



AGENDA

Ordinary Meeting of Council

Tuesday 13 December 2016

6.00pm

City of Albany Council Chambers

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

VISION

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

VALUES

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

Focused: on community outcomes

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

United: by working and learning together

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

Accountable: for our actions

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

Proud: of our people and our community

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

NOTICE OF AN ORDINARY COUNCIL MEETING

Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 13 December 2016 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.



Andrew Sharpe
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING
AGENDA 13/12/2016

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward

R Hammond

Breaksea Ward

P Terry

Frederickstown Ward

G Stocks

Frederickstown Ward

C Dowling

Kalgan Ward

J Price

Kalgan Ward

B Hollingworth

Vancouver Ward

J Shanahun

Vancouver Ward

N Mulcahy

West Ward

A Goode JP

West Ward

S Smith

Yakamia Ward

A Moir

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate Services

M Cole

Acting Executive Director Development
Services

P Camins

Executive Director Commercial Services

C Woods

Executive Director Works and
Services

M Thomson

Executive Manager Community Services

A Cousins

Meeting Secretary

J Williamson

Apologies:

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Terry	ED042	Impartiality. The nature of the interest being that Councillor Terry is a member of the Albany Mountain Bike Club.

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

DRAFT MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY

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

DRAFT MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Special Council Meeting held on 29 November 2016, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

ED042: REGIONAL EVENTS SPONSORSHIP - 2017

Proponent : City of Albany
Report Prepared By : Events Team Leader (A Leahy)
Responsible Officer(s) : Executive Manager Community Services (A Cousins)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This strategy directly relates to the following elements from the Community Strategic Plan – Albany 2023 and the Corporate Business Plan 2014-2018.
 - a. **Key Theme:** 1. Smart Prosperous and Growing.
 - b. **Strategic Objectives:**
 - 1.2 To strengthen our region's economic base.
 - 1.3 To develop and promote Albany as a unique and sought after destination.
 - c. **Strategies:**
 - 1.2.2. Economic Diversity
 - 1.3.1. Events Management
 - 1.3.2. Tourism Destination

In Brief:

- Review and endorse the proposed Regional Event Sponsorship Assessment Panel recommendations.

RECOMMENDATION

ED042: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

That Council ENDORSE the Regional Event Sponsorship Assessment Panel recommendations as outlined in Paragraph 16 – Table 1 of this report.

ED042: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: MAYOR WELLINGTON

That the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

ED042: RESPONSIBLE OFFICER RECOMMENDATION

That Council ENDORSE the Regional Event Sponsorship Assessment Panel recommendations as outlined in Paragraph 16 – Table 1 of this report.

BACKGROUND

2. The City of Albany's Regional Events Sponsorship program is designed to attract and support the staging of Regional Events that are Regional economic drivers for the Albany destination.
3. A Regional Special Event is defined as possessing the capability to attract significant numbers of visitors from outside the region and is more than just a local festival; it must possess substantial drawing power.
4. Council allocated \$65,000 in its 2016-2017 Budget for the Regional Events Sponsorship program.
5. Council also allocated \$10,000 in its 2016-2017 Budget for Taste Great Southern run by Denmark Tourism Inc. Denmark Tourism Inc. were invited to apply for funding through the Regional Events Sponsorship program.

DISCUSSION

Program Overview

6. The Regional Events Sponsorship Program 2016 objectives include:
 - a. Generate additional tourism income by 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).
7. The Regional Event Sponsorship program is a competitive funding application process. The sponsorship criteria and application processes follow a similar format to the State Government's Regional Events Scheme Program administered by Tourism Western Australia. Applicants are encouraged to also apply for Tourism Western Australia RES funding.
8. Events must be held between 1 January 2017 and 31 December 2017. Applications for Regional Events Sponsorship were open between August 2016 and October 2016.
9. Events that are funded by Council are required to enter into a Contractual Agreement with the City inclusive of post-event acquittals, project reports and milestone payments where relevant.

Assessment

10. Applicants for Regional Events Sponsorship were asked to discuss their proposals with relevant City Officers before applying. This assisted applicants to shape their proposed activities to the funding and event sponsorship criteria, and gave guidance to applicants who did not meet the eligibility criteria.
11. Applications were evaluated by City Officers using an event assessment tool developed to measure an event's potential impact across economic value, destination promotion, timing, strategic fit with City objectives, sustainability, growth, administrative capacity, social and community benefits.
12. The assessment tool scored each event across nine variables based on the written applications submitted with a total maximum score of 132 points. The assessment tool used inputs as supplied by each applicant via the written submissions. These inputs have been assumed correct for the purposes of assessment. Each applicant will be required to provide evidence post-event to substantiate the respective claims and this will influence future funding applications.
13. A Regional Events Sponsorship Assessment panel then reviewed all applications. The assessment panel comprised Mayor Wellington, Councillor Goode, Councillor Hollingworth and Councillor Shanhun.

14. A total of seven (7) applications for Regional Events Sponsorship were received for funding requests totalling \$122,000 with \$65,000 available for allocation. Noting that:
- An additional \$10,000 is allocated in the Budget for Taste Great Southern;
 - Cycling Eventures, organisers of the Amazing Albany Bike Race submitted a variation to their original 15/16 RES application which resulted in their funding being split over the 15/16 and 16/17 financial years. \$10,000 of the \$20,000 they were paid was refunded in the current financial year and will be carried forward and redistributed to them for the 16/17 Amazing Albany Bike Race. As a result, they have not applied for funding through the 16/17 sponsorship program.
15. The panel recommended supporting seven (7) of the seven (7) applications.

Panel Recommendations

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

Table 1 - Regional Events Sponsorship – Assessment Panel Recommendations

	Event	Event Type	Panel Comments	Amount Requested	Panel Recommendation
1.	Albany Mountain Bike Club: <i>Southern MTB</i>	<u>Extreme Sports Event: Mountain biking</u> Mountain bike event. Revision of Urban Down Hill.	Supported subject to provision of documents required through the events approval process - commencing six months prior to the event (inclusive of community engagement plan).	\$20,000	\$20,000
2.	Taste Great Southern	<u>Culture Event</u> Four week series of culinary events, highlighting local produce.	Supported subject to provision of documents required through the events approval process (inclusive of community engagement plan), and a program plan demonstrating vendors and suppliers secured for the event.	\$20,000	\$20,000
3.	Albany Speedway Club: <i>Australian Super Sedan Title</i>	<u>Motorsport Event</u> National speedway event.	Supported contingent on a sponsorship benefits package articulating City naming rights allocation.	\$20,000	\$10,000
4.	ArtsSouth WA: <i>Southern Art and Craft Trail</i>	<u>Arts/Culture Event</u> Art and Craft trail across Great Southern.	Supported contingent on a sponsorship benefits package articulating higher profile recognition than previous years.	\$12,000	\$8,000
5.	Adventurethon Australia: <i>Adventurethon Albany</i>	<u>Extreme Sports Event</u> Multisport Adventure Race.	Supported subject to provision of documents required through the events approval process - commencing six months prior to the event (inclusive of community engagement plan).	\$20,000	\$3,000
6.	Albany Kart Club <i>WA State Open Kart Championships</i>	<u>Motorsport Event</u> Statewide karting event.	Supported, and request naming rights in line with club's sponsorship package if available.	\$20,000	\$5,000
7.	Albany & Denmark Hinterland Orienteering Club: <i>Albany Trail Run</i>	<u>Community Sport Event</u> Trail running event.	Supported subject to provision of documents required through the events approval process - commencing six months prior to the event (inclusive of community engagement plan)	\$10,000	\$5,000
			Totals	\$122,000	\$71,000

17. The Albany Mountain Bike Club and Taste Great Southern have requested in-kind support over and above their cash sponsorship applications. All in-kind requests will be addressed within final Contract Agreements and subject to Council endorsed operational budgets.

GOVERNMENT & PUBLIC CONSULTATION

18. Not applicable.

STATUTORY IMPLICATIONS

19. Nil.

POLICY IMPLICATIONS

20. Approval of Regional Events Sponsorship funding recommendations is required by Council.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: Funding recommendations not endorsed may result in negative feedback from the community and/or applicants.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>A Rigorous application and assessment process has been applied to ensure Council has confidence in assessment panel funding recommendations.</i>
<i>Reputation: Negative feedback from applicants declined for funding</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Communicate the justification and reasoning to unsuccessful applicants.</i>

FINANCIAL IMPLICATIONS

22. Management and oversight of funding and event sponsorship is undertaken using existing staff resources within the Community Services Team, within existing allocated budgets.
23. Council has allocated \$65,000.00 for Regional Events Sponsorship in 2016/17.
24. Council has allocated \$10,000.00 for Taste Great Southern in 2016/2017.

LEGAL IMPLICATIONS

25. Nil.

ENVIRONMENTAL CONSIDERATIONS

26. Nil.

ALTERNATE OPTIONS

27. Council could make alternative recommendations for funding including substitute dollar amounts for recommended applicants.

SUMMARY CONCLUSION

28. The process for Regional Event Sponsorship Application Assessment is considered transparent and equitable.
29. It is recommended that the Responsible Officers recommendation be endorsed.

Consulted References	:	<ul style="list-style-type: none"> • Local Government Act 1995 • Council adopted budget 2016/2017 Resolution CSF255
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	OCM 24/11/2015 Resolution ED025

ED043: ALBANY HERITAGE PARK TRAILS CONCEPT PLAN ADOPTION

Proponent/Owner : City of Albany
Attachments : Draft Albany Heritage Park Trails Concept Plan
Albany Heritage Park Trails Concept Plan Community
Engagement report
Combined written public submissions
Online submission results
Report Prepared By: Travel Smart Officer (C Beck)
Responsible Officer: : Executive Director Commercial Services (C Woods)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. The rationalization, consolidation and construction of new trails in the Albany Heritage Park (AHP), was identified as the priority project in the City of Albany's Trail Hub Strategy adopted in 2015 after significant community consultation.

The project is linked to key strategic documents as follows:

Community Strategic Plan Albany 2023

- a. **Key Theme:** Smart, Prosperous & Growing
 - **Strategic Objective:** 1.3 To develop and promote Albany as a unique and sought after visitor destination.
 - **Strategic Initiative:** 1.3.1 Encourage, support and deliver significant events that promote our region
 - **Strategic Initiative:** 1.3.2 Promote the Albany region as a south after and iconic tourism destination.
- b. **Key Theme:** 4. A Sense of Community
 - **Strategic Objective:** 4.2 To create interesting places, spaces and events that reflect our community's identity, diversity and heritage
 - **Strategic Objective:** 4.3 To develop and support a healthy inclusive and accessible community.

City of Albany Economic Development Strategy

- a. **Strategic Objective 3:** To develop and promote Albany as a unique and sought after visitor destination.
 - **Tourism Infrastructure Strategy 3.2:** Complete the Trails and Cycle Strategies and commence the development of infrastructure to a level that the City becomes a nationally and internationally recognized Cycle City and Trails destination capable of hosting events and attracting visitors.
 - **Strategy Focus:** The City of Albany to develop effective Cycling and Trails Strategies

In Brief:

- To seek Council endorsement of the Albany Heritage Park Trails Concept Plan

RECOMMENDATION

**ED043: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

That Council ADOPT the Albany Heritage Park Trails Concept Plan subject to:

- 1. Acknowledging the community submissions and working closely with the respondents during the detailed design phase.**
- 2. Consideration of the recommendations of the Albany Natural Reserves Strategy during the detailed design phase for each trail.**
- 3. Consideration of the recommendations of the AHP Aboriginal Heritage Survey during the detailed design phase for each trail.**

ED043: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR TERRY
SECONDED: MAYOR WELLINGTON**

That the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

ED043: RESPONSIBLE OFFICER RECOMMENDATION

That Council ADOPT the Albany Heritage Park Trails Concept Plan subject to:

- 4. Acknowledging the community submissions and working closely with the respondents during the detailed design phase.**
- 5. Consideration of the recommendations of the Albany Natural Reserves Strategy during the detailed design phase for each trail.**
- 6. Consideration of the recommendations of the AHP Aboriginal Heritage Survey during the detailed design phase for each trail.**

BACKGROUND

2. In 2015, after approximately 2 years of significant community consultation, Council adopted the City of Albany Trails Hub Strategy 2015-2016 with the vision:
 - to allow Albany to become one of Australia's primary trails destinations; and
 - for Albany to become a World Class Trails Tourism Hub situated around high quality trail systems, supported by a complete package of hospitality and visitor services set within our unique natural landscape.
3. The strategy identified seven key projects for the City to work towards developing Albany as a Trails Tourism Hub.
4. The highest priority of these projects was determined to be the rationalization, consolidation and construction of new trails in the Albany Heritage Park (AHP), located at Mt Clarence and Mt Adelaide, based on the sites proximity to the City Centre, good opportunities for multiple user groups, and high deliverability (minimum constraints around land tenure, multiple land managers etc.).

5. Based on the above vision and priorities Consultants, Common Ground Trails, were commissioned in 2015 to develop a draft concept plan for the area that included:
 - Identify, where logical, separate trails for different user groups;
 - Purpose designed single track and single direction trails to guide users to their appropriate trail;
 - Alignments that are based on the ground conditions, not necessarily the current trail alignments;
 - Multiple access points to the trail system;
 - Trail connections focused on connecting the City Centre and Albany Harbour path;
 - Mountain bike trails (20-25km) circumnavigating Mt Adelaide and Mt Clarence ensuring they do not conflict with heritage areas and interpretive trails;
 - Walking based trails focused on Mt Clarence capitalizing on the unique landform and connection to the city; and
 - Interpretive walking trails around the National ANZAC Centre, Royal Princess Fortress and Lower Forts enhancing the heritage theme of the area.
6. To achieve the desired outcome the Consultants with support from the City have undertaken extensive community consultation with key Government Agencies (Dept. of Parks & Wildlife etc.), community interest groups and interested individuals. In addition, three community forums were held, an online survey to gain input in the initial stages received over 250 submissions and the most recent community comment period again received over 250 submissions.
7. The draft concept plan has now been completed and is presented to Council for consideration.

DISCUSSION

8. The rationalization, consolidation and construction of new trails in the Albany Heritage Park (AHP), was identified as the priority project in the City of Albany's Trail Hub Strategy adopted in 2015 after significant community consultation.
9. Adopting a Concept Plan for the development of recreational trails in the AHP is an important step in ensuring the development of a well-planned trails network that will provide for a wide range of different community members and visitors while ensuring the protection of the areas environmental and heritage values.
10. Trails tourism is one of the fastest growing tourism markets worldwide with emerging outdoor recreational activities such as Trail Running and Mountain Biking also experiencing rapid growth. (Both are rapidly growing in Albany).
11. Event tourism is another rapidly growing sector with Albany set to host a number of events such as Adventurethon & Sufferfest planned for early next year. The trails network proposed in the concept plan has been designed to be suitable as a venue for a wide range of future outdoor recreation events/activities.
12. After initial community input in July 2016 the consultant presented a draft plan that closely met the objective of 20-25km of Mountain Bike trails. However due to further consultation identifying the granite outcrops at the north west of the area as having significant Noongar Cultural values and an area on the north side of the AHP between Hay & Sussex St's being of higher importance as habitat for Western Ringtail Possums the two "blue" mountain bike loop trails in these areas were removed.

13. This has resulted in the final plan being presented not meeting the initial target (20-25km) for mountain bike only trails but providing a balanced plan that provides approximately 1.5 hours of walk only trail (5.8km), 1 hours riding on single use mountain bike trail (12.6km) and 20.4km of shared use trail.
14. Prior to any on ground construction of trails in the AHP, the City will need to undertake detailed planning of each trail including conducting a number of targeted environmental (flora & fauna) and cultural heritage (Noongar) surveys to secure appropriate approvals such as clearing permits.
15. The City is currently developing its Natural Reserves Strategy and many of the internal staff involved have contributed to both this document and the AHP Trails Concept Plan to ensure the two documents are well linked and complimentary. The current draft of the Natural Reserves Strategy (which is likely to be presented to Council in February) is supportive of a well-designed, constructed and maintained network of trails in the AHP.
16. Although numerous community members have raised concerns regarding new trails spreading Phytophthora Dieback, a survey by a qualified Dieback Interpreter has found that due to high levels of previous recreational use and management access during all weather conditions, the AHP is already highly infected with Dieback. Further, any small areas of un-infested native vegetation are categorised as 'unprotectable' due to the large number of uncontrollable spread via human use (walkers, vehicles and riders). This has been confirmed through verbal consultation with other Dieback experts and confirmed by DPaW in their submission, in which the Department recommends the area be used to educate visitors about this significant ecological threat and how it is spread.
17. Adopting the AHP Trails Concept Plan will allow the City to approach a range of funding bodies to secure funds for the implementation of the trails network.
18. Development of a well designed and constructed trails network in the AHP will assist in addressing some current issues such as visitor safety associated with different user groups using the same trails that are not designed or constructed to standards appropriate for shared use and the ongoing issue of illegal trail construction resulting from the trails not meeting the requirements of current users.
19. Once constructed the City will look to engage with interested groups such as the Albany Mountain Bike Club to implement trail maintenance strategies similar to those used by the Kalamunda Mountain Bike Collective to maintain the trails in that location to reduce ongoing maintenance costs and burden to the community.

GOVERNMENT & PUBLIC CONSULTATION

20. See attached Community Consultation Report.

STATUTORY IMPLICATIONS

21. Nil

POLICY IMPLICATIONS

22. The development of the AHP Trails Concept Plan is the highest priority project in the City of Albany Trails Hub Strategy adopted by Council in 2015.

RISK & OPPORUNITY DENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environment – small amounts of environmental impacts will occur during trail construction/maintenance	Almost certain	Minor	High	All appropriate environmental surveys to be undertaken during the detailed design stage to minimise disturbance to the most significant environmental values (DRF etc.) Trail alignments to avoid known or identified significant environmental values. Approvals from DER etc. to be secured. Trails no longer required to be rehabilitated.
Peoples Health and Safety – Failure to implement a well-designed trail network will lead to ongoing possibility of collision between Mountain Bike riders and walkers due to current trails not meeting appropriate standards	Possible	Major	High	Implement the well designed and constructed trails recommended in the concept plan to reduce the likelihood of collision.
Reputational Failure to implement the Trails Hub Strategy to address the current environmental impacts of the poorly designed, constructed and maintained trails network – regular complaints are currently received.	Almost certain	Minor	High	Implement the well designed and constructed trails recommended in the concept plan to provide a more sustainable trails network that reduces current environmental impacts.
Lost Opportunity Failure to implement projects to develop & upgrade trails will impact on the COA ability to attract and retain a range of outdoor activity events that utilise trails. Therefore failing to add to the diversity of recreation and tourism options available in Albany	Almost certain	Moderate	High	Continue to implement the upgrading and establishment of a trails network suitable to assist in attracting and retaining a range of events in Albany.

FINANCIAL IMPLICATIONS

24. There are no financial implications relating to adopting the AHP Trails Concept Plan. However, without adopting the AHP Trails Concept Plan, the City will be ineligible to seek funds for the rationalization, consolidation and construction of new trails in the Albany.

25. Future implementation of the plan will be subject to securing of external funds and allocation of funds in the City's future budgets.

26. Implementation of well designed and constructed trails as well as engagement with community groups utilising the trails to provide volunteer assistance is predicted to reduce future maintenance costs on the trails.

LEGAL IMPLICATIONS

27. Nil

ENVIRONMENTAL CONSIDERATIONS

28. A number of environmental concerns were raised by the community during the community consultation process and have been or will be addressed as follows:

- Phytophthora Dieback - a survey by a qualified Dieback Interpreter has found that due to the high level of previous recreational use and management access during all weather conditions the AHP is already highly infected with Dieback and any small areas of un-infested native vegetation are categorised as “unprotectable” due to the large number of uncontrollable human spread vectors (walkers, vehicles and riders). This has been confirmed through verbal consultation with other Dieback experts and confirmed by DPaW in their submission where they recommend the area be used to educate visitors about this major ecological threatening process.
- Carnaby, Baudin's Black Cockatoo & Red-tailed Black Cockatoo – DPaW's advice is that it is unlikely that the trails will have an impact on cockatoos roosting or foraging habitat and that DPaW is happy to see that there will be large areas retained without trails that these species can move to if disturbed.
- Western Ring-tailed Possum (WRP) – There is no known research indicating trails will impact on this species which although the area has had significant recreational use over many years is found over much of the AHP. DPaW has recommended that a WRP monitoring program is established as part of the construction of the Demonstration Mountain Bike Trail (currently under construction) to help guide the implementation of future trails. The City has engaged a suitable consultant and this monitoring trial has commenced in early November 2016.
- Rare Flora – According to the DPaW data sets and advice that has been used as an underlying principle for the development of the proposed trails there is only one species of threatened flora (*Caladenia harringtonae*) in the AHP along with a number of other priority flora species. To secure the appropriate clearing permits during the detailed design phase of the project a qualified Botanist will need to be engaged to do a targeted flora survey of the final proposed trail alignments. Where threatened or priority flora is identified through this process trail alignments will be modified to minimise impacts on the flora.

ALTERNATE OPTIONS

29. Council could determine to not adopt the concept plan and not modify the current use of the AHP trails by the wide range of community groups. This would result in:

- ongoing visitor risk issues and possible injury to AHP visitors associated with walkers, Trail Runners and Mountain Bike riders all using trails that have not been constructed to suitable standards for shared use.
- Ongoing environmental impacts such as erosion associated with Mountain Bikers (and walkers) using trails that are too steep and do not have appropriate water management incorporated in to the trail design.
- Ongoing issues with trying to identify suitable courses for outdoor recreation events that do not impact significantly on other park users.

30. Adopt a modified Concept Plan that would stage the construction of trails in the AHP – adopt a Stage 1 Plan including Trails 1, 2, 3 and 4.

SUMMARY CONCLUSION

- 31. The AHP Trails Concept Plan is consistent with the Albany Trails Hub Strategy Adopted in 2015 and meets the key criteria identified in the plan and provide to the Consultant in the project brief.
- 32. The AHP Trails Concept Plan has been developed with significant community consultation.
- 33. If adopted, the AHP Trails Concept Plan will see the project move into the detailed design phase at which time a range of detailed targeted environmental and cultural heritage surveys will be undertaken to ensure significant values are protected and further community consultation will be undertaken at this time
- 34. Implementation of the AHP Trails Concept Plan will be subject to securing external fund and funds via City of Albany future budgets.

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

**ED044: CITY OF ALBANY PARKING & PARKING FACILITIES
(AMENDMENT) LOCAL LAW 2012 – AIRPORT METERED PARKING**

Land Description : Assess No: A160418, A160404, A64802
Albany Regional Airport Drome WA 6330

Proponent : City of Albany

Owner : City of Albany

Report Prepared by : Manager Governance & Risk (S Jamieson)
Manager Tourism Development and Services (M Bird)

Responsible Officer : Executive Director Commercial Services (C Woods)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

In Brief:

- Make a determination under the City of Albany Parking & Parking Facilities Local Law 2012 (as amended), which will result in a determination of metered parking at the Albany Regional Airport.

Purpose & Effect:

- **Purpose:** Provide metered paid parking at the Albany Regional Airport.
- **Effect:** Parking at the Albany Regional Airport will now be subject to parking fees.

Prescribed Metered Parking Zone:

- Follows this report.

RECOMMENDATION

**ED044: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council:

- (1) APPROVE the following determination under the City of Albany Parking & Parking Facilities Local Law 2012:**

Determination: Metered Parking Zone – Albany Regional Airport

- (i) A person is prohibited from parking a motor vehicle (which includes motorcycles) from parking in the Albany Regional Airport without a valid ticket.**
- (ii) Persons must park in the designated prescribed area (as detailed in the report).**
- (iii) This determination will come into effect 1 January 2017.**
- (2) AUTHORISES the Chief Executive Officer to authorise persons to administer the Albany Regional Metered Parking Zone and immediate surrounds under the Parking and Parking Facilities Local Law 2012.**
- (3) NOTE that Council adopted in the 2016/2017 Annual Financial Budget the following fees and charges:**
- Long term parking (first 4 hours free) – vehicles, motorcycles per day or part thereof \$8.80 per day (GST inclusive); and**
 - Lost parking validation parking ticket: \$49.50**

ED044: COMMITTEE RECOMMENDATION

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

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

ED044: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) APPROVE the following determination under the City of Albany Parking & Parking Facilities Local Law 2012:

Determination: Metered Parking Zone – Albany Regional Airport

- i. A person is prohibited from parking a motor vehicle (which includes motorcycles) from parking in the Albany Regional Airport without a valid ticket.
 - ii. Persons must park in the designated prescribed area (as detailed in the report).
 - iii. This determination will come into effect 1 January 2017.
- (2) AUTHORISES the Chief Executive Officer to authorise persons to administer the Albany Regional Metered Parking Zone and immediate surrounds under the Parking and Parking Facilities Local Law 2012.
- (3) NOTE that Council adopted in the 2016/2017 Annual Financial Budget the following fees and charges:
- Long term parking (first 4 hours free) – vehicles, motorcycles per day or part thereof \$8.80 per day (GST inclusive); and
 - Lost parking validation parking ticket: \$49.50

BACKGROUND

2. Currently parking at the airport is free and unlimited.
3. Council may by resolution constitute, determine and vary and also indicate by signs metered spaces and metered parking zones in accordance with the City's Parking and Parking Facilities Local Law 2012.

DISCUSSION

4. It is standard practice for airports to charge for long term parking.
5. The intent is to charge patrons who leave vehicles in the carpark for extended periods.

Fees & Charges:

6. The first four hours is free to encourage patrons to be dropped off and greeted.
7. Daily charge rates of \$8.80 (including GST).

Ticketing:

8. The car park will operate as a park and display.
9. The car park fees will be used to improve the car park facilities (CCTV, security patrols etc.).
10. The airport is an expensive asset to maintain and a user pays approach is considered the best approach to ensure long term upkeep with least financial impact on ratepayers.
11. The current free parking and no time limitations is placing pressure on the availability of public parking spaces and often forces some travellers to park their vehicles on grass verges.
12. Paid parking will dampen parking demand and allow better management of the public parking areas while avoiding the need to undertake significant additional capital cost to expand the parking infrastructure.
13. The \$8.80 day rate is one of the cheapest paid parking rates of Western Australia's regional airports.

GOVERNMENT & PUBLIC CONSULTATION

- 14. Airport user and stakeholder were informed prior to the City of Albany’s budget adoption.
- 15. The determination will be published in local media and will come into effect from 1 January 2017.

STATUTORY IMPLICATIONS

- 16. Clause 6.1 of the City’s Local Government Parking & Parking Facilities Local Law 2012 (as amended) stipulates inter alia:

“6.1 Determination of metered zones

- (1) The local government may by resolution constitute, determine and vary and also indicate by signs, metered spaces and metered zones.*
- (2) In respect of metered spaces and metered zones the local government may by resolution determine, and may indicate by signs—*
 - (a) permitted times and conditions of parking depending on and varying with the locality;*
 - (b) classes of vehicles which are permitted to park;*
 - (c) the amount payable for parking; and*
 - (d) the manner of parking.”*

- 17. Local Government Act 1995, section 5.42 states, in part:

“5.42 Delegations of some powers and duties to CEO (1) ...a local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties”*

- 18. Voting Requirement: **Absolute Majority.**

POLICY IMPLICATIONS

- 19. There is no specific Council policy position.
- 20. Current instrument of delegation being:
2016:044 - PARKING, TRAFFIC MANAGEMENT, BUS SHELTERS & SEATS (Amendments to Parking Schemes)
does not extend to metered parking.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation: <i>Indiscriminate long term parking at the airport will result in current parking facilities requiring to be expanded</i>	<i>Almost certain</i>	<i>Moderate</i>	<i>High</i>	<i>Proceed with recommended determination under the City’s Local Law, to allow Council Officers to provide public education and enforcement if necessary.</i>
Opportunity: <i>Financial opportunity to offset cost of providing and improving long term car parking at airport.</i>				

FINANCIAL IMPLICATIONS

- 22. Costs for installation of signage and closing of access to the water using physical barriers will be funded, as required per site, within the airport reserves budget.
- 23. Any signage installed will be placed on the City’s register for capital maintenance and replacement.
- 24. Council approved metered parking at the Albany Regional Airport as part of the Annual Budget Adoption in 2015/2016.

LEGAL IMPLICATIONS

- 25. Determinations under the Local Government Parking and Parking Local Law 2012 (as amended) is prescribed at clause 6.1.

ENVIRONMENTAL CONSIDERATIONS

- 26. Not applicable to this report.

ALTERNATE OPTIONS

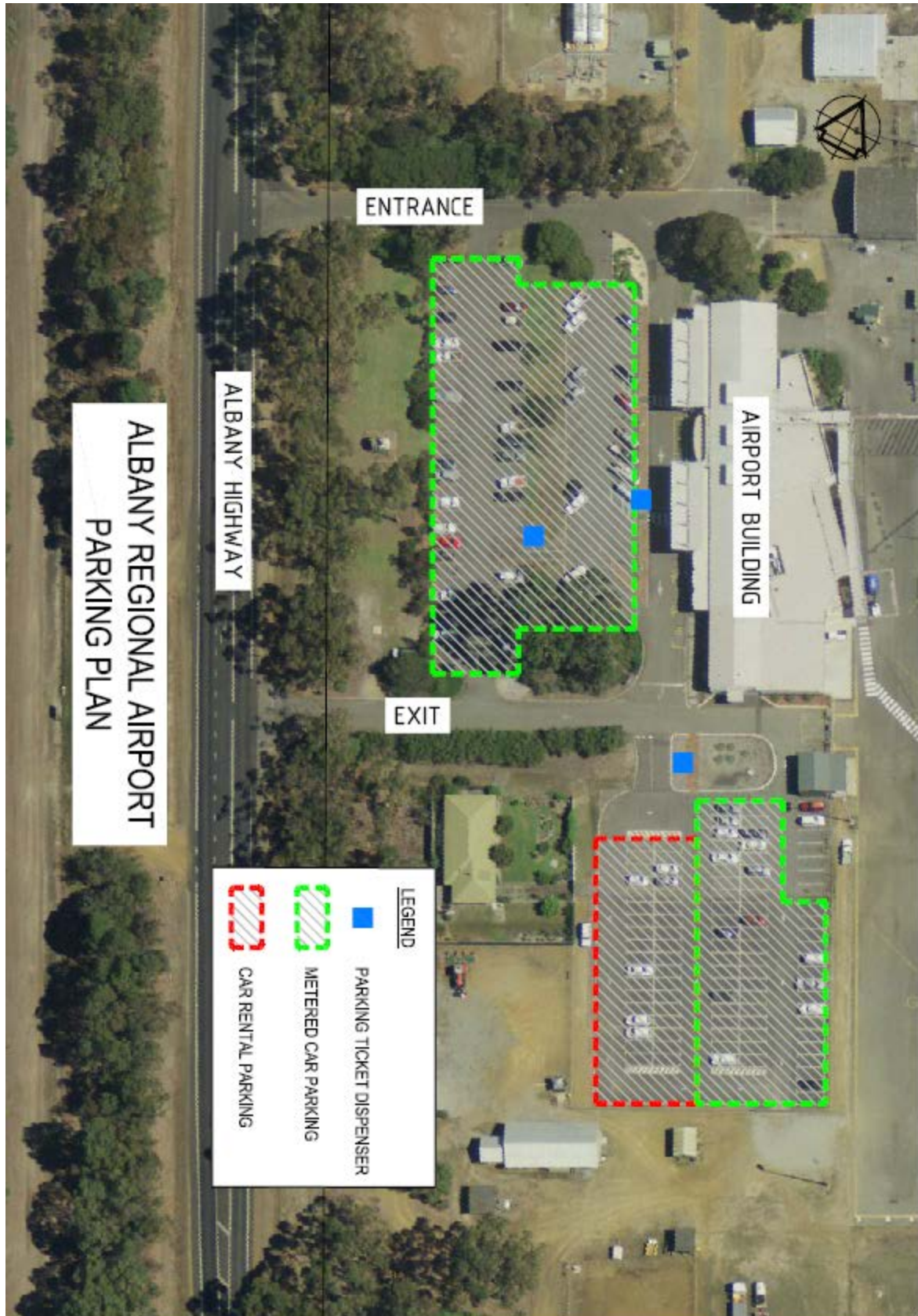
- 27. Council may resolve to:
 - o Not support the determination; or
 - o Support the determination with modification.

SUMMARY CONCLUSION

- 28. Support of the proposed determination under the local law will allow staff implement metered parking at the Albany Regional Airport.

Consulted References	:	<i>City of Albany Local Government Parking and Parking Facilities Local Law 2012 (as amended).</i>
File Number (Name of Ward)	:	<i>(All Wards) – Albany Regional Airport</i>
Previous Reference	:	<i>Budget Adoption 2016/2017 and 2015/2016.</i>

AIRPORT PARKING PLAN (SCHEME)



ED045: HOST BID 2017 WA REGIONAL TOURISM CONFERENCE

Proponent : City of Albany
Attachments: Host Town Expression of Interest
Report Prepared By : Manager Tourism Development Services (M Bird)
Responsible Officer(s) : Executive Director Commercial Services (C Woods)

Responsible Officer's Signature:



CONFIDENTIAL

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

STRATEGIC IMPLICATIONS

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

In Brief:

- The City has the opportunity to bid to host the 2017 WA Regional Tourism Conference to be held in regional Western Australia in September 2017.
- Officers are seeking Council endorsement to submit a host destination bid.

ED046: ALBANY REGIONAL AIRPORT – RETIREMENT OF INSTRUMENT LANDING SYSTEM (ILS)

Land Description : Albany Regional Airport Drome WA 6330
Proponent : City of Albany
Owner : City of Albany
Report Prepared by : Manager Tourism Development and Services (M Bird)
Responsible Officer : Executive Director Commercial Services (C Woods)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Themes:** 2. Clean, Green & Sustainable
 - b. **Strategic Objectives:** 2.2 To maintain and renew city assets in a sustainable manner.
 - c. **Strategic Initiative:** 2.2.1 The maintenance, servicing and renewal of City's assets are environmentally and financially sustainable.

In Brief:

- City officers are seeking Council endorsement to authorise the retirement of the Instrument Landing System (ILS) at Albany Regional Airport.

RECOMMENDATION

ED046: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE:

- (1) **That the Instrument Landing System (ILS) at Albany Regional Airport is unserviceable and will be decommissioned.**
- (2) **That this capability is currently not required at the Albany Regional Airport; however new navigations aids will be implemented following consultation with airport users and other key stakeholders.**

ED046: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

ED046: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE:

- (1) That the Instrument Landing System (ILS) at Albany Regional Airport is unserviceable and will be decommissioned.
- (2) That this capability is currently not required at the Albany Regional Airport; however new navigations aids will be implemented following consultation with airport users and other key stakeholders.

BACKGROUND

2. The Instrument Landing System (ILS) is an internationally normalized system for navigation of aircrafts upon the final approach for landing in conditions of limited or reduced visibility (i.e. heavy rain and/or very low cloud).
3. In short, aircraft require a visual sighting of the runway before attempting to land and the ILS allows aircraft a lower ceiling level to gain visibility of the airstrip, 280ft versus 500ft thereby improving the chance of landing in poor weather. An ILS will not guarantee a landing in all weather.
4. The initial installation of the ILS at Albany Regional Airport was in year 2001.
5. There are only two ILS in WA, Perth Airport and Albany Regional Airport.
6. The current system has reached the end of its design life, is currently not working and requires an estimated \$160,000 to repair.
7. The annual maintenance costs for the ILS are \$200,000 and this has been increasing as the equipment continues to age.
8. The City commissioned 2 reports for the replacement of the current ILS system. The first report “ILS Assessment for Albany Airport” was prepared by the current equipment maintenance provider Air Services Australia and estimated a \$3.3m cost to replace the current system with a new ILS version. The second report “ILS Feasibility Analysis“ prepared by Keston Technologies and outlined the cost benefits for maintaining and eventually replacing the ILS at Albany Regional Airport.

DISCUSSION

9. The main benefits of the ILS are improved safety and reliability via increasing the ability of aircraft to land at Albany Airport during poor weather conditions.
10. The Keston report estimates that 155 aircraft per year use the system to aid in landing at Albany Airport.
11. There is very limited information on actual ILS use and the real economic benefit to be delivered so difficult to evaluate a serious cost-benefit.
12. Landing fee income from flying schools using Albany predominantly for the ILS has fallen significantly over the past 3 years.
13. The justification for retention of the ILS is largely from a safety perspective however a range of new and cheaper navigation aids are now available and considered better alternatives.
14. Annual maintenance costs for the past 5 years range from \$173k to \$205k pa with \$213k allocated for 16/17.
15. The current RPT provider Regional Express (Rex) has provided written feedback that the ILS is not required for their services at Albany Regional Airport.
16. The Royal Flying Doctor Service (RFDS) has provided written feedback advising that they support the City’s decision to retire the current ILS and to not replace.
17. The City has advised ILS maintenance service provider Air Services Australia not to repair the current ILS.

GOVERNMENT & PUBLIC CONSULTATION

18. The City consulted with Regional Express, the Royal Flying Doctor Service, charter flight operators, Perth based flying schools, Air services Australia, and the WA State Government Aviation section of the Department of Transport. All of the above support the City’s recommendation to retire the ILS at Albany Airport.

STATUTORY IMPLICATIONS

19. Nil

POLICY IMPLICATIONS

20. Nil

RISK IDENTIFICATION & MITIGATION

21. The risk identification and categorisation relies on the City’s Enterprise Risk & Opportunity Management Framework.
22. No immediate risks in regards to this report have been identified.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. Negative public safety perception may result if new navigations aids are not procured to replace the current system.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Clearly communicate the rational. Note: Both Royal Flying Doctor Service and Rex have advised that the capability is not required at this time.</i>

FINANCIAL IMPLICATIONS

23. Annual maintenance costs for ILS over the past 5 years range from \$173k to \$205k pa with \$213k allocated for 16/17.
24. The ILS is currently not working and if repaired would cost in the order of \$160,000.
25. Council approving the retirement of the ILS will avoid these annual maintenance, immediate repair and the future \$3.3m replacement costs.

LEGAL IMPLICATIONS

26. Nil

ENVIRONMENTAL CONSIDERATIONS

27. Nil

ALTERNATE OPTIONS

28. Not applicable. Noting the purpose of this report is to inform Council on the rationale of an operational business decision.

SUMMARY CONCLUSION

29. The ILS at Albany Regional Airport has reached the end of its design life.
30. Current users and airport stakeholders support the City’s recommendation to retire the current system.
31. Retirement of the ILS will avoid significant, immediate repair and ongoing costs.

Consulted References	:	ILS Assessment for Albany Airport – Air Services Australia ILS Feasibility Analysis – Keston Technologies
File Number (Name of Ward)	:	(All Wards) – Albany Regional Airport
Previous Reference	:	

PD128: PROPOSED HOME BUSINESS AND FILL – LOT 355, 307-321 EMU POINT DRIVE, COLLINGWOOD PARK

Land Description : Lot 355, 307-321 Emu Point Drive, Collingwood Park
Proponent : F G Liva
Owner : F G Liva and K J Liva
Business Entity Name : N/A
Directors
Attachments : 1. Area Plan
2. Site Plan
3. Earthworks Plan
4. Schedule of submissions
Supplementary Information & Councillor Workstation : Copy of submissions
Report Prepared by : Senior Planning Officer (A Bott)
Responsible Officer : Executive Director Development Services (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council is asked to consider a development application for a Home Business and Fill at Lot 355, 307-321 Emu Point Drive, Collingwood Park.
- The application was advertised for public comment and referred to surrounding landowners in writing.
- Thirteen letters of objection have been received from nearby residents. The objections primary relate to concerns over traffic, amenity impacts and environmental impacts.
- The application was originally deferred at the June Planning Committee and was consequently withdrawn from the agenda pending a review of the application.
- The originally proposed dam has consequently been removed from the application. The proponent has also engaged an engineer and prepared an earthworks plan for the subject lot.
- Staff recommend that Council approve the proposed development, subject to conditions.

RECOMMENDATION

**PD128: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

That Council resolves to REFUSE the development application for a Home Business and Fill at Lot 355, 307-321 Emu Point Drive, Collingwood Park.

PD128: RESOLUTION (ALTERNATE MOTION BY COUNCILLOR SUTTON)

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GOODE

That Council resolves to REFUSE the development application for a Home Business and Fill at Lot 355, 307-321 Emu Point Drive, Collingwood Park.

CARRIED:5-0

Reason: Compatibility of the development in the area and the significant effect on the amenity of the area.

PD128: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for a Home Business and Fill at Lot 355, 307-321 Emu Point Drive, Collingwood Park:

Conditions:

- (1) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans dated (**insert date**).
- (2) Earthworks and management of stormwater drainage shall be undertaken in accordance with the earthworks plan, including proposed levels
- (3) Surface water management shall be undertaken to ensure that the vehicle storage area is suitably drained and sealed.
- (4) All vehicle wash-downs shall be undertaken off-site at the appropriate commercial facilities and there shall be no direct discharges from the vehicle storage area.
- (5) No servicing of vehicles shall be undertaken on the premises.

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

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. The subject lot lies to the north side of Emu Point Drive, approximately five kilometres north-east of Albany city centre. The lot has an area of approximately 1.44 hectares and is zoned 'General Agriculture' under *City of Albany Local Planning Scheme No. 1*.
6. The land to the south is zoned 'Future Urban' and is bounded by 'Parks and Recreation' local scheme reserve. The land to the north and west is zoned 'General Agriculture', while the land to the east is covered by the 'Parks and Recreation' local scheme reserve.
7. The application was advertised for public comment, in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and clause 9.4 of *Local Planning Scheme No. 1*. Surrounding landowners were directly notified in writing. A total of 13 submissions were received, all of which objected to, or raised concerns around the proposal.
8. The proponent was granted a clearing permit by the Department of Environmental Regulation on 29 May, 2014. The permit granted clearing of an area of vegetation within the north-western quadrant of the property. Clearing has occurred, and all vegetation within the clearing area removed.
9. The application was originally laid on the table at the June Planning Committee meeting and was consequently withdrawn from the June Ordinary Council meeting pending a review of the application.
10. The application has subsequently been amended by the proponent, with an earthworks plan developed and the originally proposed dam removed from the proposal.
11. Council is now requested to consider whether to grant development approval.

DISCUSSION

12. The proposal now consists of the two elements, being earthworks and truck parking/ storage.
13. The truck and equipment storage is associated with the proponent's bitumen spraying business, which has operated within Albany for the past ten years.
14. The proponent does not propose to mix bitumen material on the site and the current zoning does not allow the City of Albany to approve this use on the site.
15. As outlined above, a total of 13 letters of submission were received during the public advertising period, all of which raised concerns around the proposal.

The main concerns that have been raised and the proposed mitigation measures are addressed as follows:

Traffic

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

Amenity

19. Impact on amenity is a concern consistently raised in the submissions. Concerns primarily relate to noise generated from the proposed development and impacts on visual amenity.
20. With regard to noise issues: Any operations would be subject to ongoing compliance with the *Environmental Protection (Noise) Regulations 1997*. All work will be undertaken off the premises, including the cleaning and servicing of vehicles and machinery, and the preparation of bitumen. Therefore, the only noise generated would be from vehicles travelling to and from the premises.
21. In terms of mitigating visual impact, the location of the storage area has been proposed at the rear of the premises.
22. There is also a 70 metre section of established screening vegetation which runs east from the crossover along Emu Point Drive, which will also reduce the visual impact from public vantage points.
23. In addition to the above, the proponent has submitted a landscaping plan for the lot. The proponent has proposed to plant peppermint trees and Melaleucas along the road verge, adjoining property and storage areas.
24. It is considered that the landscaping, in conjunction with the stated scale of the operation, will assist in mitigating amenity issues. However, it is recommended that the implementation and ongoing maintenance of the landscaping and rehabilitation planting be stipulated as a condition of development approval.

Environment

25. Concerns regarding environmental impacts were consistently raised in the submissions.
26. The proposed dam on the original proposal was the subject to a number of concerns raised in submissions. The dam has now been removed from the application.
27. The Department of Water was consulted and has advised the City that standard water control conditions are applicable to the proposal, which includes surface water management being undertaken by the developer. It is recommended that water management measures are applied as condition of development approval.

28. City of Albany engineers have reviewed the proponent’s engineers plan request to fill sections of the lot. The proposed plan will allow fill to be undertaken to expand the useable area of the land, while maintaining the natural floodplain and drainage functions of the area. Compliance with the submitted earthworks plan is recommended as a condition of development approval.
29. A number of submissions have also raised the issue of clearing of native vegetation. It is apparent from these submission that there is a level of misunderstanding within the community regarding the approval of the clearing that has taken place. Some members of the community believe that the City of Albany had granted approval for clearing. To clarify, the Department of Environmental Regulation is the statutory authority for clearing permits within Western Australia and has issued approval for clearing within the north-western quadrant of the subject lot.
30. The proponent has submitted a landscaping details for the planting of additional native vegetation. The planting and ongoing maintenance is recommended as a condition of consent.

GOVERNMENT & PUBLIC CONSULTATION

31. The proposal was advertised for public comment for a period of 21 days, in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and clause 9.4 – *Advertising of Applications* within *Local Planning Scheme No. 1*. Surrounding landowners were directly notified in writing.
32. A total 13 submissions were received during the public advertising period. All 13 submissions objected or raised concerns around the proposal. Staff comments are provided in the attached schedule of submissions, while the broad issues are discussed above.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

35. The site is within the City of Albany’s *Development in Flood Prone Areas Policy*. In the context of this application, the primary objectives of the policy are to ensure that there are no interruptions to the natural drainage system of the area.
36. The proposed earthworks plan relating to fill have been developed in consultation with City of Albany engineers. The plan has the with the intention of allowing the proponent to increase the levels on the site and subsequent useability of the site, while maintaining the natural drainage function of the area. It is recommended a condition be applied requiring compliance with the approved earthworks plan.

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

- 38. All costs associated with the development will be borne by the proponent.
- 39. Should the proponents seek a review of Council's decision or any attached conditions through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

- 42. The subject lot is largely cleared and slopes downward from Emu Point Drive towards the north-west. The lot was subject to a clearing permit issued by the Department of Environment Regulation. The permit was fulfilled and has now expired.

ALTERNATE OPTIONS

- 43. Council may consider alternate options in relation to this item, such as:
 - To determine that the proposed use is unacceptable and to resolve to refuse the application; or
 - To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

SUMMARY CONCLUSION

- 44. The matters raised in the submissions received during the public advertising period have been broadly addressed and can be mitigated through the application of appropriate planning conditions.
- 45. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Development in Flood Prone Areas</i> local planning policy
File Number (Name of Ward)	:	A145789 (Breaksea Ward)
Previous Reference	:	O.C.M. 28/06/2016 – Item PD128 (withdrawn by proponent)

PD143: RECONSIDERATION OF, AND RESPONSE TO, PROPOSED STATE HERITAGE REGISTRATION OF ALBANY STATE SCHOOL GROUP (fmr) – 117-121 SERPENTINE ROAD, ALBANY

Land Description	: 117-121 (Lot 1376) Serpentine Road and 239-259 (Lot 1374) York Street
Proponent	: Heritage Council of WA
Owner	: State of WA – Management Orders to Minster for Education & City of Albany
Business Entity Name	: Regional Education Offices for Department of Education
Attachments	: Draft Assessment Documentation of the Place for Entry in the Register of Heritage Places
Supplementary Information & Councillor Workstation	: Summary and overview relating to Alison Hartman Gardens
Report Prepared by	: Senior Planning Officer (T Wenbourne)
Responsible Officers	: Manager Planning Services (J Van Der Mescht) Acting Executive Director Development Services (P Camins)

Responsible Officer’s Signature:	
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STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023:
 - a. **Key Theme:** 3. A Connected Built Environment
 - b. **Strategic Objective:** 3.3. To develop vibrant neighbourhoods which retain our local character and heritage.
 - c. **Strategy:** By protecting heritage buildings, and ensuring new developments respect the heritage and character of streetscapes.

Maps and Diagrams



In Brief:

- Following the briefing from State Heritage Office representatives in reply to Council's previous resolution on Item PD143; this report is presented for Council to reconsider its previous decision.
- A consultation request has been received by the City seeking comments on the proposed State Heritage Registration of the Albany State School Group (fmr), which includes Alison Hartman Gardens.
- The heritage significance of this site is already recognised at the local level. This proposed registration is considering the significance of the place at the State level.
- The City's views are sought in relation to Alison Hartman Gardens, which is identified as a zone of secondary significance.
- Council is requested to support the proposed registration and provide comments.

RECOMMENDATION

PD143: RESPONSIBLE OFFICER RECOMMENDATION

THAT:

- (1) Council **RECONSIDER** its previous decision and resolve to **APPROVE** the Original Responsible Officer Recommendation, noting the content of the State Heritage Office briefing which addressed Council's concerns regarding the proposed student accommodation and possible future uses of Alison Hartman Gardens.

ORIGINAL RESPONSIBLE OFFICER RECOMMENDATION:

- (2) Council **SUPPORTS** the proposed State Heritage Registration of the Albany State School Group (fmr) **NOTING** the following comments in regards to known and possible future use and development of the subject area:
- (a) The City of Albany (City) has plans to redevelop and extend the public library located to the south of Alison Hartman Gardens. As part of this redevelopment the City may seek to use part of Alison Hartman Gardens as a set down/working area. If this need eventuates the City will prepare a construction management plan detailing among other things; measures to protect the Norfolk Island Pine and the Oak tree; recognising the significance of the alignment of the path to the Headmaster's House (fmr); and a reinstatement plan for any of the lawn or garden areas that may need to be attended to once these temporary works have been completed.
 - (b) The Albany Central Area Masterplan 2010 identifies the potential for fringe development along the north portion of Alison Hartman Gardens to enhance and activate this space. Although the City has no plans to pursue this at the current time, this may eventuate in the longer term. The City seeks to make the Heritage Council aware of this future possibility as part of their consideration of this registration.
 - (c) The City is aware that funding has been granted for a student accommodation development in the current car park area behind the Regional Education Offices. The City has not yet received the development application and has not received design or footprint detail for this development, but understands an application is likely in the very near future. The City seeks to make the Heritage Council aware of this proposed development as part of their consideration of this registration.

(continued on next page)

- (3) Other stakeholders be advised of the City's position on State Heritage Registration of the subject area;**
- (4) The State Heritage Office be notified that the City will send a representative to attend the Heritage Council meeting during which the registration will be considered.**

BACKGROUND

2. This matter is returning to Council following the resolution on item PD143 at the October Ordinary Council Meeting. Council's decision was communicated to the State Heritage Office, including the request for a meeting regarding this matter.
3. Council has now received information through a briefing from the State Heritage Office (briefing session held on 1/12/2016) and as requested by State Heritage and Council, this matter is now referred to Council for reconsideration of the Original Responsible Officer Recommendation.
4. The Heritage Council is considering the Albany State School Group (fmr) for entry in the State Register of Heritage Places. This Group listing covers much of the area to the south of Serpentine Road between York Street and Collie Street and north of the library. It includes the following:
 - Albany Primary School building;
 - Infants School building;
 - The Headmaster's House & Stables;
 - Shelter Shed, Lunchroom & Toilet Block; and
 - Alison Hartman Gardens.
5. As a stakeholder and custodian (through management order) of an affected parcel of land subject of this proposed registration (Alison Hartman Gardens), the City has been asked for its written comments.

DISCUSSION

6. The significance of Alison Hartman Gardens is detailed in the draft assessment documentation of the place for entry in the register of heritage places. This has been prepared by and on behalf of the State Heritage Office.
7. The school buildings represent the first purpose built school buildings in Albany and date from 1895.
8. The inclusion of Alison Hartman Gardens in this proposed registration stems from its associations with the development of the school. First being a domestic garden for what became the Headmaster's House, then as the School garden/playing field.
9. The importance of this to the Albany community is recognised in the 1979 naming of the space as Alison Hartman Gardens in honour of Edith Alison Hartman, who was Headmistress of the School for over 30 years.
10. The Heritage value of the site is already recognised at a local level through inclusion in the Heritage List under Local Planning Scheme No.1. It was previously included in the Schedule of Places of Heritage Value in Town Planning Scheme 1A dating back to 1983. In addition, Alison Hartman Gardens is included in the Municipal Heritage Inventory with a detailed description and assessment of local importance.

11. Although included in the overall registration, Alison Hartman Gardens is identified as being part of a secondary zone of significance. However, the Norfolk Island Pine tree and Oak tree are specifically mentioned as well as the old retaining wall supporting what is now the Regional Education Offices car park. Also, the central path leading to the Headmaster's House is an original alignment of access to/from York Street. Although the surface treatment of the path has changed over time, the straight alignment has been retained and should be maintained going forward.
12. Alison Hartman Gardens is a State reserve vested with the City of Albany for management purposes. The purpose of this reserve is for parks and garden. The current use and any future use must accord with this purpose or any variation of the vested purpose that may occur.
13. Continuation of the current use of Alison Hartman Gardens as a civic garden and space for events, functions and activities is unaffected by the proposed registration. Any alternate use or development within Alison Hartman Gardens needs careful consideration against current recognised community and heritage values of the place. If the proposed registration progresses, additional consideration will have to be given on the impact on the association with the School and the context of this wider setting.
14. Any development within Alison Hartman Gardens currently requires development approval and would be assessed against the parks and garden vesting of this reserve. If the entry on the State Register of Heritage Places progresses, any development application will have to be referred to State Heritage for consultation comment.
15. As part of the redevelopment at the Library, the City may wish to use part of Alison Hartman Gardens as a set down yard for the temporary period of the redevelopment works. Such a use would have to be carefully considered to avoid potentially detrimental impacts on the specific identified heritage interests (Oak Tree, Norfolk Island Pine Tree and the path). A construction management plan and schedule for reinstatement of Alison Hartman Gardens would be required if this were envisaged. The potential temporary use should be raised with State Heritage as part of the City's response to this consultation request.
16. The Albany Central Area Masterplan 2010 supports keeping Alison Hartman Gardens as a City centre park and important Public Open Space, but considers some fringing development to enhance this space. If such development were ever envisaged, the vesting and purpose for the reserve would need to be varied to facilitate this. As part of the City's feedback on this consultation, the potential of this development being pursued in the future should be raised.
17. The City is also aware of funding having been allocated for the development of student accommodation on the car park area behind the Regional Education Offices. Although the City has not seen detailed design for the accommodation as yet, this should also be raised in the City's comments back to the State Heritage Office.
18. Overall, this proposed registration will not have a greater impact on the City's use of this reserve compared to the current heritage recognition. One advantage that this registration would bring is additional funding avenues that are only open to state heritage recognised sites, so this could be explored further in the future.
19. As part of the response submission, the City has three response choices on the proposed registration:
 - Support and provide comment;
 - Have no comment; or
 - Not support and provide comment.

20. The City is requested to inform if it agrees for other stakeholders to be advised of its position on the registration.
21. Furthermore, in addition to the specific response on the registration, the City has the opportunity for someone to attend the Heritage Council meeting during which the registration will be considered.
22. If the City nominates an attendee, they become a voting member of the Register Committee for that item. The nominee will also be requested to present the views of the City on the proposed registration.
23. It is recommended that the City nominate an officer (ideally the Manager for Planning services) to attend the Heritage Council meeting.

GOVERNMENT & PUBLIC CONSULTATION

24. Community consultation was conducted during the formulation of the Community Strategic Plan (see paragraph 1). The purpose of this item is to seek Council's endorsement of the Responsible Officer's prepared response.
25. Elected Members received a presentation at the October 2016, Planning & Development Committee.

STATUTORY IMPLICATIONS

26. There are no statutory implications for the City directly relating to this item.
27. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation: A decision not consistent with community views, as reflected in the Community Strategic Plan 2023, may result in reputational loss.</p> <p>Opportunity: Communicate the City's future plans to the State Heritage Council.</p>	Possible	Minor	Medium	<p>Recommendation based on information available that reflects the Community's values placed on its heritage assets.</p> <p>Communicate that view to the State Heritage Council.</p>

FINANCIAL IMPLICATIONS

30. Travel cost to Perth should the City choose to send a member of staff or Council to represent the City at the Heritage Council meeting.
31. If the registration proceeds, new funding avenues maybe available for interpretation and maintenance of Alison Hartman Gardens.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

- 33. The City will continue to maintain Alison Hartman Gardens as a civic garden and city centre public open space.
- 34. As such there are no environmental considerations directly relating to this item.

ALTERNATE OPTIONS

- 35. Council may consider alternate options in relation to this item, such as:
 - To resolve to have no comment on the proposed registration; or
 - To resolve to not support the proposed registration with or without comments.
- 36. However, should Council resolve to not support the proposed registration, this decision could send an inconsistent message to the community regarding the City’s approach to and treatment of our heritage places and spaces. The heritage value is already recognised at the local level and as such, the current use as public open space is protected. Its significance and importance at the State level is now being considered.
- 37. With Albany looking to promote heritage as a point of difference, such opportunities should be considered in the context of advancing and promoting Albany’s overall significance as a heritage destination.
- 38. Council may also consider alternate options of the other recommendations in this item, such as:
 - Not agreeing to other stakeholders being advised of its position on the registration;
 - Wishing not to send a representative to attend the Heritage Council meeting to represent the City’s views on the proposed registration of the Albany State School Group (fmr); or
 - Making further comment.

SUMMARY CONCLUSION

- 39. It is recommended that Council support the proposed registration and offer comments as outlined in this report to advise of the possible temporary use during library redevelopment and longer term potential aspirations for Alison Hartman Gardens. Mention should also be made of the student housing proposal for the car park area to the rear of the buildings which are the main focus of the registration being considered.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Town Planning Scheme No. 1A</i> 3. <i>City of Albany Strategic Community Plan 2023</i>
File Number (Name of Ward)	:	A106616 & A106599 (Frederickstown Ward)
Previous Reference	:	Planning & Development Committee – Presentation: <i>Summary and Overview of Alison Hartman Gardens</i> , October 2016. PD143 – OCM – 24/10/2016

**PD149: DEVELOPMENT APPLICATION – TELECOMMUNICATIONS
INFRASTRUCTURE – LOT 14, 43 BOTTLEBRUSH ROAD, GLEDHOW**

Land Description	:	Lot 14, 43 Bottlebrush Road, Gledhow
Proponent	:	Daly International
Owner	:	D P & C A Meade
Business Entity Name	:	Optus Pty Ltd
Attachments	:	1. Copy of Development Application (DA) 2. Copy of photomontages
Supplementary Information & Councillor Workstation	:	1. <i>State Planning Policy 5.2 – Telecommunications Infrastructure</i> 2. Western Australian Planning Commission <i>Guidelines for the location, siting and design of telecommunications infrastructure</i> 3. Australian Radiation Protection and Nuclear Safety Agency <i>Mobile Phone Base Stations and Health</i> fact sheet 4. Copy of submissions 5. Proponent's response to submissions
Report Prepared By	:	Senior Planning Officer – Strategic Planning (A Nicoll)
Responsible Officers:	:	Acting Executive Director Development Services (P Camins)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. The proposal is consistent with the following Strategic Objective of the *Albany Local Planning Strategy 2010* (ALPS):
6.4.4 Telecommunications
"To encourage the extension and maintenance of high quality telecommunications for the whole Albany district"

Maps and Diagrams:

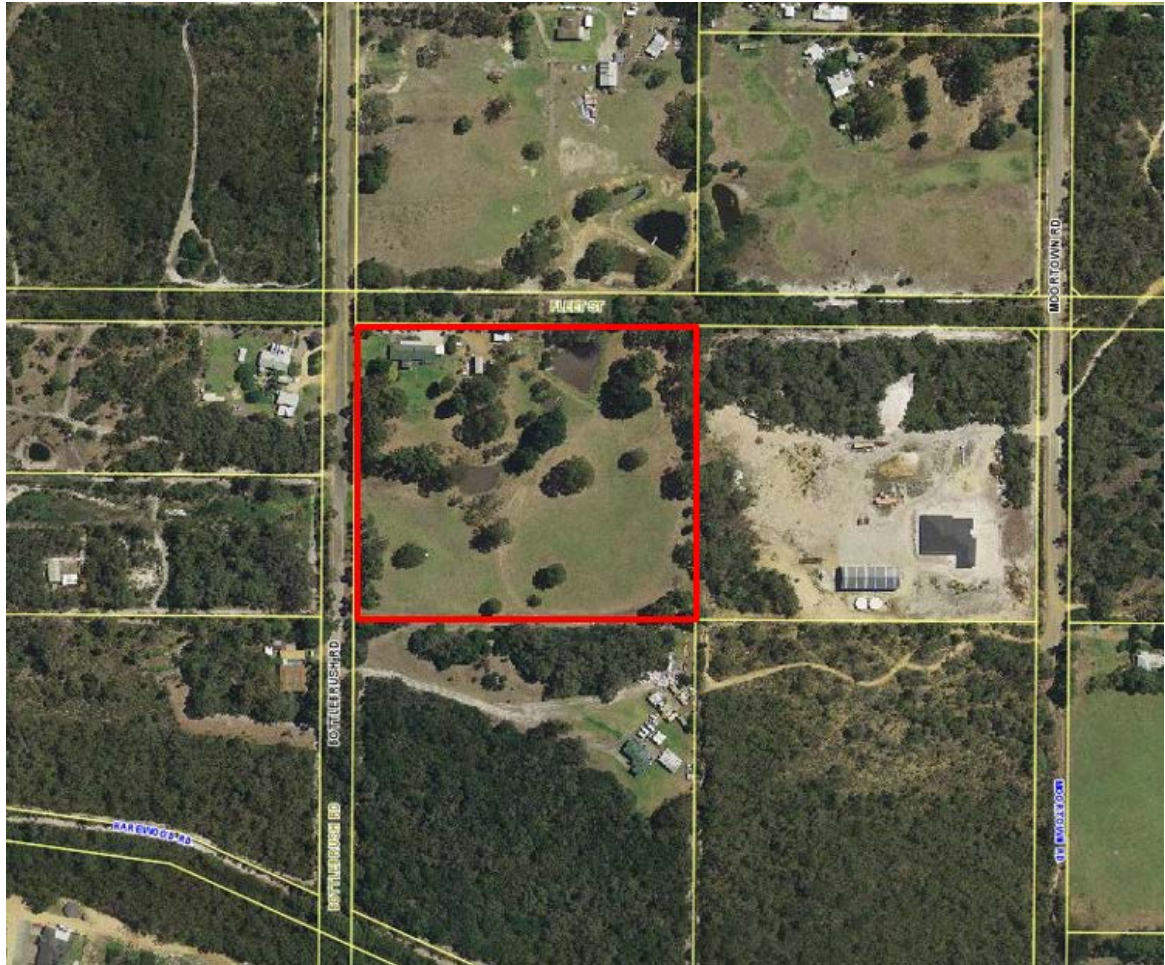


Figure 1: Location plan

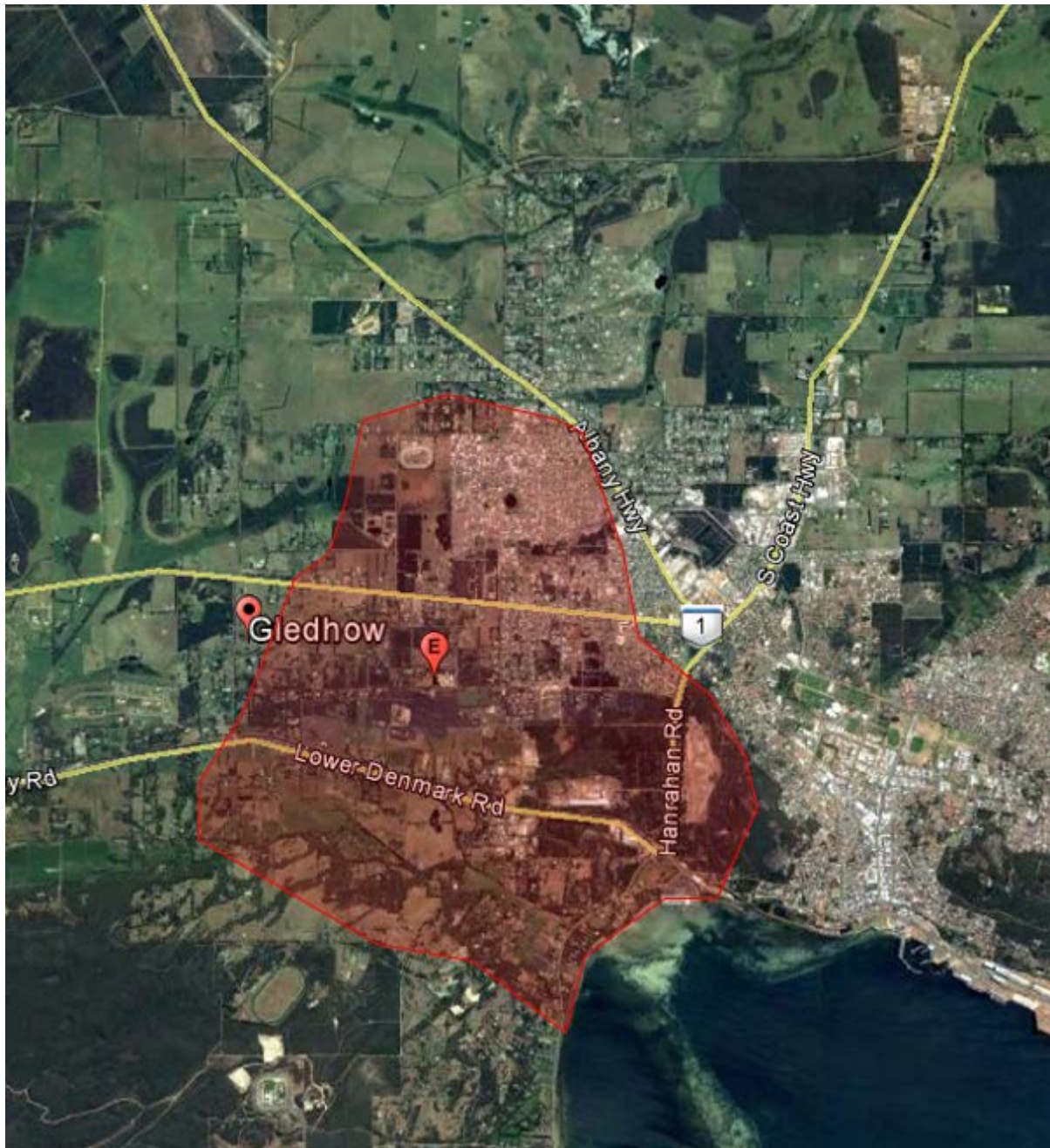


Figure 2: Expected service area

In Brief:

- Council is asked to consider a Development Application (DA) for the installation of a new 35 metre tall monopole telecommunications mast and associated equipment at Lot 14, 43 Bottlebrush Road, Gledhow.
- The application was referred to surrounding landowners in writing for a period of 14 days.
- Eight submissions were received, each raising objections to the proposed development. One submission included a petition with 33 signatories
- Staff recommend that Council approve the proposal, subject to conditions.

RECOMMENDATION

**PD149: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council resolves to ISSUE a notice of determination granting development approval, with conditions for Telecommunication Infrastructure at Lot 14, 43 Bottlebrush Road, Gledhow, subject to the following conditions:

- (1) Prior to commencement of development, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans.**
- (2) Prior to commencement of development, a schedule of materials and colours to be used on the structures hereby approved shall be submitted for the approval in writing of the City of Albany.**

Advice:

Colours shall be selected to minimise the visual impact of the structure against its predominant background.

- (3) Lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.**

PD149:COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR STOCKS**

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 5-0

PD149: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval, with conditions for Telecommunication Infrastructure at Lot 14, 43 Bottlebrush Road, Gledhow, subject to the following conditions:

- (1) Prior to commencement of development, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans.**
- (2) Prior to commencement of development, a schedule of materials and colours to be used on the structures hereby approved shall be submitted for the approval in writing of the City of Albany.**

Advice:

Colours shall be selected to minimise the visual impact of the structure against its predominant background.

- (3) Lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.**

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. The subject lot lies to the eastern side of Bottlebrush Road, approximately 4.7 kilometres west-north-west of Albany city centre. The lot has an area of approximately 3.8 hectares and is zoned 'General Agriculture' under *Local Planning Scheme No. 1*. It is predominately covered by cleared pasture, with mature trees scattered across its extent. The land slopes downward from the north and a high point in the south-east corner of the lot toward the west, where a slight valley begins to form. A single house and associated outbuildings have been developed toward the north-western corner of the lot.
6. Surrounding lots to the north, east, south and south-west are also zoned 'General Agriculture' and are largely cleared through the north and east. The lots to the south and south-west are largely covered by remnant vegetation, as is the 'Parks and Recreation' local scheme reserve that lies to the south-east of the subject lot. The two lots to the west of the subject lot are zoned 'Rural Residential' and are largely covered by remnant vegetation. A 'Public Use' local scheme reserve for the purpose of 'Conservation of Flora and Fauna' lies to the north-west of the subject lot and is covered by remnant vegetation. A single house and associated outbuildings has been developed on each of the surrounding 'General Agriculture' and 'Rural Residential' zoned lots. These houses are located between approximately 110 and 300 metres from the proposed site of the telecommunications infrastructure.
7. Optus has advised the City of Albany that they have undertaken analysis of their mobile network in the Gledhow area and identified that coverage and network quality needs to be improved. They have concluded that upgrading their existing infrastructure would not provide sufficient coverage for the target area due to distance and so it is necessary to install a new monopole telecommunications mast. Optus have stated that if this infrastructure is not installed, users may have difficulty connecting to the mobile network or their calls may drop out and they may experience reduced data transfer speeds, longer download times and poor network performance at busy times of the day.
8. Before deciding on a suitable location for new infrastructure, Optus examined a range of possible locations in the Gledhow area, taking into account the availability of a cleared site, the willingness of a landowner to lease their land for the location of infrastructure and the improvements to coverage and network performance that would be gained.
9. The subject lot was considered to be a suitable location due to a number of factors. The lot is largely cleared of native vegetation and is elevated in the south-east, which is conducive to good network coverage and performance. The location of the lot will minimise development costs associated with the provision of utilities and the owners are willing to lease a portion of their land. Furthermore, the surrounding lots contain large stands of remnant vegetation that will help to screen the installation from surrounding residences and public vantage points.
10. The application was directly referred to nearby landowners for comment, in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and clause 9.4 of *Local Planning Scheme No. 1*.
11. Eight written submissions were received in response to the referral, with each raising objections.

12. These matters were discussed with the proponent, who has provided additional information in an attempt to mitigate the concerns raised.
13. Council is now requested to consider whether to grant development approval.

DISCUSSION

14. City of Albany *Local Planning Scheme No. 1* defines Telecommunications Infrastructure as “land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or any other structure used, or for use in or in connection with a telecommunications network”.
15. The proposed works will involve the installation of a 35 metre tall monopole fitted with a single parabolic transmission antenna at 25 metres and topped by a triangular headframe carrying three 12 port panel antennas, giving the structure an overall height of 36 metres. This will be accompanied by a 7.5m² equipment cabin and an elevated cable ladder connecting it to the mast. The complete installation will be located within a 77.52m² leased compound enclosed by a 2.4 metre tall chain link security fence. Power will be supplied to the installation from the nearest transformer, located on Bottlebrush Road, by means of an underground cable.
16. Following referral of the application to nearby landowners, the City received eight submissions raising objections to the proposal. One submission included a petition with 33 signatories.
17. The main concerns raised and responses to these matters from the proponent and City staff are as follows:
18. The need for additional infrastructure

One submission stated that the Optus network currently receives a strong signal in the locality and questions the need for the installation of new infrastructure.

The proponent has advised that additional base stations are required where surrounding facilities cannot provide sufficient coverage to a target area or connection speeds slow due to the number of users accessing the network. The proponent has claimed that new infrastructure is needed in the Gledhow locality to improve connection speeds and reduce the occurrence of drop-outs from the network.

The proponent has also provided a diagram showing the geographical area that they expect to be serviced by the proposed installation (see *Figure 2: Expected service area* above).

19. Electromagnetic emissions

Seven submissions claim that telecommunications infrastructure emits unknown levels of radiation which may impact on public health.

All mobile communications facilities across Australia are required to operate within strict operational standards set by the Australian Communications and Media Authority (ACMA) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The Federally established Australian Radiation Protection and Nuclear Safety Agency enforce the Radiation Protection Standard for maximum exposure levels to radiofrequency fields – 3kHz to 300GHz. The electromagnetic energy report submitted by the proponent states that the maximum calculated electromagnetic energy level from the proposed installation would be 0.47% of the public exposure limit (updated from 0.27%), or over 200 times lower than the maximum safe levels mandated by the Federal Government.

ARPANSA's fact sheet *Mobile Phone Base Stations and Health* states that health authorities around the world, including the World Health Organization and ARPANSA themselves, have examined the scientific evidence regarding possible health effects from base stations. Current research indicates that there are no established health effects from the low exposure to the radiofrequency field electromagnetic energy emitted from mobile phone base station antennas. Furthermore, no adverse health effects are expected from continuous exposure to this radiofrequency field electromagnetic energy.

20. Suitability of a rural setting for the installation of telecommunications infrastructure

Four submissions question why the installation of telecommunications infrastructure is being considered in a rural area, indicating that it would be more appropriate in an industrial area.

Local Planning Scheme No. 1 makes provision for telecommunications infrastructure to be considered as a discretionary land use in most zones, including the 'General Agriculture' zone.

The Western Australian Planning Commission *Guidelines for the location, siting and design of telecommunications infrastructure* states that "telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas".

The proponent has also advised that infrastructure must be located close to the area it is intended to serve in order to be effective.

21. Visual Amenity

Three submissions state that the proposed installation will be detrimental to the visual amenity of the area, with one submission describing it as a "blight" on the landscape.

It is acknowledged that the proposed installation will be visible from some neighbouring properties and public vantage points in the surrounding area. However, due to the screening provided by surrounding trees, only the top of the tower will be visible from most locations. The proponent has provided a number of photomontages showing the visual impact of the proposed installation from a number of locations around the site (see attachment two).

Mobile phone base stations must be located in close proximity to the communities they are intended to serve and are relatively commonplace in today's landscape. The proposed installation is also located well away from more densely populated areas to the east, which limits its perceived visual impact.

22. Devaluation of property

One submission states that the proposed installation will result in significant devaluation of property due to its visibility and the impact that it would have on views in the area. However, any effect on property value, whether negative or positive, is not a valid planning consideration and cannot be taken into account in the assessment of a development proposal.

GOVERNMENT & PUBLIC CONSULTATION

23. The proposal was directly referred to nearby landowners in writing, for comment for a period of 14 days, in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and clause 9.4 – *Advertising of Applications* within *Local Planning Scheme No. 1*.

24. A total of eight submissions were received during the public comment period, each objecting to the proposal for various reasons. One submission included a petition with 33 signatories. Staff comments and recommendations are provided in the attached schedule, while the broad issues are discussed in paragraphs 16 – 22 above.

STATUTORY IMPLICATIONS

25. Telecommunications Infrastructure is classified as a 'D' use within the 'General Agriculture' zone under *Local Planning Scheme No. 1*, meaning that the use is not permitted, unless the local government has exercised its discretion by granting planning approval.
26. Councillors are also advised that licensed telecommunications carriers must operate under the provisions of the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 1997*. Section 2.11 of *The Telecommunications Code of Practice 1997* sets out the design, planning and installation requirements for carriers to ensure that the installation of facilities is in accordance with industry 'best practice'.
27. Voting requirement is a **Simple Majority**.

POLICY IMPLICATIONS

28. Applications for telecommunication infrastructure must be assessed against the objectives of *State Planning Policy 5.2 – Telecommunications Infrastructure*, which are as follows:
 - a) *Facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;*
 - b) *Manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;*
 - c) *Ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and*
 - d) *Promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure.*
29. It is considered that the proposal is consistent with these objectives.
30. The Western Australian Planning Commission *Guidelines for the location, siting and design of telecommunications infrastructure* suggest that “*telecommunications facilities that have the potential to be visually intrusive should, where possible, be located in industrial, commercial, business or rural areas*”.
31. The Guidelines go on to state that “*visually intrusive facilities should generally not be situated within residential areas or in areas of particular environmental significance such as foreshores and Bush Forever sites. They should also not be prominently visible from significant vantage points including tourist routes and lookouts and recreation sites, in order to preserve the amenity and environmental value of these areas*”.
32. In this context, it is considered that the choice of site is appropriate, as the locality is predominately rural in character and has with no significant environmental significance. Furthermore, the site is remote from significant vantage points such as tourist routes and recreation sites.
33. The Guidelines suggest that “*design measures need to be employed to address visual impact*” in the case of free-standing installations, such as above-ground housing or towers. The Guidelines state that appropriate measures may include “*adjustment to the overall size (height and dimension) of the facility*” or “*colour to match the predominant background (e.g. sky, vegetation)*”.
34. It is considered that the design of the proposed installation as a monopole minimises its bulk and subsequent visual impact as much as possible. However, in order to further minimise any visual intrusion, it is recommended that the following planning conditions are applied to any approval:

- Prior to commencement of development, a schedule of materials and colours to be used on the structures hereby approved shall be submitted for the approval in writing of the City of Albany.
- Lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation <i>The proposed infrastructure may be perceived as unacceptable by some members of the community</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation of impacts to be achieved through adoption and enforcement of conditions.</i>
Opportunity <i>Improved Network coverage.</i>				

FINANCIAL IMPLICATIONS

36. All costs associated with the development will be borne by the proponent.
37. Should the proponents seek a review of Council's decision or any attached conditions through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

40. The subject lot is predominately cleared pasture and has been developed with a single house and associated outbuildings. There are no environmental considerations relating to this proposal.

ALTERNATE OPTIONS

41. Council may consider alternate options in relation to this item, such as:
- To determine that the proposed use is unacceptable and to resolve to refuse the application; or
 - To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

CONCLUSION

42. The proposal is not considered to conflict with the objectives of the ‘General Agriculture’ zone and is consistent with the objectives of *State Planning Policy 5.2 – Telecommunications Infrastructure*.
43. The matters raised in the public submissions received in response to the referral of the application to nearby landowners have been broadly addressed by the proponent. It is acknowledged that the proposed installation will be visible to some degree from some properties and public vantage points in the locality. However, it is considered that the chosen site strikes an appropriate balance between the proponent’s operational requirements and likely impacts on amenity.
44. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	<ul style="list-style-type: none"> • Western Australian Planning Commission <i>State Planning Policy 5.2 – Telecommunications Infrastructure</i> • Western Australian Planning Commission <i>Guidelines for the location, siting and design of telecommunications infrastructure</i> • <i>Local Planning Scheme No. 1</i> • <i>Telecommunications Act 1997</i> • <i>Telecommunications Code of Practice 1997</i> • <i>Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields</i> • <i>ARPANSA Fact Sheet – Mobile Phone Base Stations and Health</i>
File Number (Name of Ward)	:	A22189 (West Ward)
Previous Reference	:	Nil

PD150: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT – LOTS 16, 17 AND 541 MERCER ROAD AND LOTS 38, 371 AND 372 CATALINA ROAD, LANGE

Land Description : Lots 16, 17 & 541 Mercer Road and Lots 38, 371 & 372 Catalina Road, Lange

Proponent : Ayton Baesjou Planning

Owners : T W & K O'Donnell, R & R A Tognetti, W A & C J Greay, G P Wright & C J Waugh, G M Forbes & R J Haarbjoern, D J, M W & D J Marwick

Business Entity Name : Nil

Attachments : Local Planning Scheme Amendment No. 21 report

Supplementary Information & Councillor Workstation: : Nil

Report Prepared by : Planning Officer (C McMurtrie)

Responsible Officer : Acting Executive Director Planning and Development (P Camins)

Responsible Officer's Signature:

STRATEGIC IMPLICATIONS

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

Maps and Diagrams



In Brief:

- A request has been submitted for Council to adopt a local planning scheme amendment to:
 - Rezone Lots 16, 17 & 541 Mercer Road and Lots 38, 371 & 372 Catalina Road, Lange from the 'General Agriculture' zone to the 'Future Urban' zone.
- City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy* and the *Yakamia/Lange Structure Plan*.
- The proposal will facilitate the development of land between the existing urban areas at Catalina Road and Yakamia.
- Structure planning of the subject lots has already taken place as part of the *Yakamia/Lange Structure Plan* and the proposed amendment seeks to rezone the land according to this plan. Therefore, the proposal may be entertained, as it does not conflict with the current moratorium on the initiation of significant local planning scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land.
- Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

RECOMMENDATION

**PD150: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

1. **Adopt Amendment No. 21 to amend *City of Albany Local Planning Scheme No. 1* by:**
 - (1) **Rezoning Lots 16, 17 & 541 Mercer Road and Lots 38, 371 & 372 Catalina Road, Lange from the 'General Agriculture' zone to the 'Future Urban' zone.**
2. **Note that the Amendment is basic under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
 - **It is an amendment to the scheme map that is consistent with the structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan.**

PD150: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 5-0

PD150: RESPONSIBLE OFFICER RECOMMENDATION

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

1. **Adopt Amendment No. 21 to amend *City of Albany Local Planning Scheme No. 1* by:**
 - (1) **Rezoning Lots 16, 17 & 541 Mercer Road and Lots 38, 371 & 372 Catalina Road, Lange from the 'General Agriculture' zone to the 'Future Urban' zone.**

2. Note that the Amendment is basic under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
- It is an amendment to the scheme map that is consistent with the structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. Amendment No. 21 has been prepared to:
- Rezone Lots 16, 17 & 541 Mercer Road and Lots 38, 371 & 372 Catalina Road, Lange from the 'General Agriculture' zone to the 'Future Urban' zone.
6. The subject lots are located approximately 3.3 kilometres north of York Street and have a cumulative area of approximately 47.29 hectares. They are composed primarily of cleared pasture, with some parkland cleared remnant vegetation on boundaries and around dwellings, mostly in the north-eastern quarter, adjacent to Mercer Road. The land slopes downward from its western extent toward the north-east, with a low valley running through the northern half of Lots 38 and 372 Catalina Road carrying a seasonal drainage line. Each lot has been developed with a single house and associated outbuildings.
7. The land to the west of the subject lots is partly zoned 'Residential' and partly zoned 'Future Urban'. The 'Residential' component is partially developed with an aged persons' village, while the 'Future Urban' component is undergoing gradual subdivision and the subsequent development of a single house on each new lot created. The land to the south of the subject lots is zoned 'Future Urban' and is currently under pasture, with a single house and associated outbuildings standing on each lot. The land to the east and north of the subject lots is zoned 'General Agriculture' and has largely been cleared for pasture. Some lots have been developed with a single house and associated outbuildings. Lot 36, which lies to the south-east of the subject land is currently designated as a 'Public Use' local scheme reserve for government purposes. However, this lot is currently being rezoned to the 'Future Urban' zone by means of a separate local planning scheme amendment.
8. The amendment document states that:
- "Following recent local and state endorsement of the Yakamia – Lange Structure Plan (YLSP) it is proposed to rezone the northwest precinct to Future Urban.*
- The subject land comprises Lots 16, 17 & 541 Mercer Road and Lots 38, 371 & 372 Catalina Road, Lange."*
- "The purpose of the Future Urban zone is twofold. Firstly, the development controls of the zone protect the land from inappropriate development or development that may make the Structure Plan more difficult to implement. In addition to this, the Future Urban zone signals clearly to local and state agencies and authorities that urban subdivision and development (in accord with the YLPS) is the preferred future for the land. This also gives landowners/developers the certainty required to invest in the downstream detailed planning processes needed to fulfil the vision provided by the Structure Plan.*
- Transferring the land to the Future Urban zone via an amendment to Local Planning Scheme No. 1 (LPS1) is the necessary first step in implementing the objective of the Yakamia – Lange Structure Plan."*

DISCUSSION

9. The City's planning Staff support the rezoning of Lots 16, 17 & 541 Mercer Road and Lots 38, 371 & 372 Catalina Road, Lange from the 'General Agriculture' zone to the 'Future Urban' zone, as it is consistent with the *Albany Local Planning Strategy*.
10. The *Albany Local Planning Strategy* identifies the subject lots as 'Future Urban' with a 'Priority 2' coding. The *Albany Local Planning Strategy* sets a strategic objective to "support the consolidation of serviced urban areas and facilitate fully-serviced incremental-development nodes". The *Albany Local Planning Strategy* further states that "Priority 2 promotes the continuing expansion of the fronts in...Yakamia... Priority 2 areas have been structure-planned and/or are the subject of current subdivision applications. They can supply new lots within a short to medium development timeframe."
11. Structure planning of the subject lots has already taken place as part of the wider *Yakamia/Lange Structure Plan* and proposed amendment seeks to rezone the land according to this plan. Therefore, the proposal may be entertained, as it does not conflict with the current moratorium on the initiation of significant local planning scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land.
12. The proposal is consistent with the *Albany Local Planning Strategy's* objective of supporting staged incremental development, as it will facilitate the development of land between the existing urban areas at Catalina Road and Yakamia.

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

14. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
15. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning. Section 81 of the Act requires a local government to refer an adopted local planning scheme amendment to the Environmental Protection Authority to determine if it should be assessed.
16. Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
17. The proposal is considered to be a basic scheme amendment for the following reasons:
 - It is an amendment to the scheme map that is consistent with the structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan.
18. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

21. The *Yakamia/Lange Structure Plan* makes provision for the City to obtain a financial contribution from developers towards the upgrade and construction of roads and intersections in the vicinity of the development.
22. A comprehensive Road Contribution Plan was developed and appended to the Structure Plan. Western Australian Planning Commission *State Planning Policy 3.6 – Development Contributions for Infrastructure* allows the City to implement the Road Contribution Plan, which has calculated the developer contribution on a per lot basis for each new lot created, as a condition of subdivision in accordance with *State Planning Policy 3.6*.
23. The 'Public Parkland' areas identified on the Structure Plan for public open space and foreshore reserves are to be ceded to the Crown and vested with the City for management purposes, at the time of subdivision. The City will incur costs associated with the ongoing maintenance of the 'Public Parkland' areas.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

25. The design of the *Yakamia/Lange Structure Plan* was informed by the Office of the Environmental Protection Authority, and seeks to provide a balanced approach to protect environmentally sensitive areas and to accommodate development.
26. The low-lying land and seasonal drainage line that traverses the northern half of Lots 38 and 372 Catalina Road will be transferred into a Parks and Recreation reserve at the time of subdivision.

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

28. It is recommended that Council adopt Local Planning Scheme Amendment No. 21, as the proposal is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will facilitate the development of land between the existing urban areas at Catalina Road and Yakamia.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Albany Corporate Business Plan 2013-2017</i> 5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i>
File Number (Name of Ward)	:	LAMD21 (Yakamia Ward)
Previous Reference	:	O.C.M. 15/12/15 – Item PD093

PD151: PLANNING AND BUILDING REPORTS NOVEMBER 2016

Proponent : City of Albany
Attachment : Planning and Building Reports November 2016
Report Prepared By : Administration Officer-Planning (K Smith)
Information Officer-Development Services (J Corcoran)
Responsible Officer(s): : A/Executive Director Development Services (P Camins)

Responsible Officer's Signature



RECOMMENDATION

PD151: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

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

BFAC005: RECEIVE THE MINUTES OF THE BUSH FIRE ADVISORY COMMITTEE MEETING HELD 24 NOVEMBER 2016

Proponent : City of Albany
Attachment : BFAC Meeting Minutes 24 November 2016
Report Prepared By : Personal Assistant to ED Development Services (J Cobbold)
Responsible Officer(s): : Acting Executive Director Development Services (P Camins)

Responsible Officer's Signature:



In Brief:

- Receive the minutes of the Bush Fire Advisory Committee meeting held on 24 November 2016.

RECOMMENDATION

BFAC005: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Bush Fire Advisory Committee meeting held on 24 November 2016 be RECEIVED.

CSF283: FINANCIAL ACTIVITY STATEMENT – OCTOBER 2016

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

Responsible Officer's Signature:



RECOMMENDATION

CSF283: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 October 2016

CSF283: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF283: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 October 2016

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 October 2016 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

8. The City’s 2016/17 Annual Budget provides a set of parameters that guides the City’s financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 October 2016 has been incurred in accordance with the 2016/17 proposed budget parameters.
11. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CSF284: LIST OF ACCOUNTS FOR PAYMENT – NOVEMBER 2016

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

Responsible Officer’s Signature:

RECOMMENDATION

**CSF284: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2016 totalling \$4,768,762.23.

CSF284: COMMITTEE RECOMMENDATION

MOVED COUNCILLOR DOWLING
SECONDED COUNCILLOR PRICE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF284: RESPONSIBLE OFFICER RECOMMENDATION

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2016 totalling \$4,768,762.23.

BACKGROUND

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

DISCUSSION

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

Municipal Fund

Trust	\$27,240.00
Credit Cards	\$14,490.21
Payroll	\$1,208,356.91
Cheques	\$60,364.88
Electronic Funds Transfer	\$3,458,310.23
TOTAL	<u>\$4,768,762.23</u>

3. As at 15 November 2016, the total outstanding creditors, stands at \$1,296,158.00 and made up as follows:-

Current	\$474,176.38
30 Days	\$806,474.58
60 Days	\$9,237.68
90 Days	\$6,269.36
TOTAL	<u>\$1,296,158.00</u>

Cancelled cheques – Nil.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

7. Expenditure for the period to 15 November 2016 has been incurred in accordance with the 2016/2017 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 November 2016 has been incurred in accordance with the 2016/2017 budget parameters.

SUMMARY CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CSF285: DELEGATED AUTHORITY REPORTS

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

Responsible Officer's Signature:



RECOMMENDATION

CSF285: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the Delegated Authority Reports 16 October 2016 to 15 November 2016.

CSF285: COMMITTEE RECOMMENDATION

MOVED COUNCILLOR DOWLING
SECONDED COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF285: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports 16 October 2016 to 15 November 2016.

**CSF286: TRANSFER OF LAND TENURE – ALBANY
ENTERTAINMENT CENTRE**

Land Description : Lot 2 No 2 Toll Place, Albany
Proponent / Owner : City of Albany
Report Prepared By : Senior Lands Officer (N Crook)
Responsible Officers: : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 1 Smart, Prosperous & Growing.
4 A Sense of Community
 - b. **Strategic Objectives:** 1.3 To develop and promote Albany as a unique and sought-after visitor location.
4.1 To build resilient and cohesive communities with a strong sense of community spirit.
 - c. **Strategy:** 1.3.1 Encourage, support and deliver significant events that promote our region.
4.1.1 Facilitate and promote arts and cultural activities for all ages.

Maps and Diagrams:



In Brief:

- In April 2016, Council considered an item discussing the future management of the Albany Entertainment Centre and the operations model put forward by the Department of Culture and the Arts.
- Council resolved to give in-principle agreement for the City to transfer the land on which the AEC is built back to the State Government.
- The City has discussed this option with the Department of Lands and this Department has advised that a formal request is required under the provisions of the *Land Administration Act 1997* in order to transfer the land back to the Crown.
- It is recommended that Council request that the Minister for Lands accept the surrender of Lot 2 No 2 Toll Place held in fee simple by the City of Albany in order to create a Crown Reserve, with a future management order being granted to the Perth Theatre Trust.

RECOMMENDATION

**CSF286: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- (1) REQUESTS that the Minister for Lands accept, under Section 11 of the *Land Administration Act 1997*, the surrender of the fee simple for Lot 2 No 2 Toll Place held by the City of Albany under Certificate of Title Volume 2766 Folio 771;**
- (2) REQUESTS that the Minister for Lands reserve Lot 2 No 2 Toll Place to the Crown, under Section 41 of the *Land Administration Act 1997*, for the purpose of Entertainment Centre (or similar purpose as may be preferred by the Department of Lands);**
- (3) ADVISE the Minister for Lands of Council's support that, under Section 46 of the *Land Administration Act 1997*, the management order for this newly created reserve is placed with the Perth Theatre Trust.**

CSF286: COMMITTEE RECOMMENDATION

MOVED COUNCILLOR HAMMOND
SECONDED COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF286: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) REQUESTS that the Minister for Lands accept, under Section 11 of the *Land Administration Act 1997*, the surrender of the fee simple for Lot 2 No 2 Toll Place held by the City of Albany under Certificate of Title Volume 2766 Folio 771;
- (2) REQUESTS that the Minister for Lands reserve Lot 2 No 2 Toll Place to the Crown, under Section 41 of the *Land Administration Act 1997*, for the purpose of Entertainment Centre (or similar purpose as may be preferred by the Department of Lands);
- (3) ADVISE the Minister for Lands of Council's support that, under Section 46 of the *Land Administration Act 1997*, the management order for this newly created reserve is placed with the Perth Theatre Trust.

BACKGROUND

2. In September 2007, the City entered into a Memorandum of Agreement with the State of Western Australia for the construction of the Albany Entertainment Centre (AEC). The City made contributions during construction, part of which was to Landcorp for buying the land.
3. In January 2013, the City received correspondence from Landcorp advising that the final payment for the land had been received and in accordance with the Memorandum of Agreement, the land title would be transferred to the City of Albany. This transfer was enacted in February 2013.
4. Since construction of the Albany Entertainment Centre (AEC) was completed in August 2010, the centre was managed firstly by AEG Ogden until 31 December 2014 and then by the Perth Theatre Trust.
5. In July 2015, the Minister for Planning, Culture and the Arts advised that the State Government would manage the AEC for a further five years and that the State Government would work closely with the City to develop an efficient and sustainable operating model for the AEC.
6. The item to Council in April 2016 discussed the management model put forward by the Department of Culture and the Arts and Council agreed to the establishment of an Operations Committee to provide immediate oversight of the operations of the AEC and prepare a business case for a new operational model.
7. As part of this April 2016 resolution, Council provided in-principle agreement for the City to transfer the land on which the AEC is constructed back to the State Government. This report will only deal with this aspect and does not intend on discussing the ongoing management of the AEC.

DISCUSSION

8. The Department of Culture and the Arts has requested that Lot 2 No 2 Toll Place be transferred to the State Government, in favour of the Perth Theatre Trust, with effect before the end of the 2015/16 financial year. This land transfer is to reflect previous agreements that the State Government would continue to contribute towards operational costs and provide management services through the Perth Theatre Trust.
9. Given the Council's general preference that the State Government retain the ongoing management of the AEC, with financial contributions and involvement by the City, rather than the City assuming the full management of the facility, it is recommended that the land transfer be effected.
10. The land in question, Lot 2 No 2 Toll Place, is a 1.02ha lot which is designated as Special Use Zone (SU15) under the *Local Planning Scheme No 1*. This Special Use zone applies to the Albany Princess Royal Harbour Foreshore and sets use and development requirements for the different precincts in this zone. Nothing in the proposed transfer of land impacts on the requirements of the *Local Planning Scheme No 1*.
11. There are a number of easements, restrictive covenants and notifications on title that concern a range of matters i.e. drainage, sewer, electricity, motor vehicle parking, public access, access to Princess Royal Drive, noise impacts, Port operations, etc. These encumbrances on title will carry with the transfer of the land and should remain on title.

GOVERNMENT & PUBLIC CONSULTATION

12. The City has discussed the ongoing management of the land with the Department of Culture and the Arts and other key stakeholders. The transfer of the land has also been discussed with the Department of Lands and this report responds to the concerns raised by this department.

STATUTORY IMPLICATIONS

13. Section 11 of the *Land Administration Act 1997* provides for the Minister of Lands to acquire land in the public interest. This may occur through the surrender of land held in fee simple (freehold).
14. Section 41 of the *Land Administration Act 1997* allows the Minister to reserve land to the Crown for one or more purposes in the public interest.
15. Section 46 of the *Land Administration Act 1997* allows the Minister to place the care, control and management of a reserve in an agency.
16. Section 3.58 of the *Local Government Act 1995* sets the requirements that must be observed to dispose of local government property. This part generally states that land must be sold via public auction or public tender, or otherwise following the public notification of the intent to dispose of land.
17. Regulation 30 of the *Local Government (Functions and General) Regulations 1996* states that land which is to be disposed of to the Crown in right of the State or Commonwealth or land which is disposed of to a department, agency or instrumentality of the Crown in the right of the State or Commonwealth is exempt from compliance with Section 3.58 of the Act.
18. In order to achieve compliance with the above, Council's resolution must reference the provisions of the *Land Administration Act 1997*, though it is noted that there are no requirements of the *Local Government Act 1995* which must be observed as part of this action.

POLICY IMPLICATIONS

19. There are no policy implications relating to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation & Financial. <i>Council rescinds its previous in-principle support to transfer the land, impacting on the existing management structures established with the State Government.</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>City continue to negotiate a management agreement with the State Government that is acceptable to all parties.</i>
Reputation. <i>Public perception that the City is disposing of a valuable asset.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>City make clear the financial implications to Council if this asset was retained and managed by the City into the future.</i>

FINANCIAL IMPLICATIONS

21. The City paid an amount of \$1,100,000 (including GST) to Landcorp to purchase Lot 2 No 2 Toll Place. This was part of the City's payment towards the construction of the AEC, as agreed under the 2007 Memorandum of Agreement with the State of Western Australia.
22. There are no financial implications associated with the transfer of the land to the State.

LEGAL IMPLICATIONS

23. Assuming compliance with the relevant legislation is achieved, there are no other legal implications relevant to this item.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

25. Council may rescind its previous in-principle support and decide against the transfer of the land to the State Government. However, this may have implications for the ongoing management of the facility by the State Government and this presents a financial risk to the City.

CONCLUSION

26. Council has previously provided in-principle support to the transfer of Lot 2 No 2 Toll Place, being the site of the Albany Entertainment Centre, to the State Government and indicated a willingness to work cooperatively with the Department of Culture and the Arts on the future management of the facility.

27. This item recommends that the formal processes to transfer this lot to the State be enacted. It is proposed that Council supports the creation of a Crown Reserve, with the management order being granted to the Perth Theatre Trust, as has been requested by the Department of Culture and the Arts.

28. This action supports the City's intent that the State Government remains actively involved with the operation and management of the Albany Entertainment Centre.

Consulted References	:	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i> <i>Local Government (Functions and General) Regulations</i>
File Number (Name of Ward)	:	<i>CS.AGR.4</i>
Previous Reference	:	<i>OCM 27/9/2016 Item CSF021 (Confidential Item)</i> <i>OCM 26/4/2016 Item CSF237 (Confidential Item)</i>

CSF287: NEW LEASE – TREVOR WHEATCROFT – CHEYNE ROAD, CHEYNE BEACH

Land Description : Portion of Crown Reserve 878 Lot 7442 on Deposited Plan 214689, the subject of Head Certificate of Title Volume LR3082 Folio 959, Cheyne Beach

Proponent : Trevor Wheatcroft

Owner : City of Albany

Report Prepared by : Team Leader Property and Leasing (T Catherall)

Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:

STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council is requested to consider a new lease for Trevor Wheatcroft over Lot 7 Cheyne Road, for a term of 21 years in order to continue the existing use of accommodation associated with the commercial fishing industry at Cheyne Beach.
- All buildings and structures are the liability of the lessee and the Lease is for the land only.
- The recommendation proposes that Council approve the new lease.

RECOMMENDATION

**CSF287: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE a new lease to Trevor Wheatcroft over Lot 7 Cheyne Road, Cheyne Beach, subject to:

- a) Lease purpose being “Accommodation associated with the Commercial Fishing Industry” in accordance with the Management Order for the reserve.**
- b) Lease is conditional upon the lessee continuing to operate under a commercial fisherman’s licence for the Cheyne Beach area issued by the Department of Fisheries Western Australia.**
- c) Lease area being approximately 1876m² to be confirmed by survey.**
- d) Lease rent to be determined by market valuation provided by a licensed Valuer.**
- e) Rent reviews by market valuation every three years with Consumer Price Index applied for intervening years.**
- f) Lease term being 21 years.**
- g) Lease commencement date being 1 January 2017.**
- h) All costs associated with the ongoing operations of the lease property being payable by the lessee.**
- i) All costs associated with the preparation, execution and completion of the lease documentation being payable by the lessee.**
- j) Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent being obtained.**
- k) The proposed lease being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.**
- l) Cheyne Beach Planning Policy will apply to future development approvals.**
- m) Lease being consistent with Council Policy – Property Management (Leases and Licences).**

CSF287: COMMITTEE RECOMMENDATION

**MOVED COUNCILLOR HAMMOND
SECONDED COUNCILLOR DOWLING**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF287: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE a new lease to Trevor Wheatcroft over Lot 7 Cheyne Road, Cheyne Beach, subject to:

- a) Lease purpose being “Accommodation associated with the Commercial Fishing Industry” in accordance with the Management Order for the reserve.
- b) Lease is conditional upon the lessee continuing to operate under a commercial fisherman's licence for the Cheyne Beach area issued by the Department of Fisheries Western Australia.
- c) Lease area being approximately 1876m² to be confirmed by survey.
- d) Lease rent to be determined by market valuation provided by a licensed Valuer.
- e) Rent reviews by market valuation every three years with Consumer Price Index applied for intervening years.
- f) Lease term being 21 years.
- g) Lease commencement date being 1 January 2017.
- h) All costs associated with the ongoing operations of the lease property being payable by the lessee.
- i) All costs associated with the preparation, execution and completion of the lease documentation being payable by the lessee.
- j) Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent being obtained.
- k) The proposed lease being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.
- l) Cheyne Beach Planning Policy will apply to future development approvals.
- m) Lease being consistent with Council Policy – Property Management (Leases and Licences).

BACKGROUND

2. Crown Reserve 878 is under management order H359478 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of “Recreation, Camping, Holiday Accommodation, Accommodation Associated with the Fishing Industry and Fire Station” for any term not exceeding 21 years subject to the consent of the Minister for Lands.
3. Crown Reserve 878, with an area of approximately 115 hectares, is located at Cheyne Beach. The reserve is surrounded by approximately 3,500 hectares of National Park under the management of the Department of Parks and Wildlife.
4. The reserve currently hosts 29 holiday accommodation leases along Baxteri Road, seven leases for accommodation associated with the commercial fishing industry and one commercial fishing licence for access to the waterfront for fish loading operations, along Cheyne Road, Cheyne Beach.
5. In total there are 16 surveyed lots within Reserve 878 along Cheyne Road that are gazetted for the purpose of accommodation associated with the Cheyne Beach fishing industry. The City of Albany fire shed is situated on Lot 15 within this gazetted area. Only lots 2 and 3 are located on waterfront land.
6. The Cheyne Beach Caravan Park was originally part of Reserve 878 with this area being excised and is now freehold land adjacent to the 16 surveyed lots reserved for fishing accommodation land.

7. In January 1997 the former Shire of Albany entered into a lease agreement with Trevor Wheatcroft enabling him to formalise his fishing accommodation needs at Cheyne Beach.
8. The lease for a term of 10 years, commenced 1 January 1997 with a 10 year further term option exercised, is due to expire 31 December 2016. Current lease rental payable to the City, reviewed every second year by market valuation is \$2,500.00 plus GST per annum.
9. The lease granted for commercial fishing accommodation allowed the lessee to construct buildings and infrastructure on the land to support the commercial fishing activities. The lessee is responsible for providing adequate electricity supply, adequate potable water supply, an effluent disposal system and parking.
10. Commercial fishermen have been fishing the Cheyne Beach area in excess of 60 years and it is understood the family of the lessee have a long term association with the Cheyne Beach fishing industry.
11. Council in December 2015 approved new leases over lots 8, 9 and 11 Cheyne Road for accommodation associated with the commercial fishing industry for a term of 10 years with an option for a further 10 years.

DISCUSSION

12. The lessee has requested a new lease for a 21 year term in order to retain the existing buildings on the lease site to continue his commercial fishing activities from Cheyne Beach.
13. A term of 21 years is consistent with other Cheyne Beach commercial fishing leases not located on waterfront land and consistent Council Policy – Property Management (Leases and Licences).
14. A lease can be considered with commercial fishermen seeking accommodation at Cheyne Beach, provided they meet the following requirements:
 - a. the lessee is actively engaged in the fishing industry at Cheyne Beach;
 - b. the lessee holds a current commercial fishing licence issued by the Department of Fisheries Western Australia; and
 - c. the lessee will use the location for accommodation associated with the commercial industry for own or staff accommodation only.
15. It is noted that the lessee has provided a statutory declaration and provided a copy of the current commercial fishing licence in order to comply with the pre-conditions to lease.
16. In addition the lessee has met the obligations of the previous lease including payment of rent and outgoings and holding the required licences.
17. The proposed commercial fishing accommodation lease for Trevor Wheatcroft will have no impact on the City's Cheyne Beach Improvement Plan, as all of the proposed improvements under the Plan are outside of any existing lease area.
18. The proposed lease will be developed in line with Council Policy – Property Management (Leases and Licences).

GOVERNMENT & PUBLIC CONSULTATION

19. The Department of Lands will be consulted, as it is a requirement of Section 18 of the *Land Administration Act 1997* that the Minister for Land's consent is obtained.
20. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings. The Act requires the following:
 - a. A local government must give local public notice of the proposed lease/licence inviting submissions from the public, for a period of two weeks.
 - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
 - c. A local government can then proceed with the lease/licence.
21. The new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

22. Section 18 the *Land Administration Act 1997* states that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land or create or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.
23. As this is Crown land, under Management Order held by the City, the Minister's consent will be sought.
24. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings including advertising requirements. The proposed lease will be advertised.
25. The *Aboriginal Heritage Act 1972* applies to any place or object of importance to persons of Aboriginal descent and Section 17 of this Act makes it an offence to destroy, damage or alter in any way an Aboriginal site or object. This Act applies to known and unknown sites.
26. In past discussions with the local Noongar community regarding the Cheyne Beach area, including visits on site, it is known to staff that there are areas in this locality of significance to the Noongar community. A full Aboriginal Heritage Survey was recently undertaken to consider a range of future proposals in the Cheynes locality to manage any risk of disturbing Aboriginal cultural heritage.
27. Any future development needs to be considered in the context of the recommendation of the Heritage Survey.

POLICY IMPLICATIONS

28. Council adopted a revised Property Management (Leases and Licences) Policy in July 2015.
29. The Policy aims to ensure that all requests for leases and licences will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
30. The recommendation is consistent with Council Policy – Property Management (Leases and Licences).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Reputation: Renewal of lease not approved.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Reputation: If new lease is not approved – accommodation for the Cheynes fishing industry will be limited.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Reputation: New lease not approved – lessee to remove buildings and make good the land – may lead to closure of fishing operations.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>City to manage lessee reaction in a measured way and ensure open communication with lessee.</i>

FINANCIAL IMPLICATIONS

32. All costs associated with the development, execution and completion of the lease documentation will be met by the lessee.
33. Lease rental to be determined by market valuation provided by a licensed Valuer.
34. The new lease rental will be placed into the Cheyne Beach Improvement Reserve for the purpose of facilitating community maintenance and enhancement projects in the Cheyne Beach locality.

LEGAL IMPLICATIONS

35. The Deed will be prepared by City’s lawyers, at lessee expense.

ENVIRONMENTAL CONSIDERATIONS

36. There are no environment considerations.

ALTERNATE OPTIONS

37. Council may:
- a. Approve the proposed new lease; or
 - b. Decline the lease.
38. Should Council decline the lease, alternate accommodation may be sought by the lessee should they wish to reside at Cheyne Beach to undertake commercial fishing operations. This may prove difficult given limited land available for development within the reserve.
39. Should Council decline the lease, lessee may be required to vacate the property, demolish and remove all buildings and improvements and make good the land.

SUMMARY CONCLUSION

- 40. The current Cheyne Beach Commercial Fishermans Accommodation lease for Trevor Wheatcroft over lot 7 Cheyne Road, Cheyne Beach is due to expire on 31 December 2016.
- 41. The lessee has requested a new lease for a term of 21 years, so he may continue his commercial fishing activities at Cheyne Beach.
- 42. The lessee is actively engaged in the commercial fishing industry at Cheyne Beach and holds the required commercial fishing licences.
- 43. It is recommended that the proposed new lease be supported.

Consulted References	:	<ul style="list-style-type: none"> • Council Policy – Property Management (Leases and Licences) • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	PRO227, A5603 (Kalgan Ward)
Previous Reference	:	OCM 14.07.2015 Item CSF181 OCM 15.12.2015 Item CSF210

**CSF288: PROPOSED RENAMING OF RESERVES 24616 AND 32688
CLIFF AND VIEW STREETS, KNOWN AS “COOINDA PARK”**

- Land Description** : Reserve 24616 No 2-6 View Street, Albany
Reserve 32688 No 5 Cliff Street, Albany
- Proponent** : Ms Carol Pettersen (via the Noongar Consultation Committee
and via email 21 September 2016)
- Owner** : State of WA, management order with City of Albany
- Attachments** : 1. **Items Attached under CONFIDENTIAL cover: Public
Submissions Received in accordance with section
5.23(2)(b) of the Local Government Act 1995, being the
personal affairs of any person.**
2. Supporting Information – evidence of Wandinyil
Associations with Albany Region
- Report Prepared By** : Senior Lands Officer (N Crook)
- Responsible Officers:** : Executive Director Corporate Services (M Cole)

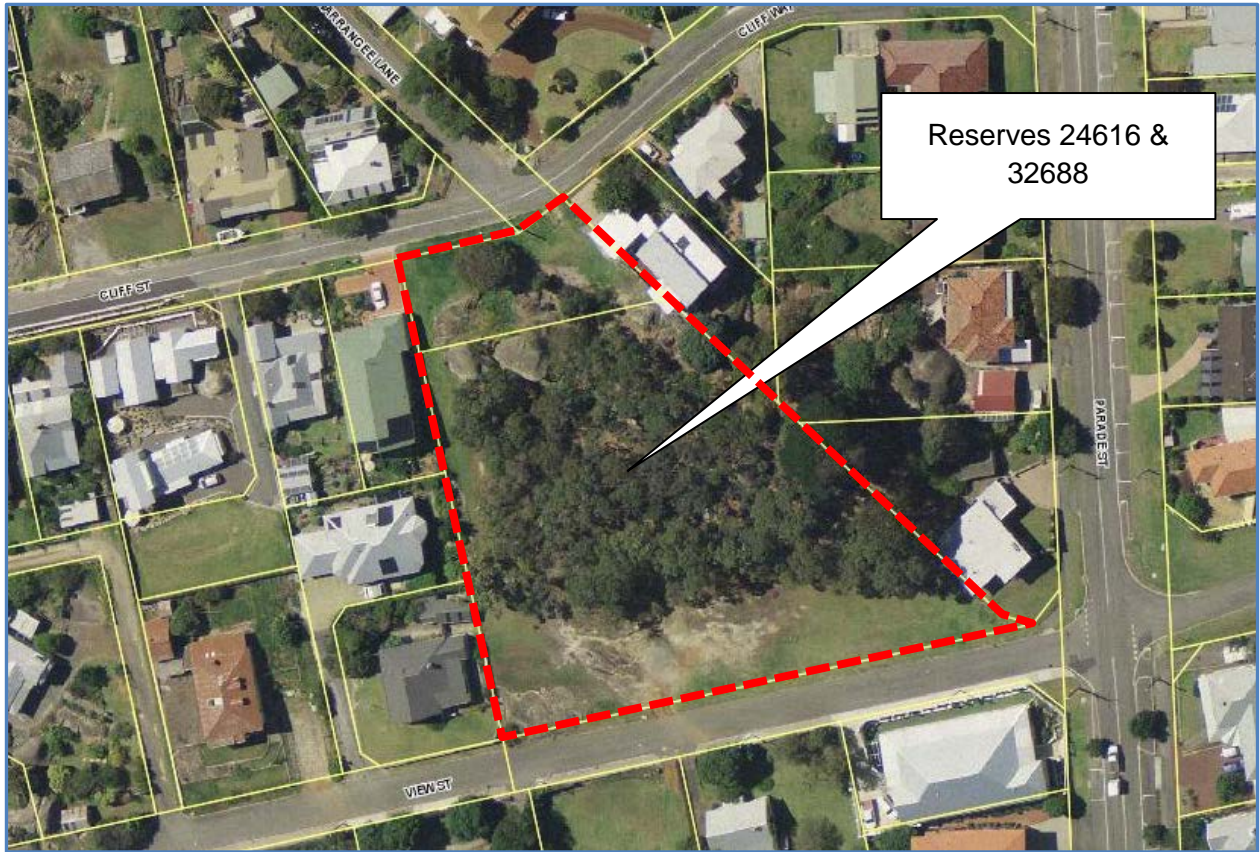
Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council has received a request to rename Reserves 24616 and 32688, both under the management of the City, from “Cooinda Park” to “Wandinyil (Tommy King) Reserve”.
- It is a requirement of the Geographic Names Committee that prior to the renaming of any reserve, that the proposal be advertised for public comment. This public consultation period has been observed and 14 submissions have been received. Eight (8) submissions supported the proposal and six (6) submissions objected to the proposed renaming. One of the objections was a petition signed by 51 persons.
- One of the conditions of the Geographic Names Committee for the use of an Aboriginal name for a feature is that there must be majority support from all Indigenous groups in the area. In view of the feedback received during the public advertising period, this does not appear to have been achieved.
- It has been recommended that Council not support the proposed renaming, while reiterating its general support of dual naming actions where the requirements of the Geographic Names Committee can be achieved.

RECOMMENDATION

**CSF288: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. **RESOLVE not to support the proposed renaming of “Cooinda Park”, being Reserves 24616 and 32688 Cliff Street and View Street, to “Wandinyil (Tommy King) Reserve” because majority support has not been obtained and the requirements of the Geographic Names Committee cannot be achieved;**
2. **ADVISE all respondents that Council generally supports the use of Aboriginal names for features and the dual naming of significant features, provided that the requirements of the Geographic Names Committee can be achieved.**

CSF288: COMMITTEE RECOMMENDATION

MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF288: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. RESOLVE not to support the proposed renaming of “Cooinda Park”, being Reserves 24616 and 32688 Cliff Street and View Street, to “Wandinyil (Tommy King) Reserve” because majority support has not been obtained and the requirements of the Geographic Names Committee cannot be achieved;
2. ADVISE all respondents that Council generally supports the use of Aboriginal names for features and the dual naming of significant features, provided that the requirements of the Geographic Names Committee can be achieved.

BACKGROUND

2. In 1994/95, a Friends group was formed by local residents to assist with the rehabilitation of Cooinda Park. This group worked with City officers on developing a management plan for this park, undertook weed control works and planting of native species, and hosted a naming competition for the park amongst local schools.
3. Council, at its meeting held on 23 May 1995, considered the names suggested in the competition and resolved to apply the name “Cooinda” to the park located between Cliff and View Streets.
4. The renaming of Cooinda Park was originally raised as a General Business item at the Noongar Consultation Committee held on 1 March 2016. The City undertook to report on the status of the park name at the next meeting.

5. At the Noongar Consultation Committee held on 15 June 2016, the City reported that Cooinda Park is not officially named by the Geographic Names Committee, though noting there is a sign on site with the name “Cooinda Park”. The process for changing a park name was advised. At this meeting, the Committee asked if the name “Wandinyil (Tommy King) Reserve might be considered.

City officers were not aware of the actions from 1994/95 until this was raised in the public consultation period, as this data is not stored electronically.

6. City officers made further enquiries with the Geographic Names Committee on whether the alternate name might be considered and this agency advised that provided it received majority support of the Noongar community and the public consultation process was observed, it could be considered.
7. The proposed renaming was again raised at the Noongar Consultation Committee held on 12 September 2016, though several of the key members were not present at the meeting. It was decided to defer the matter until those members were able to be present. City officers did note that the Geographic Names Committee could accept this name with appropriate evidence of associations and following consultation with the community.
8. In September 2016, members of the Noongar community raised this renaming proposal directly with the City, both in favour of the proposal and objecting to the proposed name. The City decided at this time to initiate broader public consultation to seek further input on the proposed name.

DISCUSSION

9. The naming of roads, parks and any topographic features is governed by the Geographic Names Committee, operating under the delegation of the Minister for Lands. At the outset of considering this request, the City contacted the Committee to determine the process to formally name this park. It was their advice that the following must occur in order for the request to be considered:
 - a. The Aboriginal name has to have majority support from all Aboriginal groups in the area;
 - b. There needs to be wider community consultation for the proposed name;
 - c. The name needs to have some verifiable evidence of its origin and source documents are mandatory;
 - d. Further input from an anthropologist / linguist who has support from the local community may be required to determine suitable pronunciation.
10. The proponent has submitted extensive evidence of Wandinyil’s associations with Albany. This supporting information is attached to this item. It is recognised that Wandinyil (Tommy King) was a notable character in Albany’s history and there appears to be sufficient evidence of his association with the Albany region.
11. The public consultation period for the proposed renaming commenced on 13 October 2016 and completed on 11 November 2016. Fourteen submissions were received, which included one petition with 51 signatories. The outcomes of the consultation are summarised as follows:

In Support

- a. Eight (8) submissions supported the proposed renaming;
- b. Some of the submissions note that “Cooinda” is not an appropriate name, given that it is a casual use of an Aboriginal word which has been often used to describe a place or thing, though is not often relevant to the Aboriginal cultural beliefs and history of the place to which it is applied. This submission notes that it is not relevant to the local Menang community, as the origins of this word are in New South Wales;

- c. One of the supporting submissions was from South Coast Natural Resource Management and it was discussed in their Aboriginal Reference Group. It could be assumed that this one submission supports the views of the people present at this meeting, given it was a resolution of this Group to make a supporting submission; and
- d. Four of the submissions specifically support the name of “Wandinyil”, as a Noongar person with Menang ancestry, noting this renaming would pay respect to Noongar ancestors. Wandinyil is remembered as an entertainer, a warrior and a campaigner for Noongar rights.

Objections

- e. Six (6) submissions objected to the proposed renaming, though one of these submissions is a petition signed by 51 persons, so 57 people have objected to the proposed renaming;
 - f. The petition states that Tommy King is not recognised from Menang Country, as there is no history of this person’s birth place. Those persons signing the petition do not recognise Tommy King’s legacy and his associations with the Albany Noongar people;
 - g. Three of the submissions note the work done by the Friends group in the past and the previous naming competition that occurred. The name of “Cooinda Park” was unveiled in July 1995 in a ceremony hosted by the then Mayor, Annette Knight;
 - h. One submission notes that this is a well-established name in the neighbourhood, having been in place for over 20 years;
 - i. One of the submissions objects to the naming of features after people, given that it has the potential to create a sense of ownership by that person’s family. The submission supports the use of Menang Noongar names, though preferring the use of animal or bird names; and
 - j. One objection would like to keep the name of Cooinda, whilst also supporting the use of the name Wandinyil.
12. While it is not possible to know the ancestry of those people having signed the petition, many have the surname of the prominent Noongar families within Albany. It could be reasonably determined that majority support of the Aboriginal groups in the area has not been obtained.
13. In view that majority support of the Aboriginal groups has not been obtained, it is highly unlikely that the Geographic Names Committee would support this renaming proposal. It is noted that the name of “Cooinda Park” does have associations with the local community and has previously been supported by Council.
14. The petition also raises concerns with the composition of the Noongar Consultation Committee. This Committee was formed in early 2015 as an interim measure for consultation with the Noongar community, pending the finalisation of the South West Settlement. The City previously referred matters to the South West Aboriginal Land and Sea Council, though in early 2015 this organisation was largely consumed with Native Title matters and was finding it difficult to also comment on the City’s projects and works.
15. The Noongar Consultation Committee confirmed the interim status of this committee and determined the membership of the group, being all those members of the Working Party (the decision making group of the South West Aboriginal Land and Sea Council) who were resident in Albany. Both City officers and the Committee have been clear that once a Regional Body is formed, as is proposed under the South West Settlement, the City’s committee will cease and the City will defer to the Regional Body.

16. City officers are aware of the concerns regarding the membership of the Committee, though use of the Working Party membership appears to be a fair approach and is consistent with past practices, given it is these members that would have been commenting on City works when matters were referred to the South West Aboriginal Land and Sea Council. City officers are reviewing this position on a regular basis and taking advice on the progress of the Native Title Settlement. It is likely that the Regional Body will be operative in mid-2017.

GOVERNMENT & PUBLIC CONSULTATION

17. The procedure for amending the name of a park has been clarified with the Geographic Names Committee of Landgate.
18. A public consultation programme on the proposed renaming has been undertaken, including:
- a. Direct mail out to adjoining and nearby residents;
 - b. Direct mail out to the members of the Noongar Consultation Committee;
 - c. Advertisements in the local newspaper; and
 - d. Signs on site (adjoining the existing Coinda Park sign).

STATUTORY IMPLICATIONS

19. Clause 26 (2) of the Land Administration Act 1997 allows the Minister of Lands to name, rename and cancel the name of any topographical feature, road or reserve.

POLICY IMPLICATIONS

20. The Geographic Names Committee has produced a document called *Policies and Standards for Geographical Naming in Western Australia (2015)* which sets the policies to be applied to the naming of features. This requirements detailed in this document are referenced throughout this item.
21. There are no Council policies relating to the naming of features and the City defers to the requirements of the Geographic Names Committee, as the agency responsible for approving the naming of features.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. Council supports the proposed renaming in light of substantial public objection.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>City indicate its support of naming actions that reflect the City's local Noongar history.</i>
<i>Reputation. Council does not support the proposed renaming and this may be perceived as a lack of support for the local Noongar community.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>City must adhere to the requirements of the Geographic Names Committee and needs to convey these requirements to affected parties.</i>

FINANCIAL IMPLICATIONS

23. There is a sign on site at present that, in the event the park is renamed, would require replacement. The City's Reserves team has indicated that this sign is aging and would likely require replacement in the future regardless of the renaming action. This would be done as part of the Developed Reserves line item.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

26. Council may:

- a. Support the proposal to rename Cooinda Park to “Wandinyil (Tommy King) Reserve and seek approval from the Geographic Names Committee;
- b. Support the proposal to rename Cooinda Park, though seeking an alternate Aboriginal word that is relevant to the local Noongar community and would achieve majority support; or
- c. Not support the proposal to rename Cooinda Park given the historic associations this name has for the local community and that the requirements of the Geographic Names Committee are unlikely to be achieved.

CONCLUSION

27. The naming of Cooinda Park was determined by Council in 1995, following a competition held amongst local primary schools. Based on the submissions received, it is clear that this name has some historic associations for local residents.
28. The proposal to rename the park to “Wandinyil (Tommy King) Reserve” has received a substantial number of objections. As such, it is unlikely that this proposed name would meet the requirements of or be supported by the Geographic Names Committee.
29. Generally, the use of Aboriginal language for the naming or dual naming of features should be supported to recognise the importance of the Menang Noongar ancestry of this region, though names must receive the majority support of the Noongar community.
30. It is recommended that Council not support the proposed renaming action.

Consulted References	:	<i>Land Administration Act 1997</i> <i>Policies and Standards for Geographical Naming in Western Australia (2015)</i>
File Number (Name of Ward)	:	PR.NAM.1
Previous Reference	:	OCM 23 May 1995 Item 7.39.8

**CSF289: ORDINARY COUNCIL MEETING DATES AND COMMITTEE
PLANNING MEETING CALENDAR**

Proponent : City of Albany
Attachments : • Attachment 1 – Council and Committee Meeting
Schedule 2017
• Attachment 2 – Elected Member Committee Membership
as at 28/11/2016
: Manager Governance and Risk (S Jamieson)
Responsible Officer : Chief Executive Officer (A Sharpe)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Objective:**
 - 5.1. To establish and maintain sound business and governance structures.
 - 5.3 To engage effectively with our community.
 - c. **Strategy:**
 - 5.1.2 Develop informed and transparent decision making processes that meet our legal obligations.
 - 5.3.1 Develop structures and processes that engage the community.
 - 5.3.2 Improve community engagement processes and platforms.

In Brief:

- Council is requested to adopt the proposed ordinary council meeting and committee meeting schedule for 2017.

RECOMMENDATION

CSF289: COMMITTEE RECOMMENDATION

THAT Council, for the purpose of public notice:

(1) APPROVE the following meeting dates for Committee meetings for 2017:

Commercial, Community & Corporate Services	Development & Infrastructure Services
<i>No Meetings Scheduled for January 2017</i>	
Tuesday 14 February 2017	Wednesday 15 February 2017
Tuesday 14 March 2017	Wednesday 15 March 2017
Tuesday 11 April 2017	Wednesday 12 April 2017
Tuesday 9 May 2017	Wednesday 10 May 2017
Tuesday 13 June 2017	Wednesday 14 June 2017
Tuesday 11 July 2017	Wednesday 12 July 2017
Tuesday 8 August 2017	Wednesday 9 August 2017
Tuesday 12 September 2017	Wednesday 13 September 2017
Tuesday 10 October 2017	Wednesday 11 October 2017
Tuesday 14 November 2017	Wednesday 15 November 2017
Tuesday 5 December 2017	Wednesday 6 December 2017

(2) APPROVE the proposed meeting dates for ordinary meetings of Council, for the next 12 months:

- January 2017 (*No meetings scheduled*)
- 28 February 2017
- 28 March 2017
- 26 April 2017 (*Tuesday 25 April is ANZAC Day Public Holiday*)
- 23 May 2017
- 27 June 2017
- 25 July 2017
- 22 August 2017
- 26 September 2017
- 24 October 2017
- 28 November 2017
- 19 December 2017 (*third Tuesday*)

(3) APPROVE the attached Council and Committee Meetings Calendar.

CSF289: COMMITTEE RECOMMENDATION

MOVED COUNCILLOR SMITH
SECONDED COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 9-0

CSF289: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, for the purpose of public notice:

(1) APPROVE the following meeting dates for Committee meetings for 2017:

Commercial, Community & Corporate Services	Development & Infrastructure Services
<i>No Meetings Scheduled for January 2017</i>	
Tuesday 14 February 2017	Wednesday 15 February 2017
Tuesday 14 March 2017	Wednesday 15 March 2017
Tuesday 11 April 2017	Wednesday 12 April 2017
Tuesday 9 May 2017	Wednesday 10 May 2017
Tuesday 13 June 2017	Wednesday 14 June 2017
Tuesday 11 July 2017	Wednesday 12 July 2017
Tuesday 8 August 2017	Wednesday 9 August 2017
Tuesday 12 September 2017	Wednesday 13 September 2017
Tuesday 10 October 2017	Wednesday 11 October 2017
Tuesday 14 November 2017	Wednesday 15 November 2017
Tuesday 5 December 2017	Wednesday 6 December 2017

(2) APPROVE the proposed meeting dates for ordinary meetings of Council, for the next 12 months:

- January 2017 (*No meetings scheduled*)
- 28 February 2017
- 28 March 2017
- 26 April 2017 (*Tuesday 25 April is ANZAC Day Public Holiday*)
- 23 May 2017
- 27 June 2017
- 25 July 2017
- 22 August 2017
- 26 September 2017
- 24 October 2017
- 28 November 2017
- 19 December 2017 (*third Tuesday*)

(3) APPROVE the attached Council and Committee Meetings Calendar.

BACKGROUND

2. At the Ordinary Council Meeting held on 24 February 2015, Council resolved to cease holding Agenda Briefing Sessions effective March 2015.
3. At the Ordinary Council Meeting held on 22 November 2016 Council dissolved the previous standing committees, with the new committee structure commencing on 1 February 2017.
4. The Commercial, Community and Corporate Services Committee and the Development and Infrastructure Services Committee were established and their respective Terms of Reference adopted.

DISCUSSION

5. The Agenda for the Ordinary Council Meetings is comprised of reports presented to Council Committees. In order to facilitate the timely presentation of these reports to Council for decision making, Council Committee meetings are scheduled to be held prior to the ordinary council meeting.
6. Currently ordinary meetings of Council and committee meetings are scheduled at 6.00pm on the basis that all meetings should be held outside normal working hours to enable attendance by all Councillors and interested members of the public. However, Council may consider this is an appropriate time to review the start time of meetings.

GOVERNMENT & PUBLIC CONSULTATION

7. The proposed date for the Ordinary Council Meeting for the month of October has been scheduled to not conflict with local government elections that are historically held on the third weekend of October.
8. ANZAC Day falls on Tuesday 25 April 2017, and is a Public Holiday. The Ordinary Council Meeting due to be held on that date has been rescheduled to Wednesday 26 April 2017.

STATUTORY IMPLICATIONS

9. It is a statutory requirement for Council to give Local Public Notice at least once each year of when Council plans to hold Council and Committee meetings that are open to public attendance.
10. Local Government Act 1995, s 5.25(1)(g) and as prescribed by the Local Government (Administration) Regulations 1996, Regulation 12:
 - (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
 - (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).
11. Appointment of elected members to a committee requires an **Absolute Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal and Compliance. <i>Local Public Notice is not given of the dates and times at which the Ordinary Council Meetings will be held.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Noting date and times may be subject to change, the proposed Council and Committee Meeting times and dates are approved for the purpose of public advertising.</i>

FINANCIAL IMPLICATIONS

14. A budget line exists for the cost of giving public notice and advertising.

LEGAL IMPLICATIONS

15. Local public notice must be given to ensure legislative compliance.
16. Changes to dates and times must also be advertised publically.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

18. Council may consider alternate days, dates, committee meeting order and timings.

SUMMARY CONCLUSION

19. It is recommended that the proposed 2017 Meeting Calendar be approved, noting that dates can be changed if required.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	(All Wards) <ul style="list-style-type: none"> • Airport Emergency Committee – ES.MEE.5 • Audit and Risk Committee - FM.MEE.3 • Bush Fire Advisory Committee – ES.MEE.1 • Local Emergency Management Committee – ES.MEE.5 • Ordinary Council Meeting - GO.COM.3 • Commercial, Community & Corporate Services Committee CR.MEE.12 • Development and Infrastructure Services Committee CR.MEE.13
Previous References	:	OCM 15/12/2015 Report Item CSF212 OCM 22/11/2016 Report Item CSF280

CSF290: FINANCIAL ACTIVITY STATEMENT – NOVEMBER 2016

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

Responsible Officer's Signature:



RECOMMENDATION

CSF290: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

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

CSF290: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CSF290: RESPONSIBLE OFFICER RECOMMENDATION

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

BACKGROUND

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

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

- 8. The City’s 2016/17 Annual Budget provides a set of parameters that guides the City’s financial practices.
- 9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

- 10. Expenditure for the period ending 30 November 2016 has been incurred in accordance with the 2016/17 proposed budget parameters.
- 11. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CSF291: PARTIAL SURRENDER, EXTENSION AND VARIATION OF LEASE AND CONSENT DEEDS – ELECTRICITY GENERATION AND RETAIL CORPORATION T/A SYNERGY – ALBANY AND GRASMERE WIND FARM LEASES

Land Description	: Portion of Crown Reserve 13773 Portion of Lot 501 on Deposited Plan 60582, and being Part of the land comprised in Crown Land Title Volume LR3159 Folio 806
Proponent	: Electricity Generation and Retail Corporation (ABN 58 673 830 106) trading as Synergy
Owner	: Crown
Attachments	: Copy of Council Resolution OCM 25/03/2014 Item CSF063
Report Prepared by	: Team Leader Property and Leasing (T Catherall)
Responsible Officer	: Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:

CONFIDENTIAL

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

STRATEGIC IMPLICATIONS

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

CSF292: ELECTED MEMBER ATTENDANCE AT INTERSTATE CONFERENCE – CITIES 4.0 SUMMIT

Proponent : City of Albany
Report prepared by : Manager Governance & Risk (S Jamieson)
Responsible Officer(s): : Chief Executive Officer (A Sharpe)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 5. Civic Leadership
 - b. **Strategic Objective:** 5.3. To engage effectively with our community.
 - c. **Strategy:** 5.3.2. Increased interaction between councillors and the community.

In Brief:

- Endorse the attendance of an elected member at the subject interstate conference.

RECOMMENDATION

**CSF292: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council ENDORSE the attendance of Councillor Terry at the Cities 4.0 Summit in Melbourne.

BACKGROUND

2. The Cities 4.0 Summit will be held in Melbourne from the 21 to the 23 March 2017.
3. Councillor Terry has indicated an interest in attending this conference.
4. The following details some of the conference topics:
 - Creating and implementing the vision for progressive, sustainable future cities
 - Why innovation districts represent a new geography of innovation within Australian cities
 - The latest technology innovations for smart cities – The Internet of Things (IoT), digital, big data & analytics, mobile, social, autonomous vehicles and more
 - How can IoT data be integrated into a broader citywide data plan to solve priority urban challenges?
 - What needs to be done to digitize the physical city and empower individuals, innovators, and entrepreneurs to change the way cities function using data?
 - Developing an innovative platform to promote collaboration between industry, academia and cities
 - Creating spaces that support urban innovation and diminish the digital divide
 - What are the risks inherent to a connected city and how can these be mitigated?
5. Term Explanation: The Internet of Things (IoT) is a system of interrelated computing devices, mechanical and digital machines, objects, animals or people that are provided with unique identifiers and the ability to transfer data over a network without requiring human-to-human or human-to-computer interaction.

DISCUSSION

6. Attendance has been recommended by the Mayor.
7. Council has delegated the approval for Elected Members to attend conferences with the condition that attendance is supported by the Mayor and noted by the CEO if the representative is called to speak on behalf of the City of Albany.
8. This report has been presented for the endorsement and approval of Council.

GOVERNMENT & PUBLIC CONSULTATION

9. Nil

STATUTORY IMPLICATIONS

10. In accordance with section 2.8 of the *Local Government Act 1995*, it is the Mayor's role to speak on behalf of the City of Albany and to approve others to perform this function.

POLICY IMPLICATIONS

11. There are no policy implications related to this report.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation - Lack of engagement with the local government sector.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Support an elected member attending the conference.</i>

FINANCIAL IMPLICATIONS

13. Funding is allocated in the current budget for elected members to attend training and conferences.
14. The cost per person to attend the conference is estimated to be \$2720.00, which will cover:
 - a. Return Flights from Albany: \$415 Rex Albany to Perth \$670 Qantas Perth to Melbourne
 - b. Accommodation: \$210 per Night 3 Days: \$630
 - c. Conference Cost per person: \$1895
 - d. Meals and travel allowances: \$65 per day

LEGAL IMPLICATIONS

15. Nil.

ENVIRONMENTAL CONSIDERATIONS

16. Nil.

ALTERNATE OPTIONS

17. Nil.

SUMMARY CONCLUSION

18. It is recommended that the attendance is endorsed.

Consulted References	:	<i>Local Government Act 1995</i> http://www.cities4pointzero.com.au/
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	Not applicable

**AR023: CRIME AND CORRUPTION COMMISSION – SHIRE OF
DOWERIN REPORT**

Proponent / Owner : City of Albany
Hyperlink : • [Corruption and Crime Commission – Report on a Matter of Governance at the Shire of Dowerin – 10 October 2016](#)
Report Prepared By : Manager Governance & Risk (S Jamieson)
Responsible Officer: : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

In Brief:

- Note the findings of the Corruption and Crime Commission Report on the Shire of Dowerin – 10 October 2016 and recommendation that:

“All local governments be reminded:

(a) An audit committee is compulsory;

(b) Attention be paid to the scope of work contracted with the auditor;

(c) An audit may not detect fraud; and

(d) It is council's responsibility to have robust policies and procedures to mitigate the risk of fraud.”

RECOMMENDATION

**AR023: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Corruption and Crime Commission Report on a Matter of Governance at the Shire of Dowerin – 10 October 2016 be NOTED.

AR023: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

AR023: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Corruption and Crime Commission Report on a Matter of Governance at the Shire of Dowerin – 10 October 2016 be NOTED.

BACKGROUND

2. On 11 April 2016 the former Shire of Dowerin Chief Executive Officer, Mr Dacre Alcock pleaded guilty to stealing nearly \$600,000 of council funds which were diverted into an online betting account.
3. The Crime and Corruption Commission's investigation uncovered 665 individual instances of theft.
4. The offences took place over a four year period between 17 October 2011 and 26 October 2015.
5. Mr Alcock was sentenced on 27 May 2016 in the Perth District Court.
6. The investigation found that Mr Alcock:
 - a. Used a shire issued purchasing card to deposit money into a personal online betting accounts;
 - b. Transfers were made from other shire accounts into his personal bank accounts; and
 - c. The offences took place over a 4 year period.

Why did it take so long to uncover the crime?

7. Mr Alcock stole money from the Shire of Dowerin, when the following checks and balances were in place:
 - a. Monthly and annual reporting to council regarding financial affairs and minutes kept;
 - b. Financial procedures, although undocumented, for employed staff to follow;
 - c. External auditing of accounts annually;
 - d. Reporting of financial affairs of the Shire of Dowerin to the Department of Local Government;
 - e. Regular meetings of the Finance and Audit Committee of the Shire;
 - f. Annual performance review of the CEO by the Shire;
 - g. A review of the Shire's financial management systems was conducted in December 2014; and
 - h. Annual completion of the Shire's Compliance Audit Return (CAR) which indicated that the Shire had met both financial and non-financial requirements under the *Local Government (Audit) Regulations 1996* (regulation 13).

Contributing Factors

8. Not exhaustive; however some of the contributing factors should be noted:
- a. Audit Committee:
 - (i) No Audit Committee was formed or held;
 - (ii) The Auditor did not bring this non-compliance to the attention of the Council (*noting a CEO or employee is not to be a member of an audit committee to ensure that deliberations and recommendations of the committee are independent and autonomous*);
 - (iii) Council's lack of knowledge on the audit process and scope.
 - b. Fraud Risk Assessment:
 - (i) Fraud Risk Assessment was inadequate, simply relied on auditor asking the CEO if he suspected fraud;
 - (ii) Bank reconciliations were not performed for months (noting that It is a recommendation by the department as outlined in section 5.3.6 of the Local Government Accounting Manual that as part of the local governments general systems of internal controls that a reconciliation of all restricted and non-restricted bank accounts be performed at the very least once a month); and
 - (iii) Electronic Fund Transfers (EFT) were not scrutinised which allowed funds to be transferred from the Shire's Municipal Fund accounts into this personal bank accounts.
 - (iv) Appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management and internal control and legislative compliance was not conducted, which is required to be done every two years.
 - c. Annual Compliance Report: The Compliance Annual Return (CAR) was not received or discussed by the Audit committee.
 - d. Training: There was evidence that on the part of some councillors there was a reluctance to attend training, and significant trust was placed on the expertise of the CEO and external auditors.
 - e. CEO Review: Annual performance review of the CEO was conducted solely by elected councillors and was based only on their perception of the CEO's performance, judged predominantly on his performance at regular council meetings.
 - f. Processes:
 - (i) Undocumented internal controls present within the Shire, such as, the requirement for two persons to electronically authorise payments out of Shire accounts, these bank tokens and passwords were sometimes shared.
 - (ii) No corporate credit card policy.
 - (iii) No independent review of credit card use.
 - (iv) Auditors were not provided with the opportunity to meet with councillors to discuss result of the audit.

GOVERNMENT & PUBLIC CONSULTATION

9. Report distributed by the Department of Local Government and the Local Government Managers Association (WA).

STATUTORY IMPLICATIONS

10. Noting by the Committee is Simple Majority.

POLICY IMPLICATIONS

11. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputational Risk. <i>Risk: This finding has the potential to damage the reputation of the local government sector.</i></p> <p>Opportunity: <i>Opportunity to review the City's internal review and reporting processes.</i></p>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<p><i>Acknowledge the findings, in particular that the CEO's crime was a serious breach of trust and abuse of his position; and</i></p> <p><i>Acknowledge the CCC recommendation to remind local governments (see paragraph 9 to this report).</i></p>

FINANCIAL IMPLICATIONS

13. Nil.

LEGAL IMPLICATIONS

14. Nil.

ENVIRONMENTAL CONSIDERATIONS

15. Nil.

ALTERNATE OPTIONS

16. No alternate options are presented.

CONCLUSION

17. That the report be noted.

Consulted References	:	<ul style="list-style-type: none"> <i>Local Government Act 1995</i> <i>Corruption and Crime Commission – Report on a Matter of Governance at the Shire of Dowerin – 10 October 2016</i>
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	Nil

AR028: ANNUAL REPORT 2015/2016 , AUDITORS REPORT FOR THE YEAR ENDING 30 JUNE 2016 & ANNUAL GENERAL MEETING OF ELECTORS

- Proponent / Owner** : City of Albany
- Attachments** : City of Albany Annual Report for the year ending 30 June 2016 (*Distributed to Elected Members in hardcopy, to be published once adopted*), which includes:
- Annual Financial Report for year ending 30 June 2016
 - Independent Auditor's Report for Year Ended 30 June 2016
- Report Prepared By** : Manager Governance & Risk (S Jamieson)
Manager Finance (D Olde)
- Responsible Officers:** : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objectives:**
 - 5.1.2 Develop informed and transparent decision making processes that meet our legal obligations.
 - 5.3.1 Develop structures and processes that engage the community.
 - c. **Strategy:** Improved financial management.

In Brief:

- The Committee is required to:
 - Review the Annual Financial Report 2015/2016 & Independent Auditors Report for year ended 30 June 2016
 - Review and Recommend to Council:
 - Annual Report 2015/16
 - Set the date to hold the Annual General Meeting of Electors

RECOMMENDATION

AR028: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

- (1) **THAT Council RECEIVE the Independent Auditor's Report for the year ended 30 June 2016 and ACCEPT the Annual Financial Report 2015/16, which forms part of the Annual Report 2015/16.**
- (2) **THAT Council in accordance with the requirements of:**
 - (a) **Section 5.54 of the Local Government Act 1995 (the Act) ACCEPT the City of Albany Annual Report for the year ending 30 June 2016.**
 - (b) **Section 5.27 of the Act an Annual General Meeting of Electors be held in the Council Chambers located at 102 North Road Yakamia WA 6330 at 6.30pm, on Tuesday 07 February 2017 for the purpose of receiving the 2015/2016 City of Albany Annual Report and other General Business as listed.**

AR028: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

AR028: RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SUTTON

- (1) THAT the Committee RECEIVE the Independent Auditor's Report for the year ended 30 June 2016 and ACCEPT the Annual Financial Report 2015/16, which forms part of the Annual Report 2015/16.
- (2) THAT Council in accordance with the requirements of:
 - (a) Section 5.54 of the *Local Government Act 1995* (the Act) ACCEPT the City of Albany Annual Report for the year ending 30 June 2016.
 - (b) Section 5.27 of the Act an Annual General Meeting of Electors be held in the Council Chambers located at 102 North Road Yakamia WA 6330 at 6.30pm, on Tuesday 07 February 2017 for the purpose of receiving the 2015/2016 City of Albany Annual Report and other General Business as listed.

CARRIED 5-0

ADDENDUM

The 2015-2016 City of Albany Annual Report has been given a new, more corporate design and feel with content expanded to provide a more comprehensive overview of who we are, what we do, and what we have achieved.

Interesting facts, figures and infographics have been used to help tell the City's story and encourage increased engagement with the Annual Report.

This document reflects a progressive, prosperous and growing regional city that highlights our unique advantages, opportunities and achievements and can form part of the City's corporate library.

Reflecting the City's new standing as a Level 1 Local Government, this Annual Report is consistent with the quality of annual reports produced by other large regional and metropolitan councils across Australia.

BACKGROUND

2. An Annual Financial Report is required to be compiled and subsequently audited, under the *Local Government Act 1995* and various Local Government regulations.
3. Post acceptance of the Annual Report (which includes the Annual Financial Report), Council is required to convene an Annual General Meeting of Electors.

DISCUSSION

4. An onsite visit and audit of the Annual Financial Report 2015/2016 was conducted by employees of auditors Moore Stephens during the period 11th – 13th October 2016.
5. The independent auditor's report is shown in the annual financial report.
6. This report is unqualified.

GOVERNMENT & PUBLIC CONSULTATION

- Public consultation will be facilitated by the conduct of the Annual General Meeting of Electors.

STATUTORY IMPLICATIONS

- In accordance with section 7.9 of the Act, an audit is required to examine the accounts and Annual Financial Report prepared for the Mayor, the CEO and the Minister.
- Under the Audit and Risk Committee – Terms of Reference, the committee is to review the audit report and make appropriate recommendations to Council.
- Section 5.54 of the Act, states in part: The Annual Report (which includes auditor’s report) is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.
- The auditor’s report was made available on 21 November 2016.
- Section 5.27 of the Act, requires that a General Meeting of the electors of a district be held once every financial year, not more than 56 days after the local government accepts the annual report for the previous financial year, and any other nominated general business.
- The CEO is required to give at least 14 days local public notice of an electors meeting.
- The voting requirement of Council is Absolute Majority.

POLICY IMPLICATIONS

- There are no policy implications related to this item

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

18. The City has received an unqualified auditor's report, therefore there are no legal implications related to this report.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

20. Council may choose to accept or reject the Annual Financial Report.

CONCLUSION

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

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> (the Act); • <i>Local Government (Administration) Regulations 1996</i>, • Revised Operational Guidelines: Number 09 – The appointment, function and responsibilities of Audit Committees (last updated 4/01/2016)
File Number (Name of Ward)	:	<ul style="list-style-type: none"> • IM.PUB.24 (All Wards) – Publication - Annual Budget – City of Albany • FM.MEE.3 (All Wards) – Meetings – Audit & Risk Committee
Previous Reference	:	<ul style="list-style-type: none"> • AR010 – Audit & Risk Committee 09/02/2016 • AR010 – OCM 24/02/2015

WS119: BULK WASTE COLLECTION 2016-17

Land Description : City of Albany
Proponent / Owner : City of Albany
Attachments : N/A
Supplementary Information & Councillor Workstation : N/A
Report Prepared By : Waste Sustainability Officer (S Parker)
Responsible Officers: : Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 2. Clean, green and sustainable.
 - b. **Strategic Objectives:**
 - 2.3 To advocate for and support 'green initiatives' within our region.
 - c. **Strategy:**
 - 2.3.2 To deliver effective waste management services.

In Brief:

- The City of Albany Strategic Waste Management Plan 2013 identified the action to review the delivery of the bulk waste collection service. It is recommended that the City provide a collection service in mid-2017 to allow for detailed data collection which will inform a review of the bulk waste service.

RECOMMENDATION

**WS119: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

1. That Council **APPROVE** the provision of a bulk waste collection service to be conducted mid-2017;
2. That Council **NOTE** a Bulk Waste Review Report will be brought back to Council by November 2017 for consideration; and
3. **AUTHORISE** the transfer of \$175,000 from the Refuse Collection and Waste Minimisation Reserve to a new allocation of \$175,000 – Bulk Waste Collection Service, as an amendment to the 2016-17 budget.

WS119: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SMITH

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

CARRIED 5-0

WS119: RESPONSIBLE OFFICER RECOMMENDATION

1. That Council APPROVE the provision of a bulk waste collection service to be conducted mid-2017;
2. That Council NOTE a Bulk Waste Review Report will be brought back to Council by November 2017 for consideration; and
3. AUTHORISE the transfer of \$175,000 from the Refuse Collection and Waste Minimisation Reserve to a new allocation of \$175,000 – Bulk Waste Collection Service, as an amendment to the 2016-17 budget.

BACKGROUND

2. A key action area of the City's Strategic Waste Management Plan 2013 is to investigate alternative options for the bulk hard waste collection service. Officers have undertaken preliminary work in considering future options for potential service delivery.
3. In order to develop robust options, it is recommended that the City deliver a bulk waste collection service in 2017 to allow for detailed data to be collected and used in the development of future options.
4. This report recommends Council approve a bulk waste collection service and endorse the expenditure of funds to facilitate this service from the 2016-17 budget.

DISCUSSION

5. The City has provided a bulk hard waste collection for the past 10 years and residents have grown accustomed to the service.
6. Unlike some Perth metropolitan councils, the City of Albany does not have widespread abuse of its bulk hard waste collection service. Although some households deposit more than the 3 cubic metres of allowable waste, in general the system is respected by the majority of residents.
7. However, it is acknowledged that there is some concern that the bulk hard waste left on City verges for the period of 4-5 weeks every year is unsightly and detracts from the visual amenity of the town particularly during events or when there is peak tourist visitation.
8. In response to this the service was delayed so as to not coincide with the Campervan and Motorhome Club of Australia (CMCA) rally in October 2015. There was significant community concern over this decision.
9. It is becoming increasingly difficult to schedule a 4 - 5 week window of opportunity for the collection service to occur without it clashing with a major community event when visitors from outside of Albany are expected to attend.
10. The current method of service delivery involves contractors Cleanaway undertaking the service for the City. To date, as part of this service, only high level data is collected during this process - namely total tonnage of bulk waste, green waste, steel and e-waste.
11. In order to construct detailed costing estimates for future bulk waste options, it is recommended that more detailed data be collected during the 2017 bulk waste service. This is likely to include number of households participating, approximate volumes per household, household-based numbers of whitegoods and number of mattresses.
12. This information will then be used to help identify options for future bulk waste collection services with a Bulk Waste Services Review report brought back to Council for consideration by November 2017.

13. Without a service in 2017 to collect this data, the accurate costing and development of future options is limited.

GOVERNMENT & PUBLIC CONSULTATION

14. No government consultation is required.
15. Given the community response resulting from the delay of the 2015 bulk waste collection, it is strongly recommended that Council support the delivery of a comprehensive and extensive communications package with any future decisions relating to bulk waste.
16. This will include regular newspaper adverts, social media campaign and awareness raising. It is essential the community is informed of the changes and educated as to why the City would change its approach to waste service provision.

STATUTORY IMPLICATIONS

17. There are no statutory implications related to this item.
18. The voting requirement of Council is Simple Majority.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. Negative community feedback if the City does not provide a bulk waste collection next year.	Almost Certain	Moderate	High	Deliver a service in 2017 and use this to collect data which will inform future options.
Organisation's Operations. The City's contractors may not be able to cater for a collection in 2017.	Likely	Minor	Low	Council to make a decision on the proposal and this service is negotiated with the contractors as soon as possible to ensure a timely collection date.
Reputation & Financial. Proposed new approach not endorsed and Council's reputation is damaged in delaying decision.	Likely	Moderate	High	Seek Council endorsement and communicate decision to the community.
Reputation. Poor acceptance of future proposed changes.	Likely	Moderate	High	Provide adequate communication and education to the public regarding proposed changes and implementation plan.

Opportunity: To gather data to make an informed decision and for change to be phased if required

FINANCIAL IMPLICATIONS

21. There has been no allocation for bulk waste collection in the 2016-17 budget. An allocation of \$175,000 is proposed to be transferred from the Refuse Collection and Waste Minimisation Reserve. The current balance as at 30 June 2016 was \$1,292,635 with the projected balance for this reserve at 30 June 2017 will be just over \$ 1 million.

LEGAL IMPLICATIONS

22. There are no legal implications related to this report.

ENVIRONMENTAL CONSIDERATIONS

23. The City of Albany recognises the value of its natural environment and the importance of protecting and managing natural values for future generations. In recognising the importance of thorough management, the City endorsed the Strategic Waste Management Plan in 2013 to guide the future direction of waste disposal.
24. It was identified within this report that alternative considerations should be given to the bulk waste collection program. The scale of waste generated during this collection service in 2016 was 674 tonnes - a significant volume to be allocated for within the Hanrahan landfill. Furthermore, a significant portion of this waste could be salvaged and recycled, diverting the waste from landfill, if more efficiently managed.

ALTERNATE OPTIONS

25. Council may elect to not to proceed with a bulk waste collection.

CONCLUSION

26. A key action area of the City's Strategic Waste Management Plan 2014 is to investigate alternative options to the bulk hard waste collection due to the aesthetic issues of waste left on street verges for extended periods of time.
27. The current bulk hard waste collection is a popular service and any changes to it will attract community attention. It is recommended that a service for 2017 is provided and this is used as an opportunity to gather detailed data on users of the service. This will then be utilised to develop a costed and strategic approach to future bulk waste management.
28. It is recommended that Council support the delivery of a bulk waste collection service in mid-2017 and that data is collected to develop future options which will be presented to Council at a future date.

Consulted References	:	CM.STD.6 – Strategic Waste Management
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Nil

WS120: C16023 – MUELLER STREET RECONSTRUCTION TENDER

Land Description : Mueller Street, Lockyer
Proponent / Owner : City of Albany
Business Entity Name : N/A
Attachments : Confidential Briefing Note (under separate cover)
Supplementary Information & Councillor Workstation : N/A
Report Prepared By : Team Leader Civil Infrastructure (R Cations)
Responsible Officers: : Executive Director Works & Services (M Thomson)

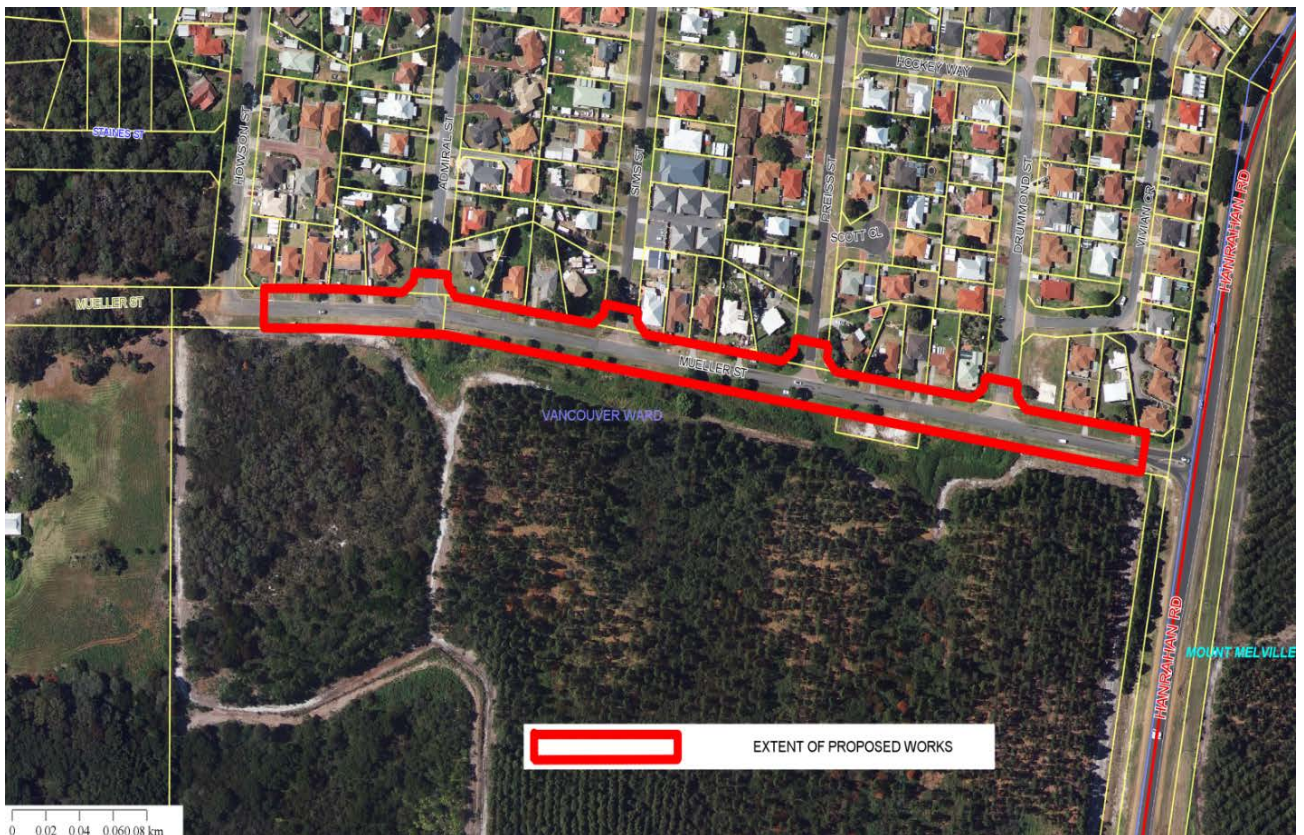
Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 3. A Connected Built Environment.
 - b. **Strategic Objectives:** 3.1 To advocate, plan and build, friendly and connected communities
 - c. **Strategy:** 3.1.1 improve connectedness and traffic flows.

Maps and Diagrams:



In Brief:

- Council approval is sought to appoint the preferred tenderer, Tricoast Civil, to construct Mueller Street Reconstruction, Lockyer.
- Eight (8) complying tenders were received, with Tricoast Civil being the recommended contractor.
- Construction is scheduled for completion by end of March 2017.

RECOMMENDATION

**WS120: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT:

- 1. The tender from Tricoast Civil be ACCEPTED and contract C16023 - Mueller Street Reconstruction be AWARDED with the exclusion of 8.1 and 8.2 of the schedule.**
- 2. Subject to 1 above, the over-budget expenditure be AUTHORISED and the budget amended accordingly through the mid-year budget review.**

WS120: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR SMITH

THAT:

1. The tender from Tricoast Civil be ACCEPTED and contract C16023 - Mueller Street Reconstruction be AWARDED with the exclusion of 8.1 and 8.2 of the schedule.
2. Subject to 1 above, the over-budget expenditure be AUTHORISED and the budget amended accordingly through the mid-year budget review.

CARRIED 5-0

WS120: AMENDMENT BY COUNCILLOR HOLLINGWORTH

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: MAYOR WELLINGTON

THAT the Responsible Office Recommendation be AMENDED to read as follows:

THAT:

1. The tender from Tricoast Civil be ACCEPTED and contract C16023 - Mueller Street Reconstruction be AWARDED with the exclusion of 8.1 and 8.2 of the schedule.
2. Subject to 1 above, the over-budget expenditure be AUTHORISED and the budget amended accordingly through the mid-year budget review.

CARRIED 5-0

WS120: RESPONSIBLE OFFICER RECOMMENDATION

THAT:

1. The tender from Tricoast Civil be ACCEPTED and contract C16023 - Mueller Street Reconstruction be AWARDED.
2. The over budget expenditure be AUTHORISED and the budget amended accordingly through the mid-year budget review.

BACKGROUND

2. The proposed Mueller Street Reconstruction is required due to poor existing pavement and seal condition.
3. The proposed works involve full reconstruction of existing pavement, primer seal and asphaltic concrete surfacing, kerbs and drainage, concrete footpath and driveways.
4. Design and specification documentation was prepared by City of Albany Works and Services staff to the stage of 'Tender Issue'. Tender period was from 19 October 2016 to 10 November 2016.

DISCUSSION

5. A total of 21 tender documents were issued by the City of Albany.
6. Eight (8) completed tender documents were submitted on or before the stipulated closing date and time.
7. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weighs their importance to determine an overall points score for each tender. The criteria are tabled below:

Criteria	% Weighting
Cost	40%
Relevant Experience	15%
Key Personnel Skills & Experience	10%
Tenderer's Resources	10%
Demonstrated Understanding	20%
Corporate Social Responsibility	5%
Total	100%

8. The following table summarises the tenders and overall evaluation scores applicable to each submission:

Tenderer	Total Evaluation Score
Tricoast Civil	682.34
Tenderer A	650.64
Tenderer B	633.14
Tenderer C	618.60
Tenderer D	607.98
Tenderer E	600.68
Tenderer F	485.46
Tenderer G	416.17

9. Tricoast Civil is the recommended tenderer as they scored the highest Total Evaluation Score.

GOVERNMENT & PUBLIC CONSULTATION

10. All relevant Government departments including Department of Environment Regulation, Department of Indigenous Affairs and SWALSC have been consulted on the project.
11. A request for tenders was published in the West Australian on 19 October 2016 and the Albany Weekender on 20 October 2015.

STATUTORY IMPLICATIONS

12. Regulation 11 of the *Local Government (Functions and General) Regulations 1996 (Regulations)* requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$150,000.
13. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
14. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

15. The City of Albany Tender policy and Regional Price Preference Policy are applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health and Safety <i>There is a risk of vehicle accident due to sub- standard road geometry.</i>	Likely	Moderate	High	Carry out the proposed works as designed.
Finance <i>Non-compliance with contract or business failure.</i>	Unlikely	Moderate	Medium	General conditions of contract (forming part of tender) allow for contract termination on the basis of failure to supply goods and services.
Opportunity: <i>To upgrade a road link enabling improved traffic flows and safety.</i>				

FINANCIAL IMPLICATIONS

17. The value of this tender is in excess of \$500,000 and therefore the approval is referred to Council for consideration.
18. Funding for this project has been allocated in the 2016-2017 budget.
19. Total budget for the contract is \$737,100 excl. GST.
20. The recommended tender price exceeds the budget by 20%.
21. City staff will negotiate with the preferred contractor to look to make savings and bring the project closer to budget however a budget overrun is expected.

22. There are savings in other capital projects within the roads program which will cover the shortfall. The budget will be amended accordingly in the addressed in the March 2017 budget.

LEGAL IMPLICATIONS

23. There are no legal implications related to report.

ENVIRONMENTAL CONSIDERATIONS

24. Some clearing of native vegetation will take place to accommodate the proposed road widening and associated drainage infrastructure.
25. An Environmental Impact Assessment has been undertaken by a City of Albany Reserves Officer. No declared rare fauna were identified within the area of the proposed works

ALTERNATE OPTIONS

26. Nil.

SUMMARY CONCLUSION

27. Following the tender evaluation process, the submission from Tricoast Civil is considered the most advantageous.
28. This report recommends that the tender from Tricoast Civil be accepted.

Consulted References	:	<i>Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing Council Policy – Buy Local (Regional Price Preference)</i>
File Number (Name of Ward)	:	<i>C16023 (Vancouver Ward)</i>
Previous Reference	:	<i>N/A</i>

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL
15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.1: NOTICE OF MOTION BY COUNCILLOR PRICE-FOR CONSIDERATION AT THE FEBRUARY 2017 ORDINARY COUNCIL MEETING

DATE & TIME RECEIVED: TUESDAY 6 DECEMBER 2016 AT 13.30PM

**15.1: NOTICE OF MOTION BY COUNCILLOR PRICE
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Rating Subsidy Policy be AMENDED effective from 1 July 2017 to read as follows:

Qualifying Criteria:

3. Subject to a qualifying criteria, a rating subsidy of annual rates may be applied.
4. Each property owned or leased by the organisation will be assessed on its own merits, on a case by case basis.
5. To be eligible for a rating subsidy:
 - a. The purpose of an organisation must be of a community sporting or recreational nature, of the kind outlined in paragraph 9. This purpose will be stated in the organisations constitution, details of incorporation or similar statement of purpose, and;
 - b. The organisation must be not-for-profit, and;
 - c. The property for which the subsidy is being sought must be used for the sporting or community use for which the organisation exists.

Annual Rating subsidies will be applied according to the following levels:

- (i) LEVEL 1: Small Not-for-Profit with revenue or retained earnings of less than \$250,000 per annum: 100% subsidy
- (ii) LEVEL 2: Medium Not-for-Profit with revenue or retained earnings of between \$250,000 and \$1M per annum: 50% subsidy
- (iii) LEVEL 3: Large Not-for-Profit with revenue or retained earnings of \$1M or greater per annum: 10% subsidy

Special Exemptions

6. Council reserves the right to consider each application request for a rate subsidy on a case-by-case basis and may require additional conditions, with applications for Special Exemptions to be presented to Council.

Eligibility Supporting Documentation

11. The following standard documentation will be required to support a community groups Application for an Annual rating subsidy:

(continued on next page)

FOR ALL Applicants:

- a. A copy of the organisations constitution, details of incorporation or similar statement of purpose;
- b. A statement supporting the application, detailing any service and benefit to the community;
- c. Details on any portion of the land and/or buildings leased to a third party, both commercial businesses, and other community or sporting organisations; and
- d.
 - (i) LEVEL 1 Applicants: An Annual Information Statement filed with either the WA Department of Commerce or the Australian Charities and Not-for-Profit Commission, or Annual Balance Sheet
 - (ii) LEVEL 2 Applicants: An Annual Information Statement filed with either the WA Department of Commerce or the Australian Charities and Not-for-Profit Commission, or Annual General Purpose Financial Statement
 - (iii) LEVEL 3 Applicants: An Annual Information Statement filed either with the WA Department of Commerce or the Australian Charities and Not-for-Profit Commission, or Annual Special Purpose Financial Statement.

Eligibility Recipient Reporting Requirements

13. Submitted documentation provided under 11 (a) (b) and (c) will be subject to a review every five (5) years.

14. Submitted documentation provided under 11 (d) will be subject to review annually.

Councillor Reason:

There is no obligation for the City to provide rating subsidies to sporting and community groups. The objectives of the Policy are to ensure that all sporting and community organisations:

- (i) leasing property owned by or vested in the City of Albany; or
- (ii) leased from a third party; or
- (iii) owned by the organisation under freehold title

... are treated equitably with regard to rate charges.

The *Associations Incorporation Act 2015* (*the Act*) commenced 1 July 2016 and all Registered Associations are required to comply with *the Act* by no later than 1 July 2019.

The Act introduces a new regulatory framework for Not-for-Profit organisations such as sport and recreation clubs, societies and community groups in Western Australia.

By the required date set down under *the Act* Associations must review and update their rules.

The Act also introduces a number of changes regarding:

- financial reporting;
- governance;
- privacy;
- the rules;
- becoming incorporated; and
- membership of incorporated associations.

Under *the Act* a three-tiered system of financial reporting and accountability requirements based upon the association's revenue has been introduced:

- Tier 1 associations (revenue of less than \$250,000) can elect to prepare basic financial statements with no independent review or audit.
- Tier 2 associations (revenue of \$250,000 or more, but less than \$1M) must prepare financial reports that give a true and fair view of the financial position of the association in accordance with Australian Accounting Standards. Such reports must be reviewed by a member of a professional accounting body.
- Tier 3 associations (revenue of \$1M or more) must prepare financial reports that give a true and fair view of the financial position of the association in accordance with Australian Accounting Standards. Such reports must be audited by a member of a professional accounting body holding a public practicing certificate.

Introduction of *The Act* and the tiered reporting requirements by Law recognizes that Associations have significant differences in terms of size and operational and financial capacities.

Under *the Act*, when an Association grows in size and revenue its accountability correspondingly increases in proportion with the amount of funds under its management and/or governance.

The Commonwealth's *Australian Charities and Not-for-Profit Commission* regulates all Registered Charities and Not-for-Profits and has set accounting and reporting standards which mirror *the Act*.

When *the Act* is fully implemented by 1 July 2019, the documentation required under Part 12 (d) of the Amended Policy will be publicly available and downloadable.

The proposed amendments to the existing City of Albany *Ratings Subsidy Policy* will align the City's policy framework with both State and Federal Government frameworks, which aim to achieve greater levels of transparency and accountability within the Not-for-Profit Sector.

Through being an early adopter of alignment with regulatory practice across the sector, the City of Albany will demonstrate prudent, transparent and sustainable utilisation of public funds now and into the future.

Officer Comment (Executive Director Corporate Services):

The notice of motion is not supported for the following reasons:

- (1) The motion seeks to significantly reduce the subsidy for all not for profits organisations with a turnover of over \$250,000 without any consultation with the community or affected organisations.
- (2) The motion also seeks to enforce changes to the Associations Incorporations Act well before the required date of 1 July 2019.

16. REPORTS OF CITY OFFICERS

17. MEETING CLOSED TO PUBLIC

ED045: HOST BID 2017 WA REGIONAL TOURISM CONFERENCE

CSF291: PARTIAL SURRENDER, EXTENSION AND VARIATION OF LEASE AND
CONSENT DEEDS-ELECTRICITY GENERATION AND RETAIL CORPORATION T/A
AS SYNERGY-ALBANY AND GRASMERE WIND FARM LEASES

CSF292: APPOINTMENT OF EXECUTIVE DIRECTOR DEVELOPMENT SERVICES

18. CLOSURE