of approximately 1.44 hectares and is zoned 'General Agriculture' under *City of Albany Local Planning Scheme No. 1*.
6. The land to the south is zoned 'Future Urban' and is bounded by 'Parks and Recreation' local scheme reserve. The land to the north and west is zoned 'General Agriculture', while the land to the east is covered by the 'Parks and Recreation' local scheme reserve.
7. The application was advertised for public comment, in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and clause 9.4 of *Local Planning Scheme No. 1*. Nearby landowners were directly notified in writing. A total of 13 submissions were received, all of which objected to, or raised concerns around the proposal.
8. A number of these concerns were raised regarding the clearing of vegetation on the property. However, the applicant had been granted a clearing permit by the Department of Environmental Regulation on 29 May, 2014, which allowed the clearing of an area of vegetation within the north-western quadrant of the property.

9. The applicant has proposed to expand the dam which is subject to retrospective approval to the extent of the area granted a clearing permit.
10. City of Albany assessment and agency referral has determined that further expansion of the dam is not supported.
11. Noting the applicant has an active clearing permit, it is considered that the retention of the remaining vegetation subject to the clearing permit is a compromise to the existing dam remaining and being improved via rehabilitation.
12. The applicant has submitted a landscaping plan and management statement in support of the proposal.
13. Council is now requested to consider whether to grant development approval.

DISCUSSION

14. The proposal consists of the two elements, including a dam/earthworks and truck parking and storage.
15. The truck and equipment storage is associated with the applicant's bitumen spraying business, which has operated within Albany for the past ten years.
16. The applicant does not propose to mix bitumen material on the site and the City of Albany would not be able to approve such an activity on the premises, in view of the present zoning.
17. As outlined above, a total of 13 letters of submission were received during the public advertising period, all of which raised concerns around the proposal.
18. The main concerns that have been raised and the proposed mitigation measures are addressed as follows:

Traffic

19. A number of submissions have raised concerns regarding the truck movements from the site.
20. The applicant has stated in the application that at most, two trucks would leave and return to the premises on a daily basis. Furthermore, the business is only run by the landowners, with no additional employees, while all business is undertaken off site and there are no customers attending the premises.
21. In terms of restricting the use of Emu Point Drive, the City of Albany does not have the statutory authority to control the direction of vehicles which are classified as 'as of right' vehicles by Main Roads WA. An 'as of right' vehicle is defined as any vehicle that is not a Restricted Access Vehicle. Rigid trucks and semi-trailers are not classed as Restricted Access Vehicles and do not require any permits or exemptions from regulatory requirements.

Amenity

22. Impact on amenity is a concern consistently raised in the submissions. Concerns primarily relate to noise generated from the proposed development and impacts on visual amenity.
23. With regard to noise issues, any operations would be subject to ongoing compliance with the *Environmental Protection (Noise) Regulations 1997*. The proposed use, as detailed in the application, would see all work being undertaken off the premises, including the cleaning and servicing of vehicles and machinery, and the preparation of bitumen. Therefore, the only noise generated would be from vehicles travelling to and from the premises.
24. In terms of mitigating visual impact, the location of the storage area has been proposed at the rear of the premises.

25. There is also a 70 metre section of established screening vegetation which runs east from the crossover along Emu Point Drive, which will also reduce the visual impact from public vantage points.
26. In addition to the above, the applicant has submitted a landscaping plan for the lot. The applicant has proposed to plant peppermint trees and Melaleucas along the road verge and around the dam and storage areas.
27. It is considered that the landscaping/rehabilitation plan, in conjunction with the stated scale of the operation, will mitigate any potential amenity issues. However, it is recommended that the implementation and ongoing maintenance of the landscaping and rehabilitation planting be stipulated as a condition of development approval.

Environment

28. Concerns regarding environmental impacts were consistently raised in the submissions.
29. A number of concerns were raised in relation to water runoff from the extraction area and the detrimental impacts that this could have on waterways.
30. The Department of Water was consulted and has advised the City that standard water control conditions are applicable to the proposal, which includes surface water management being undertaken by the developer. It is recommended that water management measures are applied as condition of development approval.
31. The applicant has also proposed to expand the dam on the site to the extent of the clearing permit area.
32. The Department of Water was contacted regarding the size of the dam and its potential expansion. It has been recommended by the Department that the dam not be expanded.
33. Given the applicant has an active clearing permit and can clear the subject vegetation regardless of the expansion of the dam, it is proposed, as a compromise, that the remaining vegetation subject to the clearing permit be retained subject to the existing dam being permitted to remain and be improved via rehabilitation.
34. City of Albany engineers have reviewed the applicant's request to fill sections of the lot and have provided conditions which will allow this to occur to minimal levels, while maintaining the natural floodplain and drainage functions of the area. The submission of a plan detailing works in accordance with these conditions, to the satisfaction to the City of Albany, will be required as a condition of development approval.
35. A number of submissions have also raised the issue of clearing of native vegetation. It is apparent from these submission that there is a level of misunderstanding within the community regarding the approval of the clearing that has taken place. Some members of the community believe that the City of Albany had granted approval for clearing. To clarify, the Department of Environmental Regulation is the statutory authority for clearing permits within Western Australia and has issued approval for clearing within the north-western quadrant of the subject lot.
36. As mentioned above, the applicant has submitted a landscaping plan which details the planting of additional native vegetation. Furthermore, the Department of Water has recommended that if development approval is granted that it be subject to a condition requiring planting to rehabilitate the area around the dam.

GOVERNMENT & PUBLIC CONSULTATION

37. The proposal was advertised for public comment for a period of 21 days, in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and clause 9.4 – *Advertising of Applications* within *Local Planning Scheme No. 1*. Surrounding landowners were directly notified in writing.

38. A total 13 submissions were received during the public advertising period. All 13 submissions objected or raised concerns around the proposal. Staff comments are provided in the attached schedule of submissions, while the broad issues are discussed above.

STATUTORY IMPLICATIONS

39. A 'Home Business' is classified as a 'D' use within the 'General Agriculture' zone under *Local Planning Scheme No. 1*, meaning that the use is not permitted, unless the local government has exercised its discretion by granting planning approval.
40. Voting requirement is a **Simple Majority**.

POLICY IMPLICATIONS

41. The site is within the City of Albany's *Development in Flood Prone Areas Policy*. In the context of this application, the primary objectives of the policy are to ensure that there are no interruptions to the natural drainage system of the area.
42. The conditions relating to fill have been formulated in consultation with City of Albany engineers with the intention of allowing the applicant to make minor changes to site levels, while maintaining the natural drainage function of the area. The condition will require the submission and approval of a plan detailing the proposed works, in accordance with the engineering conditions, prior to commencement of works.

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

48. The subject lot is largely cleared and slopes downward from Emu Point Drive towards the north-west. There is a large stand of native vegetation in the north-western quadrant of the lot, which is subject to a clearing permit issued by the Department of Environment Regulation.

ALTERNATE OPTIONS

49. Council may consider alternate options in relation to this item, such as:

- To determine that the proposed use is unacceptable and to resolve to refuse the application; or
- To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

SUMMARY CONCLUSION

50. The matters raised in the submissions received during the public advertising period have been broadly addressed by the proponent and can be mitigated through the application of appropriate planning conditions.

51. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>Development in Flood Prone Areas Policy</i>
File Number (Name of Ward)	:	A145789 (Breaksea Ward)
Previous Reference	:	NIL

**PD129: APPROVAL OF LOCAL DEVELOPMENT PLAN NO. 4, LOT 3134,
FRENCHMAN BAY ROAD, TORNDIRRU**

Land Description	: Lot 3134, Frenchman Bay Road, Torndirrup
Proponent	: Harley Dykstra
Owner	: Gwendoline Angove
Business Entity Name	: Nil
Attachments	: 1. Location plan 2. Local Development Plan No. 4
Supplementary Information & Councillor Workstation	: Nil
Report Prepared by	: Senior Planning Officer (Alex Bott)
Responsible Officer	: Executive Director Planning and Development (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- The City of Albany has been involved as a third party in a subdivision refusal which has been before the State Administrative Tribunal in mediation.
- Through mediation the proposal has been amended and additional plans/studies provided to the stage whereby approval can potentially be granted by the Western Australian Planning Commission.
- Given the specific building envelopes required to achieve the required fire ratings, it was determined at the State Administrative Tribunal that a local development plan would be the most appropriate planning instrument to guide future development.
- Council is requested to approve the local development plan, without modification.

RECOMMENDATION

PD129: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR SHANHUN

THAT Council resolves to APPROVE Local Development Plan No.4 without modification.

CARRIED 12-0

PD129: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR STOCKS

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 7-0

PD129: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to APPROVE Local Development Plan No.4 without modification.

BACKGROUND

4. The City of Albany has received an application for a Local Development Plan to provide development guidance and standards for the development of Lot 3134 Frenchman Bay Road, Torndirrup 6330.
5. The subject lot is located 4.2 kilometres south-west of Albany town centre and 400 metres to the south of the intersection of Bayview Drive and Frenchman Bay Road.
6. The land to the south and east of the subject lot is zoned 'Future Urban', while the land to the north is designated as a 'Parks and Recreation' local scheme reserve and the land to the west is designated as a 'Public Use' local scheme reserve.

DISCUSSION

7. The City Planning Staff support the local development plan, as it is consistent with the current strategic direction set in the *Albany Local Planning Strategy* and the relevant provisions of *Local Planning Scheme No. 1*.
8. The subject Lot is 4.85 hectares in size and zoned Future Urban under *Local Planning Scheme No. 1*.

9. The subdivision application over the site proposes a total of three lots, with the majority of land being subject to a conservation covenant to protect it from development in perpetuity.
10. The property is also subject to the *Little Grove Structure Plan*. The Structure Plan identifies the site as suitable for 'single dwelling' residential development and subdivision. The proposed local development plan would facilitate development which is consistent with this objective.
11. The primary intention of the Local development Plan is to establish development envelopes and associated clearing areas.
12. The proposed cleared areas correspond to Bushfire Attack Level (BAL) 29 under *Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas*.
13. BAL-29 is the highest construction standard allowable on the lots and results in the least amount of vegetation clearing to facilitate development.
14. The endorsement of a local development plan which details building envelopes and associated clearing zones, will mitigate the issue which has arisen in similar situations, whereby new landowners attempt to construct dwellings, while proposing low Bushfire Attack Levels that would require significant amounts of vegetation to be cleared.
15. Under the recently introduced *Planning and Development (Local Planning Schemes) Regulations 2015* local development plans are no longer binding statutory documents, as detailed within clause 56(1) below;

*"A decision-maker for an application for development approval in an area that is covered by a local development plan that has been approved by the local government **must have due regard to, but is not bound by, the local development plan when deciding the application.**"*
16. Future development of the site will require the lodgement of a development application. The development application would be assessed against the City of Albany Planning framework and the adopted local development plan for the site. However, given that conservation covenants would be lodged over the balance of the properties, there would be limited ability to vary from the proposed local development plan.

GOVERNMENT & PUBLIC CONSULTATION

17. Under the subdivision process, the Department of Planning has consulted with all relevant public authorities. It was through this process that it was determined that a Local Development Plan is the most appropriate instrument to guide future development of the land.

STATUTORY IMPLICATIONS

18. Local Development Plans undergo a statutory process in accordance with Schedule 2, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
19. Clause 52 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to approve the Local Development Plan with or without conditions.
20. The approval of a Local Development Plan has effect for a period of 10 years commencing on the day on which the local government approves the plan
21. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation Noting that local development plans are no longer binding, the plan may not be given due regard by developers during the development application process.	Likely	Moderate	Medium	The local development plan is based on sound planning principles. Any further variation or request to deviate from the plan would be assessed against its intent and the full statutory framework pertaining to the site, including <i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas</i> and <i>Local Planning Scheme No.1</i> .

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

26. There are a number of environmental factors relating to the land which have been considered through the subdivision process. The subdivision proposal has been referred to all relevant environmental agencies for comment as a component of this process.
27. Bushfire Attack Level 29 is the highest allowable Bushfire Attack Level rating for the site and results in the least amount of clearing to reduce the bushfire hazard.

ALTERNATE OPTIONS

28. Council may consider alternate options in relation to this item, such as:
- To resolve to approve the local development plan subject to further conditions; or
 - Not to approve the Local Development Plan.

SUMMARY CONCLUSION

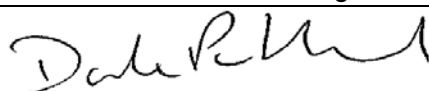
29. The City has been asked to consider the local development plan as a component of the subdivision proposal and controlling future development at Lot 3134, Frenchman Bay Road, Torndirrup.
30. The local development plan establishes building envelopes, which correspond to the amount of clearing necessary to develop dwellings at Bushfire Attack Level 29. This will ensure that the clearing required for the construction of a single dwelling is minimised.
31. It is recommended that Council approve Local Development Plan No.4 without modification.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Corporate Business Plan 2014-2018</i> 5. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 6. Western Australian Planning Commission <i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas</i> 7. <i>AS3959 – Construction of Buildings in Bushfire Prone Areas.</i> 8. <i>Little Gove Structure Plan</i>
File Number (Name of Ward)	:	LDP4 (Vancouver Ward)
Previous Reference	:	Nil

PD130: FINAL APPROVAL OF LOCAL PLANNING POLICY – DEVELOPMENT APPROVAL EXEMPTION

Land Description	: City of Albany local government area
Proponent	: City of Albany
Owner	: Various
Business Entity Name	: Not applicable
Attachments	: Final <i>Development Approval Exemption</i> Local Planning Policy
Supplementary Information & Councillor Workstation	: Nil
Report Prepared by	: Senior Planning Officer, Strategic Planning (A Nicoll) and Planning Officer (C McMurtrie)
Responsible Officer	: Executive Director Planning & Development (D Putland)

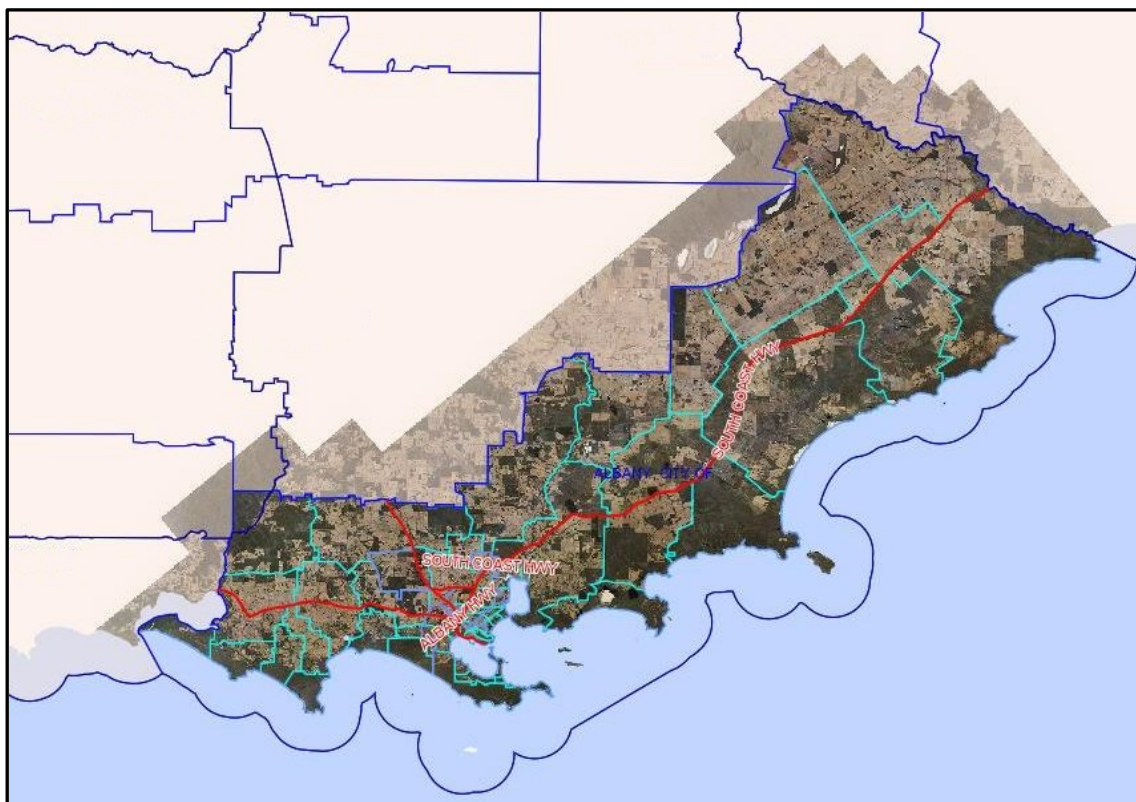
Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams



In Brief:

- Council is requested to consider whether to proceed with the proposed *Development Approval Exemption* local planning policy.
- Formerly, the erection or extension of a single house on a lot and the erection or extension of any ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, verandah, garage, carport, or swimming pool on the same lot as a single house or grouped dwelling did not require the development approval of local government within the 'Future Urban' zone, provided that there was an approved structure plan in place.
- Recent regulatory changes, introduced via the *Planning and Development (Local Planning Schemes) Regulations 2015*, have changed the status of structure plans so that they can no longer implement a zone or residential density code.
- The main objective of the local planning policy will be to exempt the above development types from requiring the development approval of local government within the 'Future Urban' zone, provided that there is an approved structure plan in place and the development meets the deemed-to-comply requirements of the *Residential Design Codes*.
- Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for making a local planning policy. It states that: *"If the local government resolves to prepare a local planning policy, the local government must, unless the Commission otherwise agrees, advertise the proposed policy..."*
- The local planning policy has been advertised for public comment and no submissions have been received.
- City Staff are supportive of proceeding with the proposed *Development Approval Exemption* local planning policy, as it will ensure that these development types are assessed in a consistent manner across all urban development areas. It will also reduce application processing times and the fees levied on land owners and developers.
- It is requested that Council resolves to proceed with the *Development Approval Exemption* local planning policy, without modification.

RECOMMENDATION

PD130: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT Council, in pursuance of Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to proceed with the *Development Approval Exemption* local planning policy, without modification.

CARRIED 12-0

PD130: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 7-0

PD130: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, in pursuance of Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to proceed with the *Development Approval Exemption local planning policy*, without modification.

BACKGROUND

4. The purpose of the 'Future Urban' zone is to identify land for development and to facilitate the preparation of a structure plan, which is then used to guide the coordinated subdivision and development of the land.
5. Formerly, a structure plan would have introduced a 'Residential' zoning and residential density code over any area intended for the development of housing. However, the *Planning and Development (Local Planning Schemes) Regulations 2015* have altered the status of structure plans so that they can no longer implement a zoning or a residential density code.
6. Many of Albany's current development areas are zoned 'Future Urban' and are subject to structure plans, which had effectively zoned the land 'Residential' and applied a residential density code. This meant that development approval was not required for the erection or extension of a single house on a lot or the erection or extension of any ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, verandah, garage, carport, or swimming pool on the same lot as a single house or grouped dwelling in these areas, provided that the development satisfied the deemed-to-comply requirements of the *Residential Design Codes*.
7. However, the recent change to the status of structure plans means that the 'Future Urban' zone remains and the *Residential Design Codes* do not apply to the land. Therefore, the development approval of local government is required for any development, even if it satisfies the deemed-to-comply requirements of the *Residential Design Codes*.
8. The City of Albany is aware that the requirement to obtain development approval for development in the affected areas is an impost on land owners and developers, due to increased application processing times and additional planning fees.
9. Consequently, it was determined appropriate to prepare a *Development Approval Exemption local planning policy*, with the aim of exempting the development types outlined in paragraph six from requiring development approval on land within in the 'Future Urban' zone, provided there is an approved structure plan in place over the land and the development satisfies the deemed-to-comply requirements of the *Residential Design Codes*.
10. The City of Albany *Local Planning Policy Manual* was originally adopted by Council on 14 December 2010 and collated all of the City's local planning policies in one document for ease of use. The policies deal with various planning and development matters within the Local Planning Scheme area and assist the local government in making decisions under the Scheme. Following its initial adoption, the *Local Planning Policy Manual* underwent a number of revisions, including a comprehensive update to align with *Local Planning Scheme No. 1* on 27 May 2014, which included a change of title to *Local Planning Scheme No. 1 Policy Manual*.
11. The *Planning and Development (Local Planning Schemes) Regulations 2015* permit a local government to prepare a local planning policy, in respect of any matter related to the planning and development of the Scheme area, and set out a procedure for advertising a proposed policy for public comment.

DISCUSSION

12. As outlined above, the main objective of the proposed *Development Approval Exemption* local planning policy will be to exempt the development types outlined in paragraph six from requiring the development approval of local government within the 'Future Urban' zone, provided that there is an approved structure plan in place and the development meets the deemed-to-comply requirements of the *Residential Design Codes*.
13. Proceeding with the proposed *Development Approval Exemption* local planning policy will also eliminate the need for separate planning and building approvals in many cases. This will reduce both application processing times and the fees that must be paid to the City, which is to the benefit of land owners and developers.
14. Following Council's resolution to prepare a *Development Approval Exemption* local planning policy at its Ordinary Meeting on 23 February 2016, the policy was advertised for public comment in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*. No submissions were received during the advertising period.
15. It is therefore recommended that Council proceed with the *Development Approval Exemption* local planning policy, without modification.

GOVERNMENT & PUBLIC CONSULTATION

16. The proposed *Development Approval Exemption* local planning policy was advertised for public comment from 17 March 2016 to 7 April 2016, by publication of a notice in the local press in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*.
17. No submissions were received during the advertising period.

STATUTORY IMPLICATIONS

18. Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows a local government to prepare a local planning policy:

"3. Local planning policies

- (1) *The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area."*

19. Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for making a local planning policy:

"4. Procedure for making a local planning policy

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows –*

- (a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of –*

- (i) *the subject and nature of the proposed policy; and*

- (ii) *the objectives of the proposed policy; and*

- (iii) *where the proposed policy may be inspected; and*

- (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*

- (b) *if, in the opinion of the local government, the policy inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
- (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
- (3) *After the expiry of the period within which submissions may be made, the local government must –*
 - (a) *review the proposed policy in light of any submissions made; and*
 - (b) *resolve to –*
 - (v) *proceed with the policy without modification; or*
 - (vi) *proceed with the policy with modification; or*
 - (vii) *not to proceed with the policy.*
- (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulation in the Scheme area.*
- (5) *A policy has effect on publication of a notice under subclause (4)."*

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

22. The following indicates the risk to the City in resolving to proceed with the local planning policy:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation To proceed with the Development Approval Exemption local planning policy may be perceived as the City showing an overly permissive attitude to development.	Unlikely	Minor	Low	The City can clearly justify its reasons for preparing a Development Approval Exemption local planning policy if it will reduce cost to land owners and unnecessary pressure on officer time.

FINANCIAL IMPLICATIONS

23. Proceeding with the proposed *Development Approval Exemption* local planning policy will exempt the development types outlined in paragraph six from requiring development approval. The City will therefore receive less income from planning fees. However, this will be offset by the reduction in officer time spent on processing applications for developments that were formerly exempt from requiring development approval.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

25. There are no environmental considerations directly relating to this item.

ALTERNATE OPTIONS

26. Council may consider alternate options in relation to this item, such as:

- To resolve to proceed with the *Development Approval Exemption* local planning policy, with modification; or
- To resolve not to proceed with the *Development Approval Exemption* local planning policy.

SUMMARY CONCLUSION

27. The proposed *Development Approval Exemption* local planning policy will ensure that nominated development types are assessed in a consistent manner across all urban development areas. It will also reduce application processing times and the fees levied on the local building industry.

28. On this basis, it is recommended that Council resolves to proceed with the *Development Approval Exemption* local planning policy, without modification.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 2. <i>Local Planning Scheme No. 1</i> 3. <i>Albany Local Planning Strategy 2010</i> 4. <i>City of Albany Strategic Community Plan 2023</i> 5. <i>City of Corporate Business Plan 2014-2018</i> 6. <i>Lower Great Southern Strategy</i> 7. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i>
File Number (Name of Ward)	:	CM.STD.7 (All Wards)
Previous Reference	:	<p>OCM – 17/07/2001 – Item 11.3.2</p> <p>OCM – 18/09/2001 – Item 11.3.2</p> <p>OCM – 16/08/2005 – Item 11.1.1</p> <p>OCM – 19/10/2010 – Item 2.7</p> <p>OCM – 23/02/2016 – Item PD114</p>

PD131: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT – LOTS 1447, 3, 72 AND 1411 (RESERVE 42401) FREDERICK STREET, ALBANY

Land Description	: Lots 1447, 3, 72 and 1411 (Reserve 42401) Frederick Street, Albany
Proponent	: Ayton Baesjou Planning
Owner	: City of Albany (vested Crown Land), DL & ME Harter, F Daniele, Skyway Nominees Pty Ltd, C Daniele, Terse Pty Ltd
Directors	: Philip Leslie Wyatt
Business Entity Name	: Skyway Nominees Pty Ltd, Terse Pty Ltd
Attachments	: Local Planning Scheme Amendment No. 14 report
Supplementary Information & Councillor Workstation	: Nil
Report Prepared by	: Planning Officer (C McMurtrie)
Responsible Officer	: Executive Director Planning & Development(D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams



In Brief:

- A request has been submitted for Council to adopt a local planning scheme amendment to:
 - Rezone Lots 1447, 3 and 72 Frederick Street, Albany from the 'Residential' zone to the 'Regional Centre Mixed Use' zone;
 - Rezone Lot 1411 Frederick Street, Albany from the 'Parks and Recreation' reserve to the 'Regional Centre Mixed Use' zone; and
 - Amend the Scheme Maps accordingly.
- City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
- The proposal will facilitate the renovation and reuse of the cottages on Lots 3 and 72 Frederick Street, along with the redevelopment of the land to the rear of these for housing at the R60 density code.
- Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

RECOMMENDATION

PD131: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR TERRY

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

1. **Adopt Amendment No. 14 to amend *City of Albany Local Planning Scheme No. 1* by:**
 - (1) Rezoning Lots 1447, 3 and 72 Frederick Street, Albany from the 'Residential' zone to the 'Regional Centre Mixed Use' zone;
 - (2) Rezoning Lot 1411 Frederick Street, Albany from the 'Parks and Recreation' reserve to the 'Regional Centre Mixed Use' zone; and
 - (3) Amending the Scheme Maps accordingly.
2. **Note that the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
 - The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as 'Existing Urban' and sets strategic objectives to promote economic development and encourage local employment opportunities, and to promote the continued viability of the Albany City Centre as the regional commercial and retail centre of the district and Lower Great Southern;
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

CARRIED 12-0

PD131: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

PD131: RESPONSIBLE OFFICER RECOMMENDATION

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

1. Adopt Amendment No. 14 to amend *City of Albany Local Planning Scheme No. 1* by:
 - (1) Rezoning Lots 1447, 3 and 72 Frederick Street, Albany from the 'Residential' zone to the 'Regional Centre Mixed Use' zone;
 - (2) Rezoning Lot 1411 Frederick Street, Albany from the 'Parks and Recreation' reserve to the 'Regional Centre Mixed Use' zone; and
 - (3) Amending the Scheme Maps accordingly.
2. Note that the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as 'Existing Urban' and sets strategic objectives to promote economic development and encourage local employment opportunities, and to promote the continued viability of the Albany City Centre as the regional commercial and retail centre of the district and Lower Great Southern;
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. Amendment No. 14 has been prepared to seek:
 - Rezoning of Lots 1447, 3 and 72 Frederick Street, Albany from the 'Residential' zone to the 'Regional Centre Mixed Use' zone;
 - Rezoning of Lot 1411 Frederick Street, Albany from the 'Parks and Recreation' reserve to the 'Regional Centre Mixed Use' zone; and
 - Amendment of the Scheme Maps accordingly.
6. The subject lots are located approximately 230 metres west of York Street and have a cumulative area of 3848m². The land slopes upward from Frederick Street, across the lots, in a north-westerly direction toward Spencer Street. Lot 1447 is developed as a car park and utilised by the Frederick House office complex to the west, Lot 3 is developed with a cottage and large shed to the rear, with the cottage used as a dwelling, while Lot 72 is developed with a cottage that has been used as a professional office in the past, but has now been vacant for a number of years. A small shed stands to the rear of this property. Both of the cottages on Lots 3 and 72 are included in the City's Municipal Heritage Inventory and are designated with Management Categories 'B' and 'C' respectively. More detailed Heritage Assessment/Impact Statement would be necessary before approval is given for development of either place.

7. Lot 1411 is occupied by the Albany Co-operative Society Ltd building, which dates from 1870 and has recently undergone an extensive restoration, with a view to accommodating community groups. The building is included in the City's Municipal Heritage Inventory and is designated with Management Category 'C'.
8. The subject land is bounded by Frederick Street to the south and Spencer Street to the east, while the Frederick House office complex stands to the west and a number of single houses stand on individual lots to the north. Frederick House is included within the 'Regional Centre Mixed Use' zone, while the residences to the north are zoned 'Residential' with an R30/60 density coding.
9. The land to the south of the subject land is zoned 'Regional Centre' and is occupied primarily by motel accommodation and 'The Store' café, which occupies the former Royal George Hotel liquor store building. The land to the east of the subject land is zoned 'Residential' with an R30 density coding and is occupied by single houses on individual lots and small number of holiday accommodation units. The lot to the south-east of the intersection of Frederick and Spencer Streets is zoned 'Residential' and designated as Additional Use site AU12. The lot is currently being redeveloped with residential units, while the existing buildings will be retained as offices.
10. The amendment document states that:

"The proposal to rezone Lots 1447, 3 and 72 Frederick Street, Albany from the 'Residential' zone to 'Regional Centre Mixed Use' zone will enable the existing residential dwellings to be used for a variety of commercial uses including:

- *Lunch bar*
- *Medical centre*
- *Office*
- *Restaurant*

Under the 'Residential' zone only 'Consulting Rooms' may be permitted at Council's discretion. As only two practitioners are permitted under the definition of 'Consulting Rooms' it is not a viable commercial proposition given the location next to and opposite the 'CBD'. This no doubt contributes to the fact that the premises on Lot 72 have been unable to attract a lessee for a number of years.

A concept plan has been prepared which demonstrates how the properties can be developed under the change of zoning. Refer Concept Plan overleaf. While there are a number of options, this proposal demonstrates how a mix of commercial and residential units could be accommodated on the site without having to demolish the existing cottages which have some heritage value and contribute to the established urban character and streetscape."

DISCUSSION

11. The City's planning Staff support the rezoning of Lots 1447, 3 and 72 Frederick Street, Albany from the 'Residential' zone to the 'Regional Centre Mixed Use' zone and the rezoning of Lot 1411 Frederick Street, Albany from the 'Parks and Recreation' reserve to the 'Regional Centre Mixed Use' zone, as it is consistent with the *Albany Local Planning Strategy*.
12. The *Albany Local Planning Strategy* identifies the site as part of the 'Existing Urban' area and sets strategic objectives to promote economic development and encourage local employment opportunities, and to promote the continued viability of the Albany City Centre as the regional commercial and retail centre of the district and Lower Great Southern.
13. The proposal is consistent with these objectives, as it will facilitate the renovation and reuse of the cottages on Lots 3 and 72 Frederick Street, along with the redevelopment of the land to the rear of these for housing at the R60 density code.

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

15. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
16. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning. Section 81 of the Act requires a local government to refer an adopted local planning scheme amendment to the Environmental Protection Authority to determine if it should be assessed.
17. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
18. The proposal is considered to be a standard scheme amendment for the following reasons:
- The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as 'Existing Urban' and sets strategic objectives to promote economic development and encourage local employment opportunities, and to promote the continued viability of the Albany City Centre as the regional commercial and retail centre of the district and Lower Great Southern;
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
19. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.	Possible	Minor	Medium	If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.
Community, Organisational Operations and Reputation The proposal may attract objections from members of the public or other public authorities.	Possible	Minor	Medium	Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be requested from the proponent as part of the amendment process.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

24. There are no environmental considerations directly relating to this item.

ALTERNATE OPTIONS

25. Council may consider alternate options in relation to this item, such as:

- To resolve to adopt the amendment to the local planning scheme with modifications;
or
- To resolve not to adopt the amendment to the local planning scheme.

SUMMARY CONCLUSION

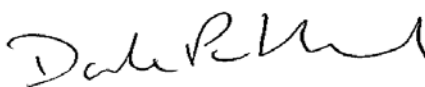
26. It is recommended that Council adopt Local Planning Scheme Amendment No. 14, as the proposal is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will facilitate the renovation and reuse of the cottages on Lots 3 and 72 Frederick Street, along with the redevelopment of the land to the rear of these for housing at the R60 density code.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Albany Corporate Business Plan 2014-2018</i> 5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i>
File Number (Name of Ward)	:	LAMD14 (Frederickstown Ward)
Previous Reference	:	Nil

**PD132: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME
AMENDMENT – LOT 422 AFFLECK ROAD, KALGAN**

Land Description	: Lot 422 Affleck Road, Kalgan
Proponent	: Harley Dykstra
Owner	: Archipelago Nominees Pty Ltd
Business Entity Name	: Achillies Pty Ltd; Shuttleworth & Associates; Great Southern Sands; Spinifex Crushing & Screening Pty Ltd
Directors	: Martin James Shuttleworth
Attachments	: Local planning scheme amendment No. 15 report
Supplementary Information & Councillor Workstation	: Nil
Report Prepared by	: Planning Officer (C McMurtrie)
Responsible Officer	: Executive Director Planning and Development (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

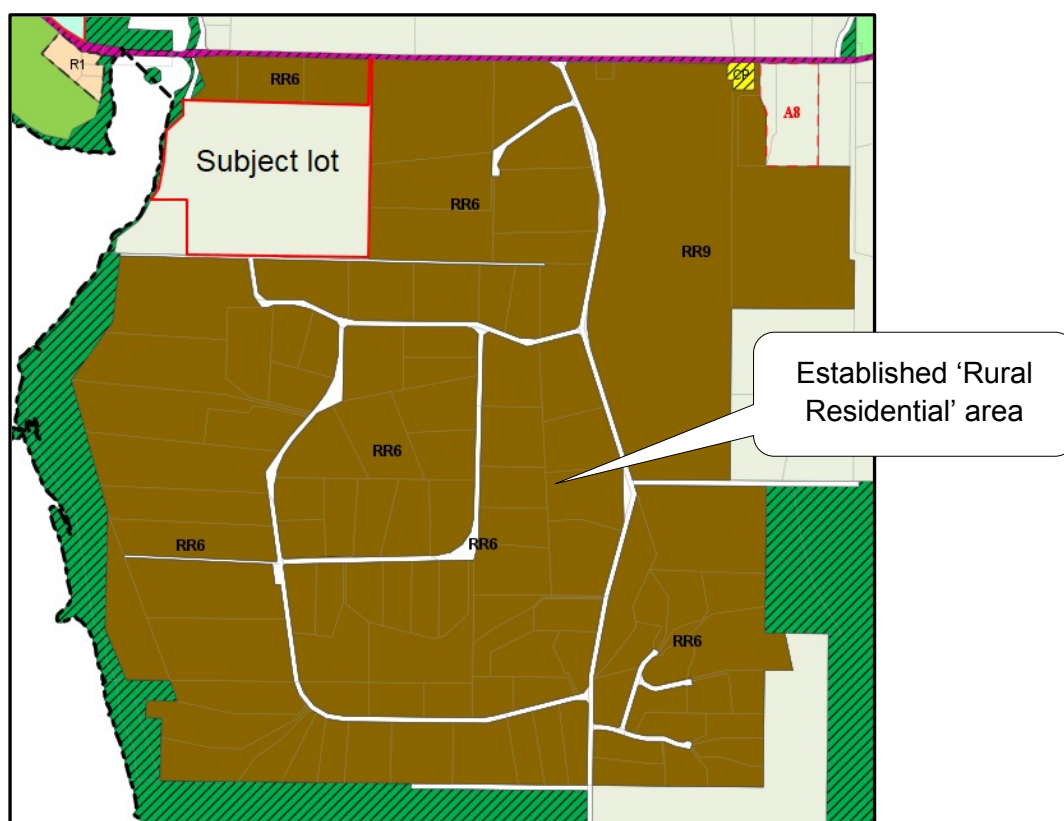
1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is broadly consistent with the strategic direction set in the *Albany Local Planning Strategy*.
4. The City has currently imposed a moratorium on the initiation of significant local planning scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land.
5. A proposal to rezone the land was initiated in July 2011, but was not sufficiently progressed and 'fell away' upon the Gazettal of *Local Planning Scheme No. 1*. The proposal now under consideration was lodged with the City of Albany in June 2015, which was prior to Council passing a resolution to impose the moratorium. The proposed amendment could not progress at this time, as further supporting information was required in relation to bushfire risk management. Although this proposal seeks to create lots for rural living purposes, it is considered that it would constitute an area of infill in the established 'Rural Residential' planning unit. In view of these factors, it is considered that the proposal may be entertained, as it does not conflict with the current moratorium.

Maps and Diagrams

Figure 1: Location plan



Figure 2: Zoning context plan



In Brief:

- A request has been submitted for Council to adopt a Local Planning Scheme Amendment to:
 - Rezone Lot 422 Affleck Road, Kalgan from the 'General Agriculture' zone to the 'Rural Residential' zone; and
 - Amend the Scheme Maps accordingly.

- City planning Staff support the proposal, as it is broadly consistent with the strategic direction set in the *Albany Local Planning Strategy* and *State Planning Policy 2.5*.
- It is considered that the proposal would constitute an area of infill in the established surrounding 'Rural Residential' planning unit. As such, it may be entertained, as it does not conflict with the current moratorium on the initiation of significant local planning scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land.
- Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

RECOMMENDATION

PD132: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR MOIR

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

- 1. Adopt Amendment No. 15 to amend *City of Albany Local Planning Scheme No. 1* by:**
 - (1) Rezoning Lot 422 Affleck Road, Kalgan from the 'General Agriculture' zone to the 'Rural Residential' zone; and**
 - (2) Amending the Scheme Maps accordingly.**
- 2. Note that the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
 - **The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as 'Special Residential' and 'Rural Residential' and sets a strategic objective to ensure that future rural living areas are planned and developed in an efficient and co-ordinated manner by being located adjacent to Albany as designated on the ALPS maps;**
 - **The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and**
 - **The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**

CARRIED 12-0

PD132: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 7-0

PD132: RESPONSIBLE OFFICER RECOMMENDATION

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

1. Adopt Amendment No. 15 to amend *City of Albany Local Planning Scheme No. 1* by:
 - (1) Rezoning Lot 422 Affleck Road, Kalgan from the 'General Agriculture' zone to the 'Rural Residential' zone; and
 - (2) Amending the Scheme Maps accordingly.
2. Note that the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as 'Special Residential' and 'Rural Residential' and sets a strategic objective to ensure that future rural living areas are planned and developed in an efficient and co-ordinated manner by being located adjacent to Albany as designated on the ALPS maps;
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

BACKGROUND

6. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
7. Amendment No. 15 has been prepared to seek:
 - Rezoning of Lot 422 Affleck Road, Kalgan from the 'General Agriculture' zone to the 'Rural Residential' zone; and
 - Amendment of the Scheme Maps accordingly.
8. Council previously initiated a local planning scheme amendment to rezone Lot 422 Affleck Road and Lot 183 Nanarup Road, Kalgan from the 'Rural' zone to the 'Special Residential' zone, under former *Town Planning Scheme No. 3*, at its Ordinary Meeting on 19 July 2011, where it resolved:

"THAT Council:

In pursuance of section 75 of the Planning and Development Act 2005 resolves TO INITIATE Amendment No. 307 to Town Planning Scheme No. 3 without modification for the purposes of:

 - 1) *Rezoning Lot 422 Affleck Road and Lot 183 Nanarup Road, Kalgan from the 'Special Rural' zone and the 'Rural' zone to the 'Special Residential' zone.*
 - 2) *Amending Schedule IV – Special Residential Zones to include Special Provisions for Special Residential Area No. 21.*
 - 3) *Amending the Scheme Maps accordingly."*

9. Following referral to the Environmental Protection Authority, this amendment was not progressed any further and ‘fell away’ upon the Gazettal of *Local Planning Scheme No. 1* on 28 April 2014.
10. The subject lot covers an area of 40.6 hectares and lies approximately 12 kilometres north-east of the Albany town centre. The land rises gently from the north and west, towards the centre of the lot, where it levels out to form a broad ridge continuing to the south-east. A dwelling and associated outbuildings stand in a loose cluster between the western boundary and the centre of the lot, with an access driveway to Affleck Road, which reaches the lot at its north-west corner. There is also a 10 metre-wide right of way connecting the north-east corner of the lot back to Nanarup Road, whilst the southern boundary abuts the Swan Point Road, road reserve. However, the constructed road ends approximately 180 metres away from the lot boundary.
11. The surrounding land to the north, east and south is zoned ‘Rural Residential’, while the lot abuts a ‘Parks and Recreation’ local scheme reserve to the west, along the Kalgan river estuary.
12. The ‘Rural Residential’ zone is intended to provide for large residential lots in excess of one hectare in area and is considered a form of rural living.
13. The amendment document states that:

“The purpose of this Amendment...is to rezone Lot 422 Affleck Road, Kalgan to Rural Residential. The amendment also incorporates provisions within Schedule 14 – Rural Residential Zones, to appropriately control subdivision, development and use in the new zone

This proposal has sound planning grounds, as justified by the following:

- *The rezoning of the subject site to Rural Residential would complete the Rural Residential zoning in this locality. All of the surrounding properties are zoned similarly;*
- *The subject site is identified for Rural Residential and Special Residential land uses by the Albany Local Planning Strategy (ALPS);*
- *The proposal will improve the fire management of the property, as well as ensuring that vegetation protection is instilled over the land; and*
- *The subject site would have better environmental controls as a result of the proposal.*

The subject site is identified as Special Residential and Rural Residential by the ALPS. At this time, it is not proposed to rezone the land to Special Residential in accordance with the ALPS, given a reticulated water supply is not readily available for connection to the subject site (which is required for land uses such as special residential with a lot size below 1ha). However, a number of lots within the Subdivision Guide Plan will be capable of further rationalisation under the Special Residential zone, should this zone be applied in the future and reticulated water becomes readily available.”

DISCUSSION

14. The City’s planning Staff support the rezoning of Lot 422 Affleck Road, Kalgan from the ‘General Agriculture’ zone to the ‘Rural Residential’ zone, as it is broadly consistent with the current strategic direction set by the *Albany Local Planning Strategy* and *State Planning Policy 2.5*.
15. The subject lot has been identified in the *Albany Local Planning Strategy* as suitable for ‘Special Residential’ and ‘Rural Residential’ land uses and is considered an area of infill within the established surrounding ‘Rural Residential’ planning unit.

16. A significant proportion of the land has been cleared of vegetation and the remainder somewhat degraded by past stock grazing, although the land is no longer used for agricultural purposes. In this context, the proposal can be entertained, as it does not conflict with the current moratorium on the initiation of significant Local Planning Scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land.
17. Fire management implications on the subject lot have been addressed through a Fire Management Plan, incorporating a bushfire risk assessment and a Bushfire Attack Level contour plan. The Fire Management Plan identifies the requirement for all new dwellings to be constructed in accordance with *Australian Standard 3959 – Construction of Buildings in Bushfire-Prone Areas*. The draft structure plan indicates a new access road from Nanarup Road along the western edge of Lot 184 Nanarup Road. Emergency access/egress routes are shown linking new cul-de-sacs back to the main access road and to the ends of Affleck and Swan Point Roads.

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

19. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
20. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning. Section 81 of the Act requires a local government to refer an adopted local planning scheme amendment to the Environmental Protection Authority to determine if it should be assessed.
21. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
22. The proposal is considered to be a standard scheme amendment for the following reasons:
 - The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as 'Special Residential' and 'Rural Residential' and sets a strategic objective to ensure that future rural living areas are planned and developed in an efficient and co-ordinated manner by being located adjacent to Albany as designated on the ALPS maps;
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
23. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

24. *State Planning Policy 2.5 – Land Use Planning in Rural Areas* applies to rural land in Western Australia and shall be considered in assessing amendments to rural zoned land in a local planning scheme. The policy aims to protect rural land from incompatible land uses, supports primary production activities and protects priority agricultural land.

25. In this instance, the subject lot is not currently used for agricultural purposes and adjoins non-rural land uses to the north, south and east. It is therefore considered that rezoning the subject lot would not be in contravention of *State Planning Policy 2.5* or the current moratorium on the rezoning of 'General Agriculture' or 'Priority Agriculture' zoned land.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations, People Health and Safety and Reputation Subdivision and development of the subject lot could create additional dwelling entitlements at risk of bushfire.	Possible	Severe	High	The proposal contains a Fire Management Plan and attendant Scheme provisions that are designed to mitigate the risk of bushfire and its impacts on any future dwellings and their residents. This will be achieved through adequate separation distances from remnant vegetation, implementation of relevant construction standards and other fire management measures.
Organisational Operations and Reputation Supporting this proposal could lead to other landowners questioning why the City would consider it under the current moratorium, but not other proposals to rezone agricultural land.	Possible	Minor	Medium	While, the <i>Albany Local Planning Strategy</i> , as the principal land use planning strategy for the City, would guide Council's decision-making in other instances, this proposal clearly constitutes an infill development in an established 'Rural Residential' zoned planning unit. This is illustrated in Figure 1 above.
Organisational Operations and Reputation The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.	Unlikely	Minor	Low	If not supported by the Western Australian Planning Commission or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.
Community, Organisational Operations and Reputation The proposal may attract objections from members of the public or other Government agencies.	Unlikely	Minor	Low	Widely consulting with all parties who may be affected and all government agencies should mitigate any risk in this regard. If necessary, further information can be requested from the proponent as part of the amendment process.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

29. Much of the subject lot is cleared and under pasture, although two substantial stands of native vegetation remain. The largest of these extends along the southern boundary of the lot, before reaching north in the eastern half of the lot, creating a reverse 'L' shape. The second substantial area of remnant vegetation stands adjacent to the northern boundary of the lot at its mid-point. Smaller pockets of vegetation also occupy the north-western and north-eastern corners of the lot. The vegetation has been classified by an accredited bushfire risk assessor as a mixture of woodland and forest.
30. A Bushfire Management Plan that has been submitted with the proposal and includes a Bushfire Attack Level contour plan. This plan indicates the Bushfire Attack Levels across the building envelopes that have been nominated for each lot on the draft structure plan. The location of the building envelopes would generally accommodate construction to withstand Bushfire Attack Levels of between 12.5 and 29, while requiring the minimum amount of clearing.
31. It is proposed to cede the land to the west of the access driveway off Affleck Road as foreshore reserve.

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

33. It is recommended that Council adopt Local Planning Scheme Amendment No. 15, as it as the proposal is broadly consistent with the strategic direction currently set within the *Albany Local Planning Strategy* and *State Planning Policy 2.5*.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Albany Corporate Business Plan 2014-2018</i> 5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i> 6. Western Australian Planning Commission <i>State Planning Policy 2.5 – Land Use Planning in Rural Areas</i>.
File Number (Name of Ward)	:	LAMD15 (Kalgan Ward)
Previous Reference	:	<p>OCM 16/06/2009 – Item 11.2.1</p> <p>OCM 15/09/2009 – Item 15.5.2</p> <p>OCM 15/06/2010 – Item 13.2.8</p> <p>OCM 16/11/2010 – Item 1.4</p> <p>OCM 19/07/2011 – Item 2.3</p>

PD133: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT – LOT 1005, 9100, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102 AND 6 CATALINA ROAD, STIRLING VIEW DRIVE AND ESPERANCE CRESCENT, LANGE

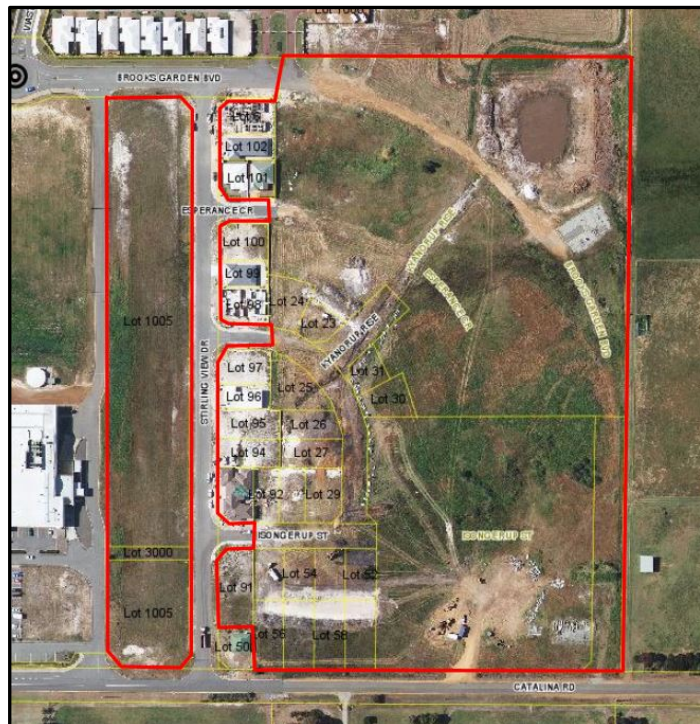
Land Description	: Lots 1005, 9100, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102 and 6 Catalina Road, Stirling View Drive and Esperance Crescent, Lange
Proponent	: Edge Planning and Property
Owner	: N and L Ryde
Business Entity Name	: Ryde Building Company Pty Ltd
Attachments	: Local Planning Scheme Amendment No. 19 report
Supplementary Information & Councillor Workstation	: Nil
Report Prepared by	: Senior Planning Officer (A Bott)
Responsible Officer	: Executive Director Planning and Development (D Putland)

Responsible Officer's Signature:

STRATEGIC IMPLICATIONS

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

Maps and Diagrams



In Brief:

- A request has been submitted for Council to initiate a Local Planning Scheme Amendment to rezone Lots 1005, 9100, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102 and 6 Catalina Road, Stirling View Drive and Esperance Crescent, Lange from the 'Future Urban' zone to the 'Residential' zone and amend the Scheme Maps accordingly.
- City planning Staff support the proposal, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
- The proposal is considered to be relatively minor and is classified as a Basic Scheme Amendment.

RECOMMENDATION

PD133: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MULCAHY

SECONDED: COUNCILLOR SUTTON

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to adopt Amendment No. 19 to amend *City of Albany Local Planning Scheme No. 1* by:

- (1) Rezoning Lot 1005 Catalina Road, Lange from 'Future Urban' to 'Residential R25';
- (2) Rezoning Lots 25, 29, portions of Lots 60 and 9101 on Deposited Plan 406224 and Lots 6, 91, 93, 97, 98, 100 and 101 on Deposited Plan 73991 from 'Future Urban' to 'Residential R30';
- (3) Rezoning Lots 23, 24, 26, 27, 28, 30, 31, 52 to 59, 92 and portions of Lots 60 and 9101 on Deposited Plan 406224 and Lots 94, 95, 96, 99 and 102 on Deposited Plan 73991 from 'Future Urban' to 'Residential R20';
- (4) Designating portions of Lot 9101 on Deposited Plan 406224 as 'Parks and Recreation' reserve and 'Local Road' reserve;
- (5) Designating Vaughan Vista, Isongerup Street and Brooks Garden Boulevard as 'Local Road' reserves;
- (6) Designating a portion of Brooks Garden Boulevard as 'Public Use – Pump Station' reserve; and
- (7) Amending the Scheme Maps accordingly.

The Amendment is basic under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is consistent with the *Albany Local Planning Strategy*.
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- As per 34 (g) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the amendment is consistent with the adopted *Brooks Garden Outline Development Plan* and *Local Development Plan No 2*.

CARRIED 12-0

PD133: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR STOCKS

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 7-0

PD133: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to adopt Amendment No. 19 to amend *City of Albany Local Planning Scheme No. 1* by:

- (1) Rezoning Lot 1005 Catalina Road, Lange from 'Future Urban' to 'Residential R25';
- (2) Rezoning Lots 25, 29, portions of Lots 60 and 9101 on Deposited Plan 406224 and Lots 6, 91, 93, 97, 98, 100 and 101 on Deposited Plan 73991 from 'Future Urban' to 'Residential R30';
- (3) Rezoning Lots 23, 24, 26, 27, 28, 30, 31, 52 to 59, 92 and portions of Lots 60 and 9101 on Deposited Plan 406224 and Lots 94, 95, 96, 99 and 102 on Deposited Plan 73991 from 'Future Urban' to 'Residential R20';
- (4) Designating portions of Lot 9101 on Deposited Plan 406224 as 'Parks and Recreation' reserve and 'Local Road' reserve;
- (5) Designating Vaughan Vista, Isongerup Street and Brooks Garden Boulevard as 'Local Road' reserves;
- (6) Designating a portion of Brooks Garden Boulevard as 'Public Use – Pump Station' reserve; and
- (7) Amending the Scheme Maps accordingly.

The Amendment is basic under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is consistent with the *Albany Local Planning Strategy*.
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- As per 34 (g) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the amendment is consistent with the adopted *Brooks Garden Outline Development Plan* and *Local Development Plan No 2*.

BACKGROUND

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

5. Amendment No. 19 has been prepared to seek:

- Rezoning of Lot 1005 Catalina Road, Lange from 'Future Urban' to 'Residential R25';
 - Rezoning of Lots 25, 29, portions of Lots 60 and 9101 on Deposited Plan 406224 and Lots 6, 91, 93, 97, 98, 100 and 101 on Deposited Plan 73991 from 'Future Urban' to 'Residential R30';
 - Rezoning of Lots 23, 24, 26, 27, 28, 30, 31, 52 to 59, 92 and portions of Lots 60 and 9101 on Deposited Plan 406224 and Lots 94, 95, 96, 99 and 102 on Deposited Plan 73991 from 'Future Urban' to 'Residential R20';
 - Designation of portions of Lot 9101 on Deposited Plan 406224 as 'Parks and Recreation' reserve and 'Local Road' reserve;
 - Designation of Vaughan Vista, Isongerup Street and Brooks Garden Boulevard as 'Local Road' reserves;
 - Designation of a portion of Brooks Garden Boulevard as 'Public Use – Pump Station' reserve; and
 - Amendment the Scheme Maps accordingly.
6. The 'Future Urban zone is intended to maintain viable uses for existing lots until the land is required to be developed for the desirable ultimate long term use. Now that the subject lots have begun to be developed and subdivided to a residential standard, a Residential zoning will more appropriately reflect the ultimate land use and facilitate continued residential development.
7. The subject lots lie approximately 4 kilometres north-west of Albany town centre and approximately 350 metres south of Mercer Road.
8. The land to the north of the subject lots is zoned 'Residential', while the land to the south and east is zoned 'Future Urban' and the land to the west is zoned 'Neighbourhood Centre'.
9. The amendment proposes to normalise the zoning and density of the subject lots from those contained within the *Brooks Garden Outline Development Plan* and *Local Development Plan No. 2* into *Local Planning Scheme No.1*.
10. The amendment document states that:

"The amendment formalises zoning and reservation consistent with the Brooks Garden Outline Development Plan and the approved Local Development Plan for Lot 1005 Catalina Road. Formalising the zoning and reservation will give greater certainty to land use permissibility and set out intended publicly managed land".

DISCUSSION

11. The City's planning Staff support the rezoning of the subject lots from the 'Future Urban' zone, as this is consistent with the current strategic direction set by the *Albany Local Planning Strategy*. It is also consistent with the approved *Brooks Garden Outline Development Plan* and *Local Development Plan No. 2*.
12. Consequently, the proposed amendment is considered to be relatively minor and affects land that has already been subdivided and partially developed for residential purposes.

GOVERNMENT & PUBLIC CONSULTATION

13. The *Planning and Development (Local Planning Schemes) Regulations 2015* do not require a basic amendment to a local planning scheme to be advertised for public comment. Consequently, no consultation has been undertaken.

STATUTORY IMPLICATIONS

14. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
15. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning. Section 81 of the Act requires a local government to refer an adopted local planning scheme amendment to the Environmental Protection Authority to determine if should be assessed. Council resolution is sought for the adoption of a local planning scheme amendment.
16. The proposal is considered to be a basic scheme amendment for the following reasons:
 - The amendment is consistent with the *Albany Local Planning Strategy*.
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - As per 34 (g) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the amendment is consistent with the adopted Brooks Garden Outline development Plan and Local Development Plan No 2.
17. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

18. The proposal is considered to be consistent with the adopted *Brooks Garden Outline Development Plan* and *Local Development Plan No 2*.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Organisational Operations and Reputation</i> The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.	Unlikely	Minor	Low	If not supported by the Western Australian Planning Commission or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

21. There are no legal implication directly relating to this item.

ENVIRONMENTAL CONSIDERATIONS

22. There are no environmental considerations directly relating to this item.

ALTERNATE OPTIONS

23. Council may consider alternate options in relation to this item, such as:

- To resolve to adopt the amendment to the local planning scheme with modifications; or
- To resolve not to adopt the amendment to the local planning scheme.


SUMMARY CONCLUSION

24. It is recommended that Council adopt Local Planning Scheme Amendment No. 19, as the proposal is consistent with the strategic direction currently set within the *Albany Local Planning Strategy* and normalises the zoning and residential density codes in accord with the adopted *Brooks Garden Outline Development Plan* and *Local Development Plan No 2*.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Albany Corporate Business Plan 2014-2018</i> 5. <i>Brooks Garden Outline Development Plan</i> 6. <i>Local Development Plan No.2</i>
File Number (Name of Ward)	:	LAMD19 (Yakamia Ward)
Previous Reference	:	

PD134: CONSIDERATION OF SUPPORT FOR LOCAL PLANNING SCHEME AMENDMENT – LOT 5 LOWANNA DRIVE, LOTS 9 AND 110 GEORGE STREET AND LOT 16 SOUTH COAST HIGHWAY, GLEDHOW

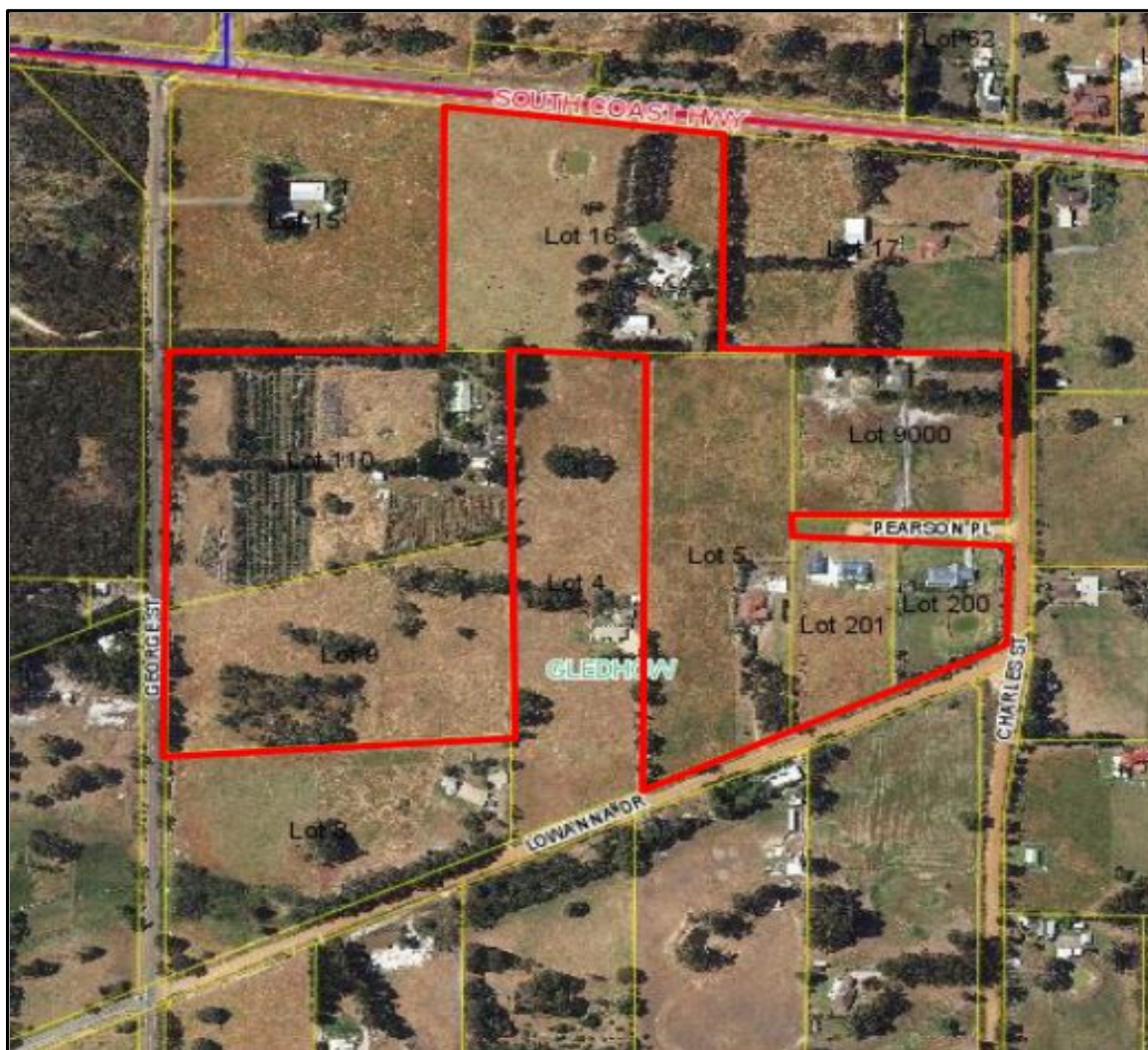
Land Description	: Lot 5 Lowanna Drive, Lots 9 and 110 George Street and Lot 16 South Coast Highway, Gledhow
Proponent	: Ayton Baesjou Planning
Owner	: F & J Lombardo, Q D Knight, T G Burgess and L J & R Spaanderman
Business Entity Name	: Nil
Attachments	: 1. Schedule of Submissions : 2. Schedule of Modifications : 3. Subdivision Guide Plan : 4. Local Planning Scheme Amendment No. 9 report
Supplementary Information & Councillor Workstation	: Copy of submissions
Report Prepared by	: Senior Planning Officer (A Bott)
Responsible Officer	: Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:	
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STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
4. The City has currently imposed a moratorium on the initiation of significant Local Planning Scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land.
5. Council initiated the amendment in September 2015, after the current moratorium on agricultural Scheme amendments was in place. The amendment was initiated on the basis that the proposal is considered to be an 'infill' development, within the already fragmented peri-urban edge on existing lots approximately 4-5 hectares in area, which are considered to have little capacity for viable agricultural production. Consequently, after the statutory advertising of the proposal, taking into consideration agency and public comments, it is considered that it does not conflict with the current moratorium and may be finalised.

Maps and Diagrams



In Brief:

- At its Ordinary Meeting on 22 September 2015, Council adopted a Local Planning Scheme amendment to:
 - Rezone Lot 5 Lowanna Drive, Lots 9 and 110 George Street and Lot 16 South Coast Highway, Gledhow from the 'General Agriculture' zone to the 'Rural Residential' zone and;
 - amend the Scheme Maps accordingly.
- The Local Planning Scheme amendment was advertised from 3 December 2015 to 21 January 2016 for public comment and referred to public authorities in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- City planning Staff support the proposal, as it is consistent with the current strategic direction set by the *Albany Local Planning Strategy* and *State Planning Policy 2.5*.
- As a result of submissions received during the advertising process, it is recommended that a number of minor modifications be made the amendment.

- The proposal is considered to be an ‘infill’ development, within the already fragmented peri-urban edge. It seeks to further subdivide lots of approximately 4-5 hectares in area, which are already considered to have little capacity for agricultural production. As such, it may be entertained, as it does not conflict with the current moratorium on the initiation of significant Local Planning Scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land.
- Council is requested to consider the submissions received following public advertising and referral and to support the Local Planning Scheme amendment.

RECOMMENDATION

PD134: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, with modification as per the attached Schedule of Modifications, Amendment No. 9 to amend *City of Albany Local Planning Scheme No. 1* by:
 - (1) Rezoning Lot 5 Lowanna Drive, Lot 16 South Coast Highway and Lots 9 and 110 George Street from the ‘General Agriculture’ zone to the ‘Rural Residential’ zone and incorporating them within area No. RR22, as set out in Schedule 14 – Rural Residential Zone of the Scheme text; and
 - (2) Amending the Scheme Maps accordingly

CARRIED 12-0

PD134: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 7-0

PD134: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, with modification as per the attached Schedule of Modifications, Amendment No. 9 to amend *City of Albany Local Planning Scheme No. 1* by:
 - (1) Rezoning Lot 5 Lowanna Drive, Lot 16 South Coast Highway and Lots 9 and 110 George Street from the ‘General Agriculture’ zone to the ‘Rural Residential’ zone and incorporating them within area No. RR22, as set out in Schedule 14 – Rural Residential Zone of the Scheme text; and
 - (2) Amending the Scheme Maps accordingly

BACKGROUND

6. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
7. Amendment No. 9 has been prepared to seek the rezoning of Lot 5 Lowanna Drive, Lot 16 South Coast Highway and Lots 9 and 110 George Street from the 'General Agriculture' zone to the 'Rural Residential' zone.
8. The subject lots are located approximately 6.5 kilometres west of Albany town centre and have an area of approximately 18.4 hectares.
9. Land to the north-west, north-east and south is currently zoned 'General Agriculture', while the land to the north and west is reserved for 'Parks and Recreation' or zoned 'Rural Small Holding'. The lots to the east are zoned 'Rural Residential'.
10. The amendment document states that:

"Following the designation of land located within the area bounded by Lowanna Drive, Charles Street, George Street and South Coast Highway for rural residential purposes, a number of landowners propose to rezone the land from 'General Agriculture' zone to the 'Rural Residential' zone"

DISCUSSION

11. The City planning Staff support the rezoning of Lot 5 Lowanna Drive, Lots 9 and 110 George Street and Lot 16 South Coast Highway, Gledhow from the 'General Agriculture' zone to the 'Rural Residential' zone as it is consistent with the current strategic direction set by the *Albany Local Planning Strategy* (see Attachment 2) and *State Planning Policy 2.5*. It is considered that the proposal is an 'infill' development, within the already fragmented peri-urban edge and seeks to further subdivide lots of approximately 4-5 hectares in area, which are already considered to have little capacity for agricultural production. In this context, the proposal can be entertained, as it does not conflict with the current moratorium on the initiation of significant Local Planning Scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land.
12. It is proposed that the special provisions of the adjacent 'Rural Residential' zone Area No. 22 are applied to the subject lots as a component of rezoning them to the 'Rural Residential' zone.
13. Lot 15 George Street has not been included within the amendment as it is owned by Main Roads WA.
14. A land capability assessment has been carried out on the subject land and it has been found that it can support the installation of private on-site effluent disposal systems.
15. The submissions received from public authorities during the advertising and referral process did not raise any objection to the proposal.
16. Main Roads WA has recommended a number of subdivisional conditions to control and consolidate vehicular access to South Coast Highway. It is proposed to incorporate these conditions into the scheme amendment documents via the attached Schedule of Modifications.

17. Main Roads WA has also recommended that notifications be placed on the titles of the subject lots at the time of subdivision, advising that they may be subject to future transport noise. In addition to the above, it has been confirmed that dwellings will be required to be constructed to meet the noise mitigation measures of *State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*.
18. Comments were also received from the Department of Planning regarding aspects of the proposal and it is proposed to incorporate these into the scheme amendment documents via the attached Schedule of Modifications.

GOVERNMENT & PUBLIC CONSULTATION

19. The amendment was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* from 3 December 2015 to 21 January 2016 by direct referral to affected and adjoining/nearby landowners and public authorities, and advertisement in the local newspaper.
20. Five (5) submissions were received from public authorities and adjoining landowners and are summarised in the attached Schedule of Submissions. Staff comments and recommendations are also provided in the schedule.
21. Prior to lodging the amendment documents with the City of Albany, the proponent has consulted with Main Roads WA regarding the planned Albany Ring Road alignment and any associated constraints that would apply to the rezoning proposal.
22. The westernmost lots shown on the draft structure plan would lie within the planned Albany Ring Road alignment. An appropriate acoustic setback, which would also serve as a development exclusion area, has been identified on the plan and would allow for dwellings to be developed in accordance with the 60da(A) noise limit within *State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning*.

STATUTORY IMPLICATIONS

23. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
24. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its Local Planning Scheme with the approval of the Minister for Planning. Council resolution is sought for the initiation of a Local Planning Scheme amendment.
25. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a standard amendment, with or without modification.
26. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

27. *State Planning Policy 2.5 – Land Use Planning in Rural Areas* applies to rural land in Western Australia and shall be considered in assessing amendments to rural zoned land in a Local Planning Scheme. The policy aims to protect rural land from incompatible land uses, supports primary production activities and protects priority agricultural land.
28. In this instance, the subject lots are not currently used for productive agricultural purposes and adjoin non-rural land uses to the north and west. It is therefore considered that rezoning the subject lot would not be in contravention of *State Planning Policy 2.5* or the current moratorium on the rezoning of 'General Agriculture' or 'Priority Agriculture' zoned land.

29. The proposal has been designed to be consistent with the requirements of *State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. State Planning Policy 5.4 aims to “*promote a system in which sustainable land use and transport are mutually compatible. It seeks to minimise the adverse impact of transport noise, without placing unreasonable restrictions on noise-sensitive residential development, or adding unduly to the cost of transport infrastructure*”. The objectives of the policy are to:

- Protect people from unreasonable levels of transport noise by establishing a standardised set of criteria to be used in the assessment of proposals;
- Protect major transport corridors and freight operations from incompatible urban encroachment;
- Encourage best-practice design and construction standards for new development proposals and new or redeveloped transport infrastructure proposals;
- Facilitate the development and operation of an efficient freight network; and
- Facilitate the strategic co-location of freight handling facilities.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation Supporting this proposal could lead to other landowners questioning why the City would consider it under the current moratorium, but not other proposals to rezone agricultural land.	Possible	Minor	Medium	While, the <i>Albany Local Planning Strategy</i> , as the principal land use planning strategy for the City, would guide Council's decision-making in other instances, this proposal clearly constitutes an infill development in an established 'Rural Residential' zoned planning unit. And is discussed in more detail in the report at point 11.
Organisational Operations and Reputation The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.	Unlikely	Minor	Low	If not supported by the Western Australian Planning Commission or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

33. The subject lots are largely cleared pasture, with the exception of vegetated windbreaks on lot boundaries. There is a stand of parkland cleared vegetation in the southwest corner of lot 9 George Street.

ALTERNATE OPTIONS

34. Council may consider alternate options in relation to this item, such as:
- To resolve to support the scheme amendment without modification; or
 - To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

SUMMARY CONCLUSION

35. It is recommended that Council adopt Local Planning Scheme Amendment No. 9, as the proposal is consistent with the strategic direction currently set within the *Albany Local Planning Strategy* and *State Planning Policy 2.5*.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Albany Corporate Business Plan 2014-2018</i> 5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i> 6. Western Australian Planning Commission <i>State Planning Policy 2.5 – Land Use Planning in Rural Areas</i> 7. Western Australian Planning Commission <i>State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning</i>.
File Number (Name of Ward)	:	LAMD9 (West Ward)
Previous Reference	:	OCM 22/09/2015 – Item PD094

PD135: PLANNING AND BUILDING REPORTS MAY 2016

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

Responsible Officer's Signature:



RECOMMENDATION

PD35: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR MOIR

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

CARRIED 12-0

CSF243: FINANCIAL ACTIVITY STATEMENT – APRIL 2016

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

Responsible Officer's Signature:



RECOMMENDATION

CSF243: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council RECEIVE the Financial Activity Statement for the period ending 30 April 2016
CARRIED 12-0

CSF243: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF243: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 30 April 2016

BACKGROUND

1. The Statement of Financial Activity for the period ending 30 April 2016 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

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

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

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

8. The City’s 2015/16 Annual Budget provides a set of parameters that guides the City’s financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 30 April 2016 has been incurred in accordance with the 2015/16 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CSF244: LIST OF ACCOUNTS FOR PAYMENT – MAY 2016

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

Responsible Officer's Signature:



RECOMMENDATION

CSF244: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 May 2016 totalling \$7,393,264.15.

CARRIED 12-0

CSF244: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF244: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 May 2016 totalling \$7,393,264.15.

BACKGROUND

1. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 May 2016. Please refer to the Attachment to this report.

Municipal Fund

Trust	\$51,599.80
Credit Cards	\$11,143.38
Payroll	\$1,220,387.43
Cheques	\$51,928.72
Electronic Funds Transfer	\$6,058,204.82
TOTAL	<u>\$7,393,264.15</u>

3. As at 15 May 2016, the total outstanding creditors, stands at \$377,066.96 and made up as follows:-

Current	\$284,390.25
30 Days	\$93,858.03
60 Days	\$0.00
90 Days	- \$1,181.32
TOTAL	<u>\$377,066.96</u>

Cancelled cheques – 31145, 31146, 31147 & 31148 – batch error – (replaced with 31149, 31150, 31151 & 31152), 31150 not required, 31159, 31160 & 31161 – batch updated before cheques printed – could not be reprinted – (replaced with 31162, 31163 & 31164), 31165, 31166, 31167 & 31168 incorrect allocation of numbers – (replaced with 31169, 31170, 31171 & 31172).

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

SUMMARY CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CSF245: DELEGATED AUTHORITY REPORTS

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

Responsible Officer's Signature:



RECOMMENDATION

CSF245: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR SHANHUN

THAT Council RECEIVE the Delegated Authority Reports 16 April 2016 to 15 May 2016.

CARRIED 12-0

CSF245: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF245: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports 16 April 2016 to 15 May 2016.

CSF246: COUNCIL POLICY – PURCHASING POLICY (TENDERS AND QUOTES)

Proponent / Owner : City of Albany
Attachments : Current Purchasing Policy, Proposed Purchasing Policy
Report Prepared By : Procurement Officer (H Hutchinson)
Responsible Officers: : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objectives:** 5.1. To establish and maintain sound business and governance structures.
 - c. **Strategy:** 5.1.2. To develop informed and transparent decision making processes that meet our legal obligations.

In Brief:

- Review and adopt the revised Council Policy - Purchasing Policy (Tenders and Quotes).
- The current Policy was scheduled for review on 26 August 2015. Review of the current policy was put on hold due to upcoming amendments to the *Local Government (Functions and General) Regulations 1996* and commencement of the new Executive Director Corporate Services.
- Changes have been made to the Major Quotations and Major Purchase (Tender) categories in line with the changes to the Regulations i.e. tender threshold has been amended to \$150,000 and over and Major Quotations upper limit has been changed to \$149,999.
- As per advice from our Auditors the Minor Quotation category has been split (previously \$2,000-\$29,999 with two written quotes) into two categories: Minor Quotation (\$2,001-\$5,000/two verbal quotes) and Intermediate Quotation (\$5,001-\$30,000/two written quotes).
- A section has been added in relation to Panels of Pre-Qualified Suppliers which is also as per the amended Regulations.
- Title of Document Owner has been changed from Deputy Chief Executive Officer to Executive Director Corporate Services.
- All changes have been highlighted on the attached proposed Policy.

RECOMMENDATION

CSF246: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council RESCIND the current Policy and ADOPT the amended Council Policy – Purchasing Policy (Tenders and Quotes).

CARRIED 12-0

CSF246: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF246: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RESCIND the current Policy and ADOPT the amended Council Policy – Purchasing Policy (Tenders and Quotes).

BACKGROUND

2. Following is an overview of the changes to the category values:

Current Policy

Category	Value (exc. GST)	Minimum Protocol
Minor Purchase	\$0-\$1,999	1 Verbal Quote
Minor Quotation	\$2,000-\$29,999	2 Written Quotes
Major Quotation	\$30,000-\$99,999	3 Written Quotes
Major Purchase (Tender)	\$100,000 and over	In accordance with Division 2 – Section 11 of the Local Government (Functions and General) Regulations 1996

Proposed Policy

Category	Value (exc. GST)	Minimum Protocol
Minor Purchase	\$0-\$2,000	1 Verbal Quote
Minor Quotation	\$2,001-\$5,000	2 Verbal Quotes
Intermediate Quotation	\$5,001-\$30,000	2 Written Quotes
Major Quotation	\$30,001-\$150,000	3 Written Quotes
Major Purchase (Tender)	Over \$150,000	In accordance with Division 2 – Section 11 of the Local Government (Functions and General) Regulations 1996

DISCUSSION

- The current Policy was adopted by Council on 26 August 2014, and was scheduled for review on 26 August 2015.
- The content of the Policy has been amended to include the changes to the Local Government (Functions and General) Regulations 1996 regarding panels of pre-qualified suppliers and increase to the tender threshold from \$100,000 to \$150,000.
- Title of Document Owner has been changed from Deputy Chief Executive Officer to Executive Director Corporate Services.
- The Council's auditors Moore Stephens have reviewed the policy and their suggested changes have been incorporated into the policy.
- In addition, the officers from the Shires of Denmark and Plantagenet have been involved in the review of the policy.

GOVERNMENT & PUBLIC CONSULTATION

8. None required.

STATUTORY IMPLICATIONS

9. In October 2015, the *Local Government (Functions and General) Regulations 1996* were amended to allow local governments to establish panels of pre-qualified suppliers. The tender threshold was also increased from \$100,000 to \$150,000.

POLICY IMPLICATIONS

10. Adoption of the amended Policy will replace the current Policy which was adopted by Council on 26 August 2014.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>Purchasing Policy not adopted</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>City officers address areas of concern and re-present for approval.</i>

FINANCIAL IMPLICATIONS

12. Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the City. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.
13. There are no significant financial implications to the City from implementing this Policy.

LEGAL IMPLICATIONS

14. Nil.

ENVIRONMENTAL CONSIDERATIONS

15. Nil

ALTERNATE OPTIONS

16. If Council determines not to adopt the revised Policy, it can continue to endorse the existing Policy.

CONCLUSION

17. The current Policy was reviewed and adopted by Council on 26 August 2014 and was scheduled for review on 26 August 2015.
18. Changes have been made to the category values as per the amended Regulations and advice from the City's Auditors.
19. An additional section has been added regarding Panels of Pre-Qualified Suppliers as per the amended Regulations.
20. Title changes have been made as required.

Consulted References	:	<ul style="list-style-type: none"> <i>Local Government (Functions and General) Regulations 1995</i> Council Policy – Purchasing Policy (Tenders & Quotes) Council Policy – Buy Local Policy (Regional Price Preference)
File Number (Name of Ward)	:	CM.STD.7 (All)
Previous Reference	:	OCM 26/08/14 - Item CSF109

CSF247: COUNCIL POLICY – BUY LOCAL POLICY (REGIONAL PRICE PREFERENCE)

Proponent / Owner : City of Albany
Attachments :

- Current Buy Local Policy
- Proposed Buy Local Policy

Report Prepared By : Procurement Officer (H Hutchinson)
Responsible Officers: : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objectives:** 5.1. To establish and maintain sound business and governance structures.
 - c. **Strategy:** 5.1.2. To develop informed and transparent decision making processes that meet our legal obligations.

In Brief:

- Review and adopt the revised Council Policy - Buy Local Policy (Regional Price Preference).
- The current Policy was scheduled for review on 16 March 2016. Title of Document Owner has been changed from Deputy Chief Executive Officer to Executive Director Corporate Services (see highlighted changes on the attached proposed Policy).

RECOMMENDATION

CSF247: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council RESCIND the current Policy and ADOPT the amended Council Policy – Buy Local Policy (Regional Price Preference).

CARRIED 12-0

CSF247: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF247: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RESCIND the current Policy and ADOPT the amended Council Policy – Buy Local Policy (Regional Price Preference).

BACKGROUND

2. The key elements of the Policy are:
 - a. A price preference is applied to all purchases with a value of \$30,000 or higher.
 - b. A preference of 10% is applied to the supply of goods & services, and 5% when the quotation/tender relates to construction (building) services, unless Council resolves that the Policy should not apply to a particular quotation/tender. The maximum reduction that can be applied is \$50,000, and this preference has the effect of reducing the price element of a quotation/tender (for evaluation purposes only) to enable local businesses to compete with non-local bids.
 - c. Levels of preference are applied as either a Regional Business Preference (meaning that businesses within the prescribed area are able to claim a preference on their whole bid) or a Regional Content Preference (meaning that businesses outside the prescribed area are able to claim a preference for the portion of their offer which relates to goods and services purchased within the prescribed area).

DISCUSSION

3. The current Policy was adopted by Council on 19 February 2013, with minor changes made and approved under delegation by the Chief Executive Officer on 12 August 2014 and 16 March 2015, and was scheduled for review on 16 March 2016.
4. The content of the Policy is unchanged. Title of Document Owner has been changed from Deputy Chief Executive Officer to Executive Director Corporate Services.
5. The Council's auditors Moore Stephens have confirmed the Buy Local Policy is in accordance with the *Local Government (Functions and General) Regulations 1996*.
6. In addition, Officers from the Shires of Denmark and Plantagenet have been consulted in the review of this policy.

GOVERNMENT & PUBLIC CONSULTATION

7. None required.

STATUTORY IMPLICATIONS

8. In February 2000, the *Local Government (Functions and General) Regulations 1996* were amended to allow non-metropolitan local governments to offer a price preference to a regional supplier when assessing a tender (NB – The Buy Local Policy is currently applied to all purchases over \$30,000).

POLICY IMPLICATIONS

9. Adoption of the amended Policy will replace the current Policy which was approved under delegation by the Chief Executive Officer on 16 March 2015.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. Buy Local Policy not adopted.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>City officers address areas of concern and re-present for approval.</i>

FINANCIAL IMPLICATIONS

11. Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the City. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.
12. There are no significant financial implications to the City from implementing this Policy.

LEGAL IMPLICATIONS

13. Nil.

ENVIRONMENTAL CONSIDERATIONS

14. Nil.

ALTERNATE OPTIONS

15. If Council determines not to adopt the revised Policy, the current policy can continue to operate.

CONCLUSION

16. As no issues have been identified with the current policy position, it is recommended that that the revised policy position be adopted.

Consulted References	:	<ul style="list-style-type: none"> <i>Local Government (Functions and General) Regulations 1995</i> Council Policy – Purchasing Policy (Tenders & Quotes) Council Policy – Buy Local Policy (Regional Price Preference)
File Number (Name of Ward)	:	CM.STD.7 (All)
Previous Reference	:	OCM 19/02/13 - Item 1.1

CSF248: COUNCIL REVIEW OF DELEGATIONS REGISTER

Proponent	: City of Albany
Attachments	: Delegations Register 2016
Report Prepared by	: Manager Governance & Risk Management (S Jamieson)
Responsible Officer(s)	: Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

In Brief:

- Council review and approve the Register of Delegations 2016.

RECOMMENDATION

CSF248: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

Moved: Councillor Stocks
Seconded: Councillor Smith

That the delegations detailed in the Register of Delegations be ADOPTED.

CARRIED 12-0
ABSOLUTE MAJORITY

CSF248: COMMITTEE RECOMMENDATION

Moved: Mayor Wellington
Seconded: Councillor Sutton

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF248: COMMITTEE RECOMMENDATION

That the delegations detailed in the Register of Delegations be ADOPTED.

BACKGROUND

2. Under the provisions of the *Local Government Act 1995*, a local authority may delegate some of its powers and duties to the Chief Executive Officer or Committees of Council to help facilitate the many services it provides to the community.
3. At least once every financial year, the powers and duties delegated under the Local Government Act are required to be reviewed by the delegator.

DISCUSSION

4. A register of Delegations of Authority is essential in order to inform the public of the activities, functions, powers and duties of the Local Government as well meeting the requirements of Section 5.46 of the *Local Government Act 1995* (the Act).
5. This Act requires the Chief Executive Officer (CEO) of the Local Government to keep a Register of Delegations made by the Council to a Committee or the Chief Executive Officer, and by the CEO to other employees.
6. The compilation of the content of this Register was prepared through references to the Act, the Complete Guide to The Local Government Act 1995 (which is a joint production of the Western Australian Municipal Association, the Institute of Municipal Management (WA Division) and the Western Australia Department of Local Government.
7. Section 5.42 of the Act allows Council to delegate to the Chief Executive Officer and/or Committee.
8. Delegations have been grouped by function.

GOVERNMENT AND PUBLIC CONSULTATION

9. Detailed in the discussion section of the report.

STATUTORY IMPLICATIONS

10. Detailed in the discussion section of the report.

Delegation to CEO

11. Section 5.42 of the Act enables the delegation of some powers and duties to the Chief Executive Officer:

“1) A local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”

Delegation to Committees

12. Section 5.16 and 5.17 of the Act enables the delegation of some powers and duties to a committee:

“1) Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than the power to delegate;

2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”

Delegations to be reviewed every financial year

13. Under the provisions of section 5.46 (2) of the Act, delegations must be reviewed by the delegator at least once every financial year.

Appointment of authorised persons

14. Section 9.10 of the Act. The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

Transfer of Authority Due to Absence

15. Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of Council authorisation.
16. Where a named Officer holding a delegation is temporarily absent and no Officer has been appointed to act in the position, the authority will transfer to the relevant Executive Director or Senior Manager for the period of absence.

Proposed, Amended Delegations

17. New, deleted and proposed amendments are detailed in the version control section of the register.

POLICY IMPLICATIONS

18. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Legal & Compliance. Non-compliance with the City's statutory requirement to review the delegations every financial year.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Review and bring back to Council for adoption prior to 30 June 2016.</i>

FINANCIAL IMPLICATIONS

20. Nil.

LEGAL IMPLICATIONS

21. Refer to statutory implication section of report.

ENVIRONMENTAL CONSIDERATIONS

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

SUMMARY CONCLUSION

23. That the review delegations register (attached) be adopted.

Consulted References	:	<ul style="list-style-type: none"> <i>Local Government Act 1995</i> <i>Local Government: Operational Guidelines. Number 17 – January 2007 – Delegations</i>
File Number (Name of Ward)	:	PE.AUT.1 (All Wards)
Previous Reference	:	OCM 26 May 2015 Resolution CSF169 Tabled at CSF Committee May 2016 for discussion.

CSF249: PROPOSED DISPOSAL OF LOCKYER CHILD HEALTH CLINIC, 4 PARKER STREET, LOCKYER

Land Description	: Lockyer Child Health Clinic Lot 60 No 4 Parker Street, Lockyer
Owner	: City of Albany
Attachment	: Aerial Photograph – Access to 3 South Coast Highway Building Photographs
Report Prepared by	: Senior Lands Officer (N Crook)
Responsible Officer	: Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



CONFIDENTIAL REPORT

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

STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council has owned the Lockyer Child Health Clinic since 1960 and it was used informally by the Department of Health for operation of the Lockyer Child Health Clinic. The site was vacated in February 2016 and has been unused since this time;
- The City has considered options for the future use of this site, having regard to the condition of the building and the likely maintenance required of the asset over the coming years;
- It is recommended that 4 Parker Street, Lockyer be offered for sale, initially with the building intact, but with the option to negotiate its removal;
- This proposed land sale also provides an opportunity to address an issue with access to 3 South Coast Highway, which currently comes directly off the Chester Pass Roundabout.

RECOMMENDATION

[6:22:04 PM](#)

PROCEDURAL MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE

SECONDED: COUNCILLOR SMITH

THAT the meeting go behind closed doors to discuss CSF249: Proposed Disposal of Lockyer Child Health Clinic, 4 Parker Street, Lockyer.

CARRIED 12-0

[6:30:07 PM](#)

PROCEDURAL MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR DOWLING

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

CARRIED 12-0

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

CSF249: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR GOODE

THAT Council:

1. **SUPPORT the proposed sale of Lot 60 No 4 Parker Street, Lockyer, ensuring that all future actions to enable this to occur complies with the requirements of the *Local Government Act 1995*.**
2. **AUTHORISE the Chief Executive Officer to finalise all dealings on this matter, with flexibility to negotiate with any prospective purchaser on the demolition of the existing building.**

**CARRIED 12-0
ABSOLUTE MAJORITY**

CSF249: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE

SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF249: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. SUPPORT the proposed sale of Lot 60 No 4 Parker Street, Lockyer, ensuring that all future actions to enable this to occur complies with the requirements of the *Local Government Act 1995*.
2. AUTHORISE the Chief Executive Officer to finalise all dealings on this matter, with flexibility to negotiate with any prospective purchaser on the demolition of the existing building.

BACKGROUND

2. The City has owned the Lockyer Child Health Clinic situated at 4 Parker Street, Lockyer in freehold title since 1960.
3. Historically, this site has been used as a Child Health Clinic by the Department of Health, though the premises were vacated in February 2016. This was an informal arrangement with the Department of Health and there was no formal lease arrangement in place. Following vacation, City staff reviewed the options available for the site.

DISCUSSION

4. The land has the following characteristics:
 - a. It has a total land area of 856m²;
 - b. The land title is free from encumbrances;
 - c. The land contains a small 55m² building, with a number of well-established trees to the rear. There are no known environmental issues with this site;
 - d. The building contains a small consulting / office room, a main waiting / consulting room, kitchenette, small utility room and toilet. It has been well maintained and presents in a neat condition, though given the age of the building, there are maintenance / repair issues with electrical and plumbing services, the need for roof replacement, access and inclusion compliance, the building is poorly ventilated and asbestos is present, though well contained;
5. The land is zoned 'Residential R25' under the City's *Local Planning Scheme No 1*. A minimum and average lot size of 300m² and 350m² is permitted under this density coding. As such, 4 Parker Street is a possible two grouped dwelling site. It is further noted that the use of Consulting Room can be considered in the Residential zone at Council's discretion, so this use could also be continued at this site.
6. A market valuation by LMW Hegney was obtained for the land (March 2016), considering two options and the following values have been applied:
 - a. Sale of the land as a vacant lot (assuming the removal of the building by the City) - \$85,000; or
 - b. Sale of the land with the building in situ, in its current condition - \$105,000.

7. In considering the options available for this property, the following comments are offered:
 - a. The City does not currently have any identified use for this site. It is unlikely a community or municipal use could be considered without some improvement of the building and modifications to meet current day standards;
 - b. If this building is not disposed, it does have an ongoing requirement for renewal and maintenance. There is an initial replacement cost of poor to very poor features estimated at \$25,000, with an average spend of \$2,000 per annum over 20 years. These figures do not include substantial upgrading or improvement works;
 - c. The City could consider the option of seeking expressions of interest for the future lease of the land, though it is not expected this would generate much interest. If the site was leased to a community group, then in line with the Leasing Policy, the rental would be equivalent to the minimum rate currently at \$935 per annum + GST + outgoings;
 - d. With regard to the sale of the land, while a higher sale price may be achieved with the building in place, it may be a more difficult or lengthier sale, as the building does require some work and could act as a deterrent for prospective purchasers;
 - e. There is potential for the existing building to be used as a consulting room and the land could be sold on this basis. The valuation also noted the potential for this building to be converted to living space (i.e. ancillary accommodation);
 - f. There may be greater flexibility to sell the land as a vacant lot and this may be a quicker and simpler sale, though a lower sale price is expected and the demolition of the building would cost approximately \$10,000, further reducing the City's net profit.
8. The preference at this time, given the condition of the existing building and the lack of any identified use of the land, is that 4 Parker Street be disposed. Given the potential for greater profit with the building intact, it is recommended that it be offered for sale with the building in place. However, should the building act as a significant deterrent to the sale, flexibility would be sought to negotiate the removal of the building with any interested parties.
9. In considering the sale of this land, the City's Planning Services have requested that a further opportunity be explored with any prospective purchaser. The land to the rear situated at No 3 South Coast Highway, takes its main access point directly off the Chester Pass Roundabout, with no other alternative locations for a crossover and this creates a significant traffic hazard. If 4 Parker Street was to be redeveloped, a side lane access to grouped dwellings could also provide an alternate point of access to the rear boundary of 3 South Coast Highway (refer attachment). While the City would not want to inhibit the sale of 4 Parker Street, if a prospective purchaser was amenable to providing a solution to this issue, it would be an ideal opportunity to negotiate it as part of the sale of the land.
10. If these negotiations were successful, it is likely that an access easement or reciprocal rights of carriageway would be lodged on title in favour of the owners of 3 South Coast Highway. The City's assistance may be necessary to complete this action.

GOVERNMENT & PUBLIC CONSULTATION

11. No government or public consultation has been undertaken. It is proposed that the land initially be sold via public tender. As such, public notice of the proposed disposal is not required.

STATUTORY IMPLICATIONS

12. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property. The Act requires the following:
- A local government must dispose of property to the highest bidder at public auction or to the most acceptable tender made through public tender;
 - A local government can only dispose of property other than at public auction or tender if it first gives notice of the proposed disposal and Council considers any submissions made.
13. Section 30(2a) of the *Local Government (Functions and General) Regulations 1996* state that where a public tender is called and either no tender is received or any tender received is unacceptable, the disposition shall be an exempt disposition for a period of 6 months, meaning the City can appoint an agent to sell the land or negotiate privately for the sale of the land.
14. The subject land is zoned 'Residential R25' under the City of Albany *Local Planning Scheme No 1*. The *State Planning Policy 3.1 - Residential Design Codes* specify a minimum lot size of 300m² and an average lot size of 350m² be achieved within the R25 density coding.

POLICY IMPLICATIONS

15. Should Council wish to retain the asset and consider the lease of the property, the Council's Policy – Property Management (Leases and Licences) will apply.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. Possible public perception that Council land should be used for the provisions of services rather than financial gain.	Possible	Minor	Medium	Act in accordance with the requirements of the Local Government Act 1995. Make clear this is an asset management decision whereby an underutilised asset in need of upgrading works would be sold to raise funds for other strategic land purchases required to meet the needs of Council.

FINANCIAL IMPLICATIONS

17. There will be costs associated with the sale of this property, possibly including the survey of the land, legal and settlement fees, demolition of the building, lodgement of an access easement / reciprocal rights of carriageway etc. It is expected, based on the land's valuation, the net gain will be in the order of \$70,000 - \$100,000.
18. It is intended that any monies received from the sale of the land will be deposited into the City's Land Acquisition Reserve.

LEGAL IMPLICATIONS

19. Should Council wish to sell the subject land, it must ensure that the legislative requirements of the *Local Government Act 1995* are appropriately addressed. This will be done by selling the land via public tender.

ENVIRONMENTAL CONSIDERATIONS

20. The City is aware that there is asbestos on the site, though it is well contained and raises no concerns for contamination. There are no other direct environmental considerations with this proposal.

ALTERNATE OPTIONS

21. Council may:
- Decide to sell the Lockyer Child Health Clinic at 4 Parker Street, Lockyer and redirect any funds gained to other strategic initiatives. Flexibility is sought to negotiate matters concerning the retention or demolition of the existing building and options to provide an alternate point of access to 3 South Coast Highway, Lockyer; or
 - Decide to retain the Lockyer Child Health Clinic with the view to using it for some municipal purpose or alternatively, to lease for use by another agency or community group. In this option, the City must continue maintaining the building and consider possibly upgrading some aspects to make it more desirable for lease or to meet current day requirements.

SUMMARY CONCLUSION

22. The subject land is currently unused and has not been identified for any future strategic or operational use by the Council. The building on site is over 50 years old and will likely require significant maintenance work over the coming years.
23. The sale of this land and building could net the City approximately \$70,000 - \$100,000, depending on which option is pursued. These monies would be deposited into the City's Land Acquisition Reserve and then directed to other strategic land purchases to meet the City's needs.
24. All requirements of the *Local Government Act 1995* can be addressed through the sale of land via public tender, which is the preferred option. The public tender process also allows the City to disclose negotiable matters with regard to the removal of the building and possible access to 3 South Coast Highway, Lockyer.
25. It is recommended that the Lockyer Child Health Clinic situated at 4 Parker Street be disposed.

Consulted References	:	<ul style="list-style-type: none"><i>Local Government Act 1995</i><i>Local Government (Functions and General) Regulations 1996</i><i>City of Albany Local Planning Scheme No 1</i>
File Number (Name of Ward)	:	A125717
Previous Reference	:	No previous references

**AR021: REVIEW OF RISK MANAGEMENT FRAMEWORK AND
POLICY**

Proponent / Owner : City of Albany
Attachments :

- Current Enterprise Risk Management Policy
- Revised Risk Management Framework – 2016.
- Proposed Risk & Opportunity Management Policy

Report Prepared By : Manager Governance & Risk Management (S Jamieson)
Responsible Officers: : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objectives:** 5.2 To provide strong, accountable leadership supported by a skilled and professional workforce
 - c. **Strategy:** 5.2.1 Provider positive leadership that delivers community outcomes.

In Brief:

- The current policy position and framework is scheduled for review.
- Review the City's Risk Management Tolerance.
- Review and consider the proposed Risk & Opportunity Management Policy position.

RECOMMENDATION

AR021: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR SUTTON

THAT Council RESCIND the Risk Management Policy and ADOPT the reviewed Enterprise Risk Management Policy & Framework.

CARRIED 12-0

AR021: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

AR021: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RESCIND the Risk Management Policy and ADOPT the reviewed Enterprise Risk Management Policy & Framework.

BACKGROUND

2. The City is responsible for providing a wide and diverse range of services to its community.
3. All of these activities involve some form of risk, which must be managed to ensure that aims and objectives are achieved, services are delivered and that opportunities to deliver better and more cost effective services are realised.
4. If the City is not aware of, or has not adequately assessed or managed some risks, it could result in financial loss, threats to public or employee safety or lead to substantial adverse publicity.
5. CPA Australia defines risk management, in part as follows:
'Risk management...is a logical and systematic method of establishing the context, identifying, analysing, evaluating, treating, monitoring and communicating risks associated with any activity, function or process in a way that will enable organisations to minimise losses and maximise opportunities.'
It is also defined in the standard as the culture, processes and structures that are directed towards the effective management of potential opportunities and adverse effects'.
6. Council has established and adopted a Risk Management Framework, which is aimed at contributing to the corporate governance arrangements within the City. The framework explains the City's approach to risk management and sets out the roles and responsibilities throughout the organisation. The document also outlines the key features of risk management and the potential benefits and its importance to the City.

DISCUSSION

7. The responsibility of Risk Management falls on all levels of the organisation including Council, the Executive Management Team (EMT), the Audit & Risk Committee and staff.
8. The City of Albany has now moved to a position of reviewing and refining the application of Risk Management.
9. The City's critical success factors and consequences in terms of impact on delivering the following strategic, operational and project functions:
 - a. **Business Interruption.** The interruption and non-performance of functions by the Council.
 - b. **Community.** Community risk arises from inadequate or unclear communications of Council activities and plans to the local community members or a lack of consultation between Council and ratepayers.
 - c. **Environment.** Environmental risks arise from poor or inadequate practices and systems when working in the environment.
 - d. **Finance.** Financial and Budgetary risks arise from the misuse and/or poor management of annual budget, government grants and funding.
 - e. **Legal and Compliance.** Legal implications and breaches, including fines and custodial sentencing and compliance with legislation and Local Laws.
 - f. **Organisational Operations.** Operational and Resourcing risks arise from failed day-to-day business practices, processes, systems and personnel.
 - g. **People Health and Safety.** Occupational Safety and Health (OSH) of our own staff and that of our contractors, volunteers and members of the public. These risks arise from failing to adhere to the City's OSH Policy and failure to report and manage known hazards.
 - h. **Property.** Damage to Council property arising from mismanagement, vandalism and lack of security.
 - i. **Reputation.** Political and Reputational risks arise from implementing incorrect decisions of Council and Executive, failing to adhere to legislation, misuse of public funds and acting unethically in business dealings.

Risk Management Framework

10. No changes are proposed to the current Risk Acceptance Criteria set by Council.

RISK ACCEPTANCE CRITERIA				
<i>From the risk's rating, is the Management/Executive/Council willing to accept this risk? Who will be responsible for accepting the level of risk?</i>				
Level of Risk	Description	When is the risk acceptable?	Who is responsible	Timeframe for Action
Low (1-4)	Acceptable	Risk acceptable with adequate controls, managed by routine procedures.	Responsible Officer (as per risk register)	Review controls every 6 months or As per risk register
Medium (5-9)	Monitor	Risk acceptable by observing, assessing and improving current controls and Council procedures.	Responsible Officer (as per risk register)	Review controls every 3 months OR As per risk register
High (10 –16)	Urgent Attention Required	Risk acceptable by establishing and implementing new controls.	Executive Directors and CEO	Controls implemented within two weeks of reporting Review controls every month
Extreme (17-25)	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority.	Audit & Risk Committee and Council	Controls implemented within 1 week of reporting Review of controls every 2 weeks

Table 1 – Risk Acceptance Criteria

11. The level of consequence is currently reported using the following rating descriptors, in accordance with the Australian Standard for Risk AS/NZ ISO: 3100:2009 Risk Management Principles and Guideline:
- Insignificant.** Possible impact at a business unit or project level but no impact on organisation.
 - Minor.** Minimal impact on business unit or project and minor impact on organisation.
 - Moderate.** Considerable loss to project, business unit and/or and moderate impact on the organisation.
 - Major.** Significant impact on both project and/or organisation operations.
 - Severe.** Project or business unit failure with significant or catastrophic impact on organisation.

12. The current following consequence descriptions guide the users of the risk framework:

Risk Category / Level	Business Interruption	Community	Environment	Financial	Legal & Compliance	Organisation's Operations	People Health & Safety	Property	Reputation
1 Insignificant	Less than 2 hours, No material service interruption.	Little or no disruption to the community.	Little impact on environment.	Less than \$5,000	Minor regulation breach.	Small impact on organisation's deliverables.	No injuries or injuries but not requiring first aid treatment, no leave taken.	Inconsequential or no damage to property.	Unsubstantiated, low impact, low profile, no news item.
2 Minor	2 to 4 hours, Short term, temporary interruption, backlog cleared < 1 day.	Minor disruptions to the nearby community.	Minor impact to the environment.	\$5,000 to \$20,000	Minor legal implications, non-compliance and breach of regulations.	Inconvenient delays in achieving deliverables.	First aid treatment required by first aid officer, sick leave, short term impact, recovery 1 to 3 weeks.	Localised damage rectified by internal arrangements.	Substantiated low impact, low news profile.
3 Moderate	5 to 10 hours, medium term, temporary interruption, backlog cleared by additional resources.	Significant disruption to the nearby community.	Environmental damage requiring restitution or internal clean-up.	\$20,000 to \$50,000	Serious breach of regulations, with investigation and report by 3 rd party, Prosecution and fines imposed.	Significant delays to achieving deliverables.	Onsite medical treatment by ambulance personnel longer term illness, recovery 1 to 6 months.	Localised damage rectified by internal and external arrangements.	Substantiated public embarrassment, moderate impact, and moderate news profile.

4 Major	11 to 24 hours, prolonged interruption of services, additional resources, and performance affected.	Substantiated disruptions to the wider spread community.	Significant breach of legislation/significant contamination or damage requiring third party assistance.	\$50,000 to \$150,000	Major litigation & class action against Council and responsible officers. Prosecution and fines imposed.	Non achievement of major organisation deliverables.	Extensive injuries requiring hospital admission, severe trauma, extended incapacity.	Significant property damage requiring external resources.	Substantiated public embarrassment, high impact news profile, third party actions.
5 Severe	More than 24 hours, indeterminate prolonged interruption of services, non – performance .	Major/multiple disruptions to the widespread community.	Major breach of legislation or extensive environmental damage requiring third party investigation.	More than \$150,000	Custodial sentencing for responsible officers, multiple class actions and high end penalties.	Non achievement of all organisation deliverables .	Death(s) or severe permanent injuries, mass hospitalisation, Post-traumatic Stress Disorder.	Extensive property damage resulting in prolonged period of recovery.	Substantiated public embarrassment, very high multiple impacts, high widespread multiple news profile.

13. Council may consider it appropriate to review and adjust the current assigned consequence levels.

Policy Position

14. Based on feedback from internal and external stakeholders it was felt appropriate to review the current risk management policy position.
15. In some circles the word **risk** has a pejorative connotation making people think negatively about threats from potential uncertain events. When people say that they must make a decision involving risk, they often mean that the decision involves the possibility of an adverse consequence (*Loosemore, Raftery, Reilly, Higgon 2006*).¹
16. However, the upside to risk, that is often overlooked, is that the feared uncertain event could have a desired outcome (Koller 2005).²
17. The proposed policy position broadens risk management to also include the management of opportunity.
“Opportunity Management: Opportunity management is the process that converts the chance to decisiveness and is increasingly becoming embedded in the culture of organisations as they mature and broaden their understanding of the value that managing uncertainty can bring.”
18. Where risk management seeks to understand what might go badly in a project, opportunity management looks for what might go better.

GOVERNMENT & PUBLIC CONSULTATION

19. Local Government Sector practices across Australia were researched when preparing this report.
20. In particular the City of Unley in South Australia’s Risk & Opportunity Management Implementation Plan and associated academic resources, which was sourced from www.unlesy.sa.gov.au

STATUTORY IMPLICATIONS

21. The *Local Government Act 1995* (the Act) requires that all local governments establish an audit committee. An audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.
22. It is a role of the Audit & Risk Committee to consider the CEO’s biennial reviews of the appropriateness and effectiveness of the local government’s systems and procedures in regard to risk management, internal control and legislative compliance and report to the council the results of those reviews.
23. The last review was presented to Council in February 2016.
24. The voting requirement for this report is simple majority.

POLICY IMPLICATIONS

25. In accordance with section 2.7 (2)(b) of the Act, it is a role of Council to determine the local government’s policies.
26. If adopted the following policy positions and framework will be replaced:
 - a. Enterprise Risk Management Policy
 - b. Enterprise Risk Management Framework 2014

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operations. Revised policy and framework is not adopted.	Unlikely	Minor	Low	Council and staff continue to utilise current framework. City Officer's will address areas of concern and represent to a future Councillor workshop and/or Committee meeting.

FINANCIAL IMPLICATIONS

28. It is noted that reporting of risks in the City of Albany currently come under two main organisational functions, being:
- Strategic.** Risk that effect the achievement of the organisations vision and objectives in the Strategic Plan; and
 - Operational.** Risk of loss resulting from inadequate or failed internal processes, people and systems, or from external events.
29. There are no direct financial implications related to this report, noting that any activity with a High of Extreme financial risk is reported to Council.

LEGAL IMPLICATIONS

30. There is no legislative provision that specifically requires Councils to implement risk management. However there are references within the Act that require Councils to adopt appropriate policies, practices and procedures that ensure their assets are protected through sound administrative management.
31. Specifically, under Regulation 17 of the *Local Government (Audit) Regulations 1996* it is a responsibility of the Audit & Risk Committee to Receive the CEO reviews conducted on the appropriateness of systems and procedures in relation to risk management, internal control and legislative compliance as prescribed.

ENVIRONMENTAL CONSIDERATIONS

32. City operations are exposed to environmental, which risk arise from poor or inadequate practices and systems when working in the environment. Therefore, the City's Risk Management Framework assesses environmental risk.
33. There are no direct environmental considerations related to this item.

ALTERNATE OPTIONS

34. Council can:
- Adopt the proposed reviewed policy position and framework; or
 - Adopt with amendments.
35. It is considered appropriate that if major changes are proposed that a working group is established and that the proposed policy and framework is not adopted.

CONCLUSION

36. It is recommended that the revised Risk and Opportunity Management Policy position and framework be adopted.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 Council adopted Risk Management Policy position and Framework. Australian Standard AS/NZS ISO 3100:2009 Risk management – Principles and guidelines <p>Academic References:</p> <ul style="list-style-type: none"> 1. Loosemore, Raftery, Reilly, Higgon (2006). <i>Risk Management in Projects</i>. Taylor & Francis. 2. Koller (2005). <i>Risk Assessment and Decision Making in Business and Industry: A Practical Guide</i>. Chapman & Hall. 3. Treat (1994). <i>Creating the high performance international petroleum company: dinosaurs can fly</i>. PennWell Books.
File Number (Name of Ward)	:	All Wards
Previous Reference	:	<ul style="list-style-type: none"> OCM 17/04/2012 Resolution: 1.1 Audit & Finance Committee 26/03/2012 Report Item 5.3

AR022: APPOINTMENT OF AUDITOR

Proponent	: City of Albany
Attachment	: Ministerial Circular 03-2016: Auditing of Local Government by the Auditor General – Renewal of Audit Contracts. See more at: https://www.dlgc.wa.gov.au/Publications/Pages/Ministerial-Circular-03-2016.aspx#sthash.I6xhK6.dpuf
To be tabled	: <i>Confidential: Submitted proposal for the provision of Audit Services for a further two years.</i>
Report Prepared by	: Manager Finance (D Olde) Manager Governance & Risk Management (S Jamieson)
Responsible Officer(s)	: Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 5. Civic Leadership
 - b. **Strategic Objective:** 5.1. To establish and maintain sound business and governance structure.
 - c. **Strategy:** Nil

In Brief:

- Appoint a suitably qualified contractor to carry out external auditing services for the financial years 2016/17 to 2017/18.

RECOMMENDATION

AR022: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR MOIR

THAT Council APPOINT Moore Stephens WA - Chartered Accountants, nominated qualified auditors:

- **Mr D J Tomasi – Registered Company Auditor Number: 15724**
- **Mr G Godwin – Registered Company Auditor Number: 310219**
- **Mr Wen-Shien Chai – Registered Company Auditor Number: 299761**

as the City of Albany's external auditor for a further two years, being for the financial years 2016-17 to 2017-18.

**CARRIED 12-0
ABSOLUTE MAJORITY**

AR022: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND

SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

AR022: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPOINT Moore Stephens WA - Chartered Accountants, nominated qualified auditors:

- Mr D J Tomasi – Registered Company Auditor Number: 15724
- Mr G Godwin – Registered Company Auditor Number: 310219
- Mr Wen-Shien Chai – Registered Company Auditor Number: 299761

as the City of Albany's external auditor for a further two years, being for the financial years 2016-17 to 2017-18.

BACKGROUND

2. The City sought a suitably qualified auditing services contractor, through the Western Australian Local Government Association (WALGA) preferred supplier "E-quote" system on 14 January 2014. As a result of that procurement process, Council appointed Moore Stephens WA (formally UHY Haines Norton) as the City of Albany's external auditor for a period of two years.
3. The Minister for Local Government recently advised local governments of intended changes to the auditing framework for local government audits that will take effect from 1 July 2017.
4. Under these proposed changes and subject to amendments to the *Local Government Act 1995* (the Act), the Office of the Auditor General will have oversight of audits of local government.

DISCUSSION

Current Situation

5. Under the current provisions of the Act, the Audit and Risk Committee is responsible for making a recommendation to Council on the appointment of a suitably qualified external auditor.
6. Ministerial Circular No. 03-2016 was recently issued advising local governments of the intention to amend the Act to allow for the Auditor General and the Office of the Auditor General (OAG) to take responsibility for local government financial audits from 1 July 2017.
7. The circular encourages local governments to give consideration to this proposed amendment when renewing or entering into new audit contracts.
8. The circular suggests that the OAG may contract out some of the financial audits.
9. As these amendments are not yet legislated, it is recommended that the proposed auditor is only appointed for a further two years. This will provide continuity in the audit process, yet not commit the City to a longer term contract.
10. The current auditors have submitted a proposal to conduct the next two audits. The cost for each year is as follows:

Year Ended	Fee	GST	TOTAL (including GST)
30/06/2017	\$33 000	\$3 300	\$36 300
30/06/2018	\$34 000	\$3 400	\$37 400

Recommendation

11. The recommendation to appoint the proposed auditor is validated by the Public Accounts Committee report entitled “*Improving Local Government Accountability*”, tabled in State Parliament during November 2015.
12. This report references a number of reports prepared by Moore Stephens as an example of better practice.

GOVERNMENT & PUBLIC CONSULTATION

13. Ministerial Circular 03-2016 was used in formulating the recommendation to appoint the proposed auditor for a period of only two years.

STATUTORY IMPLICATIONS

14. The following defines the applicable sections of the Act for the appointment of auditors:
 - *Section 7.3(1). A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint* a person, on the recommendation of the audit committee, to be its auditor. – *Absolute Majority Required.*
 - *Section 7.3(2). The local government may appoint one or more persons as its auditor.*
 - *Section 7.3(3). The local government’s auditor is to be a person who is —*
 - *a registered company auditor; or*
 - *an approved auditor.*
 - *Section 7.6(1). The appointment of a local government’s auditor is to have effect in respect of the audit of the accounts and annual financial report of the local government for a term of not more than 5 financial years, but an auditor is eligible for re-appointment.*
 - *Section 7.6 (2) The appointment of an auditor of a local government ceases to have effect if —*
 - *his or her registration as a registered company auditor is cancelled;*
 - *his or her approval as an approved auditor is withdrawn;*
 - *he or she dies;*
 - *the auditor ceases to be qualified to hold office as auditor or becomes a disqualified person;*
 - *the auditor resigns by notice in writing addressed to the local government; or*
 - *the appointment is terminated by the local government by notice in writing.*

POLICY IMPLICATIONS

15. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal and Compliance. The current contract expires on the completion of the 2015/16 Annual Financial Report Audit. A new auditor will need to be appointed prior to the completion of the 2016/17 Annual Financial Report Audit through the procurement process. There is a potential risk that recommended auditor is either not appointed or appointed for a period exceeding two years.	Unlikely	Minor	Low	Should Moore Stephens not be appointed, quotations will be sought from other qualified auditor. Council is not bound by proposed changes to legislation and there is no legislative requirement that mandates the Office of the Auditor General to conduct local government audits. However, it is felt prudent to appoint for two years, rather than five years.

FINANCIAL IMPLICATIONS

17. Nil

LEGAL IMPLICATIONS

18. Current legislation allows Council to appoint an auditor for a period of up to 5 years.
19. Council is not bound by proposed changes to legislation.
20. The recommendation to appoint the auditor for a period of two year is complaint with the Ministerial Circular, which states in part: *"If, to secure an auditor, the audit contract has to be renewed beyond the 2016/17 audit, you should renew it for no more than one extra year"*.

ENVIRONMENTAL CONSIDERATIONS

21. Nil

ALTERNATE OPTIONS

22. No alternate options are proposed or recommended.

SUMMARY CONCLUSION

23. It is recommended that Moore Stephens WA - Chartered Accountants be appointed.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>Minister of Local Government – Minister Circular No 03-2016</i>
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	OCM 25/03/2014 Report Item AR004: Appointment of Auditor.

WS110: LOWER STIRLING TERRACE – PARTIAL CLOSURE

Land Description	: Lower Stirling Terrace and Collie Street Intersection
Proponent / Owner	: City of Albany
Attachments	: N/A
Supplementary Information & Councillor Workstation	: N/A
Report Prepared By	: Project Officer, Engineering (R Cations)
Responsible Officer:	: Executive Director Works and Services (M Thomson)

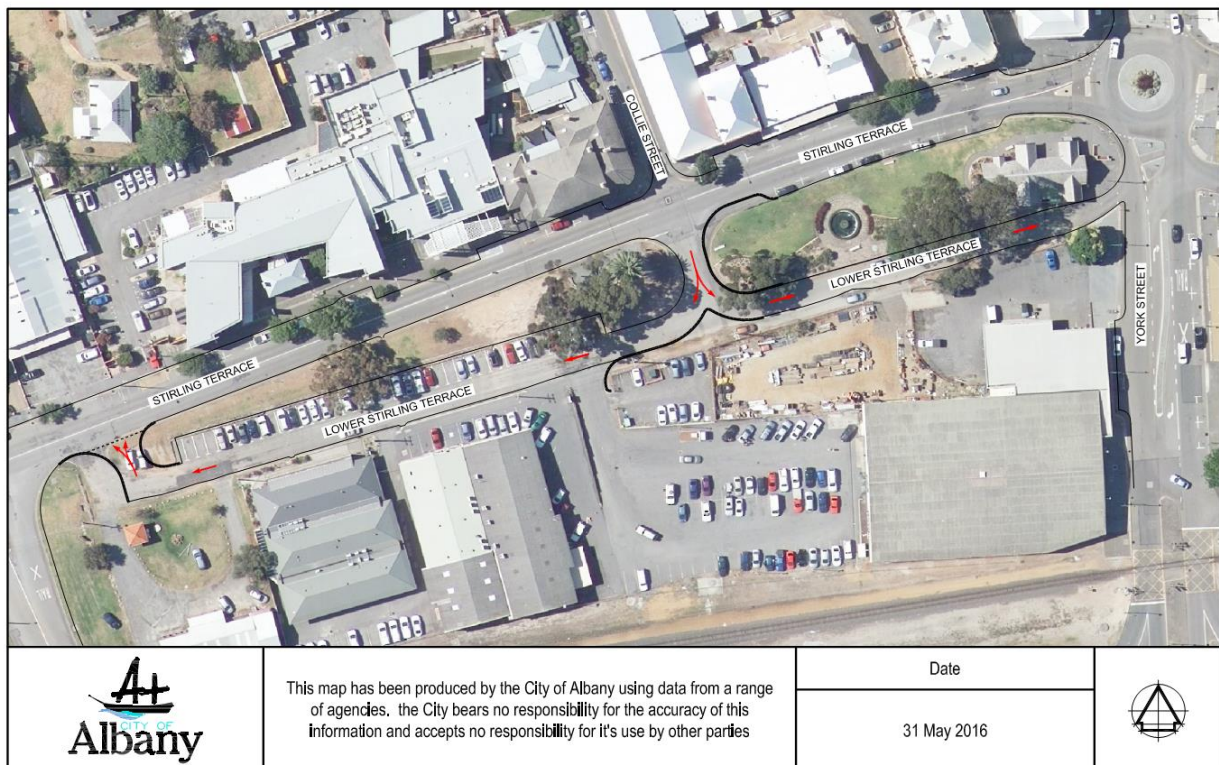
Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 3. A connected built environment.
 - b. **Strategic Objective:** 3.1 To advocate, plan and build friendly and connected communities.
 - c. **Strategy:** 3.2 Parking and Traffic Modelling.

Maps and Diagrams:



In Brief:

- Council approval is sought to amend Lower Stirling Terrace traffic direction to one way east and west from Collie Street intersection.
- Council has received a letter from Water Corporation reporting several near miss traffic incidents at the intersection of Lower Stirling Terrace and Collie Street.

RECOMMENDATION

WS110: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MOIR

SECONDED: COUNCILLOR DOWLING

THAT Council,

1. **APPROVE in principle the partial closure of Lower Stirling Terrace restricting traffic direction to one way east and west from Collie Street;**
2. **In accordance with the Local Government Act, 1995 (S3.50) give local public notice of the proposed partial closure;**
3. **Should there be no objection to the proposal, PROCEED, with the necessary minor works to effect the partial closure.**

CARRIED 12-0

WS110: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

WS110: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council,

1. **APPROVE in principle the partial closure of Lower Stirling Terrace restricting traffic direction to one way east and west from Collie Street;**
2. **In accordance with the Local Government Act, 1995 (S3.50) give local public notice of the proposed partial closure;**
3. **Should there be no objection to the proposal, PROCEED, with the necessary minor works to effect the partial closure.**

BACKGROUND

4. Lower Stirling Terrace is an access lane running parallel to Stirling Terrace that has entries and exits onto York Street, Collie Street and Stirling Terrace.
5. Currently, it has two way traffic flow, both east and west of Collie Street intersection.
6. Lower Stirling Terrace services seven businesses that all generate multiple conflicting traffic movements.
7. There are 35 parking bays on Lower Stirling Terrace that are used by local businesses and for visitors to the Police and Justice Complex, and adjacent businesses, on Stirling Terrace.
8. The proposed works involve channelization, signage and pavement marking to delineate Lower Stirling Terrace as one way traffic flow east and west of the Collie Street intersection.

DISCUSSION

9. Council has received a letter from Water Corporation reporting several near miss traffic incidents at the intersection of Lower Stirling Terrace and Collie Street.
10. Staff initially considered adopting Main Roads WA Modified T-Intersection design to give priority to Collie Street and Lower Stirling Terrace west, but it was found there would be insufficient road width to implement all of the required infrastructure.
11. The following amendments are recommended to address the safety issues raised:-
 - a. Amendment to one-way traffic flow east of Collie Street intersection will remove all conflicting traffic movements generated by Snowball Auctions, particularly on auction day.
 - b. Amendment to one-way traffic flow west of Collie Street intersection will remove all conflict caused by motorists cutting the corner from Collie Street to Dan Murphy's car park entrance.
 - c. Amendment to one-way traffic flow west of Collie Street intersection will provide easier entry and exit to on-street car parking on Lower Stirling Terrace.
 - d. Collie Street will be entry only from Stirling Terrace.
 - e. The western end of Lower Stirling Terrace will be exit only onto Stirling Terrace.
 - f. The eastern end of Lower Stirling Terrace will remain as exit only onto York Street.
12. It is intended to monitor the new traffic arrangements on Lower Stirling Terrace for a period of time, before any parking adjustments are considered. Should changes be required, an item will be presented to Council for consideration.

GOVERNMENT & PUBLIC CONSULTATION

13. Main Roads Western Australia has been consulted on the project. Notification will be given to other government agencies that may be affected by the closure including Police, Fire Services, Ambulance Services, Water Corporation, and Western Power.
14. All adjoining residents and property owners likely to be affected by the proposed changes have been consulted on the project.
15. To comply with the specific requirements of the Local Government Act on closure of thoroughfares, there will be a 35 day public submission period, advertised in local newspapers.

STATUTORY IMPLICATIONS

16. Section 3.50 of the Local Government Act, 1995, -
"3.50 Closing certain thoroughfares to vehicles
 - (1) A local government may close any thoroughfare that it manages for the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.*
 - (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.*
 - (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.*
 - (3) [repealed]*
 - (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to-*

- (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission:*
- (b) give written notice to each person who-*
 - (i) is prescribed for the purposes of this section; or*
 - (ii) owns land that is prescribed for the purposes of this section; and*
- (c) allow a reasonable time for submissions to be made and consider any submissions made.*
- (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).*
- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which the local public notice is given.*
- (7) [repealed]*
- (8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.*
- (9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.”*

POLICY IMPLICATIONS

17. There are no policy implications.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health and Safety. <i>Unresolved safety issues may result in a vehicle accident.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Conduct a post design road safety audit to evaluate the chosen course of action and take appropriate remedial action.</i>

FINANCIAL IMPLICATIONS

19. It is estimated that the cost of works will be \$9,000 which falls under the capitalisation threshold. As such it is proposed to complete as minor works from the 2016/17 maintenance budget.

LEGAL IMPLICATIONS

20. There are no legal implications associated with this item.

ENVIRONMENTAL CONSIDERATIONS

21. There are no environmental implications associated with this item.

ALTERNATE OPTIONS

22. Council may elect to not approve the partial closure and the status quo will remain.

CONCLUSION

23. The adoption of the proposal to change traffic flow direction to one-way on Lower Stirling Terrace will provide a cost effective and long term solution to traffic conflicts, specifically at the intersection of Collie Street but also at the driveways of businesses located on Lower Stirling Terrace.
24. To implement a one way system requires Council approval.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	RD.RDC.4 (Frederickstown)
Previous Reference	:	Nil

WS111: C16012 PANEL OF SUPPLIERS – CONSTRUCTION PLANT AND EQUIPMENT

Land Description : N/A
Proponent / Owner : City of Albany
Attachments : N/A
Supplementary Information & Councillor Workstation : N/A
Report Prepared By : Depot Administration Coordinator (T Sudran)
Responsible Officers: : Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

In Brief:

- Council consideration is sought to accept tenders and appoint preferred contractors to “wet” and “dry” hire construction plant and equipment.
- It is proposed to have a panel of suppliers where the highest scoring tenderer will be the default contractor with subsequent tenderers (in order) approached when the default contractor is not available.

RECOMMENDATION

WS111: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT Council ACCEPT the tendered rates for Panel of Suppliers – Construction Plant & Equipment, and award Contract C16012 to the following Suppliers:-

- **AD Contractors**
- **Albany Industrial Services**
- **Albany Bobcat Services**
- **Bill Gibbs Excavations**
- **Franks Loader Services**
- **Great Southern Sands**
- **Palmer Earthmoving**
- **River Hill Contracting**
- **Tricoast Civil**

CARRIED 12-0

WS111: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SHANHUN

SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

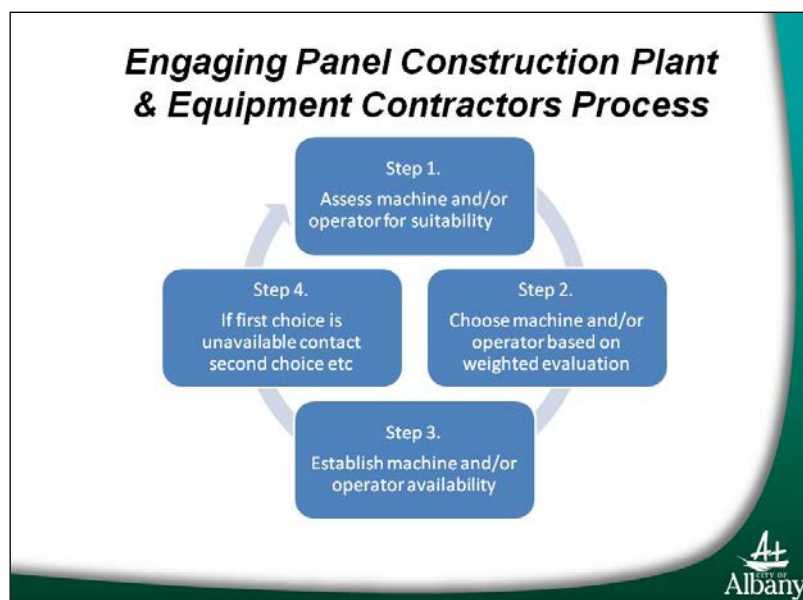
WS111: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ACCEPT the tendered rates for Panel of Suppliers – Construction Plant & Equipment, and award Contract C16012 to the following Suppliers:-

- AD Contractors
- Albany Industrial Services
- Albany Bobcat Services
- Bill Gibbs Excavations
- Franks Loader Services
- Great Southern Sands
- Palmer Earthmoving
- River Hill Contracting
- Tricoast Civil

BACKGROUND

2. The City of Albany is seeking to re-establish a 'Panel of Suppliers' for the supply of construction plant and equipment to augment the City of Albany's current machinery base during peak construction and maintenance periods.
3. This Panel of Suppliers shall consist of Contractors prepared to "wet" and/or "dry" hire construction plant and equipment to the City of Albany. The term "wet" hire refers to the hire of equipment with an operator and "dry" hire refers to hire of equipment without an operator. This Panel was previously only for "wet" hire however the City has identified a need for flexibility of hiring machinery only and utilising our own workforce.
4. Six of the ten Contractors recommended are in a position to provide both wet and dry hire.
5. This Panel shall be Council's preferred suppliers and requests for hire of equipment and operators shall be directed to members of this Panel before all other.
6. Plant will be selected from the Contractor identified from the panel who is likely to able to offer plant which is fit for purpose for the required works and the Contractor will be engaged by the following methodology.



DISCUSSION

7. A total of 42 tender documents were issued.
8. Tenders were asked to provide hire rates for items of plant. These preferred suppliers will be used on an “as and when” required basis with no guarantee of the amount of work required by the City of Albany.
9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:-

Criteria	% Weight
Cost	50
Relevant Experience	15
Key Personnel Skills and Experience	15
Tenderer's Resources	15
Corporate Social Responsibility	5
Total	100

10. Tenderers were required to submit rates per hour for normal working hours and rates per hour outside of normal working hours, as well as an hourly standby rate and mobilisation/demobilisation rates up to 10 kilometres one way distance and mobilisation/demobilisation rates per kilometre over and above the initial 10 kilometre distance.
11. Fourteen completed tender documents were submitted on or before the stipulated closing date and time. The City intends to appoint up to ten Contractors to the Panel of Suppliers.
12. The following table summarises the tenderers and overall evaluation scores applicable to each category of plant. The hourly rates for the hire, stand by and mobilisation have not been included in the table as these are “commercial in confidence”, and will not be made publically available.

Small Excavator (CCF Class 2/3T)

Tenderer	Weighted Score
Palmer Earthmoving	719.17
Great Southern Sands	674.99
AD Contractors	651.45
Bill Gibbs Excavations	650.21
River Hill Contracting	645.93
Tricoast Civil	647.24
Franks Loader Services	586.37

Medium Excavator (CCF Class 15T)

Tenderer	Weighted Score
Palmer Earthmoving	714.04
Great Southern Sands	707.50
Tricoast Civil	644.56
River Hill Contracting	632.36
AD Contractors	609.75

Medium Excavator (CCF Class 20)

Tenderer	Weighted Score
Palmer Earthmoving	718.19
Great Southern Sands	707.50
Albany Industrial Services	703.99
River Hill Contracting	619.21
Tricoast Civil	606.35
AD Contractors	592.75
Franks Loader Services	569.05

Dozer (CCF Class 25)

Tenderer	Weighted Score
Albany Industrial Services	705.39
AD Contractors	532.77
River Hill Contracting	356.30

Dozer (CCF Class 30)

Tenderer	Weighted Score
Great Southern Sands	614.82
Palmer Earthmoving	480.52
AD Contractors	298.83

Dozer (CCF Class 40)

Tenderer	Weighted Score
Great Southern Sands	649.65
Palmer Earthmoving	500.43
AD Contractors	393.39

Wheel Loader (CCF Class 3.5 cubic metre bucket capacity)

Tenderer	Weighted Score
Albany Industrial Services	719.17
Palmer Earthmoving	687.00
AD Contractors	670.85
Great Southern Sands	665.50
Bill Gibbs Excavations	641.03
Franks Loader Services	638.03
River Hill Contracting	631.71
Tricoast Civil	593.57

Rubber Tyre Backhoe Loader

Tenderer	Weighted Score
Albany Industrial Services	719.17
AD Contractors	668.08
Tricoast Civil	621.34

Grader

Tenderer	Weighted Score
Albany Industrial Services	719.17
AD Contractors	669.38
Palmer Earthmoving	665.35
Great Southern Sands	643.60
Bill Gibbs Excavations	603.54
River Hill Contracting	581.35
Tricoast Civil	545.26

Self-Propelled Vibrating Flat Drum Roller

Tenderer	Weighted Score
Albany Industrial Services	713.32
Great Southern Sands	707.50
Palmer Earthmoving	706.40
Bill Gibbs Excavations	673.55
River Hill Contracting	668.04
AD Contractors	667.46
Tricoast Civil	616.02

Self-Propelled Pneumatic Tyre Compactor

Tenderer	Weighted Score
Albany Industrial Services	713.32
Great Southern Sands	707.50
Palmer Earthmoving	706.40
Tricoast Civil	671.60
AD Contractors	667.46
River Hill Contracting	654.94

Self-Propelled Pad Foot Roller

Tenderer	Weighted Score
Franks Loader Services	664.17
Great Southern Sands	606.93
Palmer Earthmoving	604.59
AD Contractors	577.60
River Hill Contracting	574.67
Tricoast Civil	527.22

Skid Steer Wheeled (CCF Class 600)

Tenderer	Weighted Score
Albany Industrial Services	719.17
Tricoast Civil	671.84
Albany Bobcat Services	664.71
River Hill Contracting	661.61
Franks Loader Services	633.89

Skid Steer Tracked (CCF Class 600)

Tenderer	Weighted Score
Great Southern Sands	707.50
Palmer Earthmoving	705.12
AD Contractors	669.35
Tricoast Civil	669.21
River Hill Contracting	664.13
Franks Loader Services	616.01

Low Loader

Tenderer	Weighted Score
Great Southern Sands	578.28
Palmer Earthmoving	567.53
Albany Industrial Services	531.96
AD Contractors	442.86
River Hill Contracting	435.74
Bill Gibbs Excavations	420.36
Tricoast Civil	380.65

Semi Tipper

Tenderer	Weighted Score
Albany Industrial Services	566.42
Palmer Earthmoving	534.60
AD Contractors	519.17
Great Southern Sands	511.92
Tricoast Civil	448.86
Bill Gibbs Excavations	431.29
River Hill Contracting	345.46

Tandem Tipper

Tenderer	Weighted Score
Albany Industrial Services	719.17
Palmer Earthmoving	716.04
Great Southern Sands	676.81
AD Contractors	670.86
Tricoast Civil	664.19
Franks Loader Services	638.73
River Hill Contracting	638.24

Water Truck

Tenderer	Weighted Score
Palmer Earthmoving	719.17
Great Southern Sands	703.14
AD Contractors	696.29
River Hill Contracting	662.73
Tricoast Civil	640.69
Franks Loader Services	620.57

Stone Crusher

Tenderer	Weighted Score
Bill Gibbs Excavations	445.00

Mobile Jaw Crusher

Tenderer	Weighted Score
Great Southern Sands	545.16
AD Contractors	498.84
Palmer Earthmoving	450.85

Mobile Screener

Tenderer	Weighted Score
Bill Gibbs Excavations	609.68
Tricoast Civil	545.55
Great Southern Sands	419.22
Palmer Earthmoving	390.77
AD Contractors	328.94

Mobile Impact Crusher

Tenderer	Weighted Score
AD Contractors	480.19
Great Southern Sands	517.14
Palmer Earthmoving	396.84

13. Should there be a requirement for other equipment not on the preferred supplier listing, then the normal procedure for quoting out for these services will apply.
14. In practice it is often the case that equipment ordered from a recommended successful supplier is often not available due to it being allocated to another contractor or is working on another site. It is then standard practice to approach another supplier who has the same or equivalent equipment to supply the equipment, even though this second supplier is not the highest weighted tenderer. It would therefore be recommended that more than one tenderer be approved per item of equipment in order to satisfy the operational requirements of the Works Department.
15. In these cases, the tenderer with the highest weighted score would be the default contractor, with subsequent contractors being approached (in order) only if the required equipment is not available from the highest tenderer when required.

GOVERNMENT & PUBLIC CONSULTATION

16. A request for tenders was published in the West Australian on 27th April 2016 and the Albany Weekender on 28th April 2016.

STATUTORY IMPLICATIONS

17. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$100,000.00.
18. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
19. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

20. The city of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.

RISK IDENTIFICATION & MITIGATION

21. To ensure appropriate decisions are made with quality information, stakeholder consultation and research, Council must be informed of the risk the City faces as a result of its decision making.
22. Risk identification and mitigation advice assists Council maximise opportunity and minimise risks and hazards that may impact upon the effective and efficient management of City assets, functions and services.
23. *For example: The risk identification and categorisation relies on the [City's Enterprise Risk Management Framework](#).*

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisation's Operations. Council does not award this Contract delays in achieving the capital works and maintenance programme may result.	Unlikely	Major	High	This Contract is awarded so additional plant and equipment are available for hire.
Reputation & Financial. Not awarding a panel arrangement and appointing a single Contractor.	Unlikely	Major	High	This Contract is awarded to the recommended Contractors giving the City flexibility to deliver capital works and maintenance programmes.
Legal & Compliance. Non-compliance with Contract or business failure	Unlikely	Moderate	Medium	General conditions of contract allow for contract termination on the basis of failure to supply goods and services.
Reputation. The Communities expectation of completion of capital works or maintenance programmes.	Possible	Insignificant	Low	Community are advised of any work delays.

FINANCIAL IMPLICATIONS

24. The value of this tender is in excess of \$500,000 (current CEO delegation) and therefore the approval is referred to Council for consideration.
25. Tenderers were required to provide a schedule of rates for their services, including a standby rate and mobilisation / demobilisation rates. The supply of hire of construction equipment is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

26. There are no legal implications related to report.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

28. Council can accept or reject the tenders as submitted.

CONCLUSION

29. The City has undergone a competitive process in line with the relevant legislation and established policies. All the contractors that submitted tenders have provided construction plant and equipment to Council previously. To date, the quality of service has been acceptable to Council.
30. This report recommends that tenders be accepted and contracts awarded under a panel of suppliers arrangement.

Consulted References	:	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	C16012
Previous Reference	:	C14015

- 14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL** Nil
- 15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN** Nil
- 16. **REPORTS OF CITY OFFICERS** Nil
- 17. **MEETING CLOSED TO PUBLIC**

CSF249: PROPOSED DISPOSAL OF PROPERTY

18. **CLOSURE**

There being no further business the Mayor declared the meeting closed at [6:31:56 PM](#)



Dennis W Wellington
MAYOR