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# AGENDA

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**Ordinary Meeting of Council**

**Tuesday 22 April 2025**

**6.00pm**

**Council Chambers**



### NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 22 April 2025 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe  
**CHIEF EXECUTIVE OFFICER**

### TABLE OF CONTENTS

Item	Details	Pg#
1.	DECLARATION OF OPENING	3
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	3
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	3
4.	DISCLOSURES OF INTEREST	3
5.	REPORTS OF MEMBERS	4
6.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
7.	PUBLIC QUESTION TIME	4
8.	APPLICATIONS FOR LEAVE OF ABSENCE	4
9.	PETITIONS AND DEPUTATIONS	4
10.	CONFIRMATION OF MINUTES	4
11.	PRESENTATIONS	4
12.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	4
13.	MINUTES AND RECOMMENDATIONS OF COMMITTEES	
<b>CCS</b>	<b>Corporate and Community Services Committee</b>	
CCS703	MONTHLY FINANCIAL REPORT-FEBRUARY 2025	5
CCS704	LIST OF ACCOUNTS FOR PAYMENT MARCH 2025	8
CCS705	DELEGATED AUTHORITY REPORTS-16 FEBRUARY 2025 TO 16 MARCH 2025	11
CCS706	REGIONAL EVENTS AND FILM SPONSORSHIP 2025	12
CCS707	TENDERS AWARDED REPORT-JANUARY TO MARCH 2025	18
CCS708	CORPORATE SCORECARD-JANUARY TO MARCH 2025 QUARTER	19
CCS709	SURRENDER AND REPLACEMENT NEW LEASE FINAL APPROVAL-ROSE GARDENS BEACHSIDE HOLIDAY PARK-PORION OF RESERVE 22698 EMU POINT	22
<b>DIS</b>	<b>Development and Infrastructure Services Committee</b>	
DIS436	INITIATION TO ADOPT AMENDMENT NO. 2 TO CITY OF ALBANY LOCAL PLANNING SCHEME NO. 2 FOR ADVERTISING	29
DIS437	NORTH MCKAIL LOCAL STRUCTURE PLAN	40
DIS438	PLANNING AND BUILDING REPORTS MARCH 2025	52
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	53
15.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	53
16.	REPORTS OF CITY OFFICERS	53
17.	MEETING CLOSED TO THE PUBLIC	53
18.	CLOSURE	53

**1. DECLARATION OF OPENING**

**2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LANDOWNERS**

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

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

*We would also like to pay respect to Elders past, present and emerging"*

**3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE**

Mayor

G Stocks

**Councillors:**

Councillor

L MacLaren

Councillor

P Terry (Deputy Mayor)

Councillor

C McKinley

Councillor

S Grimmer

Councillor

R Sutton

Councillor

M Traill

Councillor

D Baesjou

Councillor

M Lionetti

Councillor

T Brough

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

M Giffellon

Executive Director Infrastructure, Development  
& Environment

P Camins

Executive Director Community Services

N Watson

Meeting Secretary

J Williamson

**Apologies/Leave of Absence:**

Councillor

A Cruse (Leave of Absence)

**4. DISCLOSURES OF INTEREST**

Name	Report Item Number	Nature of Interest
Councillor McKinley	CCS709	<b>Impartiality.</b> The nature of the interest being that Councillor McKinley's family members have an onsite caravan at the subject site.

**5. REPORTS OF MEMBERS**

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

**7. PUBLIC QUESTION TIME**

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

**Prevention of Disturbance:**

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

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

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

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

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

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

**8. APPLICATIONS FOR LEAVE OF ABSENCE**

**9. PETITIONS AND DEPUTATIONS**

**10. CONFIRMATION OF MINUTES**

**DRAFT MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the minutes of the Ordinary Council Meeting held on 25 March 2025, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**11. PRESENTATIONS Nil**

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

**CCS703: MONTHLY FINANCIAL REPORT – FEBRUARY 2025**

**Proponent / Owner** : City of Albany  
**Attachments** : Monthly Financial Report – February 2025  
**Report Prepared By** : Manager Finance  
**Authorising Officer:** : Executive Director Corporate & Commercial Services

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Leadership.
  - **Outcome:** Strong workplace culture and performance

**IN BRIEF**

- Under the Local Government Financial Management Regulations, a local government is to prepare monthly a statement of financial activity and statement of financial position that is presented to Council.
- The City of Albany's Monthly Financial Report (inclusive of the statement of financial activity and the statement of financial position) for the period ending 28 February 2025 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the Monthly Financial Report for the period ended 28 February 2025 is preliminary and has not yet been audited.

**RECOMMENDATION**

**CCS703: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Monthly Financial Report for the period ending 28 February 2025 be RECEIVED.**

**CCS703: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR MACLAREN  
SECONDED: COUNCILLOR MCKINLEY**

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

**CARRIED 7-0**

**CCS703: AUTHORISING OFFICER RECOMMENDATION**

**THAT the Monthly Financial Report for the period ending 28 February 2025 be RECEIVED.**

## **DISCUSSION**

2. To fulfil statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the City's year to date financial performance. The report provides the:
  - (a) Statement of Financial Activity by nature classifications (satisfying Regulation 34 of the *Local Government (Financial Management) Regulations 1996*);
  - (b) Statement of Financial Position (satisfying Regulation 35 of the *Local Government (Financial Management) Regulations 1996*);
  - (c) Basis of Preparation;
  - (d) Explanation of material variances to year-to-date budget;
  - (e) Net Current Asset & Funding Position;
  - (f) Investment Portfolio Snapshot;
  - (g) Receivables; and
  - (h) Capital Acquisitions.
3. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS647, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is a material variance for reporting purposes in the Statement of Financial Activity for 2024/2025.
4. The Statement of Financial Activity and Statement of Financial Position may be subject to year-end adjustments and have not been audited.
5. It is noted that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The 'errors' may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect."

## **STATUTORY IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

8. The City's 2024/25 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

## **FINANCIAL IMPLICATIONS**

10. Expenditure for the period ending 28 February 2025 has been incurred in accordance with the 2024/25 budget parameters.
11. Details of any budget variation more than \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

**LEGAL IMPLICATIONS**

12. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

13. Nil.

**ALTERNATE OPTIONS**

14. Nil.

**CONCLUSION**

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

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



**CCS704: LIST OF ACCOUNTS FOR PAYMENT – MARCH 2025**

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

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar/Priority:** Leadership.
  - **Outcome:** Strong workplace culture and performance.

**IN BRIEF**

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

**RECOMMENDATION**

**CCS704: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 March 2025 totalling \$9,027,108.03 be RECEIVED.**

**CCS704: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 7-0**

**CCS704: AUTHORISING OFFICER RECOMMENDATION**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 March 2025 totalling \$9,027,108.03 be RECEIVED.**

**DISCUSSION**

2. The table below summarises the payments drawn from the City's Municipal and Trust funds for the period ending 15 March 2025. Please refer to the Attachment to this report.

Fund	Transaction Type	Amount (\$)	%
Municipal	Electronic Funds Transfer	\$6,809,301.83	75.43%
Municipal	Payroll	\$2,187,528.16	24.23%
Municipal	Credit Cards	\$30,078.04	0.33%
Municipal	Cheques	\$200.00	0.00%
Trust	N/A	\$0.00	0.00%
<b>TOTAL</b>		<b>\$9,027,108.03</b>	<b>100%</b>

3. Included within the Electronic Funds Transfers from the City's Municipal account are Purchasing Card transactions, required to be reported under Regulation 13(A), totalling: \$11,109.70.
4. The table below summaries the total outstanding creditors as at 15 March 2025.

Aged Creditors	Amount (\$)
Current	\$318,280.46
30 Days	\$225,355.76
60 Days	-\$363.00
90 Days	-\$1,395.28
<b>TOTAL</b>	<b><u>\$541,877.94</u></b>

**STATUTORY IMPLICATIONS**

5. 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.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.
8. As part of the Local Government Regulations Amendment Regulations 2023 (SL2023/106), additional reporting is now required by Local Governments. Regulation 13(A), a new regulation, requires Local Governments to report on payments by employees via purchasing cards.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

11. Nil

**ENVIRONMENTAL CONSIDERATIONS**

12. Nil

**ALTERNATE OPTIONS**

13. Nil

**CONCLUSION**

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

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

**CCS705: DELEGATED AUTHORITY REPORTS – 16 FEBRUARY 2025 TO  
15 MARCH 2025**

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

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Leadership.
  - **Outcome:** A well informed and engaged community.

**RECOMMENDATION**

**CCS705: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Delegated Authority Reports 16 February 2025 to 15 March 2025 be RECEIVED.**

**CCS705: COMMITTEE RECOMMENDATION**

MOVED: COUNCILLOR BAESJOU  
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

**CCS705: AUTHORISING OFFICER RECOMMENDATION**

THAT the Delegated Authority Reports 16 February 2025 to 15 March 2025 be RECEIVED.

**BACKGROUND**

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

## CCS706: REGIONAL EVENTS AND FILM SPONSORSHIP 2025

**Proponent** : City of Albany  
**Report Prepared By:** : Manager Community Relations  
**Authorising Officer:** : Executive Director Community Services

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar/Priority:** Prosperity.
  - **Outcome:** A highly sought-after tourist destination.

### In Brief:

- To endorse the proposed Regional Events and Film Sponsorship Assessment Panel recommendations for events being held between 1 July and 31 December 2025.

### RECOMMENDATION

#### CCS706: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

**THAT Council APPROVE the Regional Events and Film Sponsorship Assessment Panel recommendations as outlined in Paragraph 36 – Table 1 of this report.**

#### CCS706: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BAESJOU  
SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

#### CCS706: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE the Regional Events and Film Sponsorship Assessment Panel recommendations as outlined in Paragraph 36 – Table 1 of this report.

## **BACKGROUND**

2. The City of Albany recognises the important role events and film play in celebrating the community's diversity and talents, increasing cultural understanding, driving visitation, generating economic benefits and activating our parklands, beaches and public spaces.
3. The City of Albany's Regional Events and Film Sponsorship (RES) program is designed to attract and support the staging of major regional events and film productions that contribute to the delivery of economic benefits for Albany and the region.
4. To be considered a regional major event, applicants must demonstrate that their event has the capability to draw a significant number of visitors from outside the region.
5. Film projects must demonstrate the project's capacity to promote Albany and the Great Southern and make a positive impact on both the local economy and the community's exposure to diverse artistic experiences.
6. Events and film productions must take place within the City of Albany municipality and applications are assessed against the guidelines and criteria by a panel of Elected Members with guidance from City officers.

## **DISCUSSION**

### Program Overview

7. Regional Events and Film Sponsorship applications for events or film/television projects being held between 1 July 2025 to 31 December 2025 opened for applications on 3 February 2025 and closed on 28 February 2025.
8. The City received 3 applications for events in this round.
9. The funding criteria for events included:
  - a. Increasing visitor expenditure in the Albany region (economic impact).
  - b. Involve and inspire the local community (social benefits).
  - c. Attract media coverage that will help to raise the profile of Albany as a visitor destination (media impact).
  - d. Demonstrate continuity and potential to engage the community in the future (sustainability).
10. There were no applications for film projects in this round.
11. The program is a competitive funding application process and the maximum sponsorship an applicant can receive is \$20,000. For this round, applicants could request cash sponsorship, or a combination of cash sponsorship and in-kind support for City of Albany venue hire fees.
12. Events or film projects that are supported for sponsorship by Council are required to enter into a contractual agreement with the City inclusive of conditions for grant acknowledgment, project milestones, and project acquittals.

### Assessment

13. An assessment panel comprising Mayor Stocks, Deputy Mayor Terry, Councillor Sutton and Councillor Traill received an overview of applications and guidance from City officers.
14. The application assessment process included a pitch from the applicants. Applicants presented their events to the assessment panel on 18 March 2025.
15. Applications were evaluated by City officers using an event assessment matrix tool developed to measure the economic value, visitor numbers and financial sustainability of each application.

16. The three applications deemed eligible for sponsorship requested a total of \$49,500.
17. The assessment panel supported the three (3) applications and recommended sponsorship of a total of \$39,500 (point 36) based on the information supplied and funding criteria.

Applications

**Diwali Mela Festival of Lights**

18. The 2025 festival will be the third run by Rainbow Coast Neighbourhood Centre, which aims to deliver one of the largest regional cultural celebrations in WA.
19. This vibrant festival leverages from the massive Perth festival (33,000 attendees) embracing the Hindu celebration connecting all cultures and transcending religious affiliations.
20. Empowering cultural celebration with music, food, dance, performance, night markets and movies, the event is inclusive and showcases the diversity of Albany's multicultural community.
21. The Indian community is the second largest growing migrant group in Australia and are increasingly settling in regional areas supporting economic growth and developing businesses.
22. The 2025 festival will expand to a 2-day event to feature a Bollywood Film and Food Night followed by a cold sparkler light show and Bollywood Dance Troupe performance on the second evening.
23. By coordinating dates with the Perth festival, the Albany festival aims to attract flow-on visitation from the Perth Indian community.
24. The festival received a \$5,000 Community Event grant from the City in 2024 and aims to grow in 2025.

**Hunted Interactive – FLINCH**

25. In its second year, this interactive immersive horror event takes place after dark at Lake Seppings.
26. Local historical characters feature in the intriguing storyline which is designed to engage its audience well in advance of the event.
27. This year's event will add a super-imposed video experience in which participants will have access immediately after the event to their personal video footage and will be encouraged to share this online, enhancing the event's exposure.
28. Hunted Interactive's interest is in building Albany as a visitor experience destination for immersive horror events that embed local history with its unique locations.
29. Strong marketing and promotion at all stages continues to engage its wide global audience enticing repeat customers. Visitor experience is also built by packaging opportunities with local hospitality and accommodation providers.
30. The application supports a 3-night event however scalability to include a fourth night with no additional funding implications to the City would be feasible with advanced audience demand.

**RugbyWA – Albany 7's Tournament**

31. The Albany 7's Series has been held in Albany since 2017, having grown to now represent the largest participation of the West Coast 7's junior rugby tournament.
32. Players and families travel from Perth metro each October school holidays to participate along with local clubs, staying on average 5 days.
33. The 2025 Albany 7's Series is aiming to expand and improve with more sustainable infrastructure, enhanced volunteer education and capacity, with inclusion of upskilling volunteer match officials and coaches, and increased community engagement.
34. RugbyWA is seeking to grow the Albany 7s tournament to attract regular interstate and international teams, showcasing the City of Albany as a destination to visit and explore.
35. RugbyWA is requesting both a cash contribution as well as an in-kind contribution to support the use of the City of Albany Centennial Oval precinct and facilities for the Albany 7s event.

**Panel Recommendations**

36. A summary of applications recommended for funding is outlined in Table 1.

**Table 1 - Regional Events Sponsorship – Assessment Panel Recommendations**

	Applicant / Event	Event Type	Panel Comments	Amount Requested	Panel Recommendation
1.	Diwali Mela Festival of Light	<b>Cultural Event</b> Global festival celebrated across cultures and religions.	Vibrant multi-cultural event originating from the massive Hindu festival which is celebrated globally. In its third year, this festival demonstrates significant growth, cultural engagement and strong connections with the large Perth Diwali Mela festival. Growing its rich program and audience reach in 2025 to more than 1,400 specifically visiting Albany for the event. It is building toward a stronger festival in 2026.	\$20,000 (cash only)	\$10,000
2.	Hunted Interactive - FLINCH	<b>Tourism Event</b> An interactive immersive horror event located at Lake Seppings, in its second year.	Innovative marketing to wide global and repeat audiences, and collaboration with local businesses to develop complete packages for visitors (including food and accommodation). Committed to developing experiences underpinned by unique local stories. Second year for this event with capacity to extend to a 4 <sup>th</sup> night with advanced public demand. Interested in developing richly themed program for 2026.	\$9,500 (cash only)	\$9,500
3.	RugbyWA - Albany 7's 2025	<b>Sporting Event</b> Junior rugby event, the largest participation event of the West Coast 7's Series.	The Albany 7's Series is the largest of the West Coast 7's junior rugby tournament. Has been held in Albany since 2017, attracting players and families from Perth metro as well as local clubs. Aiming to expand and improve the 2025 event with more sustainable infrastructure, enhanced volunteer education & capacity, and increased community engagement. Committed to growth to include interstate and international teams.	\$20,000 (cash and in-kind)	\$20,000 (\$16,800 – cash contribution / \$3,200 – in-kind venue hire)
<b>Totals</b>				<b>\$49,500</b>	<b>\$39,500</b>



**GOVERNMENT & PUBLIC CONSULTATION**

37. Not applicable.

**STATUTORY IMPLICATIONS**

38. Nil.

**POLICY IMPLICATIONS**

39. The Regional Events & Film Sponsorship program aligns with the City of Albany Sponsorship Policy & Guidelines.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation:</b> Events that receive City of Albany funding do not proceed and this reflects negatively on the City.	Unlikely	Minor	Low	Recommendations are based on the information supplied and the funding criteria. All reasonable support will be provided to enable funded events to proceed.
<b>Reputation:</b> Some members of the community are unhappy with Council's support for events recommended for funding.	Possible	Moderate	Medium	A rigorous assessment process has been undertaken and recommendations made on merit against the funding criteria and relevant City of Albany policies, strategies and plans.
<b>Community:</b> Event or health and safety guidelines are not followed and increase risk to public health and safety.	Possible	Major	High	Applicants will be required to complete an event approval application in line with the City's event approval guidelines and to follow all other necessary approvals and processes relevant to their event or activity.

**FINANCIAL IMPLICATIONS**

41. Management and oversight of funding and event sponsorship is undertaken using existing staff resources within the Community Relations business unit, within existing allocated budgets.
42. Council allocates \$80,000 in its budget annually to support applications to the Regional Events and Film Sponsorship program.
43. The recommended sponsorship totals \$39,500 and the events recommended for funding fall within the 2025-2026 financial year.
44. The recommended sponsorship is within the capacity of the allocation in the Long-Term Financial Plan (LTFP) for 2025-2026.
45. If Council approves the recommended sponsorships, funding payments will be made in the 2025-2026 financial year following Council's adoption of the budget.
46. Successful applicants will be issued funding contracts and conditions that include payment milestones and acquittal requirements.

**LEGAL IMPLICATIONS**

47. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

48. Hunted Interactive will be required to consider and manage environmental impact regarding use of Lake Seppings. This will be assessed and conditioned as part of the event approval process.

**ALTERNATE OPTIONS**

49. Council could make alternative recommendations for funding, including substitute dollar amounts, for recommended applicants. This is not recommended given the rigorous assessment process. The applicants recommended for funding are eligible for Regional Event and Film Sponsorship and funding amounts have been recommended on merit against the funding criteria and information supplied.

**SUMMARY CONCLUSION**

50. Supporting events and films with sponsorship contributes to the economic, social, sporting, environmental and cultural development of Albany.
51. Providing sponsorship for these events supports the City's vision and Strategic Community Plan and is consistent with the City's Sponsorship Policy & Guideline.
52. The process for assessment of the applications for Regional Events and Film Sponsorship is robust and equitable, and the funding recommendations are within the capacity of the allocation for this funding in the LTFP for 2025-2026.
53. It is recommended that Council approve the sponsorship recommendations.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>City of Albany Sponsorship Policy &amp; Guidelines</li><li>City of Albany Regional Events Sponsorship Guidelines</li></ul>
<b>File Number (Name of Ward)</b>	:	<ul style="list-style-type: none"><li>CR.SPO.44 (All Wards)</li></ul>
<b>Previous Reference</b>	:	<ul style="list-style-type: none"><li>Regional Events and Film Sponsorship – CCS670 (OCM: 22/10/2024)</li></ul>

**CCS707: TENDERS AWARDED REPORT – JANUARY TO MARCH 2025**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Tenders Awarded Report – January to March 2025
<b>Report Prepared by</b>	: Manager Finance
<b>Authorising Officer</b>	: Executive Director Corporate & Commercial Services

**STRATEGIC IMPLICATIONS**

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

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

**RECOMMENDATION**

**CCS707: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Tenders Awarded Report – January to March 2025 be RECEIVED.**

CCS707: COMMITTEE RECOMMENDATION

MOVED: DEPUTY MAYOR TERRY  
SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

CCS707: AUTHORISING OFFICER RECOMMENDATION

THAT the Tenders Awarded Report – January to March 2025 be RECEIVED.

## CCS708: CORPORATE SCORECARD – JANUARY TO MARCH 2025 QUARTER

**Attachments** : Corporate Scorecard: Q3 2024-25: CBP Actions  
Corporate Scorecard: Q3 2024-25: CEO KPIs

**Report Prepared By** : Business Planning and Performance Coordinator

**Authorising Officer:** : Manager Finance

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany's Strategic Community Plan 2032 or Corporate Business Plan 2024-2028 informing plans or strategies:
  - **Pillar:** Leadership.
  - **Outcome:** Proactive, visionary leaders who are aligned with community needs and values.

### IN BRIEF

- The Strategic Community Plan 2032 (SCP) and the first Corporate Business Plan (CBP) were adopted by Council in August 2021.
- The CBP outlines a comprehensive suite of strategic actions that effectively form Council's priority commitments to the community.
- The 'Corporate Scorecard' provides a summary overview of these actions, while adding commentary on those that are not 'on track'.
- Also included within the Corporate Scorecard is an update on the Chief Executive Officer's (CEO) Key Performance Indicators (KPIs) for the 2024/25 financial year.

### RECOMMENDATION

#### CCS708: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

**THAT the 'Corporate Scorecard: Q3 2024-25: CBP Actions' and 'Corporate Scorecard: Q3 2024-25: CEO KPIs' for the January to March 2025 quarter be NOTED.**

#### CCS708: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MACLAREN  
SECONDED: COUNCILLOR BAESJOU

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

#### CCS708: AUTHORISING OFFICER RECOMMENDATION

THAT the 'Corporate Scorecard: Q3 2024-25: CBP Actions' and 'Corporate Scorecard: Q3 2024-25: CEO KPIs' for the January to March 2025 quarter be NOTED.

## BACKGROUND

2. The SCP establishes the results the community expects Council to achieve through the City, while the CBP describes the specific actions necessary to achieve those results.
3. In addition, Council has assigned the CEO with KPIs for the 2024-25 financial year, that have been incorporated into the existing quarterly corporate reporting framework to improve transparency, efficiency and consistency.
4. Delivery of these actions are monitored through the City's strategy management software 'CAMMS', which defines the associated project milestones for the current financial year and enable reporting against them.

## DISCUSSION

5. The attached 'Corporate Scorecard' report provides an update on the status of CBP actions and CEO KPI's for the October to December 2024 quarter.
6. These reports retain the general traffic-light model, with the following threshold specifications:
  - 'Off Track' (red) actions are less than 70% complete relative to the established project milestone.
  - 'Monitor' (amber) actions are more than 70% but less than 90% complete relative to the established project milestone.
  - 'On Track' (green) actions are 90% or more complete relative to the established project milestone.
  - 'No Target Set' actions are yet to commence or are ongoing services with no milestone.
  - Completed actions are subsumed within the 'On Track' actions.

## GOVERNMENT & PUBLIC CONSULTATION

7. N/A.

## STATUTORY IMPLICATIONS

8. There are no direct statutory implications, however the Report supports the City's obligations under *Local Government (Administration) Regulations 1996*, regulation 19DA in relation specifically to the Corporate Business Plan:

**Corporate Business Plan** means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in *accordance with section 5.56*, which states:

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
  - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
  - (b) *Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
  - (c) *Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*

- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications. **\*Absolute majority required.***
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

**POLICY IMPLICATIONS**

9. N/A.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputational/Business Operations:</b> Loss of reputation from not following through on commitments outlined in the CBP.	Likely	Minor	Moderate	Staff to review and address areas of concern prior to reconsideration by Council.
<b>Opportunity:</b> Significantly enhanced oversight of CBP Actions, leading to improved community perception of Council leadership.				

**FINANCIAL IMPLICATIONS**

11. N/A.

**LEGAL IMPLICATIONS**

12. N/A.

**ENVIRONMENTAL CONSIDERATIONS**

13. N/A.

**ALTERNATE OPTIONS**

14. Council may choose not to review progress of commitments made in the CBP through the Report, and delegate this oversight to the City's Executive.

**CONCLUSION**

15. It is recommended the 'Corporate Scorecard: Q2 2024-25' be noted.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>Local Government Act 1995, s5.56</li> <li>Local Government (Administration) Regulations 1996, Reg. 19D</li> <li>IPR Framework and Guidelines 2019</li> </ul>
<b>File Number</b>	:	<ul style="list-style-type: none"> <li>CM.RVW.9</li> </ul>
<b>Previous Reference</b>	:	<ul style="list-style-type: none"> <li>OCM 23/07/2024 - Report Item CCS643</li> <li>OCM 22/10/2024 – Report Item CCS665</li> <li>OCM 26/11/2024 – Report Item CCS676</li> </ul>

## CCS709: SURRENDER AND NEW REPLACEMENT LEASE FINAL APPROVAL – ROSE GARDENS BEACHSIDE HOLIDAY PARK – PORTION OF RESERVE 22698 EMU POINT-VERSION TWO

<b>Land Description</b>	: Portion of Crown Reserve 22698, Lot 1461 on Deposited Plan 219777, the subject of Certificate of Title LR3110 Folio 171, Emu Point
<b>Proponent</b>	: <ul style="list-style-type: none"><li>• RAC Tourism Assets Pty Ltd (ACN 168 253 085)<ul style="list-style-type: none"><li>○ Robert Slocombe (Director)</li><li>○ Mark Weller (Director)</li><li>○ Geoff Mather (Director &amp; Company Secretary)</li></ul></li><li>• Redwood Corporate Pty Ltd (ACN 094 601 788)<ul style="list-style-type: none"><li>○ Iykerathera Jacob Chacko (Director)</li><li>○ Sally Ann Chacko (Director)</li></ul></li></ul>
<b>Business Entity Name</b>	: Rose Gardens Beachside Holiday Park
<b>Attachments</b>	: Schedule of Submissions - Attachment
<b>Owner</b>	: Crown (City of Albany under Management Order)
<b>Report Prepared By</b>	: Team Leader Property and Leasing
<b>Authorising Officer:</b>	: Executive Director Corporate & Commercial Services

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Prosperity – A thriving city with an abundance of opportunities.
  - **Outcomes:** A highly sought-after tourist destination.

### Maps and Diagrams:



**In Brief:**

- Council, at its meeting on 22 October 2024 supported a surrender of current lease with Redwood Corporate Pty Ltd (Redwood) for Rose Gardens Beachside Holiday Park (Rose Gardens) and a new replacement lease to RAC Tourism Assets Pty Ltd (RAC).
- The proposed new replacement lease was advertised for public comment for two weeks closing on 27 March 2025. A total of 19 submissions were received, **all raising similar concerns and objections to the new lease proposal.**
- Council is requested to consider all submissions before determining whether to grant final approval of surrender of current lease to Redwood and a new replacement lease to RAC.

**CCS709: ADDENDUM**

Following the preparation of the original report, some information within the sale agreement, to which the City is not a party, has now been made public. In particular, details relating to the requirement for vacant possession and the offer of ex-gratia payments to eligible long-stay tenants have been made publicly available by Redwood through communications to the tenants.

The report has been updated (highlighted in red) to reflect this additional information and potential impacts to ensure transparency and accuracy in Council's decision-making process.

**RECOMMENDATION**

**CCS709: AUTHORISING OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council GRANTS the final approval for the surrender of current lease to Redwood Corporate Pty Ltd and the new replacement lease to RAC Tourism Assets Pty Ltd over portion of Crown Reserve 22698 Emu Point, consistent with the previous resolution of 22 October 2024, and as detailed in section 15 of this report. This decision considers all submissions received during the advertising period.**

**CCS709: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR STOCKS**  
**SECONDED: DEPUTY MAYOR TERRY**

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

**CARRIED 5-2**

**Record of Vote**

Against the Motion: Councillors Sutton and MacLaren

**CCS709: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council GRANTS the final approval for the surrender of current lease to Redwood Corporate Pty Ltd and the new replacement lease to RAC Tourism Assets Pty Ltd over portion of Crown Reserve 22698 Emu Point, consistent with the previous resolution of 22 October 2024, and as detailed in section 15 of this report. This decision considers all submissions received during the advertising period.**



## BACKGROUND

2. Crown Reserve 22698 is under Management Order issued to the City for the purpose of 'Recreation and Associated Business Purposes' with power to lease for any term not exceeding 50 years, subject to Minister for Lands approval.
3. In March 2024, the City was informed of the potential sale and purchase of Rose Gardens by RAC.
4. RAC has requested a new lease for a term of 21 years with an option for an additional 21 years.
5. The City referred this proposal to the Department of Planning, Lands and Heritage (DPLH) which supports the surrender of the current lease and new replacement lease directly between the City and RAC.
6. In March 2025, the City was made aware the current park owner Redwood and RAC have now entered into a private and confidential sale agreement for the purchase of Rose Gardens.
7. Following Council's endorsement to the proposal on 22 October 2024 and confirmation of the executed sale agreement, the lease to RAC was advertised for public comment for two weeks inviting submissions, closing on 27 March 2025.
8. A total of 19 submissions were received during the public consultation period. All raising similar concerns and objections to the new lease proposal. **Key concerns raised include the limited communication from the current park operator, the stress and uncertainty with vacant possession, financial hardship and limited relocation and accommodation options.** A schedule of submissions received is provided in the Attachment.
9. **On 30 March 2025 the current park owner, Redwood, sent a letter to all long stay tenants advising them of the proposed sale of the park to RAC subject to certain conditions precedent being met. Some previous confidential information about the sale and its conditions were released.**
10. **Tenants were informed that the sale is subject to vacant possession of the park. Once conditions are satisfied, tenants will be provided termination notices as required by the *Residential Parks (Long-stay Tenants) Act 2006 (WA)* giving at least 180 days notice to vacate their site. These notices may be issued towards the end of April 2025, depending on when the conditions are met.**
11. **The *Residential Parks (Long-stay Tenants) Act 2006 (WA)* and *Regulations 2007* govern the rights and responsibilities of both long-stay tenants and park operators. These laws provide clear guidelines and aim to ensure a fair process if any changes affect the tenants.**
12. **The letter also confirmed that RAC will make without prejudice ex-gratia payments to all eligible long stay tenants to assist with relocation as follows:**
  - \$5,000 for small caravan with annexe
  - \$10,000 for large caravan with annexe and other fixtures
  - \$15,000 for relocatable or demountable park homes
13. **In addition, Redwood will make a further without prejudice ex-gratia payment of up to \$10,000 to each eligible long-stay tenants, with a minimum payment of \$5,000.**
14. **These payments are intended to help tenants relocate and to provide financial support where caravans and park homes cannot be relocated.**

15. The table below outlines the key terms of the proposed surrender of the existing lease and new replacement lease:

<b>Surrender of Lease</b>	<b>Details</b>
Tenant	Redwood Corporate Pty Ltd
Land Description	Portion of Crown Reserve 22698, Lot 1461 on Deposited Plan 219777, the subject of Certificate of Title LR3110 Folio 171, Emu Point
Special Condition	Surrender of lease will be contingent on certain conditions being met in the sale agreement. It will become effective on the commencement of a new lease to RAC
<b>New Lease</b>	<b>Details</b>
Tenant	RAC Tourism Assets Pty Ltd (RAC)
Land Description	Portion of Crown Reserve 22698, Lot 1461 on Deposited Plan 219777, the subject of Certificate of Title LR3110 Folio 171, Emu Point
Land Ownership	Crown (City of Albany under Management Order)
Lease Area	Approx 4.83ha subject to survey
Permitted Use	Holiday Park which may include a caravan park, chalets, camping and related and ancillary uses subject to the approval of the Landlord, in accordance with and limited by the Management Order over the land
Rent	Initial rent \$115,000 per annum plus GST. Rent reviews every three years by market valuation with CPI applied for intervening years
Term of Lease	21 years from commencement date with an option for an additional 21 years
Outgoings	Tenant responsible for all outgoings, including insurance and utilities
Maintenance	Tenant responsible for all maintenance
Minister for Lands	Section 18 of the <i>Lands Administration Act 1997</i> , the Minister for Lands consent being obtained
Special Conditions	<ul style="list-style-type: none"> <li>Inclusion of coastal hazard provisions noting the site has protection from an existing rock revetment wall</li> <li>Tenant development works to commence in 2026 and completed within 5 years</li> </ul>

16. Redwood and RAC have agreed in-principle with the above terms, subject to Council and Minister for Lands approval.

## DISCUSSION

17. The City acknowledges that the requirement for long-stay tenants to relocate will be a stressful time with a range of potential social impacts. These may include disruption to living arrangements, financial hardship, limited availability of affordable housing and stress and uncertainty.
18. Although financial assistance is being offered, the process of relocation can be a challenging and difficult process, particularly for vulnerable tenants.
19. It is important that Council remains aware of these potential impacts. City officers will explore opportunities to support affected tenants, including advocating for access to available housing support services and will engage with other park operators regarding potential relocation options, where possible.
20. The current lease for Rose Gardens held by Redwood expires in February 2041, with 16 years remaining.
21. RAC plans to make a substantial investment in upgrading the park, given the current condition of the property and its aging infrastructure.
22. The upgrade aims to improve the parks facilities, improve the visitor experience, support local tourism, and maintain the reserve.

23. The comments and **impacts raised** in the submissions received **have been carefully considered and weighed alongside the potential investment and long-term benefits to the community of securing the future of the site through the proposed lease.**

#### GOVERNMENT & PUBLIC CONSULTATION

24. Section 18 of the *Land Administration Act 1997* provides that interests in Crown land cannot be assigned, transferred or otherwise dealt with without the prior written approval of the Minister for Lands.
25. DPLH has provided support for the surrender and new lease, pending final approval from the Minister for Lands.
26. Section 3.58 of the *Local Government Act 1995* governs property disposal, including leases.
27. The Act requires the following:
- A local government must give local public notice of the proposed lease inviting submissions for a period of two weeks.
  - Council must consider any submissions and record their decisions in the minutes.
  - A local government can then proceed with the lease.
28. The proposed new replacement lease was advertised for two weeks inviting submissions, closing on 27 March 2025.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Advertising of new replacement lease in the local newspaper and City's website inviting submissions from the public	A two-week period of advertising closed on 27 March 2025	18 submissions were received, as result of advertising	<i>Section 3.58 of the Local Government Act 1995</i>

29. A total of **19** submissions were received. They have been acknowledged, indicating that a further item will be presented to the April Council meeting.

#### STATUTORY IMPLICATIONS

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

#### POLICY IMPLICATIONS

33. The Property Management (Leases and Licences) Policy supports equitable access and efficient management of City owned and managed properties in line with statutory procedures.
34. The recommendation is consistent with the Policy.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<b>Reputation:</b> Surrender and new lease not approved.	Possible	Moderate	Medium	Negotiate terms that satisfy both Council and tenant.
<b>Reputation and Financial:</b> Surrender and new lease not approved – reduced investment.	Possible	Moderate	Medium	Negotiate satisfactory terms to ensure term supports the investment.
<b>Reputation and Financial:</b> Development not undertaken or completed.	Possible	Moderate	Medium	Clause in lease to ensure development undertaken and completed within agreed timelines.
<b>Reputation and Social Impact:</b> <i>Tenants</i> given notice to vacate their tenancy	Likely	Major	High	Explore accommodation options <i>and provide information on available support services.</i>
<b>Reputation:</b> Surrender and new lease not approved – tourism impact to area.	Possible	Moderate	Medium	Negotiate satisfactory terms.
<b>Legal:</b> New lease not approved – potential legal challenge or claim from Redwood & RAC	Possible	Major	High	<i>Ensure all statutory processes are followed and reasons for Council decision clearly documented.</i>
<b>Opportunity:</b> To upgrade park facilities, improve the visitor experience and positively impact local tourism.				
<b>Opportunity:</b> Aligns with City's Strategic Community Plan 2032 objective to create a competitive and sustainable tourism offer.				

**FINANCIAL IMPLICATIONS**

36. All costs for surrender and new replacement lease will be covered by the tenant.
37. The initial lease rental, determined by a current market valuation provided by a licensed Valuer, is \$115,000 per annum plus GST.

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

39. The lease area is located within the Coastal Hazard Risk Management Adaptation Plan (CHRMAP) area for Emu Point to Middleton Beach.
40. The new replacement lease will include coastal hazard provisions, requiring the tenant to acknowledge and accept risks related to coastal erosion and/or inundation, sea level rises and other coastal processes. Noting the area is currently protected by a rock revetment wall.
41. Further indemnification clauses will be included to ensure that the City and Minister for Lands are not liable for any loss or damage resulting from coastal hazards.
42. Any future development must align with the Emu Point to Middleton Beach CHRMAP and Oyster Harbour Foreshore Management Plan recommendations.

## ALTERNATE OPTIONS

43. Council may:
- Approve the surrender and new lease to RAC; or
  - Support selected elements of the new lease; or
  - Decline the surrender and new lease request.
44. Should Council decline the surrender and new replacement lease the existing lease with the current tenant will continue until expiry in 2041.
45. Should Council decline the surrender and new replacement lease the opportunity to upgrade the park, boost to local tourism and alignment with strategic goals could be missed.

## CONCLUSION

46. Following the preparation of the original report, some sale conditions of the park are no longer considered confidential. The updated report now includes further information regarding the requirement for vacant possession, the impact on tenants and the offer of ex-gratia payments.
47. RAC and current tenant Redwood have finalised the sale and purchase agreement for Rose Gardens, subject to certain conditions precedents being met.
48. The new replacement lease will be for a term of 21 years with an option for an additional 21 years. The initial rent will be \$115,000 per annum plus GST as determined by current market valuation provided by a licensed Valuer as per City's Property Management (Leases and Licences) Policy.
49. Council previously supported the proposed surrender and new replacement lease at its meeting on 22 October 2024.
50. A total of 19 submissions were received during the public comment period, all raising similar concerns and objections to the new lease proposal. Key concerns raised include the limited communication from the current park operator, the stress and uncertainty with vacant possession, financial hardship and limited relocation and accommodation options.
51. RAC and Redwood have committed to providing without prejudice ex-gratia payments to eligible tenants to assist with relocation costs.
52. The City recognises the impact that relocation will have on tenants and is committed to advocating for access to housing support services and to explore options with other parks for possible tenant relocation opportunities.
53. After a careful and thorough consideration of the submissions, it is recommended that Council grants final approval for the surrender of existing lease to Redwood and new replacement lease to RAC.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>Property Management (Lease and Licences) Policy</li> <li>Local Government Act 1995</li> <li>Land Administration Act 1997</li> <li>Residential Parks (Long-stay Tenants) Act 2006</li> </ul>
<b>File Number (Name of Ward)</b>	:	PRO085 & PRO486, A152938
<b>Previous Reference</b>	:	OCM 22/10/2024 Item 671

**DIS436: INITIATION TO ADOPT AMENDMENT NO. 2 TO CITY OF ALBANY LOCAL PLANNING SCHEME NO. 2 FOR ADVERTISING – VERSION 2**

<b>Land Description</b>	:	<b>Lot Number</b>	<b>Registered Proprietor</b>
		124	Brian Fuller
		125	Dora Porter
		9001 & 200	Barry Panizza
		44 & 201	Ramon Panizza
			Emma Panizza
		33	State of Western Australia
<b>Proponent / Owner</b>	:	See above	
<b>Attachments</b>	:	1. Scheme Amendment Report 2. Appendix A – Rezoning Plan 3. Appendix B - Opportunities and Constraints Plan 4. Appendix C - Local Water Management Strategy 5. Appendix D - Site Soil Evaluation 6. Appendix E - Bushfire Management Plan 7. Appendix F - Traffic Study.	
<b>Supplementary Information &amp; Councillor Workstation</b>	:	Nil	
<b>Report Prepared By</b>	:	Manager Development Services	
<b>Authorising Officer:</b>	:	Executive Director Infrastructure, Development & Environment	

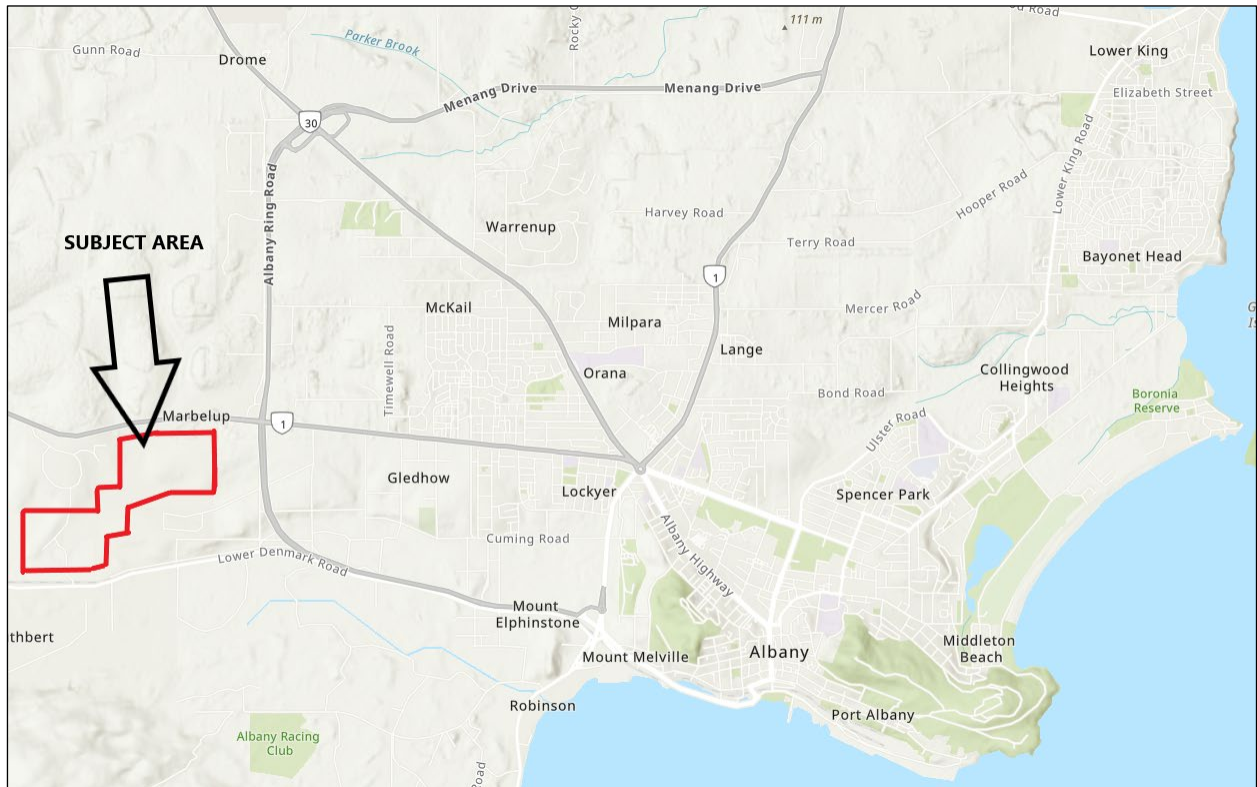
**STRATEGIC IMPLICATIONS**

- This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Place
  - **Outcomes:**
    - Responsible growth, development and urban renewal.
    - Interesting, vibrant and welcoming places.
    - Local history, heritage and character is valued and preserved.
    - A safe, sustainable and efficient transport network.
  - **Pillar:** Planet
  - **Outcomes:**
    - Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.
    - A resilient community that can withstand, adapt to, and recover from natural disasters.
  - **Pillar:** Prosperity
  - **Outcomes:**
    - A strong, diverse and resilient economy with work opportunities for everyone.
    - A highly sought-after tourist destination.
  - **Pillar:** Leadership
  - **Outcomes:** Grow awareness, understanding and engagement in City projects, activities and decisions.



2. The *Albany Local Planning Strategy 2019* (Planning Strategy) outlines the long-term vision for land use and development in Albany. Amendment No. 2 (AMD2) does not directly align with Planning Strategy objectives for Rural Living, with strategic objectives promoting growth of rural living settlement areas expected to be maintained within existing zoned areas, and the rezoning of existing agricultural land for rural living purposes not supported.
3. As Amendment No. 2 (AMD2) does not directly align with the strategic objectives identified under the Planning Strategy, the amendment is determined a 'complex' amendment to the City of Albany Local Planning Scheme No. 2 (LPS2).

**Maps and Diagrams:** The following diagram illustrates the land the subject of the scheme amendment proposal.



**In Brief:**

- The City has received a request to transfer land zoning in Marbelup, located between South Coast Highway and Lower Denmark Road, from the 'Rural' zone to the 'Rural Residential' and 'Rural Smallholding' zones.
- The rezoning seeks to enable future subdivision of the land for rural living, to be implemented in accordance with the objectives and standards of the proposed zones.
- Assessment of the proposed rezoning identified outstanding matters, specifically in relation to flood risk mapping, that require submission of further information, demonstrating that the subject land is capable of subdivision and development, that appropriately responds to the constraints of the site.
- Notwithstanding the outstanding information, the proposal and supporting documentation provided to date are considered sufficient in their current form to progress to public advertising for comment and formal consultation with state agencies.
- Council is therefore requested to initiate the proposed amendment for advertising.

**RECOMMENDATION**

**DIS436 ADDENDUM**

In response to Councillor Baesjou's question at the 9 April Development and Infrastructure Committee Meeting, Officers reviewed the need for the last bullet point in the Recommendation. While required under a typical scheme amendment recommendation when a structure plan exists, officers recommend the removal of the last bullet point as no structure plan currently applies to the area.

**DIS436: AMENDED AUTHORISING OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

1. Pursuant to section 75 of the *Planning and Development Act 2005*, RESOLVES to adopt Scheme Amendment No. 2 to:
  - a) Rezone Lots 124 and 125 on Plan 16119 South Coast Highway, Marbelup, Lot 200 on Plan 52999 Old Elleker Road, Cuthbert from 'Rural' to 'Rural Residential' zone.
  - b) Rezone Lot 201 on Plan 52999 Old Elleker Road, Cuthbert from 'Rural' to 'Rural Smallholding' zone.
  - c) Rezone portions of Lot 44 on Plan 000584 Old Elleker Road Cuthbert and Lot 9001 on Plan 074816 Lower Denmark Road, Cuthbert from 'Rural' to either 'Rural Residential' or 'Rural Smallholdings' zone, as applicable on the proposed plan.
  - d) Rezone Lot 33 on Plan 584 Old Elleker Road, Marbelup, from 'Rural' to local reserve classification 'Drainage / Waterway'.
  - e) Change local reserve classification of Lot 7864 on Plan 16119 South Coast Highway, Marbelup from 'Infrastructure Services' to 'Drainage/Waterway'.
2. Pursuant to regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES that the amendment is 'complex' in accordance with regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as it satisfies the following criteria:
  - a) the amendment is not consistent with the City of Albany Local Planning Strategy 2019, prepared for the scheme and endorsed by the Commission.
3. REFERS Scheme Amendment No. 2 to the Environmental Protection Authority, pursuant to Section 81 of the *Planning and Development Act 2005*, by giving to the EPA written notice of this resolution and such written information to enable the EPA to comply with s. 48A of the *Environmental Protection Act 1986*.
4. Pursuant to r. 46A of the *Planning and Development (Local Planning Schemes) 2015*, AUTHORISES the Chief Executive Officer to forward a copy of the amendment to the Western Australian Planning Commission to seek approval from the Minister to advertise the proposed complex amendment in accordance with section 83A of the *Planning and Development Act 2005*.
5. Pursuant to r. 46C of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to:
  - a) Undertake any modifications to Amendment No. 2 as required by the Minister, in accordance with s. 83A (2)(b) of the *Planning and Development Act 2005*;
  - b) Undertake any further referrals of modified Amendment No. 2 to the EPA, if required, in accordance with s. 83A(3), s. 81 and s. 82 of the *Planning and Development Act 2005*; and
  - c) Resubmit the modified amendment to the Minister for approval, in accordance with s. 83A (1) of the *Planning and Development Act 2005*.



6. In accordance with the requirements of r. 47 (1) and (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to ADVERTISE Amendment No. 2 to Local Planning Scheme No. 2, as soon as reasonably practicable after the Minister grants approval in accordance with s. 83A(2)(a) of the *Planning and Development Act 2005*.

**Note:**

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

DIS436: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BAESJOU  
SECONDED: DEPUTY MAYOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

DIS436: AUTHORISING OFFICER RECOMMENDATION

That Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005*, RESOLVES to adopt Scheme Amendment No. 2 to:
  - (a) Rezone Lots 124 and 125 on Plan 16119 South Coast Highway, Marbelup, Lot 200 on Plan 52999 Old Elleker Road, Cuthbert from 'Rural' to 'Rural Residential' zone.
  - (b) Rezone Lot 201 on Plan 52999 Old Elleker Road, Cuthbert from 'Rural' to 'Rural Smallholding' zone.
  - (c) Rezone portions of Lot 44 on Plan 000584 Old Elleker Road Cuthbert and Lot 9001 on Plan 074816 Lower Denmark Road, Cuthbert from 'Rural' to either 'Rural Residential' or 'Rural Smallholdings' zone, as applicable on the proposed plan.
  - (d) Rezone Lot 33 on Plan 584 Old Elleker Road, Marbelup, from 'Rural' to local reserve classification 'Drainage / Waterway'.
  - (e) Change local reserve classification of Lot 7864 on Plan 16119 South Coast Highway, Marbelup from 'Infrastructure Services' to 'Drainage/Waterway'.
2. Pursuant to regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES that the amendment is 'complex' in accordance with regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as it satisfies the following criteria:
  - (a) the amendment is not consistent with the City of Albany Local Planning Strategy 2019, prepared for the scheme and endorsed by the Commission.
3. REFERS Scheme Amendment No. 2 to the Environmental Protection Authority, pursuant to Section 81 of the *Planning and Development Act 2005*, by giving to the EPA written notice of this resolution and such written information to enable the EPA to comply with s. 48A of the *Environmental Protection Act 1986*.
4. Pursuant to r. 46A of the *Planning and Development (Local Planning Schemes) 2015*, AUTHORISES the Chief Executive Officer to forward a copy of the amendment to the Western Australian Planning Commission to seek approval from the Minister to advertise

the proposed complex amendment in accordance with section 83A of the *Planning and Development Act 2005*.

5. Pursuant to r. 46C of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to:
  - (a) Undertake any modifications to Amendment No. 2 as required by the Minister, in accordance with s. 83A (2)(b) of the *Planning and Development Act 2005*;
  - (b) Undertake any further referrals of modified Amendment No. 2 to the EPA, if required, in accordance with s. 83A(3), s. 81 and s. 82 of the *Planning and Development Act 2005*; and
  - (c) Resubmit the modified amendment to the Minister for approval, in accordance with s. 83A (1) of the *Planning and Development Act 2005*.
6. In accordance with the requirements of r. 47 (1) and (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to ADVERTISE Amendment No. 2 to Local Planning Scheme No. 2, as soon as reasonably practicable after the Minister grants approval in accordance with s. 83A(2)(a) of the *Planning and Development Act 2005*.

Note:

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

## BACKGROUND

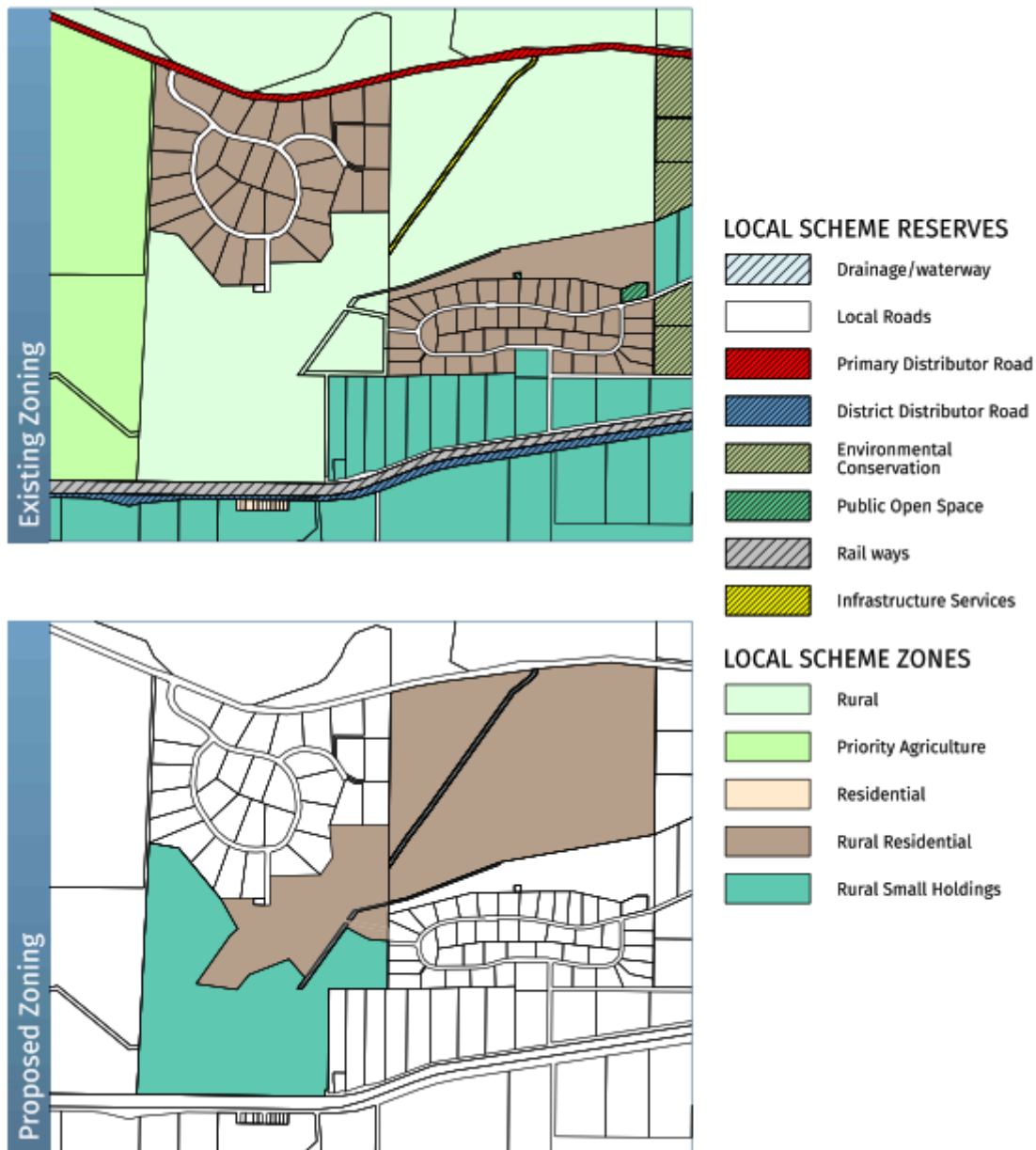
4. In early 2021, the owners of the subject land submitted an initial request to the City seeking consideration for inclusion of a proposed change to the zoning of the subject land to support rural living development, as part of the preparation of LPS2.
5. In response to the request, the City, in consultation with Department of Planning, Lands and Heritage, held discussions during 2021 and 2022 with the proponents, to identify potential assessment pathways for the City and DPLH for consideration of the proposal and identify minimum technical documentation requirements.
6. Based on the proposal not aligning with the Planning Strategy and potential constraints of the land informing the outcomes of future subdivision and development aspirations of the site, it was concluded from the discussions that a separate complex scheme amendment was the most appropriate pathway to consider such a proposal.
7. Council had also resolved at its meeting in August 2021 to a moratorium on further amendments to superseded Local Planning Scheme No. 1, as the City progressed LPS2. The owners were therefore advised that a future scheme amendment would be accepted for consideration following gazettal of LPS2.
8. Following this, the proponents commenced preparation of the scheme amendment documentation, including the required technical reports and continuing preliminary engagement with the City, DPLH and other relevant state agencies.

## DISCUSSION

9. The application for a complex scheme amendment to rezone the subject land was formally lodged with the City in August 2024.
10. The proposal in its current form is a result of ongoing discussion between the proponents and the City to ensure that the amendment proposal to change the zoning adequately demonstrates that the land is capable of the desired development in accordance with the objectives of the new zones and can be implemented to appropriately respond to the context and constraints of the site.

### Scheme Amendment Proposal

11. The amendment proposal involves the rezoning of land from 'Rural' to 'Rural Residential' and 'Rural Smallholdings' zones and changing the classification of 'Infrastructure services' reserve to 'Drainage/waterway'. Refer figure below illustrating the transfer of zone and reserve classification for the subject lots.



12. The amendment document includes technical reports to provide analysis on opportunities and constraints, water management, site and soil capability, bushfire management and traffic impact. The following provides a summary of the technical reporting and strategic implications associated with the rural living growth.

Opportunities and Constraints Plan

13. An Opportunities and Constraints Plan has been submitted to identify an indicative lot and road layout, taking into consideration bushfire risk, seasonal inundation, waterways and noise associated with major roads and rail.
14. The Opportunities and Constraints Plan has included development exclusion areas (vegetated areas) and development setback areas to waterways (100m), road (100m setback) and rail (150m).
15. Some of the proposed roads are crossing waterways and go through seasonal inundation areas. Potential flood data (1:100year ARI) has not been provided.

Local Water Management Strategy

16. A Local Water Management Strategy has been submitted to make recommendations for water management, including:
  - (a) Development of roadside swales and culverts to convey stormwater to the 'Five Mile Creek'.
  - (b) Drainage treatment via bio-retention storage basins. Its proposed that bio-retention storages are contained within easements, with adequate access for maintenance by the City.
  - (c) Buildings and roads are to have a min 0.3m clearance above water levels associated with nearby water ways and waterbodies.
  - (d) Subsoil drains are proposed where road finish levels are less than 2 metres above the peak annual water-table.
  - (e) Buildings being setback 100m from the 'Five Mile Creek'.
  - (f) The City monitoring groundwater and maintaining drainage structures accordingly, including removal of debris to prevent blockages, maintenance of vegetation in bio-retention swales, and cleaning of sediment build up and litter layer on the bottom of storages.
17. The topography of the site and adjoining lots is undulating, with areas consisting of steep slopes located predominantly in the northwestern and northeastern areas.
18. Waterways transect the site, with some sections of the waterways in the north of the site formalised as dedicated drainage infrastructure.
19. The subject site also forms part of a broader surface water catchment area, primarily directing water flows to low lying areas in the south and west of the site towards Lake Powell.
20. Areas at risk of flooding are dictated by topography (i.e. the surface of the land) and rainfall events that occur in the catchment, with surface flows following least resistant path towards lowest lying areas in the landscape.
21. Within the broader context to the site, existing low lying areas at the downstream end of the catchment are subject to water logging and potentially flooding.
22. It's noted that the Local Water Management Strategy does not currently include an assessment to identify areas that may be susceptible to flooding (e.g. 1:100year ARI).

23. This outstanding information will likely be required to be provided during the process, as without a flood study, it is difficult to determine if a property or proposed development area is at risk of flooding and that adequately mitigations and development standards are imposed through the local planning scheme (such as creation of a special control area with minimum finished floor levels for habitable development and vehicle access) to ensure appropriate subdivision and development is implemented across the site.
24. The lack of information regarding flood risk will likely be raised by State agencies during the consultation process.

#### Site Soil Evaluation

25. A Site Soil Evaluation has been submitted to make recommendations for onsite wastewater disposal systems, including:
  - (a) A 100m setback to effluent disposal systems shall apply from 'Five Mile Creek' and 30m to any less significant/seasonally connected waterbodies/waterways.
  - (b) The peak annual water-table was encountered <1.5m at several locations across the subject site. In areas where separation to the peak annual water-table is <0.5m it is recommended that building envelopes (including LAA) are filled with imported fill prior to subdivision approval to achieve a minimum of 0.5m separation to groundwater.
  - (c) It is recommended that onsite effluent disposal be avoided within areas classified as sand over gravel over rock.

#### Bushfire Management Plan

26. A Bushfire Management Plan has been submitted to make recommendations for bushfire management, including:
  - (a) New public roads and emergency access ways constructed linking the adjacent development areas and the existing road network from Lower Denmark in the south, to South Coast Highway in the north.
  - (b) Establishing and maintaining low fuel areas throughout and water storage areas for firefighting purposes.

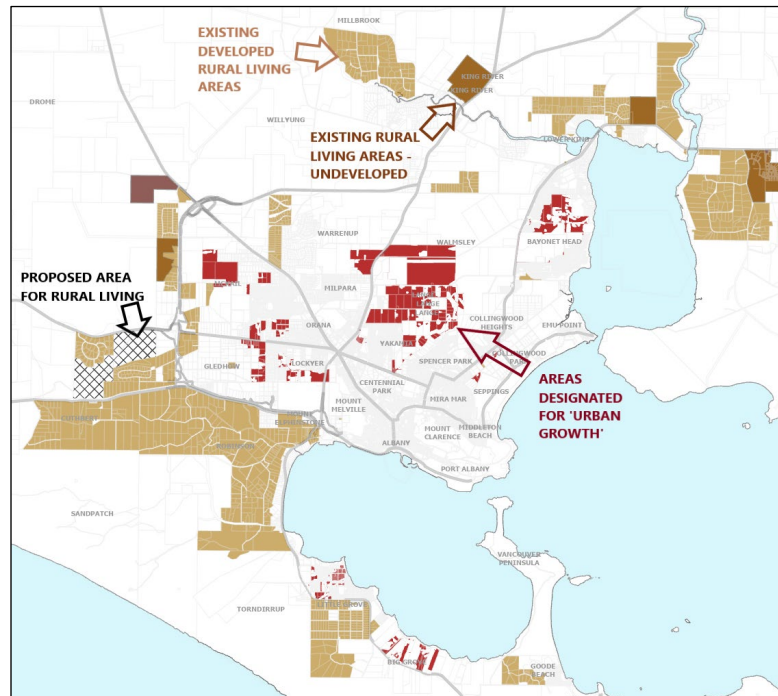
#### Traffic Study

27. A Traffic Study has been submitted to make recommendations for traffic management, including:
  - (a) The existing intersection at Laithwood Circuit will serve as access to the western portion of the subject site (Lot 9001) and emergency access to existing developed areas.
  - (b) Two new intersections are proposed to be built on South Coast Highway for access to the rural residential housing proposed on Lots 124 and 125.
  - (c) Tapers and short lanes are required at intersections on major roads to allow safe turning and through traffic to bypass.

#### Rural Living

28. As mentioned previously, strategic direction set out under the Planning Strategy is to not support further rural living areas beyond the existing supply of land zoned and planned for 'Urban Growth' and 'Rural Living'.
29. The Planning Strategy promotes urban consolidation by making better use of existing developed and designated areas, where infrastructure and servicing is easily accessible.

30. The following figure illustrates strategically designated 'Urban Growth' areas and including designated developed rural living areas and designated undeveloped rural living areas. Approximately 400ha of land designated for rural living is undeveloped.



31. It is acknowledged that rural living areas provide options for lifestyle choice that create large residential lots, consisting of development implemented within an assigned building envelope and surrounding space available on the site for rural or lifestyle pursuits.
32. On balance, it should also be recognised however that there are also potential concerns and negative impacts to be considered for proposed new rural living areas.
33. These form the basis of the strategic direction of the Planning Strategy in relation to discouraging implementation of new rural living areas and promoting consolidation and infill development within land designated for rural living and include:
- Inefficient use of land and higher costs of servicing rural living areas, including waste collection, management of roads, road verges and drainage systems (floodway's, drain alignments, bioretention basins and hydraulic and groundwater monitoring).
  - Appropriateness of the future land use, specifically in relation to fragmentation and loss of available land for agricultural production to residential purposes.
  - Potential land use conflicts arising between new rural living areas and adjoining agricultural enterprises.
  - Amenity and environmental considerations such as natural resource management issues (specifically where waterways and potential detrimental changes to the character of the rural landscape).
34. Notwithstanding the proposal not being in alignment with the Planning Strategy, in this instance it is also recognised that the proposed scheme amendment would facilitate completing the existing pattern of rural living development implemented in this area and resolve various outstanding matters such as bushfire emergency access, formalisation of a connected waterway alignment and natural resource management arrangements.

35. The proposal potentially may also resolve aspects of the ongoing land use conflict created between the subject site and existing 'Albany Green' estate.

## GOVERNMENT & PUBLIC CONSULTATION

36. Should the Council and the Commission resolve to advertise the scheme amendment, advertising to landholders and government agencies is undertaken for a min period of 60 days.

## STATUTORY IMPLICATIONS

37. The key elements of the statutory environment in relation to the proposed Scheme Amendments are set out in the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations). The proposed scheme amendment has been prepared having regard to the Act, the Regulations and Model Scheme Text and Deemed Provisions contained therein.
38. The Planning Regulations identifies three different levels of amendments – basic, standard and complex - AMD2 is a 'complex' amendment for the following reason:
- (a) The amendment is not consistent with the Albany Local Planning Strategy 2019.
39. The local government may resolve to proceed to modify the proposed amendment and to seek the approval of the Western Australian Planning Commission (WAPC) to advertise the modified proposed amendment under section 83A of the Act; or the local government may resolve not to proceed with the proposed amendment; and provide a copy of the resolution to the WAPC.
40. If the Minister under section 83A(2)(b) of the Act requires the local government to modify a proposed standard amendment submitted for approval to advertise, the local government must:
- modify the proposed amendment as required; and
  - resubmit the modified proposed amendment to the Minister in accordance with section 83A of the Act.
41. As soon as reasonably practicable after the Minister under section 83A(2)(a) of the Act approves a proposed standard amendment to a local planning scheme for advertising, the local government must prepare a notice in a form approved by the WAPC advertise the proposed standard amendment to a local planning scheme.

## POLICY IMPLICATIONS

42. The proposal to transfer agriculture land into housing does not align with the State Planning Policy – Land Use Planning in Rural Areas (SPP2.5), which seeks to protect and preserve rural land assets for rural purposes including primary production; basic raw materials; regional facilities; and protection of biodiversity and landscape.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Operational:</b> Council does not support the adoption of the amendment.	Possible	Minor	Low	The City's Local Planning Strategy is up for review. Consideration can be given for rural living during adoption of a new strategy.
<b>Opportunity:</b> Facilitate coherent regulatory outcomes.				

## **FINANCIAL IMPLICATIONS**

44. There are no financial implications relating to advertising of the proposed scheme amendment.

## **LEGAL IMPLICATIONS**

45. There are no legal implications relating to advertising of the proposed scheme amendment.

## **ENVIRONMENTAL CONSIDERATIONS**

46. The land is subject to bushfire and water hazards.
47. A Bushfire Management Plan has identified the areas subject to moderate to extreme bushfire threat.
48. A Site and Soil Evaluation assessment highlights areas constrained due to groundwater recorded within 0.5m of the ground level. The Site and Soil Evaluation assessment has recommended the use of land fill to achieve separation between any future effluent disposal systems and the high groundwater areas.
49. A Local Water Management Strategy has highlighted areas constrained due to inundation, waterways and steep slopes. Management criteria is recommended, including drainage alignment, land fill and bioretention basins. The Local Water Management Strategy has not identified areas that may be at risk from flooding events.

## **ALTERNATE OPTIONS**

50. Council may decide not to support the initiation of the amendment or to support initiating the amendment for advertising subject to submission of additional information (such as flood study) and/or other modifications, prior to forwarding the proposal to the WAPC seeking approval to advertise.

## **CONCLUSION**

51. The Scheme Amendment No.2 seeks to rezone land from 'Rural' to 'Rural Residential', 'Rural Smallholdings' and 'Drainage/waterway' reserve. The purpose of the rezoning is to allow for the subdivision of the land for housing development.
52. The proposal does not align with the Planning Strategy however the Planning Regulations allows for consideration in accordance with a 'complex' scheme amendment process.
53. Although the site is subject to various constraints, with outstanding matters requiring submission of further information for consideration, Council is requested to initiate the proposed amendment for referral to the Environmental Protection Authority and for advertising, to provide an opportunity to make an informed decision following receipt of submissions during public consultation and agency comments.

<b>Consulted References</b>	<ul style="list-style-type: none"><li>• <i>Local Planning Scheme No. 2</i></li><li>• <i>Planning and Development Act 2005</i></li><li>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li><li>• <i>State Planning Policy 2.5 – Land Use Planning in Rural Areas</i></li><li>• <i>State Planning Policy 3: Urban Growth and Settlement</i></li></ul>
<b>File Number</b>	Synergy File Number – AMD002
<b>Previous Reference</b>	OCM 28/03/2023 DIS333 - Adoption of LPS2 Statutory Planning Commission Agenda – TPS/0145



**DIS437: NORTH MCKAIL LOCAL STRUCTURE PLAN-VERSION 2**

<b>Land Description</b>	: Lot 526 Gladville Road, Lot 507 Lancaster Road, Lot 300 Timewell Road and Lot 1 to Lot 10 Lancaster Road and Lots 12 and 13 Lancaster Road.
<b>Proponent / Owner</b>	: Proponent – Dynamic Planning and Developments Owners Lot 526 Gladville Road and Lot 507 Lancaster Road – VEGATE PTY LTD Lot 300 Timewell Road – LANCASTER PARK PTY LTD Lot 1 Lancaster Road – T Archer Lot 2 Lancaster Road – A Daubney Lot 3 Lancaster Road – S & J Tomasini Lot 4 Lancaster Road – F & S Shelton Lot 5 Lancaster Road – M & F Klau Lot 6 Lancaster Road – H & M Thobaven Lot 7 Lancaster Road – P & F Dall Lot 8 Lancaster Road – N Mooney Lot 9 Lancaster Road – M Miller Lot 10 Lancaster Road – J & G Fagg Lot 12 Lancaster Road – D & C McWhirter Lot 13 Lancaster Road – T Stone
<b>Business Entity Name/s</b>	: Lot 526 Gladville Road and Lot 507 Lancaster Road – VEGATE PTY LTD Key Directors being Nunziato Vinciullo and Peter Zeferino Capararo Lot 300 Timewell Road – LANCASTER PARK PTY LTD Directors being Peter Zeferino Capararo and Rio James Capararo
<b>Attachments</b>	: <ol style="list-style-type: none"><li>1. Local Structure Plan Report</li><li>2. Local Structure Plan Map</li><li>3. Bushfire Management Plan</li><li>4. Acoustic Report</li><li>5. Transport Impact Assessment</li><li>6. Local Water Management Strategy</li><li>7. Engineering and Servicing Report</li><li>8. Schedule of Submissions</li><li>9. Schedule of Key Themes</li><li>10. Schedule of Modifications</li></ol>
<b>Supplementary Information &amp; Councillor Workstation</b>	: <ol style="list-style-type: none"><li>1. Schedule of Submissions – Applicant Response</li><li>2. Survey Report</li></ol>
<b>Report Prepared By</b>	: Senior Strategic Planning Officer
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development and Environment

## STRATEGIC IMPLICATIONS

1. In making its decision, Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (ALPS) and *Strategic Community Plan – Albany 2032*.
2. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Place
  - **Outcomes:**
    - Responsible growth, development and urban renewal.
    - Interesting, vibrant and welcoming places.
  - **Pillar:** Prosperity
  - **Outcomes:**
    - A strong, diverse and resilient economy with work opportunities for everyone; and
    - A highly sought-after tourist destination.

### In Brief:

- A Local Structure Plan (LSP) was endorsed in 2015 for land in North McKail. A new proposed LSP has been submitted to replace the existing 2015 LSP.
- A LSP is a plan for the coordination of future subdivision and zoning of an area of land. The new LSP is proposing the following variations to the existing:
  - Lower density format
  - Modified road layout to allow for east/west lot orientation (better solar access)
  - Consolidation of Public Open Space into larger areas
  - Larger lots in areas of steep topography
  - Variation to proposed school location
  - Deletion of commercial activities
- The new proposed structure plan was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations). Agency and public submissions were received during the comment period.
- Matters raised in the submissions received have been considered, with modifications to the draft structure plan recommended to address these.
- Officers recommend that Council resolve to consider all submissions received and support approval of the LSP on the condition that the Western Australian Planning Commission (WAPC) seek further information and implement modifications to address the matters outlined in the 'Schedule of Modifications'.

**RECOMMENDATION**

**DIS437 ADDENDUM**

Following the Development and Infrastructure Committee Meeting held on 07 April 2025, an updated table to quantify the changes made on the plan (now inserted into point 26 as Figure 3) was requested from the applicant. Confirmation of this change has been received by the City and the changes now form part of a modified paragraph 26 of this report. This does not change the Committee Recommendation.

**DIS437: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

1. **RESOLVE** pursuant to Schedule 2, clauses 19 and 20 of *the Planning and Development (Local Planning Schemes) Regulations 2015* to consider all submissions made to the local government and forward the draft LSP to the Western Australian Planning Commission, with a recommendation to conditionally support approval subject to further information and modifications, specifically addressing:
  - (a) Updated Local Water Management Strategy to address DWER comments.
  - (b) Updated Environmental Noise Assessment to address DWER (Noise Branch) comments.
  - (c) An assessment of the development's traffic impacts from and on surrounding transport networks, including a review in the context of the future intent of District Structure Planning to identify necessary road hierarchy and adjoining network upgrades.
  - (d) A contribution plan to account for required upgrades to existing infrastructure.
  - (e) Bushfire Management Plan be updated to align with the recent version of the Planning for Bushfire Guidelines
  - (f) Proposed staging of subdivision and development
  - (g) Additional recommendations outlined in the 'Schedule of Modifications'
2. **NOTIFY** the proponent, landowners and submitters of its decision.

**DIS437: COMMITTEE RECOMMENDATION**

MOVED: MAYOR STOCKS  
SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 5-2

**Record of the Vote:**

Against the Motion: Councillor Baesjou, Councillor MacLaren

DIS437: AUTHORISING OFFICER RECOMMENDATION

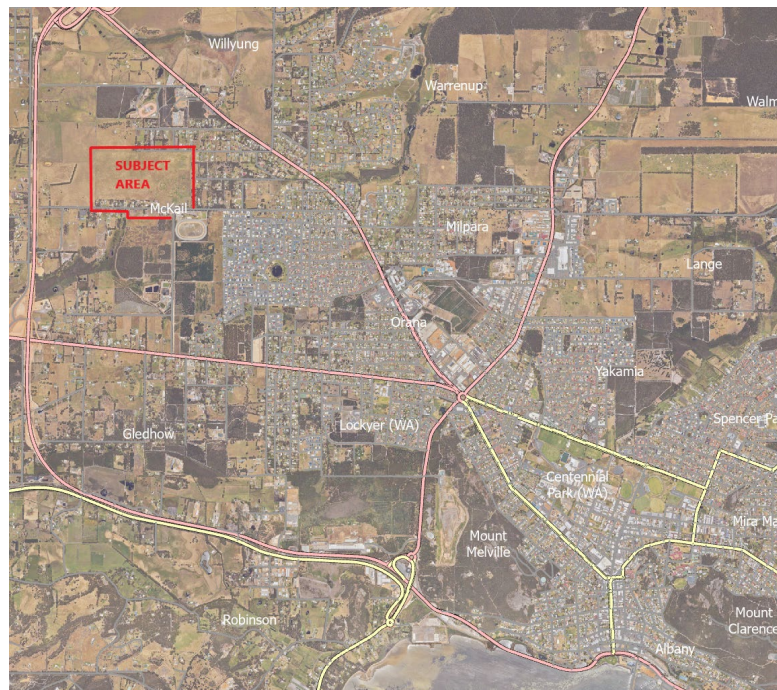
THAT Council:

1. RESOLVE pursuant to Schedule 2, clauses 19 and 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to consider all submissions made to the local government and forward the draft LSP to the Western Australian Planning Commission, with a recommendation to conditionally support approval subject to further information and modifications, specifically addressing:
  - (a) Updated Local Water Management Strategy to address DWER comments.
  - (b) Updated Environmental Noise Assessment to address DWER (Noise Branch) comments.
  - (c) An assessment of the development's traffic impacts from and on surrounding transport networks, including a review in the context of the future intent of District Structure Planning to identify necessary road hierarchy and adjoining network upgrades.
  - (d) A contribution plan to account for required upgrades to existing infrastructure.
  - (e) Bushfire Management Plan be updated to align with the recent version of the Planning for Bushfire Guidelines
  - (f) Proposed staging of subdivision and development
  - (g) Additional recommendations outlined in the 'Schedule of Modifications'
2. NOTIFY the proponent, landowners and submitters of its decision.

**BACKGROUND**

3. The subject site is located in McKail, approximately 6km north-west of Albany city centre (refer Figure 1).

**Figure 1: Site context**



Site details:

<b>Total Area:</b>	68.1613ha
<b>Current Land Use</b>	Majority vacant/farmland
<b>Zone</b>	Urban Development

4. The structure plan area amounts to approximately 68ha. The majority of the area (two larger lots) is used for animal grazing. Twelve smaller lots have been developed for housing. The structure plan area is zoned 'Urban Development', the purpose of which is to provide for a range of residential densities to encourage a variety of housing types.
5. There is an existing endorsed structure plan pertaining to the subject land, which is recommending subdivision at the R20 (average lot size 450m<sup>2</sup>) and R30 (average lot size 300m<sup>2</sup>) densities.
6. The proposed new structure plan initially sought to replace the existing plan by recommending a lower development density (reducing from 20 to 15 dwellings per hectare), a modified road layout, consolidated public open space, a new primary school location, and the removal of commercial activity.
7. The proposed new structure plan was advertised from the 28 November 2024 to the 17 January 2025. Public consultation involved letter mail out to adjoining landowners and occupiers, advertisement in the newspaper and the draft structure plan and supporting documentation made available to view on the City's website. The draft structure plan was also referred to relevant state agencies and internal City of Albany departments for comment.
8. Public and agency submissions were received during the advertising period, primarily submitted through the online submission form that was made available on the City's consultation page.
9. Submissions raised concern on a number of matters, including:
  - (a) The need for additional information around traffic impacts, water management and noise management associated with the speedway.
  - (b) The need for a district level assessment to determine the location and design for road linkages, commercial activity, water management, schools and public open space.
  - (c) The need to increase the density to R20 for the majority of the land.
  - (d) The need for better road connectivity and permeability and contribution planning for road and intersection treatment upgrades.
  - (e) Design associated with the proposed school site.
  - (f) Design to support Water Corporation expectations.
10. Further detailed discussion on the matters raised during public consultation is outlined below.

## **DISCUSSION**

### Proposal

11. The proposed new structure plan outlines the land use zones and key elements proposed for the subject site, including:
  - A variety of lot sizes
  - Areas of Public Open Space
  - A primary school site
  - Road layout



14. As required under the Planning Regulations, the City has prepared a Schedule of Submissions, a Schedule of Key Themes and a Schedule of Modifications (refer attachments). The Schedule of Submissions provides a response to comments received, the Schedule of Key Themes summarises the submissions received, with the Schedule of Modifications identifies recommended modifications by the local government based on its assessment of the proposal against local and state planning frameworks, and submissions.
15. Subsequent to advertising the LSP, the proponent has agreed to make some compromises by increasing lot density in certain areas and adjusting the transport network (refer attachment Updated LSP Map). However, they have advised that they will not make any further changes or provide the additional information requested. To ensure the City of Albany meets its statutory timeframes, this item is presented as submitted with a recommendation that the WAPC seek further information and implement appropriate amendments.
16. The matters raised during advertising and recommended modifications to the draft structure plan to address these matters are discussed below.

Additional information requirements

17. Agencies outlined shortcomings in some of the submitted technical reports. In particular for the traffic assessment, local water management assessment and noise acoustic assessment.
18. MRWA commented that development of the structure plan area is expected to adversely impact surrounding transport networks, in-particular Lancaster Road and Gladville Road and the intersections of Lancaster Road and Gladville Road with Albany Highway. Main Roads recommended further assessment of the Traffic Impacts of the development on the surrounding transport networks, to identify upgrade requirements.
19. The Department of Water and Environmental Regulation (Noise Branch) recommended directly measuring the noise received from the speedway, rather than rely on modelling alone. Detailed noise studies would better quantify the levels and characteristic(s) of the noise received. The results of these studies could inform further LSP design changes and identify noise mitigation requirements, both with the aim to reduce noise impacts on the new residents.
20. The Department of Water and Environmental Regulation (South Coast Branch) recommended including additional information within the Local Water Management Strategy on inflows and outflows; flood storage volumes in proposed detention basins; potential impact to downstream properties from flooding and inundation; overland flow paths layouts and dimensions (including flood levels, flow depths, and velocities during major rainfall events); minimum road levels and minimum habitable floor levels of properties in relation to the 1% AEP flood levels; and longitudinal and cross-sections of the living stream and POS showing relevant details.
21. As per the Schedule of Modifications, the City has recommended that additional information is provided to address submissions and in order to make an informed decision on the structure plan.

District Level Assessment

22. The LSP area is located within a larger area which is under consideration for district level structure planning. Consideration at a district level would ensure appropriate layout and design of roads (road linkage and hierarchy), siting and function of education facilities, public open space (regional and local) and commercial activities, suitable to cater for expected population growth. Until such time that the district level assessment is undertaken, local structure planning for the subject land may be premature.



23. The City will, subject to State Government funding, initiate a process to undertake a district-level structure plan for the North McKail area, which would encompass this LSP area. Unfortunately, the Local Structure Plan that is the subject of this item precedes this broader planning effort.

### Density

24. The current structure plan, endorsed in 2015, proposes an urban density starting from R20. The new structure plan, originally advertised as a replacement for the existing plan, proposed a lower density (R15 for the majority) along with an area of split coding (R10/20). However, this proposal is not supported by the City's Local Planning Strategy 2019.
25. The City's Local Planning Strategy advocates for medium density options (R25 upwards) within structure plan areas to improve housing affordability with an increase in housing supply and smaller dwelling size options. An opportunity exists to develop more 1 and 2 bedroom dwellings (medium density development) to support a high percent of aged persons and a low average number of persons per household (average persons per household 2.38).
26. In response to submissions, and in line with its strategy, the City has recommended revising the R15 and R10/20 density. The applicant has proposed a modification, with the majority of lots now designated as R20. This better aligns with the City's Local Planning Strategy for urban areas and enhances the sustainable use of urban-designated land by maximising development potential. This has resulted in an increased number of lots as per the table below.

**Figure 3: Modified Structure Plan Map**



**Lot yield table of modified proposal**

Density	Area	Yield
<b>R2.5</b>	4.24ha	10 lots
<b>R5</b>	2.76ha	13 lots
<b>R10</b>	8.21ha	82 lots
<b>R20</b>	23.33ha	518 lots
<b>R25</b>	3.3857ha	96 lots
<b>Total Approx. Yield</b>		<b>719 lots</b>



27. The R20 zoning is more consistent with the density of adjoining residential development in the McKail area, although R25 remains preferred as a contemporary density for new integrated urban development.

Traffic Management

28. Structure planning should establish a network of interconnected streets that are functional, attractive, safe, and pedestrian-friendly, ensuring accessibility within and between neighbourhoods and activity centres. Streets play a vital role in creating sustainable communities where people live, work, and play.
29. Main Roads WA and public submissions have requested additional information to assess access integration with external areas and potential contributions for upgrading roads and intersections to accommodate increased vehicle movement.
30. The Traffic Impact Assessment does not consider the future potential of the adjoining land, which is currently zoned rural and does not generate traffic. As this land will be included in the district-level planning, the proposed roads within the LSP area may not be appropriately classified within the road hierarchy.
31. Concerns raised by the City and submissions regarding the road network and connectivity, including the need for neighbourhood connectors or integrator roads, have been addressed through proposed modifications to the structure plan.
32. The applicants have now proposed a north-south connector road from the intersection of Lancaster and Timewell Road to Gladville Road, along with internal east-west connectors to link the area to the west.
33. Arrangements for contributions and upgrades to existing roads remain unresolved. In the City's view, Gladville Road and Lancaster Road require upgrades to urban standards, with Lancaster Road needing improvements approximately 180m to the east and Gladville Road requiring an extension.
34. Additionally, intersection treatments, at Albany Highway and Timewell Road, such as a roundabout should be considered.
35. The previously approved 2015 Outline Development Plan included a Road Upgrading Program for adjoining roads, acknowledging that "the local road system and given current road construction standards are insufficient for these additional loads, a road upgrading program will provide contributions for upgrading to be made via the development of the ODP area."
36. This contrasts with the assertion in the current Transport Impact Assessment, which states, "There will not be any upgrades or modifications needed to existing intersections to cater for the increased traffic flows from the LSP Amendment.
37. Current road cross sections can be retained as they should cater for expected traffic flows."
38. Therefore, as outlined in the Schedule of Modifications, the City recommends that additional information be provided to the WAPC. This will ensure that traffic impacts are thoroughly assessed, necessary upgrades are identified, and required contributions are determined at this stage of the process

School Site

39. The Department of Education (DoE) commented that the future school is to remain unencumbered (e.g. from water and electrical infrastructure) and suitable road treatments are incorporated into the design.
40. As per the Schedule of Modifications, the City has recommended that the structure plan is modified to address the DoE comments.

Noise Assessment

41. The Department of Water and Environmental Regulation (DWER - Noise Branch) identified the need for detailed noise studies, to better quantify the levels and characteristic(s) of the noise received from the speedway.
42. As per the Schedule of Modifications, the city has recommended that additional information is provided to address the DWER comments.

Stormwater Drainage

43. The DWER (South Coast Branch) identified the need for additional detail and some modifications to the Local Water Management Strategy (LWMS), to present relevant information in the LWMS.
44. As per the Schedule of Modifications, the city has recommended that additional information is provided to address the DWER comments.

**GOVERNMENT & PUBLIC CONSULTATION**

45. The North McKail LSP was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
46. Submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors in an attached Schedule of Submissions.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Statutory Consultation.	Mail out to agencies and adjoining landowners / occupiers and advertised in newspaper and on website.	28 November 2024 – 17 January 2025	30 Submissions	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Part 4, cl.18.</i>

**STATUTORY IMPLICATIONS**

47. Voting requirement for this item is **Simple Majority**.
48. Local Structure Plans are prepared in accordance with the requirements set out under Schedule 2, Part 4 of the Planning Regulations, including obtaining initial approval from the WAPC, local government advertising and referral requirements, consideration of submissions received, and referral to WAPC by local government for final approval with or without modification.
49. The WAPC is the responsible authority to approve LSPs in accordance with the Planning Regulations. In accordance with the state and local planning framework, approved LSPs are given same statutory weight as the local planning scheme, with normalisation of the zoning and development requirements of an approved Plan normalised into the local planning scheme via a future amendment.

**POLICY IMPLICATIONS**

50. The following applicable policies have been considered for the assessment of the structure plan:
  - a) State Planning Policy 3.0 – Urban Growth and Settlement
  - b) State Planning Policy 3.6 – Infrastructure Contributions
  - c) State Planning Policy 7.0 – Design of the Built Environment
  - d) State Planning Policy 3.7 Planning in Bushfire Prone Areas

## RISK IDENTIFICATION & MITIGATION

51. 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> The proposal may not be accepted by the Western Australian Planning.	Possible	Minor	Low	If the Structure Plan is not supported by the WAPC the City may be required to make modifications.
<b>Reputation:</b> The proposal may not align with orderly and proper planning principles, as it is being developed ahead of the proposed District Structure Plan, of which it forms a component.	Possible	Minor	Low	Require additional information as per the Schedule of Modifications
<b>Financial :</b> Contributions are not provided for adjoining infrastructure upgrades that are directly required because of the proposed development.	Possible	Severe	High	Require additional information as per the Schedule of Modifications including infrastructure upgrades and contribution planning
<b>Opportunity:</b> Increase opportunity for housing, servicing, development and employment.				

## FINANCIAL IMPLICATIONS

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

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

54. The subject land is not contaminated and is cleared of remnant vegetation.
55. The structure plan identifies areas for public open space to act as future nature conservation and biodiversity areas, in addition to manage flooding, whilst incorporating 'green' landscape design outcomes.

## ALTERNATE OPTIONS

56. Council may consider the following additional alternate options:
- Defer making a formal recommendation and then request an extension of time from the WAPC to allow additional information to be submitted by the proponent for consideration (noting the proponent has elected to not progress this to date); or
  - Recommend, with justification, that the WAPC not approve the proposed structure plan; or
  - Recommend that the WAPC approve the proposed structure plan without modification; or
  - Recommend that the WAPC approve the proposed structure plan subject to additional modifications not already captured in the 'Schedule of Modifications'.

## CONCLUSION

57. To meet statutory timeframes, it is recommended that Council support approval of the LSP, with a recommendation that the WAPC seek further information and implement modifications to address the matters outlined in the 'Schedule of Modifications'.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No.1</i></li> <li>2. <i>State Planning Policy 2.6 – Coastal Planning</i></li> <li>3. <i>State Planning Policy 3.0 – Urban Growth and Settlement</i></li> <li>4. <i>State Planning Policy 3.6 – Infrastructure Contributions</i></li> <li>5. <i>State Planning Policy 7.0 – Design of the Built Environment</i></li> <li>6. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i></li> </ol>
<b>File Number</b>	:	LSP25
<b>Previous Reference</b>	:	Nil

**DIS438: PLANNING AND BUILDING REPORTS MARCH 2025**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports March 2025  
**Report Prepared By** : Senior Information Officer – Development Services  
**Authorising Officer:** : Manager Development Services

**RECOMMENDATION**

**DIS438: AUTHORISING OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Planning and Building Reports for March 2025 be RECEIVED.**

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