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# AGENDA

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**Ordinary Meeting of Council**

**Tuesday 31 October 2017**

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.

**NOTICE OF AN ORDINARY COUNCIL MEETING**

Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 31 October 2017 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.



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Andrew Sharpe  
**CHIEF EXECUTIVE OFFICER**

ORDINARY COUNCIL MEETING  
AGENDA 31/10/2017

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**1. DECLARATION OF OPENING**

**1.1 DECLARATION OF COUNCILLORS ELECT**

Councillors Elect will make their Declaration, witnessed by Mr Rick Wilson, MP, Federal Member for O'Connor.

Nominations will then be called for the position of Deputy Mayor.

**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

P Terry

Breaksea Ward

Councillor R Hammond

Frederickstown Ward

G Stocks

Frederickstown Ward

Councillor R Stephens

Kalgan Ward

B Hollingworth

Kalgan Ward

Councillor E Doughty

Vancouver Ward

J Shanahun

Vancouver Ward

Councillor T Sleeman

West Ward

S Smith

West Ward

Councillor A Goode JP

Yakamia Ward

A Moir

Yakamia Ward

Councillor R Sutton

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate Services

M Cole

Executive Director Development  
Services

P Camins

Executive Director Works and  
Services

M Thomson

Executive Director Commercial Services

A Cousins

Executive Manager Community Service

S Stevens

Meeting Secretary

J Williamson

**Apologies:**

**4. DISCLOSURES OF INTEREST**

<b>Name</b>	<b>Report Item Number</b>	<b>Nature of Interest</b>

**5. REPORTS OF MEMBERS**

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

**7. PUBLIC QUESTION TIME**

**8. APPLICATIONS FOR LEAVE OF ABSENCE**

**9. PETITIONS AND DEPUTATIONS**

**DRAFT MOTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT:**

- 1. The Petition lodged with the City of Albany by Ms Carole Pettersen objecting to the proposed gazettal of Lake Mullocullup, and requesting suspension of any further move to have Lake Mullocullup gazetted for motorised water vehicles be RECEIVED; and**
- 2. The submission signed by 25 members of the public opposing gazettal of Lake Mullocullup be NOTED.**

**10. CONFIRMATION OF MINUTES**

**DRAFT MOTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the minutes of the Ordinary Council Meeting held on 26 September 2017, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**11. PRESENTATIONS**

**12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

**CCCS051: LOT 20 LAKE WARBURTON ROAD, PALMDALE –  
MANAGEMENT OF TREE PLANTATION**

<b>Land Description</b>	: Lot 20 Lake Warburton Road, Palmdale on Deposited Plan 400803 comprised in Certificate of Title Volume 2837 Folio 569
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Attachments</b>	: <i>Confidential Attachments – Distributed separately:</i> <ul style="list-style-type: none"><li>• <i>Gravel Extraction Areas Map</i></li><li>• <i>Ents Forestry – Cost-benefit analysis August 2017</i></li></ul>
<b>Report Prepared By</b>	: Senior Team Leader Property, Leasing and Customer Service (T Catherall)
<b>Responsible Officers:</b>	: Executive Director Corporate Services (M Cole)

**CONFIDENTIAL**

*It is recommended that if discussion is required in regards to details contained within the Confidential Report, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.*

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
  - a. **Key Themes:** 1 Leadership, 3 Clean, Green and Sustainable
  - b. **Objectives:**
    - **1.1** To establish and maintain sound business and governance structures
    - **3.2** To build, maintain and renew city assets sustainably.
    - **3.3** To identify and deliver improvements in sustainability with the City and wider community.
  - c. **Community Priorities:**
    - **1.1.2** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to the community.
    - **3.2.1** Deliver environmentally and financial sustainable long term planning for infrastructure via a forward capital works program that meets the need of our community.
    - **3.3.1** Integrate and promote effective sustainability through resource concentration, management and education to continuously improve environmental outcomes.

**Maps and Diagrams:**



**In Brief:**

- In 2015, the City purchased Lot 20 Lake Warburton Road, Palmdale, primarily for the gravel resources contained on site. It did so on the basis that there is approximately 475ha of bluegum plantation on the land and noting that this could provide a stream of income in the future.
- The City has been approached by Australian Bluegum Plantations (ABP) to determine the City's interest in entering into an agreement for the plantation at Lot 20 Lake Warburton Road.
- An in-principle agreement had been reached for the ABP's lease of the property, which included the payment of an annual rent and ABP assuming maintenance for the trees and firebreaks, whilst the City may continue its resource extraction activities and maintain a dieback free gravel resource.
- As joint management of this property was considered possible and it provides a potential income stream for the City, it was recommended that the proposed lease arrangement be supported.
- However, following feedback at the August CCCS Committee meeting, a cost-benefit analysis of three options has been sought and is now presented for further consideration.

**RECOMMENDATION**

**CCCS051: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council**

- 1. RECEIVES the cost-benefit analysis report prepared by Ents Forestry**
- 2. ENDORSES the recommendation to call for quotations from forest managers to manage the tree plantation on behalf of the City to maximise the return from the plantation.**
- 3. NOTES the City to undertake as a matter of priority Sydney golden wattle and Patterson’s curse control on the lot**
- 4. NOTES that any budget variations required as a result of the above will be brought to Council for further consideration**

**CCCS051: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR GOODE  
SECONDED: COUNCILLOR SUTTON**

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

**CARRIED 10-0**

**CCCS051: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council**

- 1. RECEIVES the cost-benefit analysis report prepared by Ents Forestry**
- 2. ENDORSES the recommendation to call for quotations from forest managers to manage the tree plantation on behalf of the City to maximise the return from the plantation.**
- 3. NOTES the City to undertake as a matter of priority Sydney golden wattle and Patterson’s curse control on the lot**
- 4. NOTES that any budget variations required as a result of the above will be brought to Council for further consideration**

**BACKGROUND**

1. Council, at its meeting held on 28 April 2015, considered a proposal to purchase Lot 20 Lake Warburton Road, Palmdale. This 705ha property was to provide a long term source of gravel and sand resources required for the City’s capital works.
2. A business case was prepared in support of this land purchase. This business case compared the purchase price of the land with the alternative of paying royalties to a private landowner. The sources of income from the land was also considered. The business case concluded:
  - a. The net present value for purchasing the land, even under the most pessimistic scenario, exceeds the net present values for purchasing the gravel from third party landowners;
  - b. There are possible streams of income from the harvest of the bluegum plantation on the property and possible future pastoral lease of the land following rehabilitation; and
  - c. There is the added benefit that the City will hold an asset at the end of the resource extraction period that the City may either lease for agricultural purposes or sell to a private owner.

3. On this basis, Council resolved to purchase Lot 20 Lake Warburton Road for a purchase price of \$750,000 and agreed to take a loan over a 10 year term to facilitate the land purchase.
4. It was previously noted that this property could also be considered as a future landfill facility. Some initial feasibility investigations have occurred and the report completed in April 2016 concluded that there were significant concerns for the use of this lot for landfill purposes. The primary issues of concern were the suitability of the in situ clays for use as a landfill lining or capping material, the flora and fauna values of the land and the proximity of nearby residential dwellings.
5. While the settlement of the land purchase occurred on 26 May 2015 and the City has been extracting gravel from the site, it has not done any other significant maintenance works since this time. This has been a period of site investigations and consideration of future management options.
6. In October 2016, the City was approached by Australian Bluegum Plantations (ABP) to determine whether there was any interest in the City entering into an arrangement for the plantation on Lot 20 Lake Warburton Road. This prompted a range of investigations and discussions on the requirements of both parties.

## **DISCUSSION**

### Site Description

7. Lot 20 Lake Warburton Road has an area of 705ha, with approximately 475ha planted with blue gums. The balance of the land has either been cleared for existing extraction activities or contains remnant vegetation.
8. The trees on site are second rotation, having been harvested approximately 5 years ago. It now carries poor performing unmanaged trees referred to as coppice. Prior to making their proposal, ABP did a detailed inventory of the trees on site to determine the potential for leasing and managing the site to a second harvest.
9. The fencing of the land is in poor condition and suitable fencing to prevent livestock from straying onto the plantation is considered necessary. It is proposed that the fencing be upgraded by the City over a number of years and then maintained on an ongoing basis. The maintenance of fencing is considered to be an investment into the future value of the land should the City decide to sell or lease the property once all plantation and extraction activities are completed.

### Gravel Extraction Areas

10. In view of the ABP proposal, the City considered its gravel extraction needs over the next 10 years and investigated the potential to establish a dieback free gravel resource on site.
11. A 30ha area has been delineated (see attached map) for general gravel and sand resources. An additional 27ha area has been identified as suitable for dieback free gravel resources, with a 1ha area likely to be accessed over the next 8-10 years.
12. The dieback free gravel area will be fenced and gated, such that clean in clean out protocols may be observed.

### ABP Proposal

13. ABP have made a proposal to the City to lease the entirety on Lot 20 Lake Warburton Road on the following basis:
  - a. A lease term of 10 years, with an early termination clause if the completion of the harvest occurs earlier than expected;
  - b. The lease area will be the whole of Lot 20 Lake Warburton Road, excluding the gravel extraction areas;

- c. Share farming arrangements are proposed for the areas of plantation within the gravel extraction areas (approximately 31ha). Under this arrangement, ABP and the City would share 50/50 the proceeds of the harvest processed from this 31ha of plantation, net of all harvest, haulage and roading costs;
  - d. The 1ha dieback free gravel area and the remnant vegetation within the gravel extraction areas will be completely excluded from leasing arrangements, so that the clearing of these areas are wholly the responsibility of the City;
  - e. The City shall have full and free access to use both gravel extraction areas for their intended purpose, including if necessary the removal of plantation trees;
  - f. ABP will pay an annual rent of \$41,800, quarterly in advance with an annual indexation component;
  - g. ABP will be responsible for firebreaks and fire response over the lease area;
  - h. ABP will adhere to all clean in / clean out protocols within the dieback free gravel area and has no objection to the City monitoring these activities so as to maintain the integrity of the dieback free gravel resource; and
  - i. ABP will work with the City to protect all remnant vegetation on the property.
14. Under this arrangement, the City will be paid a rental, whilst maintaining its ability to extract gravel and sand resources. In exchange, it will only be responsible for fence line maintenance.
  15. While ABP have not made any commitments, it has noted that it may be willing to discuss options for a third rotation on the property at the conclusion of this lease arrangement. This would be dependent on growth over the next 10 years. If this option is considered, it would form a new agreement that would be presented to Council at the time.

#### Market Valuation

16. The City sought a comparable market valuation of the annual rent from Opteon Property Valuers.
17. Opteon has adopted a market rental valuation of \$90 per hectare for the plantation area. Based on approximate plantation area of 418ha (Plantation area of 475ha minus the gravel extraction areas totalling 57ha) this equates to an annual rent of \$37,620 plus GST.
18. It is understood that the lease rent offered by ABP would be inclusive of outgoings such as rates and taxes. If these outgoings were included in the market rent as determined by Opteon, it is considered that the ABP offer is commensurate with the market rental.

#### Motocross / Motorcycle Usage

19. For some time, this land has been considered as a potential site for the location of motocross and the riding of motorcycles generally.
20. It was discussed with ABP whether this use might also be considered in conjunction with their lease of the land and the City's gravel extraction activities, however ABP expressed a reluctance to accommodate this land use.
21. The main objection to this proposed use is the fire risk it might present, which is of significant concern to ABP. It is further noted that it may also present a risk to the City's dieback free gravel resource.
22. The ABP proposal is presented on the basis that, should Council wish to support the lease, the motocross / motorcycle use would be precluded during the period of the lease.
23. The Albany Motocross Cross have confirmed the site is not suitable for their use given the distance from medical facilities and lack of mobile phone coverage in the event of emergencies.

Other Options

24. Following feedback at the CCCS Committee meeting in August, the item was withdrawn from the Council agenda to allow for a cost-benefit analysis to be undertaken of the options for the trees on this property:
25. Ents Forestry were engaged to provide an independent cost-benefit analysis of the options available to the City. Ents Forestry previously advised the City prior to the purchase of the lot in 2015 and are familiar with the site and current state of the plantation. The options being:
  - a. Lease to third party
  - b. The City to own and manage the trees; and
  - c. The City to own and manage the trees through a third-party forest manager
26. Their report is attached and shows the highest value returns for the City is to own the trees and either manage the trees itself or appoint a third-party forest manager. It is recommended the City engage a third-party manager to care for the plantation.
27. Regardless of the options, Sydney golden wattle and Patterson’s curse control is required. In addition, the City is required to improve fencing on the lot and this can be undertaken over a period of time, with priority given to protecting the dieback free gravel resource.

**GOVERNMENT & PUBLIC CONSULTATION**

28. No government or public consultation has occurred on this matter and discussions with the proponent remain confidential, as is fitting for this dealing to date.
29. Should Council resolve to approve the proposed lease, the public advertising procedures of section 3.58 of the *Local Government Act 1995* will be observed.

**STATUTORY IMPLICATIONS**

30. Section 3.58 of the *Local Government Act 1995* states that prior to disposing of a property, which includes the lease of land, it must give public notice of the proposed disposal and consider any submissions made.

**POLICY IMPLICATIONS**

31. Council adopted a revised Property Management (Leases and Licences) Policy in July 2015.
32. The recommendation is consistent with Council Policy – Property Management (Leases and Licences).

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation &amp; Financial.</b> <i>Proposed new lease not approved by Council, resulting in missed opportunities.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council may wish to forgo the opportunity in favour of meeting municipal and community expectations at this site.</i>
<b>Property.</b> <i>Potential conflict amongst site users on land management requirements.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Ensure City requirements are translated in lease document and ensure staff are advised of ABP requirements.</i>

## FINANCIAL IMPLICATIONS

34. Under the proposed lease, ABP will make an annual rental payment of \$41,800 + GST. This equates to a potential income of over \$418,000 over the next 10 years. This represents a present value of \$347,000. This is more profitable than the potential income from the harvest of the plantation trees noted in the original business case.
35. It is proposed that any income from Lot 20 Lake Warburton Road be held in reserve for the future rehabilitation of the property. This rehabilitation is likely to be a costly exercise, however it would have a significant impact on the future sale price of the land, should the Council decide to sell the property in the future.
36. It is understood that the first stage of upgrading the fencing will cost in the order of \$20,000. This will be costed to the Reserves Maintenance line item.
37. Any costs associated with the preparation and lodgement of the lease will be shared between both parties. It is understood that the City's share of these costs will be approximately \$3000.
38. The cost-benefit analysis provided by Ent's Forestry indicates significantly higher returns can be attained with the City retaining ownership of the trees and either managing the trees itself or engaging a professional third party forest manager. Over a ten year period this is estimated to be in excess of \$738,000.

## LEGAL IMPLICATIONS

39. All lease documentation will be reviewed by City's lawyers.

## ENVIRONMENTAL CONSIDERATIONS

40. Any use of Lot 20 Lake Warburton Road proposed under the agreement with ABP has had regard to the environmental considerations on the land. This includes the protection of remnant vegetation, the re-establishment of firebreaks and the maintenance of a dieback free gravel resource.

## ALTERNATE OPTIONS

41. Council may:
  - a. Engage the services of a professional third party forest manager to manage the plantation on the City's behalf.
  - b. Proceed with the ABP lease as proposed and gain an income from the land, whilst maintaining capacity to extract gravel and sand resources and divulging some maintenance responsibilities; or
  - c. Not proceed with either options but undertake Sydney golden wattle and Patterson's curse control as well as improve fencing on the lot.

## CONCLUSION

42. The City purchased Lot 20 Lake Warburton Road primarily for resource extraction in favour of paying royalties to third parties. This land use is currently in progress and materials are being taken from the site for the City's needs.
43. The potential to draw an income from the plantation trees was noted in the original business case and the proposal by ABP provides a more profitable opportunity to do so whilst also removing any requirement for the City to maintain the plantation.
44. ABP have been amenable to accommodating almost all of the City's requirements on site, particularly with regard to the extraction of materials and the maintenance of a dieback free gravel resource.
45. The cost-benefit analysis suggests much higher returns can be obtained if the City retained ownership of the trees and appointed a professional third party forest manager to manage the plantation on the City's behalf.

46. Whichever option is progressed, it is recommended that any surplus be held in reserve for the future rehabilitation of the land in order to make it a more profitable asset available for sale in the future.
47. On this basis, it is recommended that the engage the services of a professional third party forest manager to manage the plantation on the City's behalf.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	A228430
<b>Previous Reference</b>	:	OCM 28 April 2015 CSF163

**CCCS060: FINANCIAL ACTIVITY STATEMENT – AUGUST 2017**

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

**RECOMMENDATION**

**CCCS060: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 31 August 2017.**

CCCS060: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS060: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 August 2017.

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 31 August 2017 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

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

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

## STATUTORY IMPLICATIONS

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

## POLICY IMPLICATIONS

8. The City's 2017/18 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 31 August 2017 has been incurred in accordance with the 2017/18 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	FM.FIR.7 - All Wards
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**CCCS061: LIST OF ACCOUNTS FOR PAYMENT – SEPTEMBER 2017**

**Proponent** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared by** : Senior Accounting Officer (P Martin)  
**Responsible Officer** : Executive Director Corporate Services (M Cole)

**RECOMMENDATION**

**CCCS061: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 September 2017 totalling \$7,587,437.00**

CCCS061: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING  
 SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

.CARRIED 10-0

CCCS061: 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 September 2017 totalling \$7,587,437.00

**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 September 2017. Please refer to the Attachment to this report.

**Municipal Fund**

Trust	\$ 35,568.00
Credit Cards	\$ 14,237.70
Payroll	\$ 1,831,205.08
Cheques	\$ 40,568.16
Electronic Funds Transfer	\$ 5,665,858.06
<b>TOTAL</b>	<b><u>\$ 7,587,437.00</u></b>

3. As at 15 September 2017, the total outstanding creditors, stands at \$589,800.41 and made up as follows:-

Current	\$ 330,566.69
30 Days	\$ 259,138.01
60 Days	\$ 141.01
90 Days	-\$ 45.30
<b>TOTAL</b>	<b><u>\$ 589,800.41</u></b>

Cancelled cheques – Cheque Number 31708 – incorrect name replaced with 31713

### 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 September 2017 has been incurred in accordance with the 2017/2018 budget parameters.

### FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 September 2017 has been incurred in accordance with the 2017/2018 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.

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CCCS062: 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)

**RECOMMENDATION**

**CCCS062: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Delegated Authority Reports 16 August 2017 to 15 September 2017 be RECEIVED.**

CCCS062: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS062: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 August 2017 to 15 September 2017 be RECEIVED.

**CCCS063: WRITE OFF RATE DEBT REPORT AS AT 30 JUNE 2017**

**Proponent** : City of Albany  
**Attachments** : Write Off Rate Debt Report as at 30 June 2017  
**Report Prepared by** : Senior Finance Officer – Rates (G Shephard)  
**Responsible Officer** : Executive Director Corporate Services (M Cole)

**RECOMMENDATION**

**CCCS063: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the Write Off Rate Debt Report as at 30 June 2017.**

CCCS063: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH  
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS063: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Write Off Rate Debt Report as at 30 June 2017.

**CCCS064: QUARTERLY REPORT – TENDERS AWARDED – JULY TO SEPTEMBER 2017**

**Proponent** : City of Albany  
**Attachments** : Quarterly Report – Tenders Awarded – July to September 2017  
**Report Prepared by** : Procurement Officer (H Hutchinson)  
**Responsible Officer** : Executive Director Corporate Services (M Cole)

**RECOMMENDATION**

**CCCS064: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Quarterly Report – Tenders Awarded – July to September 2017 be RECEIVED.**

CCCS064: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING  
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS064: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Quarterly Report – Tenders Awarded – July to September 2017 be RECEIVED.

## CCCS065: COMMUNITY PERCEPTION SURVEY RESPONSE

<b>Proponent</b>	:	City of Albany
<b>Attachments</b>	:	<ul style="list-style-type: none"><li>• Catalyse Community Score Card Report</li><li>• Attachments available on City of Albany Website: <a href="http://www.albany.wa.gov.au">www.albany.wa.gov.au</a></li></ul>
<b>Report Prepared by</b>	:	Facilitator-Strategy and Improvement (S Grimmer)
<b>Responsible Officer(s)</b>	:	Executive Director Corporate Services (M Cole)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
  - a. **Key Theme: 1 Leadership**
  - b. **Objective: 1.3** To engage effectively with our community.
  - c. **Community Priority: 1.3.1** Develop structures and processes that engage the community and engender community confidence and trust that their input is valued and used to inform decisions and priorities.

#### In Brief:

- The City recently conducted a community perception survey along with comprehensive community engagement as the basis for updating the Community Strategic Plan and supporting integrated planning documents.
- The survey has highlighted a number of areas to focus on which involve the need for improved engagement and communication.

### RECOMMENDATION

#### CCCS065: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

#### THAT Council:

- (1) **NOTE** the Community Scorecard Report from Catalyse which summarise the results of the 2017 community perception survey.
- (2) **APPROVE** the engagement of a recognised iap2 Community Engagement Consultant to work with Council and Community Leaders to develop an engagement program that will increase community participation in setting and communicating the City's future direction and priorities.

#### CCCS065: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR  
SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

**CCCS065: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

- (1) NOTE the Community Scorecard Report from Catalyse which summarise the results of the 2017 community perception survey.
- (2) APPROVE the engagement of a recognised iap2 Community Engagement Consultant to work with Council and Community Leaders to develop an engagement program that will increase community participation in setting and communicating the City's future direction and priorities.

**BACKGROUND**

2. The City engages an independent consultant to conduct a community perception survey every 2 years.
3. Catalyse were engaged in the first half of 2017 to independently conduct the survey with the results used to inform the City's integrated planning framework documents which were adopted in September 2017.
4. Previous surveys had been conducted by phone but based on advice from Catalyse and the dwindling use of land lines it was decided that this and future surveys would be conducted by email and post.

**DISCUSSION**

5. The following table summarises the 2017 survey results and trends over the past 3 surveys. The index score provides a weighted average of all responses received:

Criteria	2013	2015	2017	LG Ave
<b>Smart Prosperous and Growing</b>	<b>Index Score</b>			
Albany as a place to live	70	72	83	74
Economic development and job creation	50	52	45	43
Tourism attractions and marketing	NA	73	57	NA
Education and training opportunities	56	58	53	47
Benefit from significant events	NA	68	72	NA
<b>Clean, Green and Sustainable</b>	<b>Index Score</b>			
Promote and adopt sustainable practices	50	52	54	56
Waste collection services	68	67	67	74
Management of coastal and foreshore areas	63	59	59	53
Streetscapes	53	58	60	53
Playgrounds, Parks & Reserves	59	62	73	63
Community building and halls	54	59	62	63
Public Toilets	47	49	51	49
Footpaths, cycleway and trails	54	56	56	53
Storm water drainage	46	52	53	56
Maintenance of sealed roads	47	51	41	NA
Maintenance of unsealed roads	42	45	38	NA
Traffic management and control on local roads	55	56	53	54
Management of parking	47	50	46	51
Lighting of streets and public places	NA	NA	60	57

<b>Sense of Community</b>	<b>Index Score</b>			
Library and information services	70	73	<b>79</b>	70
Sport and recreation facilities	61	65	<b>75</b>	66
Leisure and aquatic centre (ALAC)	NA	NA	<b>73</b>	72
Art facilities	62	65	<b>71</b>	68
Festivals, events and cultural activities	57	61	<b>65</b>	61
Preservation and promotion of local history and heritage	60	68	<b>68</b>	61
Support provided to Noongar people	NA	NA	<b>63</b>	NA
Services and facilities for youth	50	53	<b>49</b>	50
Services and facilities for seniors	58	60	<b>63</b>	58
Services and facilities for people with disabilities	54	58	<b>58</b>	59
Support provided to families with pre-school children	NA	NA	<b>55</b>	59
Services and facilities for child day care	NA	NA	<b>60</b>	NA
People who have volunteered in the last 12 months	NA	53	<b>64</b>	57
<b>A Connected Built Environment</b>	<b>Index Score</b>			
Planning and Building approvals	44	44	<b>45</b>	46
City Centre Development	46	59	<b>53</b>	49
Area's Character and identity	61	65	<b>67</b>	60
Safety and Security	55	61	<b>58</b>	54
Natural disaster education, prevention and relief	57	58	<b>57</b>	58
Public health education and programs	NA	57	<b>58</b>	NA
<b>Civic Leadership</b>	<b>Index Score</b>			
COA as a Governing organisation	50	55	<b>55</b>	56
Value for money from rates	47	49	<b>44</b>	47
Council's leadership	45	50	<b>50</b>	51
How open and transparent Council processes are	42	45	<b>43</b>	47
How the community is consulted about local issues	45	48	<b>45</b>	47
City Website	59	58	<b>58</b>	59
Customer Service	56	59	<b>62</b>	59
City has communicated a clear vision	45	52	<b>49</b>	NA
Elected members understanding of community needs	47	57	<b>45</b>	NA
Staff understanding of community needs	56	62	<b>52</b>	NA
The City explains the reasons for its decisions	NA	NA	<b>42</b>	NA

<b>Summary</b>	<b>2013</b>	<b>2015</b>	<b>2017</b>	<b>LG Ave</b>
Smart Prosperous and Growing	59	65	<b>60</b>	55
Clean, Green & Sustainable	52	55	<b>55</b>	57
A Sense of Community	59	62	<b>65</b>	62
A Connected Built Environment	54	58	<b>58</b>	55
Civic Leadership	49	52	<b>51</b>	52
<b>Average Rating</b>	<b>53.6</b>	<b>57.6</b>	<b>58.2</b>	<b>56.8</b>

**SUMMARY OF FINDINGS**

- 6. The average rating for the 2017 survey has risen slightly since the last survey and remains above the local government average.
- 7. *“Albany as a place to live”* improved from an index score of 72 in 2015 to 83 in 2017, a significant increase that demonstrates our community love where they live.
- 8. Areas of focus that are being taken up by Council are consulting with the community on local issues and transparency with decision making. The other areas highlighted include parking, roads, footpaths, waste services and value for money from rates which remain as ongoing priorities for Council.

**GOVERNMENT CONSULTATION**

- 9. The City has researched the approach taken across the Local Government sector in regards to community surveys.

**COMMUNITY CONSULTATION / ENGAGEMENT**

- 10. 613 responses were collated and reported by Catalyse.
- 11. The resulting Community Scorecard Report is appended to this item and available on the City’s web-site.

**STATUTORY IMPLICATIONS**

- 12. **Section 5.56(1) and (2) of the *Local Government Act 1995*** requires that each local government is ‘to plan for the future of the district’, by developing plans in accordance with the regulations. The advisory standard, framework and supporting guidelines stress the importance of community input into the integrated planning framework.

**RISK IDENTIFICATION & MITIGATION**

- 13. The risk identification and categorisation references the City’s Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputations. Council does not adequately address issues raised by the community.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Develop a suitable Community Engagement program.</i>
<i>Opportunity: To involve community leaders in establishing an engagement program that will increase community participation in setting future strategic direction and priorities.</i>				

## FINANCIAL IMPLICATIONS

14. While there are no direct financial implications in relation to this item, failure to meet our statutory obligations in regards to integrated planning and reporting could affect our ability to attract future State Government funding.

## CONCLUSION

15. The report highlights the areas the Albany community would like the City to focus on and provides a sound basis for continual improvement within the City.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i> Western Australian-Integrated Planning and Reporting Framework
<b>File Number (Name of Ward)</b>	:	CM.RVW.3 (All Wards)
<b>Previous Reference</b>	:	<ul style="list-style-type: none"><li>• Councillor Strategic Workshop 2013</li><li>• Councillor Strategic Workshop 2015</li><li>• Councillor Strategic Workshop 2017</li></ul>

**CCCS066: LOWER GREAT SOUTHERN ECONOMIC ALLIANCE - UPDATE**

**Proponent / Owner** : Lower Great Southern Alliance  
**Attachment** : Lower Great Southern Alliance Minutes – 7 September  
**Report Prepared By** : Lower Great Southern Alliance – Acting Executive Director  
Commercial Services (A Cousins)  
**Responsible Officers:** : Chief Executive Officer (A Sharpe)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Themes:**
    - 1. Leadership.
    - 2. To strengthen and grow our region’s economic base.
  - **Objectives:**
    - 1.2 To provide strong, accountable leadership supported by a skilled & professional workforce.
    - 2.2 To develop and smart city that supports economic growth.
  - **Community Priority:**
    - 1.2.1 Provide positive leadership that delivers community outcomes and gains a reputation for doing what is good for Albany and the surrounding region.
    - 2.2.2 Promote Albany and the surrounding region as an ideal location to hold conferences and training events.

**In Brief:**

- Committee to note the minutes of the Lower Great Southern Economic Alliance September meeting.

**RECOMMENDATION**

**CCCS066: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT : SIMPLE MAJORITY**

**THAT the Committee NOTE the minutes of the Lower Great Southern Economic Alliance meeting held 7 September 2017 as outlined in Attachment 1.**

CCCS066: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS066: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Committee NOTE the minutes of the Lower Great Southern Economic Alliance meeting held 7 September 2017 as outlined in Attachment 1.

## BACKGROUND

2. The Lower Great Southern Economic Alliance (LGSEA) of the City of Albany, and Shires of Denmark and Plantagenet developed under a Memorandum of Understanding in July 2015.
3. The key pillars of the LGSEA include: Advocacy; Economic Development and Tourism and Efficiency and Consistency.

## DISCUSSION

4. The LGSEA meets regularly with the last meeting held in the Shire of Plantagenet on 7 September 2017. See Attachment 1 for the minutes from this meeting.

## GOVERNMENT & PUBLIC CONSULTATION

5. Not applicable to this report.

## STATUTORY IMPLICATIONS

6. Not applicable to this report.

## POLICY IMPLICATIONS

7. There are no policy implications at this time.

## RISK IDENTIFICATION & MITIGATION

8. There are no risk associated with this report.

## FINANCIAL IMPLICATIONS

9. Nil.

## LEGAL IMPLICATIONS

10. Nil.

## ENVIRONMENTAL CONSIDERATIONS

11. Nil.

## CONCLUSION

12. That the Committee note the minutes of the LGSEA meeting held on Thursday, 5 October 2017.

<b>Consulted References</b>	:	Lower Great Southern Economic Alliance (LGSEA) Memorandum of Understanding dated July 2015
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	Nil

**CCCS067: REQUEST FOR NOMINATIONS TO COMMITTEES OF COUNCIL AND EXTERNAL COMMITTEES**

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

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - a. **Theme 1: Leadership**
  - b. **Objective:**
    - 1.1. To establish and maintain sound business and governance structures.
    - 1.3. To engage effectively with our community.
  - c. **Community Priorities:**
    - 1.1.2. Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to the community.
    - 1.3.1. Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.

**In Brief:**

- Re-appointment or Committees of Council are required to be conducted post the 2017 Ordinary Local Government Election.
- Request that nominations are received prior to the 31 October 2017 Ordinary Council Meeting.

**RECOMMENDATION**

**CCCS067: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council APPOINT the nominated elected members to the following Committees:**

a. **Committees of Council:**

- Airport Emergency Committee:

1.
2.
3.

- Audit and Risk Committee:

1.	4.	7.
2.	5.	
3.	6.	

- Bushfire Advisory Committee:

1.	4.
2.	
3.	

- CEO Performance Review Committee:

Mayor	3.
1.	
2.	

- Commercial, Community and Corporate Services Committee:

1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	
5.	10.	

- Development and Infrastructure Services Committee:

1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	
5.	10.	

- Local Emergency Management Committee (LEMC):

1.
2.

**b. External Committee Representation:**

- Albany Entertainment Centre (AEC) Operational Advisory Committee:

1.
2.
3.

- Great Southern Joint Development Assessment Panel:

1.
2.
3.

- Great Southern Recreational Advisory Group (GSRAG):

1.
2.

- Great Southern Regional Road Group. (GSRRG):

1.
2.

<ul style="list-style-type: none"> <li>Road Wise Advisory Committee: <table border="1"> <tr><td>1.</td></tr> <tr><td>2.</td></tr> </table> </li> </ul>			1.	2.													
1.																	
2.																	
<ul style="list-style-type: none"> <li>South Coast Management Group: <table border="1"> <tr><td>1.</td></tr> <tr><td>2.</td></tr> </table> </li> </ul>			1.	2.													
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<ul style="list-style-type: none"> <li>WA Local Government Association (WALGA) – Great Southern Zone: <table border="1"> <tr><td>1.</td><td>6.</td><td>11.</td></tr> <tr><td>2.</td><td>7.</td><td>12.</td></tr> <tr><td>3.</td><td>8.</td><td>13.</td></tr> <tr><td>4.</td><td>9.</td><td></td></tr> <tr><td>5.</td><td>10.</td><td></td></tr> </table> </li> </ul>			1.	6.	11.	2.	7.	12.	3.	8.	13.	4.	9.		5.	10.	
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3.	8.	13.															
4.	9.																
5.	10.																

**BACKGROUND**

- In accordance with section 5.11(1)(d) of the *Local Government Act 1995* (the Act), a person’s membership of a Committee continues until the next ordinary election.
- Therefore, all Committee members must be reappointed after the 21 October 2017 ordinary election.
- All reports for consideration by Council should be referred through a Standing Council Committee. Standing Committees provide a functional, transparent and legally compliant meeting framework that allows elected members to engage in policy and strategy development, and provide accurate and relevant information which enables informed decision making by elected members.
- Standing Committees of Council are open to the public, with the exception of the Audit and Risk Committee.
- Committees are charged with the responsibility of reporting to the whole of Council with recommendations on matters it considers.
- Committees report to Council, and are subject to the requirements of the *Local Government Act 1995* (the Act).
- The purpose of each committee (Terms of Reference) is defined in the Governance and Meeting Framework (attached).

**DISCUSSION**

- All elected members are appointed to the Commercial, Community and Corporate Services Committee, and the Development and Infrastructure Services Committee.
- Nominations will be called for all other committee vacancies.
- In the event that Councillor nominations exceed the number of vacancies on a committee, a ballot will be conducted and membership will be determined by a vote.
- The Mayor may inform the local government of their wish to be a member of a committee, and the local government will appoint the Mayor as a member of that committee.
- Committees will appoint the Chair and Deputy Chair at their first committee meeting.

14. Terms of Reference for each committee are detailed in the Governance and Meeting Framework. An abridged version of the Terms of Reference for each committee follows:

a. Internal Standing Council Committees. These committees are made up of elected members only making recommendations to Council on specific issues as provided in their terms of reference. Meeting are held at the City of Albany's, North Road Administration Building.

- **Audit and Risk Committee.** (Statutory Requirement).The Audit and Risk Committee is responsible for assisting Council discharge its responsibilities with regard to the exercise of due care, diligence and skill in relation to:
  - the reporting of financial information;
  - the application of accounting policies;
  - the management of the financial affairs of the City; and
  - the assessment of the adequacy of the management of risk, internal control and legislative compliance.

**Executive Officers:** Chief Executive Officer, Executive Director Corporate Services, Manager Finance and Manager Governance & Risk.

**Meeting Schedule:** As required, minimum three meetings per year.

**Nominations:** Open to all Councillors | **Membership:** Minimum of 4 and a maximum of 7 elected members.

**Past Chairperson and Committee Members:** *Councillor Hollingworth (Chair), Councillor Goode JP (Deputy Chair), Councillor Price, Councillor Hammond, Councillor Sutton and Councillor Stocks.*

- **Chief Executive Officer Performance Review Committee.** The Performance Review Panel is responsible for reviewing the performance of the Chief Executive Officer in accordance with the CEO Performance Review Process Policy.

**Executive Officers:** Manager Human Resources & an external Council appointed facilitator.

**Meeting Schedule:** As required, (refer to contract of employment).

**Nominations:** Open to the three (3) Councillors | **Membership:** The Mayor and three Councillors appointed by Council resolution.

*Note: All Councillors seeking appointment to the CEO review panel must undertake the relevant CEO performance review training course provided by WALGA within six months of appointment to the panel; it is important for those actually involved in the appraisal interview to feel comfortable with their skill level and role.*

**Past Chairperson and Committee Members:** *Mayor Wellington, Councillor Stocks, Councillor Goode and Councillor Hollingworth.*

- **Commercial, Community and Corporate Services Committee.** The Commercial, Community and Corporate Services Committee is responsible for the following functions:

**Commercial Services:**

Considering and recommending to Council ways to strengthen the local Albany economy.

The delivery of “*Smart, Prosperous and Growing*” objectives contained in the City of Albany Strategic Plan.

**Community Services:**

The delivery of “*Community Health and Participation*” contained in the City of Albany Strategic Plan.

**Corporate Services:**

Monitoring and commenting on the financial health and strategies of Council. The delivery of “*Leadership*” contained in the City of Albany Strategic Plan.

**Executive Officers:** Executive Director Corporate Services, and Executive Director Community Services.

**Meeting Schedule:** 2<sup>nd</sup> Tuesday of the Month

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

**Past Chairperson and Committee Members:** *Councillor Terry (Chair), Mayor Wellington (Deputy Chair), Councillor Stocks, Councillor Dowling, Councillor Shanhun, Councillor Smith, Councillor Goode JP, Councillor Moir, Councillor Hollingworth, Councillor Sutton, Councillor Price, Councillor Hammond, Councillor Mulcahy.*

- **Development and Infrastructure Services Committee.** The Development and Infrastructure Services Committee is responsible for:

**Development Services:**

The delivery of the “*Clean, Green and Sustainable*” and “*A Connected and Safe Built Environment*” objectives contained in the City of Albany Strategic Plan.

**Executive Officers:** Executive Director Development Services and Executive Director Works and Services.

**Meeting Schedule:** 2<sup>nd</sup> Wednesday of the Month.

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

**Past Chairperson and Committee Members:** *Councillor Shanhun (Chair), Mayor Wellington (Deputy Chair), Councillor Dowling, Councillor Stocks, Councillor Goode JP, Councillor Smith, Councillor Moir, Councillor Sutton, Councillor Hollingworth, Councillor Price, Councillor Hammond, Councillor Terry, Councillor Mulcahy.*

- b. **Internal Council Advisory Committees:** The following advisory committees are comprised of representatives from the community and councillors:

- **Airport Emergency Committee.** (Statutory Requirement). This Committee is established under the *Civil Aviation Act (1998)* and the *Emergency Management Act 2005*. This Committee is responsible for ensuring the currency of the Airport Emergency Plan and associated procedures in support of response and recovery agencies plans.

**Executive Officers:** Executive Director Commercial Services, Manager Governance and Risk Management.

**Meeting Schedule:** Meets quarterly, as required.

**Nominations:** Open to all Councillors.

**Membership:** Minimum of 1 and a maximum of 2 elected members.

**Past Chairperson and Committee Members:** *Mayor Wellington, Councillor Sutton, Councillor Smith.*

- **Bushfire Advisory Committee.** This Committee is responsible for reviewing administrative and resourcing decisions and recommendations from the Bushfire Advisory Group and provide advice to Council on *Bush Fires Act 1954* matters.

**Executive Officers:** Executive Director Development Services, Manager Ranger and Emergency Services.

**Meeting Schedule:** Meets quarterly.

**Nominations:** Open to all Councillors | **Membership:** Minimum of 2 and a maximum of 3 elected members. Membership to the Committee is defined under the Terms of Reference detailed in the Strategic Bush Fire Plan 2014 to 2019.

**Past Chairperson and Committee Members:** *Councillor Shanhun, Councillor Smith and Councillor Hollingworth.*

- **Local Emergency Management Committee.** (Statutory Requirement). The *Emergency Management Act 2005* requires that local governments are to ensure that local emergency management arrangements are prepared and maintained for the local government district.

**Executive Officers:** Chief Executive Officer, Executive Director Development Services and Community Emergency Services Manager (CESM).

**Meeting Schedule:** Meets quarterly.

**Nominations:** Open to all Councillors | **Membership:** Minimum of 1 and maximum of 2 elected members.

*Notes:*

- (1) *The local emergency management arrangements contain the overarching emergency management arrangements relevant to that local government district.*
- (2) *Committee membership is extended to include representatives from agencies, organisations and community groups with expertise relevant to the identified community hazards and risks and emergency management arrangements.*
- (3) *One of the councillors appointed by Council will assume the position of Chairperson, whilst the position of Deputy Chairperson is reserved for the Officer in Charge (OIC), from the Albany Police Station.*

**Past Chairperson and Committee Members:** *Mayor Wellington and Councillor Shanhun.*

15. Councillors also represent Council on external Committees. Background information and terms of references follow:

• **Albany Entertainment Centre (AEC) Operational Advisory Committee.**

The AEC Operational Advisory Committee reviews and oversees the strategic marketing and promotional policies and practices for the Albany Entertainment Centre, which includes promoting the centre as an arts/cultural venue and as a community facility available for broader community uses including major community events and commercial conferencing functions and events.

**Meeting Schedule/Location:** As required.

**Past Representatives:** *Mayor Wellington, Councillor Goode JP and Councillor Smith.*

**Executive Officer:** Executive Director Corporate Services

**Nominations:** Open to all Councillors | **Membership:** Minimum of 2 and maximum of 3 elected members.

- **Great Southern Joint Development Assessment Panel.** The panel is an independent decision-making body comprised of 3 technical experts and 2 elected local government representatives. These panels determine development applications made under local and region planning schemes, in the place of the City of Albany Council.

**Meeting Schedule/Location:** As required.

**Past Representatives:** *Mayor Wellington, Councillor Sutton, Councillor Hollingworth (reserve), Councillor Stocks (Reserve).*

**Executive Officer:** Executive Director Development Services.

**Nominations:** Open to all Councillors | **Membership:** 2 members, and two reserve members.

*Note: Compulsory training must be completed to be a member of this committee.*

- **Great Southern Recreational Advisory Group (GSRAG).** The Great Southern Recreation Advisory Group meets regularly to discuss and develop community sport and recreation opportunities for residents (and visitors) of the Great Southern.

**Meeting Schedule/Location:** Quarterly various locations in Great Southern.

**Past Representatives:** *Councillor Terry and Councillor Moir.*

**Executive Officers:** Executive Director Commercial Services and Manager Recreation Services.

**Nominations:** Open to all Councillors | **Membership:** Minimum of 1 Elected Member, maximum of 2 Elected Members.

*Note: The Department of Sport and Recreation is the responsible agency.*

- **Great Southern Regional Road Group (GSRRG).** Responsible for allocating State Government funding for regional road maintenance and construction and oversee the implementation of State Government 'Black spot' funding.

**Meeting Schedule/Location:** Quarterly meetings 10.00am – 3.00pm, at locations throughout the Great Southern.

**Past Representative:** *Councillor Hollingworth, Councillor Price.*

**Executive Officers:** Executive Director Works & Services and Manager City Engineering.

**Nominations:** Open to all Councillors | **Membership:** 2 Elected Members, Maximum 2 Elected Members.

*Note: GSRRG Elected Members must be elected Council Representatives (External Committee Motion passed 25 August 2003).*

- **Road Wise Advisory Committee.** The aim of WA Local Government Association's (WALGA's) road safety programs is, on a state-wide basis, to facilitate the active engagement and involvement of Local Governments and the community (through the community road safety network) in effectively contributing to the adoption and application of the safe system approach and the implementation of specific initiatives of the Towards Zero, Western Australian Road Safety Strategy 2008-2020.

**Meeting Schedule/Location:** Meets on the third Tuesday of every month at the City of Albany, North Road, Albany.

**Past Representatives:** *Councillor Terry, Councillor Smith.*

**Executive Officers:** Executive Director Works & Services and Manager City Engineering.

**Nominations:** Open to all Councillors | **Membership:** 2 Elected Members, Maximum 2 Elected Members.

*Notes:*

(1) *Coordinated by WALGA.*

(2) *Website:* [http://www.roadwise.asn.au/roadsafety/great\\_southern/city\\_of\\_albany.aspx](http://www.roadwise.asn.au/roadsafety/great_southern/city_of_albany.aspx)

- **South Coast Management Group.** To bring together people, organisations and information, so that communities in the South Coast Region are able to work in partnership, to improve the quality of the coastal and marine environment, resulting in environmental, social and economic sustainability. Goals:
  - Preparing a regional strategy between Denmark and Esperance for Coastal issues.
  - Focus on local government and Community groups.

**Meeting Schedule/Location:** Bi Monthly (March, July, September and December) various locations throughout the South Coast.

**Past Representative:** *Councillor Smith, Councillor Hollingworth.*

**Executive Officers:** Manager Reserves and Reserves Officers.

**Nominations:** Open to all Councillors | **Membership:** 2 Elected Members, Maximum 2 Elected Members.

*Notes:*

(1) *Coordinated by the management group.*

(2) *Website:* <http://southcoastmanagementgroup.org.au>

- **WA Local Government Association (WALGA) – Great Southern Zone.** The WA Local Government Association is the voice of Local Government in Western Australia. As the peak industry body WALGA advocates on behalf of the State's 142 Local Governments and negotiates service agreements for the sector.

**Meeting Schedule/Location:** Monthly meetings, conducted via teleconference and face to face throughout the Great Southern.

**Past Representatives:** *Mayor Wellington, Councillor Hollingworth, Councillor Price, Councillor Moir.*

**Executive Officers:** Chief Executive Officer and EA to the CEO.

**Nominations:** Open to all Councillors | **Membership:** Open to All Councillors to be representatives of the City.

*Notes:*

- (1) *Coordinated by WALGA.*
- (2) *Please note that WALGA is not a government department or agency.*
- (3) *Website: <http://www.walga.asn.au> ;*
- (4) *At the OCM 22 April 2015 (Resolution CSF076), Council nominated All Elected Members to represent the City.*

**GOVERNMENT & PUBLIC CONSULTATION**

16. Public consultation was undertaken during the recent review of the Strategic Community Plan.
17. The *Local Government Act 1995* and supporting legislation, and Department of Local Government Guidelines were consulted.

**STATUTORY IMPLICATIONS**

18. There is a statutory requirement for Council to form an Audit Committee.
19. In accordance with s5.11(1)(d) of the *Local Government Act 1995*, a person’s membership of a committee continues until the next ordinary local government election.
20. Division 2, Part 5 of the *Local Government Act 1995* deals with Council Meetings, committees and their meetings.
21. Appointment to committees is by **Absolute Majority** in accordance with s5.10 of the Act.

**POLICY IMPLICATIONS**

22. There are no policy implications related to this item, unless the Terms of Reference for a committee are to be amended. For example: the number of committee members.

**RISK IDENTIFICATION & MITIGATION**

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

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

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

25. There are legal implication related to compliance with specific provisions of the *Local Government Act 1995*, including subdivision 2 – Committees and their meetings.

**ENVIRONMENTAL CONSIDERATIONS**

26. There are no direct environmental considerations related to this item, however, an efficient meeting schedule may reduce wasted resources (time, travel and office consumables).

**ALTERNATE OPTIONS**

27. Elected members may reserve the right to nominate for committee membership at a later date.

<b>Consulted References</b>	: <i>Local Government Act 1995 Planning and Development (Development Assessment Panels) Regulations 2011 Department of Local Government Guidelines Governance and Meeting Framework Policy</i>
<b>File Number (Name of Ward)</b>	: All Wards
<b>Previous Reference</b>	: <ul style="list-style-type: none"> <li>• OCM 22/04/2014 Resolution CSF076</li> <li>• SCM 24/10/2013 Resolution SCM001</li> <li>• OCM 29/10/2013 Report Item 16.1</li> <li>• OCM 27/10/2015 Report Item CSF202</li> </ul>

**DIS049: CONSIDERATION OF ADOPTION OF LOCAL PLANNING  
SCHEME AMENDMENT NO.29 – CITY OF ALBANY.**

<b>Land Description</b>	: <ul style="list-style-type: none"><li>• City of Albany</li><li>• Lot 5 #437 Chester Pass Road, Warrenup WA 6330</li><li>• Lot 21 #312 Albany Highway, Centennial Park WA 6330</li><li>• Lot 304 # 63 Pioneer Road, Centennial Park WA 6330</li><li>• Lot 250 #255 Lancaster Road, McKail WA 6330</li><li>• Lots 871, 410, 411, 868 and 869 Chester Pass Road, Milpara WA 6330.</li><li>• Lot 26 #71 Shell Bay Road, Lower King WA 6330</li><li>• Lot 6906 # 11-13 Nind Street, Spencer Park WA 6330 (Reserve 26860)</li><li>• Lot 350 # 11 Shelley Beach Road, Kronkup WA 6330</li><li>• Nullaki Conservation Zone</li></ul>
<b>Proponent</b>	: City of Albany
<b>Owners</b>	: See attached
<b>Business Entity Name</b>	: Nil
<b>Attachments</b>	: Local Planning Scheme Amendment No. 29 Schedule of Amendments
<b>Report Prepared by</b>	: Senior Planning Officer – Strategic Planning (A Nicoll)
<b>Responsible Officer</b>	: Executive Director Development Services (P Camins)

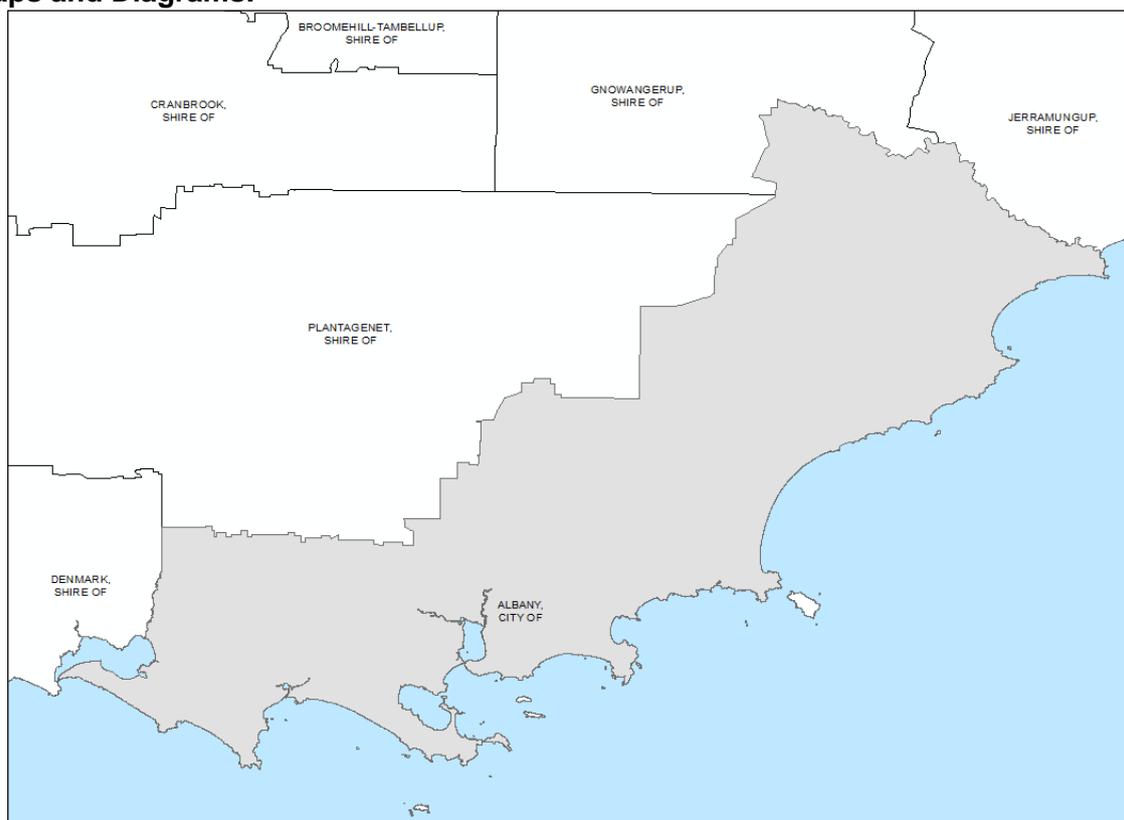
**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. 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*.

**In Brief:**

- Amendment No.29 is an omnibus amendment which has been prepared to introduce the following into City of Albany *Local Planning Scheme No. 1*;
  - Consistency with 'model' and 'deemed' provisions defined in the *Local Planning (Local Planning Schemes) Regulations 2015*; and
  - Resolve minor text and mapping errors, which occurred as part of a major scheme review undertaken in 2014.
  - Change the permissibility's in the zoning table for various use and development classes to improve the operation of the scheme.
- All amendments within the omnibus are consistent with the strategic direction set in the *Albany Local Planning Strategy 2010*.
- Council is requested to adopt the amendment for the purpose of advertising.

**Maps and Diagrams:**



**RECOMMENDATION**

**DIS049: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

- 1. PREPARE Amendment No. 29 to amend City of Albany Local Planning Scheme No. 1 by:**
  - a) Removing provisions, terms and definitions from *Local Planning Scheme No.1* that are superseded by the ‘Deemed’ provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
  - b) Introducing supplemental provisions to the ‘Deemed’ provisions;**
  - c) Replacing and introducing new provisions consistent with the ‘Model’ provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
  - d) Rezoning various land parcels not included in error at the time of gazettal of the scheme; and**
  - e) Changing the permissibility’s in the zoning table for various use and development classes.**

**Note: The amendment is a standard amendment in accordance with part (a), (b), (e) and (f) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

- 2. ADVERTISE the Amendment No. 29 in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

DIS049: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

DIS049: RESPONSIBLE OFFICER RECOMMENDATION

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

1. PREPARE Amendment No. 29 to amend City of Albany *Local Planning Scheme No. 1* by:
  - a) Removing provisions, terms and definitions from *Local Planning Scheme No.1* that are superseded by the 'Deemed' provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  - b) Introducing supplemental provisions to the 'Deemed' provisions;
  - c) Replacing and introducing new provisions consistent with the 'Model' provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  - d) Rezoning various land parcels not included in error at the time of gazettal of the scheme; and
  - e) Changing the permissibility's in the zoning table for various use and development classes.

Note: The amendment is a standard amendment in accordance with part (a), (b), (e) and (f) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

2. ADVERTISE the Amendment No. 29 in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**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.
5. The *Planning and Development (Local Planning Schemes) Regulations 2015* came into force on 25 August 2015, introducing the 'model' and 'deemed' provisions.
6. The 'model' provisions provide a template for local planning schemes. Local Governments are required to include the 'model' provisions within their local planning schemes.
7. The 'deemed' provisions are taken to be built into every local planning scheme in the State. To the extent that a Local Planning Scheme is inconsistent with the 'deemed' provisions, the 'deemed' provisions are taken to prevail. It is expected that local government planners prepare their Local Planning Scheme to align with the 'deemed' provisions, and remove the sections which are now superseded.

8. Since the scheme gazettal on 28 April 2014, various errors and anomalies have been documented. While many of these are simple typographical errors, some have more significant implications, such as zoning changes.
9. The proposed omnibus amendments include some modifications to permitted land uses especially where it is deemed that greater discretion or advertising is required.
10. Amendment No. 29 has been prepared as an omnibus to address the matters in respect to the 'model' and deemed' provisions in a single local planning scheme amendment.

## DISCUSSION

11. Amendment No.29 proposes to:
  - (a) Align the structure and content of the City's scheme with the 'model' provisions outlined in Schedule 1 of the *Local Planning (Local Planning Schemes) Regulations 2015*;
  - (b) Remove any duplication of the 'deemed' provisions outlined in Schedule 2 of the *Local Planning (Local Planning Schemes) Regulations 2015*;
  - (c) Include supplemental 'deemed' provisions within a 'Schedule A - Supplemental provisions to the 'deemed' provisions' within the scheme text;
  - (d) Rezone various land parcels not included in error at the time of gazettal of the scheme; and
  - (e) Change the permissibility's in the zoning table for various use and development classes.
12. Text based changes, including those relating to the model and deemed provisions, are discussed in detail in the attached table.
13. In respect to rezoning properties, Amendment No.29 proposes the following:
  - (a) Rezone Lot 5 Chester Pass Road, Warrenup from the General Agriculture zone to the Light Industry zone to correct a mapping error. Lot 5 was zoned Light Industry under former *Town Planning Scheme No. 3* and was rezoned to General Agriculture in *Local Planning Scheme No. 1* in error. As the lot is still occupied by a business and the zoning change has removed potential commercial development rights, it has been determined that the Light Industry zoning should be reinstated.
  - (b) Rezone Lot 21 Albany Highway, Centennial Park from the 'Hotel/Motel' zone to the 'Highway Commercial' zone to correct a mapping error. Lot 21 was zoned Residential under former *Town Planning Scheme No. 1A* and was rezoned to Hotel/Motel in *Local Planning Scheme No. 1* in error. As the lot is still occupied by an approved, non-conforming Veterinary Centre, the zoning change has impacted the potential for it to be developed. It has been determined that the Highway Commercial zone would be more suited to the existing development and approved use of the land as a Veterinary Centre.
  - (c) Rezone Lot 304 Pioneer Road, Centennial Park from the Hotel/Motel zone to the Residential zone to correct a mapping error. Lot 304 was zoned Tourist Residential under former *Town Planning Scheme No. 3* and was rezoned to Hotel/Motel in *Local Planning Scheme No. 1* in error. As this change does not reflect the current use of the lot as an Aged Persons' Village and would preclude its planned expansion, it has been determined that the Residential zone would be the most appropriate zone.

- (d) Modify the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area boundary around the Timewell Road Wastewater Treatment Plant. The Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area boundary currently encompasses the residence on Lot 250 Lancaster Road McKail. This resulted from the Special Control Area boundary being modified in accordance with the recommendations of the Water Corporation during the review of the Albany Local Planning Scheme. The former owners of Lot 250 contacted the City of Albany with concerns about this situation and were referred to the Water Corporation as the responsible authority. After protracted discussions between the former owners and the Water Corporation, a meeting was organised between those parties, along with representatives from the City of Albany and a representative from the office of the Minister for Water. It was acknowledged by the Water Corporation that the inclusion of the residence on Lot 250 within the Special Control Area boundary was an ‘unintended consequence’ of the expansion of the Wastewater Treatment Plant Odour Buffer, in line with the recommendations of an odour modelling report prepared in March 2009. The Water Corporation advised that if the City was not opposed, it could realign the Special Control Area boundary to excise the residence on Lot 250.
- (e) Modify the Industrial Area IA3 boundary around the Milpara Light Industrial Estate, John Street and Morris Road Milpara to correct a mapping error and to correspond with the Scheme text. Industrial Area IA3 applies to Lots 870, 876 and 877 John Street and Lots 873, 874 and 875 Morris Road but not Lots 410, 411, 868, 869 and 871 Chester Pass Road, which have been included within the Industrial Area boundary in error.
- (f) Rezone a portion of Lot 26 Shell Bay Road, Lower King from the Parks and Recreation local scheme reserve to the Residential zone with the R5 residential density code to correct a mapping error. Lot 26 was zoned Rural under former Town Planning Scheme No. 3 and was rezoned to the Parks and Recreation local scheme reserve in Local Planning Scheme No. 1 in error.
- (g) Although much of the lot extends across a portion of the King River foreshore, including a large tidal wetland area, this zoning change did not reflect the fact that approximately 5800m<sup>2</sup> of the lot is developed with a single house, outbuilding and garden ground. On this basis, it has been determined that the developed portion of the lot should be rezoned to the Residential zone with the R5 residential density coding, which is consistent with the adjoining lots to the north.
- (h) Rezone Lot 6906 Nind Street, Spencer Park from the Parks and Recreation local scheme reserve with an R80C residential density code to the Public Use: Community Purpose local scheme reserve with an R80C residential density code. Lot 6906 was zoned Private Clubs and Institutions under former Town Planning Scheme No. 1A and was rezoned to the Parks and Recreation local scheme reserve in Local Planning Scheme No. 1 in error. As Crown Land vested in the City of Albany for Community Purposes and currently used for a Community Purpose and as an Educational Establishment, it has been determined that the Public Use: Community Purpose local scheme reserve would be a more appropriate designation. The R80C density code is a result of the lot’s inclusion within the Spencer Park Improvement Special Control Area and should be retained.
- (i) Rezone Lot 350 Shelley Beach Road, Kronkup from the General Agriculture and Rural Residential zones to the Clubs and Institutions zone to correct a mapping error. Lot 350 was zoned Private Clubs and Institutions and Rural Residential under former Town Planning Scheme No. 3; however, the Private Clubs and

Institutions zoned portion was rezoned to the General Agriculture zone in Local Planning Scheme No. 1 in error. As this change does not reflect the current use of the lot as an Educational Establishment and could preclude its future expansion, it has been determined that the Clubs and Institutions zone should be reinstated and expanded to encompass the entire lot.

14. The land use permissibility for ‘Service Station’ and a restriction on land uses within the CZ1 conservation zone has also been altered.
15. The land use ‘Service Station’ is proposed to be reclassified as an “A” use in all the zones that the land use can currently be considered in. The change in classification means the land use is not permitted unless the City has granted approval. Previously, where the land use had a “P” designation, the City had very little grounds to require changes or refuse a proposal, even if the site was unsuitable.
16. It is proposed to establish consistent provisions for land uses within the conservation zones. This is achieved through clarifying the land use intentions within the CZ1 conservation zone to be consistent with the other conservation zones within Local Planning Scheme No.1.

**GOVERNMENT & PUBLIC CONSULTATION**

17. If a local government resolves under regulation 35(1) to prepare an amendment to a local planning scheme, the local government must advertise the amendment.
18. Section 81 of the Act requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.
19. Workshops have been conducted with the Department of Planning to ensure there is an in principle agreement with the amendment.

**STATUTORY IMPLICATIONS**

20. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
21. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to prepare a standard scheme amendment for advertising and referral to relevant public authorities.
22. Voting requirement for this item is **SIMPLE MAJORITY**

**POLICY IMPLICATIONS**

23. There are no policy implications relating to the proposed amendment.

**RISK IDENTIFICATION & MITIGATION**

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

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

**FINANCIAL IMPLICATIONS**

25. There are no financial implications relating to the proposal to amend the *Local Planning Scheme No. 1*.

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

27. The referral of Amendment No.29 to the EPA will clarify if environmental implications apply.

**ALTERNATE OPTIONS**

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

- (a) To prepare the amendment subject to modifications; and
- (b) Not to prepare the amendment.

**SUMMARY CONCLUSION**

29. Amendment No.29 proposes to.

- (a) Align the structure and content of the City’s scheme with the ‘model’ provisions outlined in Schedule 1 of the Local Planning (Local Planning Schemes) Regulations 2015;
- (b) Remove any duplication of the ‘deemed’ provisions outlined in Schedule 2 of the Local Planning (Local Planning Schemes) Regulations 2015;
- (c) Include any proposed supplemental ‘deemed’ provisions within a ‘Schedule A Supplemental provisions to the ‘deemed’ provisions’ and include this within the scheme text;
- (d) Rezone various land parcels not included in error at the time of gazettal of the scheme; and
- (e) Change the permissibility’s in the zoning table for various use and development classes.

30. It is recommended that Council initiate Local Planning Scheme Amendment No.29, as the proposal will improve the functionality of Local Planning Scheme No. 1, thereby ensuring consistent decision-making in line with current best practice.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>File Number (Name of Ward)</b>	:	City of Albany (All Wards)
<b>Previous Reference</b>	:	Not applicable

**DIS050: REQUEST FOR SUPPORT TO CHANGE ALFRESCO LIQUOR LICENCE CONDITIONS - 244-248 YORK ST, ALBANY (ALBANY HOTEL) AND POTENTIALLY OTHER PREMISES**

<b>Land Description</b>	: Lot 18 (244-248) York Street, Albany
<b>Proponent</b>	: N Walton, Albany Hotel
<b>Owner</b>	: City of Albany
<b>Attachments</b>	: Letter from proponent with supporting letters : Letter of no objection, Albany Police
<b>Report Prepared by</b>	: Manager Building, Health and Compliance (S Reitsema)
<b>Responsible Officer</b>	: Executive Director Development Services (P Camins)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. This item also relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme: 2.** Smart, Prosperous & Growing
  - **Objective: 2.1** To strengthen and grow our region's economic base.
  - **Community Priority: 2.1.1** Work with business and other stakeholders to attract investment, diversify the economy; create jobs and support small business growth.

**Maps and Diagrams:**



**In Brief:**

- Council is asked to reconsider a previous 2008 decision which restricts the Albany Hotel to only serve liquor with meals in the alfresco-dining area.
- The licensee has applied to the Department of Racing, Gaming and Liquor (DRGL) for a variation to their Liquor Licence conditions, allowing the service of liquor in the alfresco area without the requirement for it to be consumed with a meal.
- A 6 month trial period is proposed, effective from the date that the Department of Racing Gaming and Liquor issue the new Licence Conditions.
- Should no issues arise during the trial period, it is proposed that the approval carries on until such time as Council considers it appropriate to vary the condition. Confirmation of this will be reported to Council accordingly.
- It is considered appropriate to provide other businesses with a similar opportunity on a trial basis.

**RECOMMENDATION**

**DIS050: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

- 1) **THAT Council APPROVES on a temporary (6 month) basis, effective from the date that the Department of Racing Gaming and Liquor issues the new Licence Conditions, allowing the Albany Hotel (244-248 York Street, Albany) to serve liquor in their alfresco area without a meal, consistent with the licence conditions for the balance of the premises.**

**Conditions:**

- (a) **Ongoing strict management of premises, particularly in regards to Responsible Service of Alcohol and patron behaviour in the alfresco area.**
  - (b) **Council approval may be withdrawn if either City of Albany or Police have sufficient reason.**
  - (c) **If no problems arise during the 6 month trial, then the approval will carry over on a permanent basis, subject to withdrawal if justified.**
- 2) **THAT Council agrees to approve 6 month trials of similar proposals of 'liquor without a meal' on other City of Albany owned alfresco areas, when requested by licensees, for referral to DRGL. Approval would be subject to assessment by staff to confirm no objections from Police and no history of significant compliance issues with the City of Albany. Any approval would be subject to the same conditions as item (1) of this recommendation.**

**DIS050: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR MULCAHY**

**THAT an amended Responsible Officer Recommendation be presented to the OCM on 31 October 2017 for consideration by Council.**

**CARRIED 9-0**

**NOTE: Council staff to re-word Part 1 (c).**

**DIS050: RESPONSIBLE OFFICER RECOMMENDATION**

- 1) **THAT Council APPROVES on a temporary (6 month) basis, effective from the date that the Department of Racing Gaming and Liquor issues the new Licence Conditions, allowing the Albany Hotel (244-248 York Street, Albany) to serve liquor in their alfresco area without a meal, consistent with the licence conditions for the balance of the premises.**

**Conditions:**

- (a) **Ongoing strict management of premises, particularly in regards to Responsible Service of Alcohol and patron behaviour in the alfresco area.**
  - (d) **Council approval may be withdrawn if either City of Albany or Police have sufficient reason.**
  - (e) **If no problems arise during the 6 month trial, then the approval will carry over on a permanent basis, subject to withdrawal if justified.**
- (b) **THAT Council agrees to approve 6 month trials of similar proposals of 'liquor without a meal' on other City of Albany owned alfresco areas, when requested by licensees, for referral to DRGL. Approval would be subject to assessment by staff to confirm no objections from Police and no history of significant compliance issues with the City of Albany. Any approval would be subject to the same conditions as item (1) of this recommendation.**

## BACKGROUND

3. The Licensee of the Albany Hotel has requested Council to support their application to the Department of Racing, Gaming and Liquor (DRGL) for a variation to their Liquor Licence conditions to allow the consumption of alcohol in the alfresco dining area without a meal.
4. In 1993, a conditional planning consent was issued by the Council, of the then Town of Albany, allowing the owner of the Albany Hotel to create an enclosed alfresco-dining area upon the York Street footpath.
5. The then owner of the Albany Hotel was also advised that approval was granted with the intention of allowing the consumption of alcohol only with meals in the alfresco dining area (which is in the road reserve) subject to annual review. A copy of this advice was passed on to the then Office of Racing and Gambling (ORG).
6. In May 2007, the Liquor Control Act 1988 (the Act) was amended to allow the consumption of alcohol in areas such as the Albany Hotel alfresco-dining area without a meal under certain conditions.
7. As the alfresco-dining area is located on a City of Albany controlled footpath and is approved and registered under the City of Albany's *Activities on thoroughfares and Public Places and Trading Local Law 2011*, the management of the Albany Hotel require City of Albany support to obtain a permit from the DRGL to allow the consumption of alcohol in the alfresco-dining area without a meal.
8. At the 17/06/2008 Ordinary Council Meeting, Council was requested to reconsider this position and the motion that "*Council reaffirms a previous decision for the Albany Hotel to serve liquor only with meals in the alfresco-dining area*" was carried 8-3.
9. Council is now requested to consider the most recent submission from the licensee to once again consider the request for the alfresco area conditions to be varied to allow for liquor without a meal.

## DISCUSSION

10. The premises in question has a long history of compliance with relevant Liquor Licensing and Public Health regulations and has not been subject to any considerable issues of anti-social behaviour or irresponsible service of alcohol.
11. A detailed letter from the proponent is attached outlining the request, along with supporting documentation about the operation of their premises and letters of support from neighbouring business owners.
12. Also attached is a copy of a letter from the Albany Police Station's Liquor Enforcement Supervisor, confirming that they have no objection to the proposal.
13. Responsible service of alcohol, as a requirement under the *Liquor Control Act 1988*, is one of the most crucial tools in providing consumers with safe, responsible venues that are committed to practicing harm-minimisation techniques.
14. There is demand from customers who wish to enjoy an alcoholic beverage without having to consume a meal. The licensee has indicated that this is particularly the case for cruise-ship tourists.
15. Any revised approval will be for the premises, not just the licensee, and will therefore roll-over to prospective operators in the future.
16. At any time Council may withdraw this approval and refer back to DRGL, who will in turn modify the licence conditions to require liquor only to be consumed with a meal in the alfresco area.
17. Other licenced premises who have an alfresco area which is also subject to the "liquor with a meal" condition may also be interested in applying to vary their conditions with DRGL.
18. Confirmation of no objection from Police and the history of compliance will be specific to each premises and will need to be assessed on a case by case basis.

**GOVERNMENT & PUBLIC CONSULTATION**

19. Advice in regards to this proposal was sought from DRGL. It was confirmed that similar changes to licences have been approved for numerous comparable premises in both Metro and Regional Western Australia.

**STATUTORY IMPLICATIONS**

20. The *Liquor Control Act 1988* impose mandatory training and management requirements on licensees, approved managers, supervisory staff, bar staff and crowd controllers in relation to the licensed premises and the responsible service of alcohol.
21. Voting requirement is **Absolute Majority**.

**POLICY IMPLICATIONS**

22. The City of Albany’s Public Health Plan identifies a public health priority of reducing alcohol related harm and the need to address alcohol misuse in the community. It is considered that the consumption of alcohol in a licensed premises is sufficiently regulated and managed to mitigate any such risks. Licenced premises are subject to very strict licencing conditions and it is noted that discussions with the proponent confirm that the premises will not permit excessive consumption of alcohol, as per its Responsible Service of Alcohol requirements.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation</b> <i>Approval could result in anti-social behaviour from patrons consuming alcohol without meal in alfresco area.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Mitigation through enforcement of Responsible Service of Alcohol and possibility of approval being withdrawn if valid concerns.</i>

**FINANCIAL IMPLICATIONS**

24. All costs associated with the development will be borne by the proponent.

**LEGAL IMPLICATIONS**

25. Council is at liberty to use its discretion to approve or refuse the proposal.
26. Point (2) of the Responsible Officer’s Recommendation requires **Absolute Majority**, as this is a delegation of power to the CEO.

**ENVIRONMENTAL CONSIDERATIONS**

27. Refer to Policy Implications section of the report

**ALTERNATE OPTIONS**

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

**SUMMARY CONCLUSION**

29. The proposal is considered to be consistent with what is currently in place in other Local Government Authorities. The liquor licence conditions imposed on the licensee by DRGL ensure the premises is operated safely and in accordance with relevant regulations.
30. It is therefore recommended that Council approve the proposal, subject to the conditions provided.

<b>Consulted References</b>	:	1. <i>Liquor Control Act 1988</i> 2. <i>City of Albany Activities on thoroughfares and Public Places and Trading Local Law 2011,</i>
<b>File Number (Name of Ward)</b>	:	A146763 (Fredrickstown Ward)
<b>Previous Reference</b>	:	OCM 17/06/08 Item 11.2.1

**DIS051: PROPOSED COUNCIL POLICY - BEACH CLOSURE POLICY & PROCEDURE**

<b>Attachment</b>	: Beach Closure Policy & Procedures
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson)
<b>Responsible Officer</b>	: Executive Director Development Services (P Camins)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme: 1.** Leadership.
  - **Objective: 1.1** To establish and maintain accountable policy positions.
  - **Community Priority: 1.1.2** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

**Maps and Diagrams:** Detailed in attached Policy & Procedure: Beach Closure

**In Brief:**

- Adopt the Beach Closure Policy and associated procedure.

**RECOMMENDATION**

**DIS051: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council ADOPT the proposed Beach Closure Policy & RECEIVE the associated PROCEDURE that guides the implementation of this policy.**

DIS051: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR  
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

DIS051: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the proposed Beach Closure Policy & RECEIVE the associated PROCEDURE that guides the implementation of this policy.

**BACKGROUND**

2. The City of Albany is committed to providing a safe and welcoming place for residents and visitors.
3. The City has developed and approved an operational policy position.

**DISCUSSION**

4. City Officers are seeking the endorsement of Council as it applies to beach areas under the care, control and management of the City of Albany (local government), excluding privately owned land and land in National Parks.

5. The purpose of this policy is to:
  - a. Provide direction for responding to shark attacks and shark sightings, as well as the broader approach to safety warnings and information provided to the public.
  - b. Guide the administration of the City of Albany Local Government Property Local Law 2011, under which a sign may be erected to regulate, prohibit or restrict specific activities on the beach or in the water and the giving of directions to swimmers to leave the water if a shark is suspected of being in the vicinity of the beach.
  - c. Provide a manageable response, while also giving the public the option of making an informed decision about personal safety with regards to entering the water after a confirmed shark sighting / attack.
6. The City's actions are guided by the following considerations:
  - a. Warning the public and closing beaches is a strategy to reduce the likelihood of shark human encounters however complete protection from sharks can never be guaranteed.
  - b. Sharks are very mobile and are capable of travelling large distances in a short period of time.
  - c. Authorised Persons are to access credible information to inform response strategies – primarily from Water Police.

**Procedures:**

7. The attached procedure provides guidelines for beach closures in response to shark sightings and shark attacks at City of Albany managed beaches.

**Shark Response Criteria**

8. The City will mobilise Authorised Persons to respond to a confirmed shark sighting where it meets the following criteria:
  - a. **Tagged shark:** Two or more activations of receiver within one hour.
  - b. **Department of Fisheries Notification:** Confirmed sighting of a 3 metres or greater in length or 2 or more sharks 2-3 metres in length.
  - c. **Location:** Within 1km of shore of a category 1 beach, or within 500m of shore of a category 2 beach.

9. **Beach Categories**

**Category 1: Patrolled beaches.** These are limited to the following:

- o Middleton Beach (when patrolled by Surf Life Saving)
- o Ellen Cove (Swimming Enclosure).

**Category 2: Non-patrolled beaches.** These are located on the shores of King George Sound which are managed by the City of Albany. It excludes any beaches on land managed by the Department of Biodiversity, Conservation & Attractions. The following beaches are included:

- o Emu Point
- o Emu Beach
- o Whaler's Cove (Frenchman Bay)
- o Goode Beach

**Category 3: Not patrolled.** No amenities provided.

- o All other beaches within the City of Albany not identified as a category 1 or category 2 beach.

**GOVERNMENT & PUBLIC CONSULTATION**

10. Similar policies across the sector have been reviewed.

11. **Internal Consultation:**

- o Manager Ranger & Emergency Services & Associated Teams
- o Manager Governance and Risk & Executive Management Team
- o Manager Reserves & Associated Teams

**STATUTORY IMPLICATIONS**

12. The *Local Government Act 1995* (the Act), section 2.17(2) states in part, “the council is to determine the local government’s policies”.
13. Local Government Property Local Law 2011, Part 5 – Matters Relating to Particular Local Government Property, Division 2 – Beaches, Clause 5.4 Powers of authorised persons or surf life saving club members.
14. Voting requirement for this item is **SIMPLE MAJORITY**

**POLICY IMPLICATIONS**

15. There are no policy implications related to this item or existing policy positions.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: As a formal policy position has not been established, there is a risk of misinformation in regards to the City’s role in beach closures.</i>	<i>Almost Certain</i>	<i>Moderate</i>	<i>High</i>	<i>Public education/information made available, noting that action taken will be dependent on jurisdiction and available resources.  This information also gives the public the option of making an informed decision about personal safety with regards to entering the water after a confirmed shark sighting / attack.</i>
<i>Opportunity: Public education of City of Albany beach closure practice and enabling the public to make an informed decision about personal safety in regards to entering the water after a confirmed shark sighting / attack.</i>				

**FINANCIAL IMPLICATIONS**

17. The development of the associated procedure was influenced by current community safety resourcing levels, in particular: Beach Categories and Shark Response actions.

**LEGAL IMPLICATIONS**

18. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

19. Nil.

**ALTERNATE OPTIONS**

20. Adopt the proposed Policy, noting that Council has the option to either accept the draft Policy as presented or make amendments as it sees fit.

**CONCLUSION**

21. It is recommended that Council adopt the proposed policy.

<b>Consulted References</b>	:	Local Government Act 1995 City of Albany Local Laws
<b>File Number (Name of Ward)</b>	:	CM.STD.7
<b>Previous Reference</b>	:	Presented to the LEMC Committee on 21/09/2017

## DIS052: REVIEW OF THE ALBANY LOCAL PLANNING STRATEGY 2010

<b>Land Description</b>	: City of Albany
<b>Attachments</b>	: <b>CONFIDENTIAL 1. Albany Local Planning Strategy (Albany Land Use Directions 2030)</b>
<b>Report Prepared By</b>	: Senior Planning Officer – Strategic Planning (C Simpson)
<b>Responsible Officers:</b>	: Executive Director Development Services (P Camins)

### STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. The proposed draft Local Planning Strategy (*Land Use Directions 2030*) sets the strategic direction for settlement growth, informs amendment to the City's Local Planning Scheme No. 1 and all other decision in relation to land use and development over the next ten years.
3. Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the draft Local Planning Strategy (*Land Use Directions 2030*) must apply State and regional planning policy that is relevant to the Strategy. The majority of the strategic policy directions applicable to the Strategy will be from the Western Australian Planning Commission (WAPC). However; there are other State government agency policies which also require consideration.
4. This item also relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme: 5.** A connected and safe built environment.
  - **Objective: 5.1** To develop vibrant neighbourhoods which retain local character and heritage.
  - **Community Priority: 5.1.1** Develop and implement a contemporary Local Planning Strategy that reflects our identity and supports economic growth.

### In Brief:

- As per the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City of Albany is required review its Local Planning Strategy every five years.
- The current *Albany Local Planning Strategy* was adopted by Council on 15 June 2010. The Strategy was consequently endorsed by the Western Australian Planning Commission later in the same year.
- The current Local Planning Strategy was prepared during a period of high economic growth. As a consequence, land earmarked for future urban development was far in excess of the City's long term population growth, leaving Albany with 60 years supply of land zoned urban residential.
- The review process commenced in 2014 through the preparation of specialist studies and background papers in consultation with internal stakeholders and external agencies. Preliminary community consultation was also undertaken in August 2016.
- The review process found that the current Local Planning Strategy facilitated an oversupply of land zoned for future urban development, resulting the continued urban sprawl.
- The proposed draft Strategy sets a policy direction to not support further urban sprawl beyond the existing and planned supply of land zoned for urban purposes. This approach promotes urban consolidation by making better use of existing infrastructure and land with environmental, economic and social benefits to the City and its community.

- Council is asked to resolve to provide a copy of the draft Local Planning Strategy (*Albany Land Use Direction 2030*) to the Western Australian Planning Commission for the purpose of seeking its consent to advertise the Strategy.
- The WAPC may request the City to make modifications to the draft Local Planning Strategy prior to advertising for public comments.

## RECOMMENDATION

### DIS052: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

- 1) THAT Council, in pursuance to the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to provide a copy of the Local Planning Strategy (*Albany Land Use Direction 2030*) to the Western Australian Planning Commission to certify that the Strategy complies with Clause 11 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of proceeding to advertise the Strategy.
- 2) In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertise the strategy once certification has been provided by the Western Australian Planning Commission.

### DIS052: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR  
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

### DIS052: RESPONSIBLE OFFICER RECOMMENDATION

- 1) THAT Council, in pursuance to the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to provide a copy of the Local Planning Strategy (*Albany Land Use Direction 2030*) to the Western Australian Planning Commission to certify that the Strategy complies with Clause 11 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of proceeding to advertise the Strategy.
- 2) In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertise the strategy once certification has been provided by the Western Australian Planning Commission.

## BACKGROUND

1. The review process of the current Local Planning Strategy was undertaken with the following inputs;
  - The preparation of background papers in conjunction with working groups consisting of relevant staff and State agencies;
  - Specialist reports on key strategic matters; and
  - Stakeholder consultation throughout the strategy preparation.

2. The background papers undertook investigation into five subjects, namely being: population, settlement and housing; the economy & employment lands; community; environment; and infrastructure and services.
3. Working Groups were established to guide the preparation and identification of key planning implications for each of these topic areas. The Working Groups consisted of relevant State government agencies and staff and met twice during the preparation stage. All papers identified key planning implications to be addressed by the draft Strategy.
4. The specialist reports prepared are as follows:
  - *Review of Albany Activity Centres Planning Strategy (2015)*;
  - *Industrial Ecology Mapping and Industry Attraction Strategy (2015)*;
  - *Industrial Land Strategy (2017)*; and
  - *Albany Regional Hot Spots Land Supply Update (2015)*
5. The specialist reports and associated key findings are discussed in details below:

***Review of the Albany Activity Centres Planning Strategy (2015):***

This review acknowledged the policy shift that has occurred at State level in the way activity centres are planned. The current policy approach expands the functions of activity centres from a retail-centric approach (shopping centres) to include a broader spectrum of activities and interactions taking place in activity centres. Retail activity is therefore considered only a part of the wider function of activity centres. Under the revised strategy, Activity Centres are regarded as basic building blocks of the city's urban form, and the urban focus as places to shop, work, learn, live, socialise and to access community and other services.

Community and stakeholder consultation was undertaken during the preparation of the strategy to gain an understanding of the practical needs of the community and businesses, and the aspirations for the future performance of the activity centres network. Invitations were sent to business owners, residents, community organisation, councillors and local stakeholders. The consultation process took place over a 2 week period in December 2014. Two preliminary workshops and one-on-one consultation sessions were held, including an opportunity to complete a survey. Another workshop was held in March 2015 to discuss the outcomes and main recommendations.

***Industrial Ecology Mapping and Industry Attraction Strategy (2015):***

The preparation of this Strategy was a collaborative initiative between the Lower Great Southern Economic Alliance (City of Albany, Shire of Denmark and Shire of Plantagenet), LandCorp and the Great Southern Development Commission. LandCorp provided the majority of funding for the project. Funding was also received through the Great Southern Community Chest Fund.

The Industrial Ecology Mapping and Industry Attraction Strategy provides various stakeholders an oversight of potential opportunities to enhance economic development of key export industries and the resultant demand, configuration, location of land and supporting infrastructure to attract industrial investment in the Region. The resultant data informed town planning and economic development strategies.

A preliminary stakeholder consultation workshop was held in March 2015 and another in July 2015 to present the final outcomes.

***Industrial Land Strategy (2017):***

The purpose of the *Industrial Land Strategy* is to ensure adequate supply of industrial land to attract investment in the region and support the future growth of Albany. The Strategy undertook an audit of the industrial areas in the City to determine land supply and to identify opportunities and constraints associated with future development of industrial areas. The *Industrial Land Strategy* also undertook an industrial land demand analysis and made recommendations for the likely future land needs and improving development outcomes for existing industrial areas.

A stakeholder consultation workshop was held in August 2016.

**Albany Regional Hot Spots Land Supply Update (2015):**

The West Australian Planning Commission undertook this study. The role of the West Australian Planning Commission includes developing models to better understand land supply and development, and to promote this understanding as part of the land use planning and development process and better align the provision of infrastructure. The HotSpots report tracks and models land supply to assess land for future residential, industrial and commercial uses through the assessment of demand drivers, zoned land, development constraints, recent and future land development activity and existing and required physical and social infrastructure.

This document provided valuable input in the review of Local Planning Strategy and was the main determinant for the growth and development direction set out under the revised Strategy.

6. The background papers were combined to form Part 2 of the Local Planning Strategy (*Albany Land Use Directions 2030*). The main outcomes and recommendations of the specialist and Hotspots reports are summarised under the relevant sections of Part 2 of the draft strategy.
7. Following completion of background papers and part 2 of the Strategy, the preparation of Part 1 commenced. Part 1 consists of the strategies and actions which guide future growth and development in Albany. These strategies were formulated based on the planning implications identified under Part 2 of the Strategy and community input received during the consultation period.
8. City staff have worked closely with staff from the Department of Planning to ensure in-principle agreement with the directions set out in the draft Strategy.
9. In view of the detailed research and consultative approach taken, staff are confident that the Department of Planning will make a positive recommendation to the Statutory Planning Committee of the Western Australian Planning Commission to certify the Strategy for advertising.

**DISCUSSION**

10. The background papers undertook investigation into the key subjects outlined below, forming the main data for preparation of the strategy. Working Groups were established to guide the preparation and identification of key planning implications for each of these topic areas. The Working Groups consisted of relevant State government agencies and staff and met twice during the preparation stage. All papers identified key planning implications to be addressed by the draft Strategy.

**Population, Settlement & Housing:**

An analysis of the City's population as it relates to future planning for Albany was undertaken and a paper prepared. The paper further describes the urban settlement of Albany over the last 10-15 years, anticipated lot yield (urban and rural living) over the short, medium and long term, infill potential of existing suburbs and the housing profile and desired outcomes for the City. It also looks in detail at the role of rural villages in the City and their future growth potential.

**The Economy and Employment Lands:**

This paper undertook an analysis of the City's economy as it relates to future planning for Albany. It further undertakes an assessment of land in the City which generates employment i.e. activity centres, industry, tourism, agriculture and education growth.

**Community, Social Infrastructure and Heritage:**

This paper undertook an assessment of community infrastructure and services as it relates to future planning for Albany including; sport and recreation facilities, City provided facilities, health and education. It further describes public transport, walking and cycling in the City and Aboriginal and European heritage and protection.

**Environment:**

This paper undertook an assessment of matters related to the environment including; fauna and flora protection, bushfire risk, rivers, wetlands and coastal protection and land, soil and climate change.

**Infrastructure & Services:**

This paper undertook a description of matters related to roads and rail in the City and also assessed the role of Albany Port and Albany Regional Airport. Services such as potable and non-potable water, sewer, power/energy, drainage/stormwater management, telecommunications and waste disposal/recycling are described.

11. The assessment undertaken under Part 2 of the Strategy delivered the following main findings:

Settlement	
Estimated resident population (June 2016)	37,233
Average population growth per annum	1.28%
Population forecast to the year 2026	41,260
There is currently a five year supply of serviced urban residential land	1,562 vacant lots
There is currently a 20 year supply of serviced rural living land	4,139 hectares
There is currently 60 years supply of zoned urban residential land	1,576 hectares five year lot yield: 931 lots five – 10 year lot yield: 1,571 lots
Based on the residential density codes under the Local Planning Scheme No.1, the City can significantly increase the density of neighbourhoods.	<ul style="list-style-type: none"> <li>• Theoretical infill potential: 13,490 at a lower residential density code</li> <li>• 17,000 at a higher residential density code</li> </ul> The availability of land for greenfield development significantly reduces the take-up of infill development and urban renewal opportunities
Albany is a sprawling City.	<ul style="list-style-type: none"> <li>• Low density residential development</li> <li>• Detached single family homes on large lots</li> <li>• Car-dependant communities</li> <li>• Retail focussed shopping centres</li> <li>• Places where people live, work, shop and recreate are far from one another</li> <li>• Public transport, walking and cycling are largely impractical</li> </ul>

Housing	
Small households represent the majority. (one and two persons).	<ul style="list-style-type: none"> <li>• 54.6% of households</li> <li>• Higher proportion compared to Regional WA</li> <li>• Largest increase between census years</li> </ul>
There is a dominance of single detached dwellings in the City.	<ul style="list-style-type: none"> <li>• 87.5% of dwellings detached</li> <li>• Largest increase between census years</li> <li>• 51.9% of dwellings have only one or two residents</li> </ul>
Community	
The City is an attractive place to retire.	Population growth driven by people in the older age groups (50+) moving to the City
The City has an ageing population.	Increase in the age cohort 55 and over follows a national trend in the ageing of communities
There is a predicted increase in young adults.	Predicted increase in young adults (20-35 cohort) to the year 2026
There are inequities between different parts of the City.	Socio-Economic Indexes for Areas (SEIFA) index of relative socio-economic disadvantage shows that larger numbers of people of relative 'disadvantage' live in suburbia where access to public transport, walking and cycling to employment, health and community services and leisure and culture are limited.
People live a sedentary lifestyle and the City's urban form as a sprawling city, plays a fundamental role in this.	<ul style="list-style-type: none"> <li>• Almost half (49%) of Great Southern population undertake insufficient physical activity</li> <li>• Almost a third (31%) are classified as obese</li> </ul>
There is a lack of affordable housing in the City.	<ul style="list-style-type: none"> <li>• There is a demand for affordable one and two-bedroom homes</li> <li>• The majority of households under housing stress are occupied by a single person</li> <li>• There is a lack of one and two bedroom units for rent</li> <li>• There is a lack of high density housing in the City</li> <li>• There is a need for housing in close proximity to activity centres, services and facilities</li> </ul>

Employment Land	
There is a need to protect the regional centre as the primary activity centre in the City.	<ul style="list-style-type: none"> <li>The regional centre is the historic, tourism and economic heart of the City.</li> </ul>
The City's shopping centres are retail-centric.	<ul style="list-style-type: none"> <li>Shopping centres outside of the regional centre offer limited services and facilities, including entertainment opportunities, to the communities that they serve.</li> </ul>
There is a need for additional light industry land and large lots zoned for general industry.	<ul style="list-style-type: none"> <li>Based on anticipated growth rates, the City will require a total of 286 hectares of Light Industry zoned land by 2031, this and other uses.</li> </ul>
The City and the region has a comparative advantage in tourism.	<ul style="list-style-type: none"> <li>Tourism and hospitality are key industries and major contributors to the City's economy.</li> </ul>
The City and the region has a comparative advantage in agriculture.	<ul style="list-style-type: none"> <li>The Great Southern is the second largest food producing region in the State.</li> </ul>
Environment	
The district is prone to bushfires.	<ul style="list-style-type: none"> <li>The City's established pattern of development, a growing population, topography, vegetation and fuel loads, along with a drying and warming climate increase the City's susceptibility to bushfires.</li> </ul>
Infrastructure	
There is a need to complete construction of the Albany Ring Road.	<ul style="list-style-type: none"> <li>Heavy freight movement has an impact on communities and tourism</li> <li>There is potential for road conflict between heavy freight traffic and adjacent land uses</li> </ul>
There is a need to plan for, and construct strategically important road extensions.	<ul style="list-style-type: none"> <li>Improve connectivity within the City</li> </ul>

12. Based on the findings and planning implications identified under Part 2 of the Strategy, the main strategic directions set out under Part 1 are as follows:

- No further urban sprawl beyond the current supply of urban zoned and planned land will be supported;
- Consolidation of existing developed areas is supported;
- Build on existing strengths of the regional centre and other nodes such as the Albany Waterfront and Middleton Beach;
- Undertake urban renewal in Spencer Park and Centennial Park;
- Improve housing diversity;
- Move away from retail centric shopping centres;
- Plan for appropriate level of community facilities and services;
- Conserve places and areas of Aboriginal and European heritage significance;
- Provide integrated public transport linkages and provide walkable, bike friendly environments;
- Plan for sustainable rural villages and viable community hubs with a diverse economic base;
- Improve use of commercial and industrial zoned land to attract private investment;
- Set sufficient land aside for light and general industry to support industrial growth;

- Enable tourist growth and diversification;
  - Enable agricultural growth and diversification;
  - Support growth of the tertiary education sector;
  - Integrate environmental and natural resource management with broader land use planning;
  - Build resilience to bushfire risk;
  - Protect natural resources, remnant vegetation and biodiversity, water resources and coastal environments;
  - Protect agricultural land and resources;
  - Advocate for the completion of the Albany Ring Road;
  - Facilitate the planning and construction of strategically important road extensions;
  - Investigate future business growth opportunities at the airport;
  - Recognise Albany Port in the economic development of the region;
  - Protect essential road infrastructure; and
  - Meet the service infrastructure needs of existing and future settlement.
13. The spatial implications of the above strategic directions are presented in map form in the Albany Local Planning Strategy (Land Use Direction 2030). It shows, amongst others, the areas in which Council will support future settlement growth of Albany (urban residential and rural living), neighbourhoods earmarked for urban renewal, existing and future shopping centres, industrial investigation areas, tourism routes, tourism nodes, education nodes, ring road, strategic important road extensions and potential general and light industrial expansion areas.
14. The Western Australian Planning Commission may require the City to modify the draft Albany Local Planning Strategy (*Albany Land Use Directions 2030*) strategy prior to providing certification that the Strategy complies with Clause 11(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
15. Following certification from the Western Australian Planning Commission, the City will advertise the draft Albany Local Planning Strategy (*Albany Land Use Directions 2030*) for public comment for a period of approximately two months.
16. The City will then review the draft Strategy having regard to submissions made and Council may support the Strategy without modifications or alternatively, support it with modifications to address issues raised in the submissions.
17. The draft Local Planning Strategy will then be submitted to the Western Australian Planning Commission for final endorsement.

## GOVERNMENT & PUBLIC CONSULTATION

18. The City undertook preliminary community consultation over a two week period in August 2016 to provide an opportunity for residents to comment on the future planning of Albany. The consultation consisted of an information session at the Council offices, conversation cafés in the City (Vancouver Café), rural west (Cosy Corner Café) and rural east (Nippers Restaurant). One-on-one interviews were also held to allow landowners and planning consultants to discuss specific planning and development proposals.
19. Following certification from the Western Australian Planning Commission that the Strategy complies with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City proceed to advertise for public comment. Various consultation opportunities will be offered to State government agencies, stakeholders, planning professionals (consultants), landowners and residents.

## STATUTORY IMPLICATIONS

20. The Albany Local Planning Strategy (Land Use Directions 2030) is prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
21. Clause 11(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that a Local Planning Strategy must:
- (a) Set out the long-term planning directions for the local government; and
  - (b) Apply any State or regional planning policy that is relevant to the strategy; and
  - (c) Provide the rationale for any zoning or classification of land under the local planning scheme.
22. Voting requirement is a **SIMPLE MAJORITY**.

## POLICY IMPLICATIONS

23. The draft Local Planning Strategy (*Land Use Directions 2030*) sets the strategic direction for settlement growth, informs future review and amendments to the City's *Local Planning Scheme No. 1* and guides all other decisions in relation to land use and development over the next ten to fifteen years.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Community:</b> There is a risk that by not establishing clear guidelines urban growth will continue to be unaffordable and lack key infrastructure services.	Likely	Moderate	High	Mitigation of impacts by the proposed strategy being endorsed.
<b>Reputation:</b> The proposal may attract objections from members of the public.	Possible	Minor	Medium	Widely consulting with parties who may be affected and authorities should mitigate any risk in this regard
<b>Environment:</b> If greater protection of biodiversity is not given, decline of species likely.	Almost Certain	Minor	High	Preparation of best practice and a contemporary strategy. Mitigation of impacts by adoption of Strategy.
<b>Opportunity:</b> The draft Strategy will set a clear direction for future land use and correct issues faced by the City of Albany.				

**FINANCIAL IMPLICATIONS**

25. The draft Albany Local Planning Strategy (*Albany Land Use Directions 2030*) has been prepared in accordance with the allocated budget.

**LEGAL IMPLICATIONS**

26. There are no legal implications related to report.

**ENVIRONMENTAL CONSIDERATIONS**

27. The strategic directions set out under the draft Albany Local Planning Strategy (*Albany Land Use Directions 2030*) requires the protection of vegetation and biodiversity, rivers, estuaries, wetlands and coastal areas.
28. Environmental agencies will have the opportunity to comment on the strategy as part of the advertising process.

**ALTERNATE OPTIONS**

29. Council may consider alternate options in relation to these items, such as:
- To resolve to modify the draft Local Planning Strategy (*Albany Land Use Directions 2030*) prior to providing Western Australian Planning Commission with a copy for certification for the purpose of proceeding to advertise the Strategy.

**CONCLUSION**

30. The *Albany Local Planning Strategy 2010* was prepared in a period of economic growth and land earmarked for future urban development was far in excess of the City's population growth. This has resulted in a vast oversupply of land zoned for future urban development, which has facilitated continued urban sprawl, leaving Albany with 60 years supply of land zoned for urban residential purposes.
31. The draft Strategy sets forward a policy direction to not support further urban sprawl beyond the existing supply of future urban zoned and planned land. Instead, the Strategy promotes urban consolidation by making better use of existing infrastructure and land with environmental, economic and social benefits to the City and its community.
32. It is recommended that Council, in pursuance to the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to provide a copy of the draft Local Planning Strategy (*Albany Land Use Direction 2030*) to the Commission to certify that the Strategy complies with Clause 11 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of proceeding to advertise the Strategy.

<b>Consulted References</b>	:	1. <i>Planning and Development Act 2005</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 3. Albany Local Planning Strategy 2010 4. Local Planning Scheme No.1 5. City of Albany Strategic Community Plan 2023 6. City of Albany Corporate Business Plan 2014-2018
<b>File Number (Name of Ward)</b>	:	LP.PLA.16
<b>Previous Reference</b>	:	OCM 15/06/2010 DS Item 13.2.8

**DIS053: ADOPTION OF DOG LOCAL LAW 2017**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Schedule of Submissions Draft Dog Local Law 2017
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson)
<b>Responsible Officer</b>	: Executive Director Development Services (P Camins)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme: 1.** Leadership.
  - **Objective: 1.1** To establish and maintain sound business and governance structures.
  - **Community Priority: 1.1.2** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

**In Brief:**

- Council is requested to resolve to adopt the City of Albany Dog Local Law 2017 that is not significantly different from what was proposed.

**RECOMMENDATION**

**DIS053: COMMITTEE RECOMMENDATION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY  
THAT Council:**

- (1) **ENDORSES** the Department of Local Government, Sport and Cultural Industries suggested amendments;
- (2) **RECEIVE** the public submission, staff recommendations and **ENDORSES** those recommendations; and
- (3) **NOTE** the purpose and effect of the City of Albany Dog Local Law 2017, being:
  - **PURPOSE:** Limit the number of dogs a person is able to keep; and
  - **EFFECT:** To extend the controls over dogs which exist under the *Dog Act 1976*.

**DIS053: COMMITTEE RECOMMENDATION 2  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council, in accordance with section 3.12 of the *Local Government Act 1995*, AGREES to ADOPT the City of Albany Dog Local Law 2017 (as detailed in the attachments) that is not significantly different from what was proposed, subject to the following amendments:**

1. **Clause 3.1 – Confinement of dangerous dogs.** Paragraph (f) in clause 3.1 deleted and insert the following subclause:  
*(3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.*

The deletion of the modified penalty for the confinement of dangerous dogs in item 1 of Schedule 3.

2. **Clause 3.2 – Limitation on the number of dogs.** The deletion of the modified penalties in item 2 of Schedule 1.
3. **Clause 4.9 – Compliance with conditions of approval.** The deletion of this clause entirely. Noting the modified penalty in item 3 of Schedule 3 has also been deleted.
4. **Dog prohibited areas and dog exercise areas.** The deletion of clauses 5.1 and 5.2, and the relevant modified penalties in item 4 of Schedule 3 and the deletion of the definition of “Prohibited places” under clause 1.5.
5. **Clause 5.3 – Places which are rural leashing (leash compulsory) areas.** The deletion of clause 5.3 (including the penalty) and the relevant modified penalty at item 5 of Schedule 3.
6. **Infringement notices.** The deletion of the reference in Clauses 7.3 and 7.6 that refer to Form 8 and Form 9 in Schedule 1 of the Regulations. Noting the City can create its own forms for infringement notices and withdrawal notices, or can use the relevant forms prescribed by regulation 26(2) and regulation 27(2) of the *Local Government (Functions and General) Regulations 1996*.

DIS053: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendations 1 & 2 be ADOPTED.

CARRIED 9-0

DIS053: RESPONSIBLE OFFICER RECOMMENDATION 1

THAT Council:

- (1) ENDORSES the Department of Local Government, Sport and Cultural Industries suggested amendments;
- (2) RECEIVE the public submission, staff recommendations and ENDORSES those recommendations; and
- (3) NOTE the purpose and effect of the City of Albany Dog Local Law 2017, being:
  - i. PURPOSE: Limit the number of dogs a person is able to keep; and
  - ii. EFFECT: To extend the controls over dogs which exist under the *Dog Act 1976*.

DIS053: RESPONSIBLE OFFICER RECOMMENDATION 2

THAT Council, in accordance with section 3.12 of the *Local Government Act 1995*, AGREES to ADOPT the City of Albany Dog Local Law 2017 (as detailed in the attachments) that is not significantly different from what was proposed, subject to the following amendments:

1. Clause 3.1 – Confinement of dangerous dogs. Paragraph (f) in clause 3.1 deleted and insert the following subclause:  
*(3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.*  
The deletion of the modified penalty for the confinement of dangerous dogs in item 1 of Schedule 3.
2. Clause 3.2 – Limitation on the number of dogs. The deletion of the modified penalties in item 2 of Schedule 1.
3. Clause 4.9 – Compliance with conditions of approval. The deletion of this clause entirely. Noting the modified penalty in item 3 of Schedule 3 has also been deleted.
4. Dog prohibited areas and dog exercise areas. The deletion of clauses 5.1 and 5.2, and the relevant modified penalties in item 4 of Schedule 3 and the deletion of the definition of “Prohibited places” under clause 1.5.
5. Clause 5.3 – Places which are rural leashing (leash compulsory) areas. The deletion of clause 5.3 (including the penalty) and the relevant modified penalty at item 5 of Schedule 3.
6. Infringement notices. The deletion of the reference in Clauses 7.3 and 7.6 that refer to Form 8 and Form 9 in Schedule 1 of the Regulations. Noting the City can create its own forms for infringement notices and withdrawal notices, or can use the relevant forms prescribed by regulation 26(2) and regulation 27(2) of the *Local Government (Functions and General) Regulations 1996*.

**BACKGROUND**

2. At the Ordinary Council meeting held on 25 July 2017, Council resolved to make the City of Albany Dog Local Law 2017.
3. Following the meeting public comment was sought.
4. At the submission closing date, Council had received two public submissions, in addition to feedback provide by the Department of Local Government, Sport and Cultural Industries.

**DISCUSSION**

5. The preparation of this local law was based on comparable local laws that have passed the scrutiny of the Joint Standing Committee on Delegated Legislation (JSCDL).
6. Administrative changes and feedback from the community have been consolidated for Council’s consideration, as is detailed in the Schedule of Submission (attached).

**GOVERNMENT & PUBLIC CONSULTATION**

7. Council and Public were formally advised of the proposal to make the local law at the 25 July 2017 Ordinary Meeting of Council, followed by prescribed advertising.
8. Public submissions closed on Monday 18 September 2017.
9. State Government. Recommendations were received on 15 September 2017 from the Department of Local Government, Sport and Cultural Industries and amendments made accordingly.

**STATUTORY IMPLICATIONS**

10. In making a local law, a local government is to follow the procedure described in section 3.12 of the *Local Government Act 1995*.

11. After the last day for submissions (18 September 2017), the local government is to consider any submissions made and make the local as proposed or make a local law that is not significantly different from what was proposed.
12. Resolution of Council to make the local law must be carried by Absolute Majority.
13. After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister for Local Government.
14. After the local law has been published in the Gazette the local government is to give local public notice.
15. Section 3.12 of the Act requires the person presiding at a Council meeting to give notice to the meeting of the purpose and effect of the proposed local law.

**POLICY IMPLICATIONS**

16. Post adoption of the proposed local law, Council will be empowered to determine dog exercise and prohibited areas through Council resolution (*Absolute Majority Required and 28 days public notice*).

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation.</b> <i>If the need for the proposed local law is not articulated and justified, negative community feedback may result.</i>	Possible	Major	Medium	Communicate and justify rationale.
<b>Community Health &amp; Safety.</b> <i>A local law is required to administer dog control, no law will restrict compliance action.</i>	Possible	Major	Medium	Adopt a local law that meets the communities’ expectation to be kept safe from dog hazards.

**FINANCIAL IMPLICATIONS**

18. An appropriate budget line exists for the cost of giving public notice and advertising.

**LEGAL IMPLICATIONS**

19. Section 3.12 of the Act prescribes the procedures for making Local Laws.
20. Whilst the Act does expressly prescribe a time frame in which the procedural requirements for making Local Laws are to be completed, the procedures should be undertaken with “all convenient speed’ in line with the *Interpretations Act 1984*.

**ENVIRONMENTAL CONSIDERATIONS**

21. There are no direct environmental considerations related to this item; however appropriate dog control has a direct effect on the natural environment and public safety.

**CONCLUSION**

22. It is recommended that Council ADOPT the City of Albany Dog Local Law 2017.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions &amp; General) Regulations 1996</i></li> <li>• <i>City of Albany Animal Local Law 2001</i></li> <li>• <i>Dog Act 1976</i></li> <li>• <i>Dog Regulation 2013</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 25/07/2017 Resolution DIS036

## DIS054: ALBANY AGRICULTURAL SOCIETY - REQUEST FOR SELF SUPPORTING LOAN

<b>Land Description</b>	: Eastern Precinct <ul style="list-style-type: none"><li>• Reserve 405, Lot 1359 Lockyer Avenue, Centennial Park</li><li>• Lot 305, Lockyer Avenue, Centennial Park</li><li>• Lot 32, North Road, Centennial Park</li><li>• Reserve 23110, No 27-47 North Road, Centennial Park</li></ul>
<b>Proponent</b>	: Albany Agricultural Society (AAS)
<b>Owner</b>	: City of Albany (as freehold or as Management Body of Crown Reserve)
<b>Attachments</b>	: <i>Items Attached under CONFIDENTIAL cover, in accordance with section 5.23(2)(c) of the Local Government Act 1995, being a contract which has been entered into:</i>
<b>Report Prepared By</b>	: Executive Director Infrastructure and Environment (M Thomson)
<b>Responsible Officers:</b>	: Executive Director Corporate Services (M Cole) Executive Director Infrastructure and Environment (M Thomson)

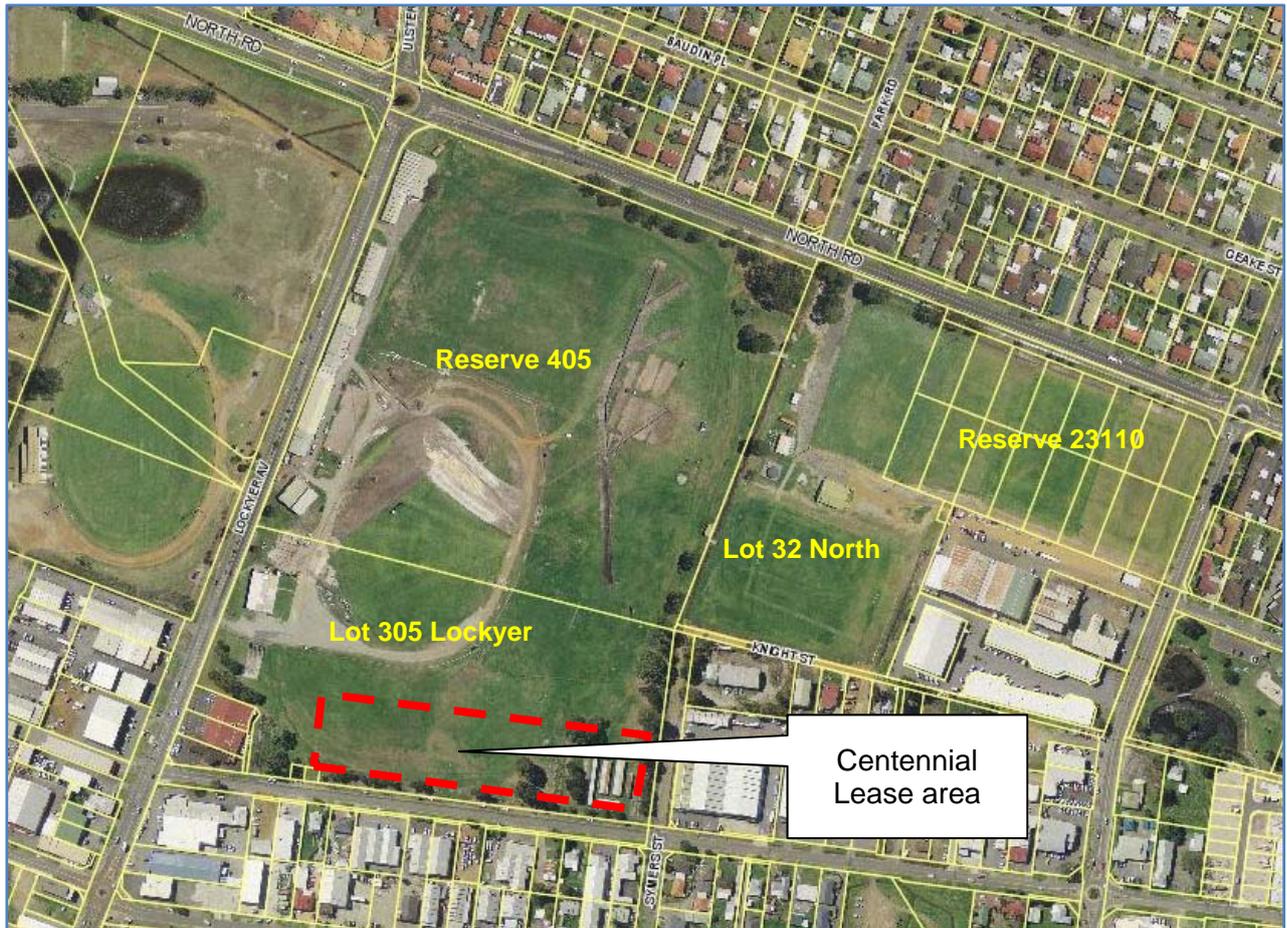
### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Themes:**
    - 1. Leadership.
    - 5. A connected and safe built environment.
  - **Objectives:**
    - 1.2 To provide strong, accountable leadership supported by a skilled & professional workforce.
    - 5.2 To advocate, plan for and build friendly and connected communities.
  - **Community Priority:**
    - 1.2.1 Provide positive leadership that delivers community outcomes and gains a reputation for doing what is good for Albany and the surrounding region.
    - 5.2.2 Create infrastructure and connected streets that are consistent and reflect our unique heritage.

#### In Brief:

- Council consideration for a self-supporting loan to the Albany Agricultural Society (AAS) for \$150,000, for a 10-year term.

**Maps and Diagrams:**



**RECOMMENDATION**

**DIS054: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT DIS054: Albany Agricultural Society – Request For Self-Supporting Loan be deferred in order that:-**

- 1. Further financial information can be provided by the Albany Agricultural Society including an updated business plan prepared by an appropriate qualified professional.**
- 2. Council staff investigate appropriate loan security requirements and report back to Council at the earliest opportunity.**

DIS054: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR SMITH

THAT DIS054: Albany Agricultural Society – Request For Self-Supporting Loan be deferred in order that:

1. Further financial information can be provided by the Albany Agricultural Society including an updated business plan prepared by an appropriate qualified professional.
2. Council staff investigate appropriate loan security requirements and report back to Council at the earliest opportunity.

CARRIED 9-0

**Reason for the motion: Council was not able to consider the loan request due to insufficient financial information.**

**DIS054: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

- (1) APPROVE a total of \$150,000 (excluding GST) self-supporting loan for a term of up to 10 years to the Albany Agricultural Society at the prevailing interest rates from Western Australian Treasury Corporation at the time of loan disbursement subject to the provision of three suitable personal guarantors.
- (2) AMEND the 2017/2018 budget to reflect an internally-funded, self-supporting loan to the Albany Agricultural Society through:
  - a. Approving the transfer from the Debt Management Reserve of \$150,000.
  - b. Approving an Expenditure line item within the 2017/18 Budget to pay the Albany Agricultural Society \$150,000.

**BACKGROUND**

**Context**

2. The Albany Agricultural Society (AAS) has used Centennial Park East since the 1900s. However, a formal licence agreement was only put in place in 1980. The latest licence expired on 31 December 2010 and the AAS then occupied the site under holding-over arrangements.
3. On 26 November 2014, the City issued a termination notice to the AAS, with their occupation of the site terminating on 27 November 2015. The City came to an arrangement to permit occupation of the McCormick and Goat Pavilions for an interim period and this concluded on 13 October 2016, with final vacation of the building by 24 October 2016. All of the previous AAS buildings are demolished.
4. At Council's direction, from February 2014 through to the present, City Officers have been involved in various ongoing negotiations with the AAS inclusive of a large scale and time critical construction project. Various matters have been considered by Council on multiple occasions throughout this period.
5. The two most recent and relevant Council meetings in relation to this item are the Ordinary Council Meeting (OCM) held on the 24 May 2016 and the Special Council Meeting (SCM) on the 29 November 2016.
6. In summary, at the OCM in May 2016 Council resolved to make a direct and in-kind contribution to the AAS to deliver the 2016 Annual Agricultural Show (the Show). This contribution amounted to \$100,000.
7. At the SCM in November 2016, Council resolved to make variations to the Deed of Agreement, with the AAS to amend the lease area to accommodate a new integrated office building and remove the old Royals clubhouse from the lease agreement, thus allowing for its demolition.
8. In addition, Council noted a business plan presented by the AAS and considered tenders for the construction of the pavilions, noting that the contract was to be awarded directly by the AAS.

### **Show Delivery 2016**

9. The Show, with assistance from the City of Albany as directed by Council at the May 2016 OCM, was successfully delivered.
10. The AAS office was also relocated with City support to the Athletics Building (Centennial Park West) preceding the 2016 Show until September 2017. The City negotiated the sub-lease, provided support to the relocation and met the lease fee.

### **Construction**

11. The AAS entered into a contract with AUSPAN for the construction of the 3 main steel-framed pavilions. The City of Albany managed the projects initiation, procurement and site works in addition to acting as Superintendent for the contract. The AAS has made its own direct arrangements for the construction of the office building, with City expertise provided where required.
12. The construction project is expected to be practically completed prior to the 2017 Annual Show with the exception of the office building. The office building is well underway and expected to reach practical completion before the New Year. The AAS is currently operating out of temporary facilities within the pavilions (relocated from the Athletics Building).
13. The AAS has had full financial control of the building project.

### **AAS Request for Self-Supporting Loan**

14. The City of Albany has received a letter from the AAS requesting that Council consider the provision of a self-supporting loan of \$150,000 over a 10 year term.
15. The letter details the financial difficulty the AAS is experiencing from an initial cashflow perspective as they have not been able to raise income over the past year due to the construction project and their ongoing displacement from permanent facilities.
16. Prior to formalising their request City officers suggested that the provision of guarantors for the loan may assist Council in its deliberations. The AAS have provided the names of three guarantors in their letter of request.
17. Combined with some additional expenses incurred associated with the building construction, the AAS claim that they are not able to support their immediate cash flow requirements to complete the construction project while delivering the Annual Show.

### **DISCUSSION**

18. The business plan noted by Council at the November 2016 SCM did not make provision for the loss of income (eg. through not being able to hire out their facilities) during the construction period.
19. The AAS has made a number decisions with regard to the buildings which has resulted in a positive outcome for the precinct and the community in general. In particular, the curved roof has softened the impact of the steel-framed structures from an aesthetic perspective, and the improved capacity of the ablution facilities will provide additional amenity to the precinct during a range of events.
20. The AAS has had financial control over the project and decisions could have been made to avoid the cash flow shortfall, such as scaling the project. However, under the circumstances, it is considered that an outcome has been achieved for the AAS and the

community that is mutually-beneficial and, in general, the request to provide financial assistance by way of a self-supporting loan is considered reasonable.

21. Provision of the loan will see the project completed to a high standard and should enable the AAS to establish its business model to ensure the funds can be repaid to the City.

**STATUTORY IMPLICATIONS**

22. It is proposed to internally-fund the loan. The usual advertising requirements are therefore not necessary.
23. Voting Requirement: **Absolute Majority.**

**POLICY IMPLICATIONS**

24. There are no policy implications related to this report.
25. Note: The Council policy position pertaining to long term borrowing pertains to the City of Albany borrowing funds to accommodate acquisition, renewal or construction of specified assets.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Financial.</b> <i>If proposed loan is not supported, the AAS will have difficulty in funding its operations in the short term.</i>	<i>Likely</i>	<i>Major</i>	<i>High</i>	<i>Support the proposed loan or encourage the AAS to access alternative sources of funding.</i>
<b>Reputation.</b> <i>Non-approval of loan may result in elements of the project being incomplete.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Support the proposed loan or encourage the AAS to access alternative sources of funding.</i>
<b>Opportunity.</b> <i>To complete the AAS pavilions and office to a high standard and to provide the initial funds for the AAS to establish their business model.</i>				

**FINANCIAL IMPLICATIONS**

27. The Albany Agricultural Society have requested Council’s approval of a self-supporting loan up to the amount of \$150,000 to be funded from the Debt Management Reserve.

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

30. Council may:
- a. Approve the self-supporting load as recommended; or
  - b. Not approve the self-supporting loan. This would require the AAS to find alternative sources of funding.

**CONCLUSION**

31. The AAS, as a result of the ongoing construction works, has incurred some financial loss to their usual operating income.
32. As a result, there is a cash flow shortfall and the completion of the pavilions and office in the Eastern Precinct of Centennial Park may be impacted.
33. The ASS has requested assistance from the City of Albany by way of a self-supporting loan of \$150,000 over 10 years.
34. This report recommends that the loan be approved subject to personal guarantors being provided.

<b>Consulted References</b>	:	Past documentation, correspondence & items to Council <i>Land Administration Act 1997</i>
<b>File Number (Name of Ward)</b>	:	CP.DEC.1; PRO411; PRO412
<b>Previous References</b>	:	<ul style="list-style-type: none"> <li>• OCM 22/07/2014 Item CS011</li> <li>• OCM 25/02/2014 Item CS008</li> <li>• OCM 16/07/2013 Item 3.1</li> <li>• OCM 23/07/2015 Item CSF1777</li> <li>• OCM 15/12/2015 Item CSF214</li> <li>• OCM 08/11/2016 Item CSF279</li> <li>• SCM 26/11/2016</li> </ul>

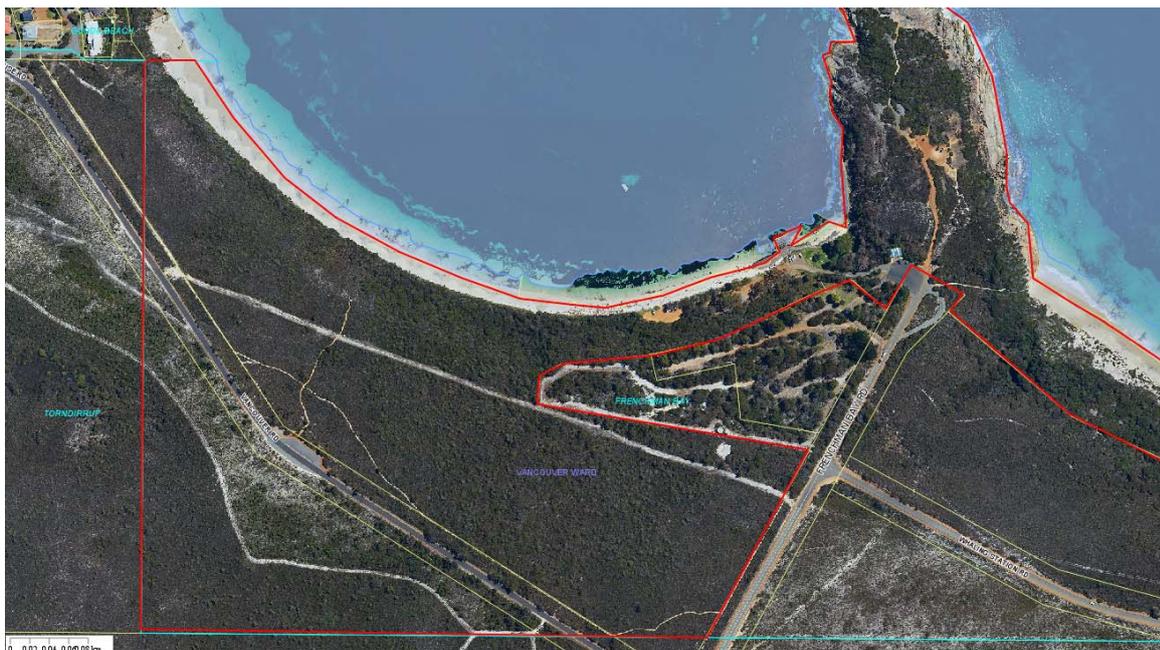
**DIS055: FRENCHMAN BAY HERITAGE TRAIL – FEASIBILITY STUDY**

- Land Description** : • City of Albany Managed Reserve 21337  
• City of Albany Managed Reserve 26221
- Proponent / Owner** : City of Albany (Land vested in the care and control of the City of Albany)
- Attachments** : • Proposed Frenchman Bay Heritage Trail Feasibility Study – H+H Architects (September 2015)  
• Revised trail map (May 2016)  
• Trail & dam sketch (June 2016)
- Report Prepared By** : Reserves Officer (A Tucker)
- Responsible Officers:** : Executive Director Works & Services (M Thomson)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
- **Theme:** 1. Leadership and 3. Clean, Green & Sustainable
  - **Objectives:**
    - 1.1 To establish and maintain sound business and governance structures.
    - 3.1 To protect and enhance our natural and built environment in a changing climate.
  - **Community Priorities:**
    - 1.1.2 Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.
    - 3.1.2 Sustainable protected and enhance our iconic coastline, reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves.

**Maps and Diagrams:**



*Reserve 21337 – off Vancouver Road, Goode Beach*

**In Brief:**

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

**RECOMMENDATION**

**DIS055: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council ENDORSE the Frenchman Bay Heritage Trail feasibility study and concept plan and include this trail in the Albany Trails Hub Strategy 2015-2025.**

DIS055: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MULCAHY  
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

DIS055: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ENDORSE the Frenchman Bay Heritage Trail feasibility study and concept plan and include this trail in the Albany Trails Hub Strategy 2015-2025.

**BACKGROUND**

2. The Frenchman Bay Heritage Trail is a project driven by the Frenchman Bay Association (FBA) which has been working on improving the trails within the area since 2015.
3. The feasibility study makes recommendations for \$380,000 of upgrades to improve and create a loop trail that showcases the spectacular coastline of Goode Beach.
4. This proposed trail is not included in the approved City of Albany Trails Hub Strategy 2015 – 2025 as there are a number of other priority projects in the vicinity within Torndirup National Park and Discovery Bay.
5. Council consideration and approval is sought for the Frenchman Bay Heritage Trail feasibility study and concept plan which will guide future trail development in the reserve depending on funding availability.

**DISCUSSION**

6. A feasibility study has been developed by H+H Architects on behalf of the FBA. This study was developed in close consultation with City Reserves staff and local Noongar Elders.
7. The objective of the document is to establish a plan for a loop trail and associated interpretative signage that acknowledges the Noongar and European cultural heritage of the area. The plan identifies a total of 11 interpretative nodes along the trail and the background information for these have been researched and included in the plan.
8. An indicative cost estimate for the full project is \$380,000. Funding would need to come from a number of external grants if the project is to proceed. Given that the project is not a priority in the Trails Hub Strategy, it is not proposed that the City contribute to the project at this stage, and the City would need to guide any funding submissions made, so as to not compete with existing City priorities.
9. The proposed trail has been developed as a standalone attraction and there may be potential to expand in the future (to Discovery Bay and Bald Head Island walk to the east and to Little Grove and the City centre to the west) to become a valuable section of a larger trail hub within the City. At this stage, the proposal is considered a worthwhile local community project however it is not considered a strategic priority.

10. The loop trail was initially proposed to pass in front of Lots 1 and 2 Frenchman Bay Road. However, since the completion of the report in September 2015, various meetings between the private property owners and FBA have not been successful in obtaining approval for public access through the property.
11. As a result of this, a revised map was submitted by the FBA in June 2016. This revised trail includes stairs down onto the beach from the Vancouver dam as a backup plan if access through Lots 1 and 2 cannot be successfully negotiated prior to construction.
12. Having an adopted feasibility study for the reserve will enable the FBA to apply for external funding opportunities in consultation with the for the construction of the trail.

**GOVERNMENT & PUBLIC CONSULTATION**

13. The study authors consulted with a number of stakeholders during the planning of the trail to ascertain their views on the type, location and potential impact of the trail. The organisations consulted include Albany Historical Society, Albany Museum, Department of Water, Department of Parks and Wildlife, Discovery Bay, Great Southern Development Commission, South Coast Natural Resource Management, Kinjarling Trail Project Committee and the City of Albany.
14. A site visit and walkover was held with two local Noongar Elders in early 2016 to discuss the plan. At this site visit, a number of concerns were raised about the underground water source that feeds the natural spring.
15. As a result of these concerns, the initial plan was amended and a new map showing the works around the spring and dam were altered. This amended plan was then presented to the Noongar Consultative Committee on 10 August 2017.
16. The committee supported the amended plan and the project, and noted that a formal heritage survey would be required as the next step prior to any onground works. A detailed archaeological survey of Noongar heritage has been included as a specific step in the feasibility study.
17. City Staff met with members of the FBA who confirmed they have undertaken community consultation by putting information and regular updates of the project into their newsletter, with no negative feedback received. The City is satisfied that this level of consultation is appropriate for this stage and further community consultation will be undertaken as part of the detailed design.

**STATUTORY IMPLICATIONS**

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

**POLICY IMPLICATIONS**

19. There are no policy implications for this matter.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Organisational Operations.</b> <i>Infrastructure not planned and built in a co-ordinated way.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council prioritises and implements works in accordance with current priorities.</i>
<b>Finance.</b> <i>Funding opportunities missed due to lack of planning.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council adopt the feasibility study.</i>

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

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

**CONCLUSION**

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

<b>Consulted References</b>	:	City of Albany Trails Hub Strategy 2015 – 2025
<b>File Number (Name of Ward)</b>	:	Vancouver Ward
<b>Previous Reference</b>	:	Nil

**DIS056: PLANNING AND BUILDING REPORTS SEPTEMBER 2017**

**Proponent** : City of Albany  
**Attachment** : Planning and Building Reports September 2017  
**Report Prepared By** : Administration Officer-Planning (V Martin)  
Administration Officer-Development Services (J Corcoran)  
  
**Responsible Officer(s):** : Executive Director Development Services (P Camins)

**RECOMMENDATION**

**DIS056: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council NOTE the Planning and Building Reports for September 2017.**

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

CCCS070: Local Tourism Organisation-Detailed Design  
CCCS071: Anzac Centenary 2018: FORM-Concept Proposal  
PR004: Chief Executive Officer Performance Review  
DIS057: Centennial Park Sporting and Event Precinct Stage 2.

**15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**16. REPORTS OF CITY OFFICERS**

**17. MEETING CLOSED TO PUBLIC**

CCCS069: Appointment of Executive Director  
CCCS071: Anzac Centenary 2018: FORM-Concept Proposal  
PR004: Chief Executive Officer Performance Review

**18. CLOSURE**