



MINUTES

Ordinary Meeting of Council

Tuesday 22 June 2021

6.00pm

Council Chambers

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



ORDINARY COUNCIL MEETING
MINUTES – 22/06/2021

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1. DECLARATION OF OPENING

The Mayor declared the meeting open at 6.00pm

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 past, present and emerging”.

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward

P Terry

Breaksea Ward

R Hammond

Frederickstown Ward

G Stocks (Deputy Mayor)

Kalgan Ward

E Doughty

Kalgan Ward

M Benson-Lidholm JP

Vancouver Ward

T Sleeman

West Ward

A Goode JP

West Ward

S Smith

Yakamia Ward

R Sutton

Yakamia Ward

C Thomson

Staff:

Chief Executive Officer

A Sharpe (By Zoom)

Executive Director Corporate & Commercial Services

D Olde

Executive Director Infrastructure, Development
& Environment

P Camins

Executive Director Community Services

N Watson

Manager Planning and Building Services

J van der Mescht

Coordinator Planning Services

J Wardell-Johnson

Manager People and Culture

L Harding

Meeting Secretary

D Clark

Apologies:

Vancouver Ward

J Shanahun (Apology)

Frederickstown Ward

Vacant

Three members of the media and approximately 35 members of the public were in attendance.

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Doughty	DIS261	Impartiality. The nature of the interest being that Councillor Doughty is the Regional Manager of St. John's Ambulance, and the proponent is an employee of St. John's who reports directly to the Regional Manager. Councillor Doughty remained in the Chamber and was present during the discussion and participated in the voting for this item.
Councillor Thomson	DIS261	Impartiality. The nature of the interest being that Councillor Thomson's neighbours are two of the three proponents. Councillor Thomson has declared that there may be a perception that he has an impartiality interest in this item. Councillor Thomson remained in the Chamber and participated in the discussion and vote for this item.
Councillor Benson-Lidholm	DIS260	Impartiality. The nature of the interest being that the Benson and Mouchemore families have a lengthy involvement with commercial fishing activities at Betty's Beach. Councillor Benson-Lidholm remained in the Chamber and participated in the discussion and vote for this item.
Chief Executive Officer Mr Andrew Sharpe	PR009	Financial. The nature of the interest being that this item relates to Mr Sharpe's employment with the City of Albany. The Meeting Secretary suspended Mr Sharpe's Zoom access to the meeting during the discussion and vote for this item. Mr Sharpe re-joined the meeting following the vote for this item.
Manager People and Culture Ms Libby Harding	PR009	Impartiality. The nature of the interest being that Ms Harding reports directly to the CEO. This conflict of interest is mitigated, as Ms Harding is responsible only for administering the process. The CEO Performance Review Committee is responsible for the evaluation of the CEO's performance and setting the CEO's KPI's for the next review period. Ms Harding remained in the Chamber and participated in the discussion for this item.

5. REPORTS OF MEMBERS

6.02pm Councillor Stocks

Summary of key points:

Councillor Stocks attended a meeting with the Hon Rita Saffioti, Minister for Transport, Planning and Ports to view the recent upgrades to South Coast Highway east of Albany. Councillor Stocks was pleased to report that Stage 2 of the works will be completed by end of July. Councillor Stocks said that the standard of the work is outstanding and a very welcome upgrade to a vital arterial road.

6.03pm Councillor Benson

Summary of key points:

Councillor Benson-Lidholm attended US Submariners service. Councillor Benson-Lidholm said that it was a very solemn occasion, but an honour to pay respects to the US Submariners, with over 52 submarines lost during war. The Ringing of the Bell for those lost was a very emotional moment. Councillor Benson-Lidholm congratulated City staff and the Naval Cadets on such a wonderful occasion.

6.05pm Councillor Sleeman

Summary of key points:

Councillor Sleeman said that she was pleased to be part of the Stidwell Bridle Trail Working Group, which is a collaborative group working together to manage the trail into the future. This includes working with residents and users of the trail to reduce conflict of use. Councillor Sleeman said that Working Group was well supported by City staff.

6.07pm Councillor Goode

Summary of key points:

Councillor Goode commented on the one in 100-year storm event experienced by residents in the area since Sunday. Councillor Goode said that the heavy rainfall had caused significant damage to roads and other infrastructure, with City staff and contractors working hard to repair the damage and get roads re-opened.

6.08pm Councillor Thomson

Summary of key points:

Councillor Thomson thanked and congratulated City staff and contractors on the clean-up works after Sunday's storm event. Councillor Thomson also said that he was heartened to see that Melaleuca cuticularis, a local native tree, have been planted in the Flinders Parade carpark. Councillor Thomson said that they were more suited to the coastal environment, and would provide habitat for native fauna and bees.

6.09pm Councillor Sutton

Summary of key points:

Councillor Sutton represented the Mayor and officially opened the 2021 Albany Classic. Councillor Sutton congratulated City staff for their support of the event, and stated that Albany was developing into a motorsport event capital.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

6.11pm Mr Edwin McLean, Spencer Street, Albany

Summary of key points:

Mr McLean addressed Council as the proponent for DIS261: Mixed Use Development Additions and Minor Alterations to Existing Building (Multiple Dwellings (x6) and Office)-Lot 20, 1 Duke Street, Albany. Mr McLean spoke in support of the Committee Recommendation.

6.13pm Mr Greg Spaanderman, 50 Allmore Drive, Bayonet Head

Summary of key points:

Mr Spaanderman said that he had written to the City expressing his disappointment that the City of Albany had sponsored Pride Month. Mr Spaanderman said that he was not supportive of the event as it was against his Christian beliefs. Mr Spaanderman said that Councillors who did not approve of or support the Gay Pride March and other related events should not have approved funding or support for this event. Mr Spaanderman stated that democratic decision making should prevail, and that Council should govern with principle.

6.16pm Mr Don Phillips, 314 Frenchman Bay Road, Albany
Summary of key points:

Mr Phillips asked when the stable fly directive for his property was withdrawn.

ED Corporate and Commercial Services responded that further to the letter already sent to Mr Phillips dated 28 May 2021 advising that the Stable Fly Directive issued for 63 Panorama Road had been withdrawn, an email was sent to Mr Phillips on Tuesday 22 June 2021 at 4.43pm advising again that the directive had been withdrawn during the State Administrative Tribunal proceedings brought by Mr Phillips and Ms Saare. Mr Phillips was in attendance at the SAT hearing where City staff advised that the directive had been withdrawn.

Mr Phillips asked if the City had obtained legal opinion on the exclusion of documents he tabled at the April 2021 Ordinary Council Meeting.

Mayor Wellington responded that yes, the City had obtained legal opinion on the exclusion of the documents.

Mr Phillips stated that he believed that the recent storm event had blown asbestos from the Albany Woolstores site into the harbour, and that the City had to do something about it.

Mayor Wellington advised that the external agencies responsible for dealing with asbestos contamination were aware of the issues on the site.

6.20pm Ms Kylie Outhwaite, 34 Burt Street, Albany
Summary of key points:

Ms Outhwaite spoke in support of the Albany Artificial Surf Reef proposal.

6.24pm Mr Darryl Byatt, 12 Middleton Road, Middleton Beach
Summary of key points:

Mr Byatt spoke in support of the Albany Artificial Surf Reef proposal.

6.29pm Mr Dwane Simmons, 86 Rainbows End, Little Grove
Summary of key points:

Mr Simmons spoke in support of the Albany Artificial Surf Reef proposal.

6.33pm Mr Peter Bolt, 121 Burgoyne Road, Albany
Summary of key points:

Mr Bolt addressed Council in support of the Albany Artificial Surf Reef proposal.

There being no further speakers the Mayor declared Public Question Time closed at **6.38pm**.

8. APPLICATIONS FOR LEAVE OF ABSENCE Nil

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SLEEMAN

SECONDED: COUNCILLOR SMITH

THAT the minutes of the Ordinary Council Meeting held on 25 May 2021, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 11-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS353: FINANCIAL ACTIVITY STATEMENT – APRIL 2021

Proponent	: City of Albany
Attachments	: Financial Activity Statement – April 2021
Report Prepared by	: Manager Finance (S Van Nierop)
Responsible Officer	: Executive Director Corporate & Commercial Services (D Olde)

COVID-19 IMPACT

- Impacts to the financial performance of the City are detailed in the 'Explanation of Material Variances to the YTD Budget in Excess of \$100,000' (Note 1) of the Attachment to this report (Statement of Financial Activity).

RECOMMENDATION

CCS353: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR SUTTON

THAT the Financial Activity Statement for the period ending 30 April 2021 be RECEIVED.

CARRIED 11-0

CCS353: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS353: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 30 April 2021 be RECEIVED.

BACKGROUND

1. The Statement of Financial Activity for the period ending 30 April 2021 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.
6. These financial statements are still subject to further year-end 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 revenue and expenditure, 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); and
 - b. budget estimates to the end of the month to which the statement relates; and
 - c. actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - 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; and
 - 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; or
 - 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.
 - V. Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances

POLICY IMPLICATIONS

8. The City's 2020/21 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 30 April 2021 has been incurred in accordance with the 2020/21 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.7 - All Wards
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CCS354: LIST OF ACCOUNTS FOR PAYMENT – MAY 2021

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Manager Finance (S Van Nierop)
Responsible Officers: : Executive Director Corporate and Commercial Services
(D Olde)

COVID-19 IMPACT

- COVID-19 has no impact on this report.

RECOMMENDATION

CCS354: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SLEEMAN

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 May 2021 totalling \$5,559,796.67 be RECEIVED

CARRIED 11-0

CCS354: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS354: RESPONSIBLE OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 May 2021 totalling \$5,559,796.67 be RECEIVED.

BACKGROUND

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

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 May 2021. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$13,543.48
Payroll	\$1,582,261.96
Cheques	\$1,569.15
Electronic Funds Transfer	\$3,962,422.08
TOTAL	<u>\$5,559,796.67</u>

As at 15 May 2021, the total outstanding creditors stands at \$256,829.06 and is made up as follows;

Current	\$295,344.86
30 Days	-\$11,664.97
60 Days	\$9,444.95
90 Days	-\$36,295.78
TOTAL	<u>\$256,829.06</u>
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

3. 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.
4. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
5. 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

6. Expenditure for the period to 15 May 2021 has been incurred in accordance with the 2020/2021 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 May 2021 has been incurred in accordance with the 2020/2021 budget parameters.

CONCLUSION

8. That list of accounts have been authorised for payment under delegated authority.
9. 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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CCS355: DELEGATED AUTHORITY REPORTS – APRIL 2021 to MAY 2021

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

BACKGROUND:

In compliance with Section 9.49A of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:

- Delegation: 006 - SIGN DOCUMENTS ON BEHALF OF THE CITY OF ALBANY (Chief Executive Officer)
- Delegation: 009 - GRANT FUNDING, DONATIONS, SPONSORSHIP
- Delegation: 018 - CHOICE OF TENDER, AWARD CONTRACT

COVID-19 IMPACT

- COVID-19 has no impact on this report.

RECOMMENDATION

CCS355: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BENSON
SECONDED: COUNCILLOR SLEEMAN

THAT the Delegated Authority Reports 16 April 2021 to 15 May 2021 be RECEIVED.

CARRIED 11-0

CCS355: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS355: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 April 2021 to 15 May 2021 be RECEIVED.

CCS356: COVID-19 IMPACT REPORT

Attachments	: COVID-19 Impact Report
Report Prepared By	: Senior Community Development Officer (T Flett)
Responsible Officers:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

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

- **Theme:** Community Health & Participation
- **Objective:** To develop and support a healthy inclusive and accessible community.
- **Community Priority:** Deliver programs and advocate for specialist services that improve public health and wellbeing in line with the Public Health Act 2016 and growing community expectations.
- **Theme:** Leadership.
- **Objective:** To establish and maintain sound business and governance structures.
- **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to the community.

In Brief:

- The key findings from the COVID-19 impact surveys, conducted under the City's COVID-19 Community Recovery Plan have been developed in to a high level infographic style report.
- Social isolation was experienced by approximately one third of respondents. This provides an opportunity for the City and stakeholders to look at ways to reconnect those experiencing social isolation, particularly those living alone who are at higher risk.
- The data collected is very unique as the City of Albany is the only agency within the region that has collected data of this nature which is publicly available at the local government level. Major external agencies and stakeholders have requested access to this data to inform future strategic planning and crisis response.

COVID-19 IMPACT

- Timing of completion of the surveys was impacted by resourcing constraints resulting from the 20% reduction in hours for City staff and limited availability of additional staff to assist with the survey.

RECOMMENDATION

CCS356: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR DOUGHTY

THAT the COVID-19 Impact Report be RECEIVED and SUPPORT making the results of the surveys available to external stakeholders and the community.

CARRIED 11-0

CCS356: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN

SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS356: RESPONSIBLE OFFICER RECOMMENDATION

THAT the COVID-19 Impact Report be RECEIVED and SUPPORT making the results of the surveys available to external stakeholders and the community

BACKGROUND

2. The COVID-19 pandemic had a profound impact on the lives of all Australians and arguably is the most significant pandemic emergency experienced by most Albany residents. The situation was fluid and changed rapidly, with the City and our community members forced to adjust very quickly to comply with new directives almost daily.
3. Public facilities and museums including Albany Public Library, Albany Leisure & Aquatic Centre, Vancouver Arts Centre, National Anzac Centre along with skate parks and playgrounds were forced to close. The City worked closely with the regional response team to find ways to implement the directives and keep the community informed and connected through the #albanyinthistogether campaign and website.
4. The business units pivoted their service delivery to ensure they could continue to provide a modified service to the community members.
5. The City adopted a Community COVID-19 Recovery Plan at a Special Meeting of Council held 9 April 2020. The plan aimed to support vulnerable community members; support community groups/clubs to remain sustainable; and promote community wellbeing.
6. As part of the City's COVID-19 Community Recovery Plan, community members were asked to participate in surveys to measure the direct impact of the pandemic and guide future responses by the City.
7. The surveys were planned and delivered by the City's Community Development team, using existing resources.
8. Two surveys were conducted between April and December 2020 to measure the impact of the pandemic on Albany residents.

DISCUSSION

9. To ensure broad participation across the City, a random sample of 10% of residential homes in each suburb was drawn from the City's rates database.
10. As some suburbs have less than 100 homes, neighbouring suburbs were grouped to provide a minimum sample size of 100 homes. The sample included social housing, retirement villages and rentals to ensure the views of all our community members were included.
11. Participation was voluntary and no incentive was provided.
12. Sample size for each survey was 1460 homes. The first survey had a response rate of 25.5%, and the second 26.4%

13. The first survey commenced in May 2020 as COVID-19 restrictions were starting to ease, and took approximately 6 weeks to complete. During those six weeks the COVID-19 restrictions changed regularly, with many residents able to resume their usual activities, with some restrictions still in place.
14. The responses received in the first few days of the engagement period provided significantly different responses to the responses received later in the engagement period.
15. The conduct of the second survey was impacted due to the 20% reduction in hours for City staff. Staff members who had been redeployed to assist with the first survey had largely returned to their substantive roles. This extended the engagement period significantly to over four months.
16. Insufficient responses have been obtained from community members aged 25 and under, from those who identify as LGBTQIA+, culturally and linguistically diverse and indigenous community members to provide sufficient data as to how they may have been impacted by COVID-19.
17. The key findings from the consolidated results revealed that a reduction in social interaction had the greatest impact on our community, followed by a reduction in physical activity, increasing anxiety levels, and financial stress.
18. The survey also reported some positive impacts of the pandemic such as an increase in wellbeing due to increased financial support (COVID-19 supplement), working from home, more recreational time, increased digital literacy and home improvements. Respondents also reported enjoying the 'slower pace of life' as a result of COVID-19 restrictions.
19. The data collected through the surveys will continue to inform the City's recovery response, including initiatives to target the socially isolated, and address the decrease in physical activity.
20. The data has already supported the City's application for funding the recent Pop Up Library Lounge pilot which aimed to improve the digital literacy of seniors, and reconnect them with City services, and local community groups.

GOVERNMENT & PUBLIC CONSULTATION

21. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Phone Survey	28/04/2020-30/06/2020	175	No
		20/08/2020- 31/12/2020	95	
Consult	Email – survey monkey link	28/04/2020-30/06/2020	115	No
		20/8/2020-31/12/2020	181	
Consult	Hard copy survey	28/04/2020-30/06/2020	82	No
		20/8/2020-31/12/2020	109	
Inform	Social media posts	21/04/2020 30/04/2020 25/05/2020		

STATUTORY IMPLICATIONS

22. N/A.

POLICY IMPLICATIONS

23. COVID-19 Community Recovery Program

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Risk: A loss of confidence from community members and stakeholders if the information collected is not shared.</i>	Unlikely	Minor	Low	Share the survey results with stakeholders and community.
Reputation <i>Community perception that their information may be shared with other agencies</i>	Unlikely	Minor	Low	Data sets had all names, or other identifiers removed before analysis commenced to ensure confidentiality of personal information.
Operational <i>The report is not received by Council in its current format.</i>	Possible	Minor	Low	Staff review and re-present the report to Council.
Opportunity: Data in the report can be used by stakeholders to assist with planning and preparing should COVID-19 restrictions resume. This data is also important in the event of future natural or man-made disasters which restrict the community.				

FINANCIAL IMPLICATIONS

25. All costs associated with the COVID-19 Impact Surveying including staffing, postal charges and graphic design were covered by existing budget allocations.

LEGAL IMPLICATIONS

26. Nil

ENVIRONMENTAL CONSIDERATIONS

27. Nil

ALTERNATE OPTIONS

28. Council may choose not to receive the survey report.

CONCLUSION

29. It is recommended that Council receive the survey report and support staff sharing the survey results with stakeholders and the community.

Consulted References	:	COVID-19 Community Recovery Program Profile.ID
File Number (Name of Ward)	:	CR.PLA.28
Previous Reference	:	SCM019 COVID-19 Community Recovery Program

CCS357: RESTORING MENANG-NOONGAR PLACE NAMES

Proponent / Owner	: City of Albany
Attachments	: Attachment A: Ministerial Letter re place naming Attachment B: Community Engagement Report Attachment C: Aboriginal and Place Naming Guidelines Attachment D: Consultant's Research and Engagement Report Attachment E: Locality maps showing proposed places and geographic features for naming or dual naming Attachment F: Letters of Support
Report Prepared By	: Acting Manager Community Development & Engagement (R Param) Lands Officer (A Veld)
Responsible Officers:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Community Strategic Plan:
 - **Theme:** Community Health & Participation
 - **Objective:** 4.1: To build resilient and cohesive communities with a strong sense of community spirit.
 - **Community Priority:** 4.1.2: Promote and develop an authentic sense of community by developing programs and providing services that make people feel welcome, involved and connected to each other.

In Brief:

- Council consideration to make a submission to Landgate that will restore Menang Noongar names to places within the City of Albany municipality, as detailed in the report.

COVID-19 IMPACT

- Noongar engagement was delayed due to COVID19 public gathering restrictions. The research phase yielded many more information sources than anticipated, and the delay commencing consultation allowed the consultant to undertake further research
- Once COVID19 restrictions eased, Noongar engagement was adapted to include face-to-face and in-home consultations to manage public health concerns of some Elders. This proved beneficial in allowing for deeper engagement with these Elders than what might have been possible in a larger workshop setting.

RECOMMENDATION

CCS357: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR STOCKS

THAT Council:

1. **ENDORSE** the Community Engagement Report detailing the outcome of Restoring Menang-Noongar Place Names community consultation and engagement activities.
2. **REQUEST** the CEO prepare a submission to Landgate for the naming and dual naming of the reserves, waterways and geographic features listed in Attachment E to restore Menang-Noongar names to these places.
3. **NOTE** that City staff will continue to work with stakeholders associated with the remaining agreed place names to progress these for future consideration.

**CARRIED 11-0
ABSOLUTE MAJORITY**

CCS357: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS357: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. ENDORSE the Community Engagement Report detailing the outcome of Restoring Menang-Noongar Place Names community consultation and engagement activities.
2. REQUEST the CEO prepare a submission to Landgate for the naming and dual naming of the reserves, waterways and geographic features listed in Attachment E to restore Menang-Noongar names to these 28 places.
3. NOTE that City staff will continue to work with stakeholders associated with the remaining agreed place names to progress these for future consideration.

BACKGROUND

2. With the loss of traditional language and stories being widely experienced nationally and internationally, dual naming is an opportunity to relearn language and stories, reconnect to country and recognise Indigenous custodianship.
3. Menang Noongar place naming has been identified as a priority by the local Menang community in the Aboriginal Accord (2003) as an important reconciliation outcome. Place naming aspirations by the community were reaffirmed in 2003 with the development of the then Southern Prospects Strategy, a strategic guide to investment planning in natural resource management produced by South Coast Natural Resource Management Inc (SCNRM).
4. In Albany there have been significant bodies of work undertaken to progress these aspirations, starting with the Kinjarling Heritage Survey Report (2005) which recorded 42 areas of significance, and recommended more ethnographic research be done with Noongar people to better define the cultural and historical value of local geographic sites.
5. The Mounts (Mount Melville, Mount Clarence and Mount Adelaide), and Bluff Rock (behind Strawberry Hill farm) were officially dual named in 2010.
6. Two research projects undertaken by UWA students on work experience with SCNRM in 2011 and 2016 further explored this area. Both reports identified Noongar place names across the South Coast from historical records and earlier consultation with the community, and have provided a solid foundation on which this project has been developed.
7. In 2017 – 2018 Community Arts Network WA (CANWA) undertook deeper engagement with the Menang community to identify specific geographic features and locations for place naming, and the Menang name for these areas. This work also featured a documentary film produced by Aboriginal young people which premiered to a sell-out audience at Albany Entertainment Centre in August 2018.
8. On 4 December 2018, SCNRM presented an update to Council on the work undertaken above, requesting that the City progress this to official place naming. The CANWA project had found that many of the identified locations for place naming were in reserves under City management, and hence the local government was considered the primary proponent to achieve official place naming. Council endorsed the City progressing this work, including submitting applications for external funding support.

9. In July 2019 the then Ministers for Aboriginal Affairs and Local Government wrote to all local governments (including the City), encouraging partnerships with the Aboriginal community and other relevant stakeholders to identify place naming opportunities.
10. This correspondence signalled whole of government support for local authorities to progress place naming initiatives, including opening up government information sources that were previously only accessible on a fee-for-service basis, ie Landgate historical records.
11. The City was successful in obtaining Lotterywest funding in 2019, with the project scheduled to begin in 2020 in three phases: research and historical records searches, Noongar consultation, and wider community public engagement.
12. A consultant under the auspices of Kurrah Mia was appointed to undertake the research and Noongar engagement phases. The consultant team comprised historian Dr Murray Arnold, anthropologist Rob Reynolds, and Menang Elder Vernice Gillies.
13. The project commencement was delayed by COVID19, in particular by travel restrictions which limited the consultant's access to historical records located in Perth. However, research began in May 2020, and Noongar engagement commenced in July 2020 when COVID19 restrictions were eased.
14. Over 200 Menang names were found in historical records for places across Albany and the lower Great Southern region. As the scope of this project is confined to the City of Albany local government area, the list of names was further refined for the Noongar community's consideration.
15. The Noongar engagement phase concluded in December 2020 with the community endorsing 66 Menang place names across the municipality. This research and Noongar engagement methodology and process is detailed in the consultant's report at Attachment D.
16. The project opened for public comment in December 2020 in accordance with the requirements of Landgate, with a page on the City's website dedicated to the project and places identified for naming and dual naming.
17. Advertisements promoting the public comment and free community information sessions appeared in the Albany Advertiser and Great Southern Weekender on 28 January 2021.
18. In addition, the project has received media publicity with articles in the Albany Advertiser on 17 December 2020, and a GWN News segment on 1 January 2021.
19. A total of 163 individual pieces of feedback have been received from members of the community, comprising 89 feedback forms, 68 comments posted to the public comment page on the City's website, and 11 comments on the City's Facebook and Instagram social media channels. In addition, 74 community members participated in four community information sessions in December 2020, and February and March 2021.
20. A total of nine letters have been received from stakeholders representing government agencies and community organisations expressing support for this proposal.
21. Of the relevant comments received, 90% supported the proposal, and 10% were opposed. About 1% of the total comments received were either unclear as to the individual's views about the proposal, or were irrelevant to the topic, and excluded from the above count.
22. Comments in support of the proposal include:
 - i. The proposal represents a long-overdue initiative to recognise Aboriginal heritage.
 - ii. General statements of support of the proposal.
 - iii. A welcome acknowledgement of traditional ownership.
 - iv. Suggestions for how the place names can be acknowledged, eg signage, QR codes demonstrating pronunciation etc.

23. Comments opposed to the proposal include:
- i. Opposition to allocating ratepayer and/or grant funding to the project.
 - ii. Support for renaming but not dual naming.
 - iii. Questioning the rationale for restoring traditional place names given current locality names have been in place for many years, are well-known and understood.
 - iv. Questioning the proposal's benefit for Noongar people in advancing socio-economic issues such as health, housing etc.
 - v. Concern about whether the place names would be pronounceable or able to be found by emergency or essential services.
24. The following matters have been identified as key considerations for the determination of this proposal and are discussed in detail below:
- i. The importance of recognising Aboriginal cultural heritage and traditional custodianship as benefiting the Menang Noongar and whole community.
 - ii. The demand for Aboriginal and dual naming.
 - iii. The cost to ratepayers.
 - iv. Pronunciation and location of places by emergency or essential services.
 - v. Dual naming of currently-named places, and naming of un-named places.

DISCUSSION

Importance of recognising Aboriginal cultural heritage and community benefit

25. Traditional place names reflect history and the connection to place that is central to Indigenous Australian identity, and help to tell stories about these places. Menang Noongar place names are part of the unique history of Albany and the region and serve to remind the broader community that this area has a lengthy and absorbing history that predates the arrival of Europeans by tens of thousands of years.
26. Previous consultation with Menang Noongar people to elucidate traditional place names, together with this project have reaffirmed for the Noongar community that recognising their place names remains central to their culture, reflecting their connection to country (*boodja*).
27. This in turn increases pride, and contributes to greater community wellbeing, resulting in positive impacts on social cohesion and health, which ultimately benefits the wider community.
28. Restoring traditional Menang Noongar place names not only re-establishes original names for places, but shares meaning and significance these places have for traditional custodians, allowing their value to be shared in turn with the wider community.
29. Appropriate recognition of Albany's Bicentenary in 2026 must be inclusive of Noongar history and ongoing custodianship of *boodja*. Restoring Menang Noongar place names is central to this recognition and acknowledgement of the significant historical milestone in the state's settlement.

Demand for Aboriginal and dual naming

30. Aboriginal and place naming has been identified as a local priority by the Menang Noongar community since at least 2003 with the commitment by Council, the Western Australian Government and Noongar community to the Aboriginal Accord. Subsequent publications reaffirm this priority.
31. The Western Australian Government has encouraged local governments to submit proposals for place naming, writing to the Chief Executive Officer in July 2019 inviting the City to partner with relevant Aboriginal communities and stakeholders to identify opportunities for place naming. A copy of this correspondence is at Attachment A.

32. The feedback received through the public consultation period for this proposal suggests strong support for Aboriginal and dual naming within the general community.

Cost to ratepayers

33. The City secured Lotterywest funding to undertake this project which enabled engagement of a consultant to undertake historical research and Noongar engagement.
34. The grant funding also includes a component for publishing the consultant's report, advertising and administrative costs such as the landowner mailout.
35. If the proposal is approved by Landgate, identifying appropriate recognition of place names in the various locations will be the next consideration for this project.
36. This recognition could include signage erected onsite, production of maps, or other publications that promote Menang Noongar place names.
37. Any existing signage currently in place will be upgraded using existing operational budget which is allocated for renewal and maintenance of City interpretive signage.
38. Any new signage or interpretive infrastructure required is likely to be achieved through securing further grant funding to reduce the financial cost to ratepayers.

Pronunciation and location by emergency or essential services

39. It is expected that Menang Noongar place names, which may at first appear to be complex in spelling and/or pronunciation, will over time become familiar and easy to use within the community.
40. Some of the endorsed place names are already familiar to the public as they are currently used, eg Kalyenup, while others are easily pronounced, eg Goodga.
41. Should the submission be approved by Landgate, it is proposed that audio recordings of Noongar Elder(s) speaking each of the place names be developed and stored accordingly.
42. These will also be able to be used in any digital content acknowledging or recognising the place names so the public knows and can pronounce the place names.
43. If the proposal is endorsed by Council and approved by Landgate, all emergency services agencies are notified and the details of place naming are made readily available.
44. The proposal for dual naming in Middleton Beach and Big Grove with the Menang name for these areas could concern residents as to whether their property address should also change.
45. The guidelines prohibit dual naming of suburbs, towns or roads, therefore the proposal for dual naming in Middleton Beach and Big Grove will have no impact on residential or business property addresses or names in these suburbs.
46. All property owners in these two suburbs have been advised in writing to this effect.

Dual naming versus naming

47. The engagement with the Noongar community resulted in strong endorsement for dual naming where places had an existing European name.
48. The project aim was not to replace existing names, but to value and recognise Menang place names that had existed prior to European settlement. Hence, the majority of proposed places recommend dual naming with the naming convention as per the Aboriginal Place Naming Guidelines being *traditional name / existing name*.
49. Twelve places identified by historical records and the Noongar consultation as having a Menang place name are currently officially unnamed. It is proposed to name these 12 places with the Menang place name.

50. Both the research and Noongar consultation were unable to identify previously existing Menang place names for three places: Wellington Street revegetation area, Vancouver Spring and Point Possession.
51. On-country field visits to these locations during the consultation phase agreed on language-based descriptive names for these places, and the proposal is these places be dual named or named accordingly with the endorsed Menang name.

Summary and recommendations

52. Of the 66 endorsed places for Menang naming or dual naming, 28 are able to be progressed by the City as they apply to places within its jurisdiction. The remaining places occur on private property or land managed by other parties, mostly state government. Landowners have all been informed accordingly.
53. While Landgate has delegated authority to approve place naming for places managed by State Government, the Department of Biodiversity, Conservation and Attractions, and the Southern Port Authority have expressed preference to pursue place naming of those areas under their management independently of the City's proposal.
54. The places proposed for naming are:
 - i. Reserve 34419 (*Bwonnaitch*).
 - ii. Reserve 9888 (*Watticarup*).
 - iii. Reserve 43573 (*Tanumbangiwar*).
 - iv. Reserve 16871 and geographic feature (*Tamungup*).
 - v. Reserve 15181 and geographic feature (*Yanungup*).
 - vi. Reserve 21300 and geographic feature (*Manitchpurting*).
 - vii. An unnamed waterway linking Lake Seppings to Oyster Harbour (*Purriyup*).
 - viii. An unnamed waterway north of King River (*Mealyit*).
 - ix. An unnamed river crossing over the Kalgan River (*Mindijup*).
 - x. Wellington Street revegetation area (*Booyiup*).
 - xi. Reserve 27052 (*Chinjannup*).
 - xii. Formerly named geographic feature Point Possession (*Uredale Point*).
55. There are 10 places and/or waterways proposed for dual naming:
 - i. Geographic feature Lake Saide (*Eungedup* / *Lake Saide*).
 - ii. Geographic area including Reserve 4156 (*Kalyenup* / *Major Lockyer Park*).
 - iii. Waterway Parker Brook (*Takenorup* / *Parker Brook*).
 - iv. Geographic feature Mount Elphinstone (*Walchecup* / *Mount Elphinstone*).
 - v. Geographic feature Dog Rock (*Yakkan Toort* / *Dog Rock*).
 - vi. Vancouver Spring (*Kep Mardjit* / *Vancouver Spring*).
 - vii. Waterway Willyung Creek (*Yerringurup* / *Willyung Creek*).
 - viii. Waterway Napier Creek (*Yoorlarup* / *Napier Creek*).
 - ix. Water body Oyster Harbour (*Miaritch* / *Oyster Harbour*).
 - x. Geographic area Foundation Park (*Mutenup* / *Foundation Park*).

56. Six reserves and/or waterways are proposed for naming with their associated geographic features proposed for dual naming:
- i. Reserves 14789, 26149 (*Binalup*) and geographic feature Middleton Beach (*Binalup / Middleton Beach*).
 - ii. Reserve 48916 (*Naaranyirrup*) and geographic feature Lake Vancouver (*Naaranyirrup / Lake Vancouver*).
 - iii. Reserve 50506 (*Wattierup*) and geographic feature Oyster Harbour Fish Traps (*Wattierup / Oyster Harbour Fish Traps*).
 - iv. Reserve 11969 (*Willyungup*) and geographic feature Willyung Hill (*Willyungup / Willyung Hill*).
 - v. Reserve 1299 (*Tjuitgellong*) and geographic feature Lake Seppings (*Tjuitgellong / Lake Seppings*).
 - vi. Reserve 2903, 4732, and 13773 (*Moodrenup*) and geographic feature Sandpatch shoreline (*Moodrenup / Sandpatch*).
57. The reserves and/or waterways at point 44 above are all unnamed, therefore the proposal is to assign the traditional Menang name to these reserves.
58. However, to honour the Noongar preference for dual naming, it is proposed the geographical features that are associated with these reserves be dual named.
59. Reserve 16871 is currently vested with the Lower Kalgan Community Association. The Association's management committee endorse the overall project, and support the City's proposal to name this reserve *Tamungup*.
60. Reserve 1299 and geographic feature Lake Seppings is well signed with the Menang place name and has been for at least a decade.
61. A risk assessment to inform the public comment period assessed Lake Seppings as having a low risk because it could be reasonably concluded the highly visible interpretive infrastructure at the place inferred the location was already officially named with the Menang place name.
62. Owners of property directly adjoining this reserve were therefore not directly informed, although the proposal was made available to the public through all other public information channels.
63. Reserve 4156 is under a co-management order with the Western Australian Museum. The Museum endorses the overall project, and supports the City's proposal to dual name this reserve *Kalyenup / Major Lockyer Park*.
64. The geographic feature Mount Elphinstone largely occurs within private residential property. The property owner has been informed of the proposal to dual name this feature *Walchecup / Mount Elphinstone* and that the naming proposal will have no impact on the property.
65. The property owner was also invited to submit comment. No feedback has been received in response to this invitation.
66. Oyster Harbour is managed by Department of Water and Environmental Regulation who have endorsed the proposal for dual naming of this water body.
67. Synergy who manage the Grassmere Wind Farm are supportive of the proposal to dual name Sandpatch shoreline, and have expressed desire to be included in discussions regarding on-site signage and interpretation when the time comes.

GOVERNMENT & PUBLIC CONSULTATION

Community notification and consultation

68. The localities and geographic features identified for naming are the result of extensive research of historical records and other sources of traditional place names undertaken by a consultant.
69. In addition, extensive consultation has taken place with the local Menang Noongar community to confirm and endorse identified place names, and contribute meaning and/or stories associated with places.
70. A Project Working Group was established to direct the project, and comprised relevant City officers along with representatives from Department Planning, Land and Heritage, Landgate, SCNRM, and the project consultant.
71. In addition to the Noongar consultation, the City has consulted extensively with the wider community as follows:
 - Approximately 5,000 direct letters mailed or emailed to owners of property potentially impacted by this proposal, including an invitation to provide feedback.
 - Nineteen organisations holding leases with the City in or surrounding:
 - i. Big Grove;
 - ii. Middleton Beach;
 - iii. Foundation Park;
 - iv. Troode Street;
 - v. Simpson Road;
 - vi. Drome;
 - vii. Willyung, and;
 - viii. Mt Melville.

Leaseholders were informed that the proposal would have no impact on their organisation or business name, address or lease with the City.
 - Government agencies managing land or waterways on which identified places for naming are located.
 - Progress Associations, including a request to promote the project and public comment period to their members.
72. South West Aboriginal Land and Sea Council (SWALSC) have supported this project and in particular the Noongar engagement from the outset.
73. Regular briefings of the Senior Legal Officer have occurred throughout the project, and SWALSC have shared all invitations to Noongar workshops and on-country field trips with members.
74. Ordinarily this proposal would be submitted to SWALSC for endorsement, however the organisation has advised it is not in a position to present this proposal to its Wagyl Kaip Southern Noongar Working Party due to the Working Party being occupied with the latter stages of the South West Native Title Settlement.

75. The following government organisations have been consulted or informed of the project, in particular places that are under the management of the specific organisation:
- Department of Biodiversity, Conservation and Attractions
 - Department of Water and Environmental Regulation
 - Museum of the Great Southern
 - Department of Planning, Lands and Heritage
 - Water Corporation
 - Department of Transport
 - Southern Ports Authority
 - Development WA
 - Department of Fire and Emergency Services
 - Department of Communities
 - Main Roads
 - Synergy
76. While many of the identified places for naming are situated on land managed by some of the above agencies and the City has limited jurisdiction in effecting place naming in these locations, State Government agency support to achieve the project is invaluable, and the City has encouraged these agencies to use the project findings to progress place naming on their land where possible.
77. The proposed places for naming were advertised on the Public Comment page on the City's website from 22 December 2020 to 30 April 2021.
78. The page provided all the places, the proposed place names, maps to download displaying the location of all places, a feedback form and ability to post a comment to the page.
79. The City's Communications and Engagement Advisory Group has been provided regular updates of progress of the project, including this proposal. The Advisory Group includes community members in its membership.
80. Letters/correspondence of support for the project and the proposal have been received from the following organisations:
- Wellstead Progress Association
 - Albany Golf Club
 - Department of Biodiversity, Conservation & Attractions
 - Anglican Parish Albany
 - Museum of the Great Southern
 - King River Recreation Club
 - Lower Kalgan Community Association
 - South Coast Natural Resource Management Inc
 - Department of Water and Environmental Regulation
 - Synergy (Grassmere Windfarm)

STATUTORY IMPLICATIONS

81. The *Land Administration Act 1997* refers to this item.
82. Landgate is responsible for maintaining the State's Gazetteer and nomenclature database known as GEONOMA.
83. Local governments and government agencies responsible for the administration of land within Western Australia are required to make submissions to Landgate for any naming proposals for place names, features, administrative boundaries, localities or roads within their jurisdiction.
84. The Policies and Standards for Geographical Naming in Western Australia includes a number of fundamental requirements for the naming of roads, administrative boundaries, cultural and topographical features.
85. They include legislative considerations, external policies and cultural factors to ensure a sound toponymic heritage for future generations of Western Australians.
86. In Western Australia the practice of officially naming features, localities and roads is covered under Section 26 and 26A of the Land Administration Act (1997).
87. This legislation is supported by policies and processes which provide the necessary information for any person or group interested in the naming and the determination of extents for roads, topographical features, points of interest, administrative boundaries and localities.
88. The use of Aboriginal names and words for naming features, administrative boundaries and roads are a way of recognising the different enduring cultural and language groups.
89. Names originating from an Australian Aboriginal language local to the area of the geographic feature, locality or road, must be written in a standard recognised format with use subject to agreement from the relevant Aboriginal community.
90. Named features may remain in their traditional language without translation of the generic descriptor. A descriptive term may be added to indicate the true nature of the feature. The Western Australian government's Aboriginal and Place Naming Guidelines are at Attachment C.

POLICY IMPLICATIONS

91. The City of *Albany Aboriginal Accord 2003* relates to this item.
92. The *Albany Local Planning Strategy 2019* (part 2), sections 2.5.1 and 2.5.2 relate to this item.
93. The City of Albany Policy and Procedure: *Welcome to Country, Acknowledgement of People and Country and Cultural Performances 2017* relates to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational: Owners of property directly impacted by proposed places for naming are unaware of the proposal until after Council endorsement.	Possible	Minor	Medium	Directly impacted landowners have been corresponded with and provided 30 days to give feedback. The proposal relates only to land the City manages (with the exception of Tamungup, Miaritch and Walchecup), and naming will not have any impact on privately-owned properties.
Reputational: Council endorses the proposal however the proposed places are rejected for approval by Landgate.	Unlikely	Minor	Low	The City will work with Landgate to resubmit the proposal in an acceptable format.
Community: Noongar community member(s) present advising they had no knowledge of the proposal.	Possible	Moderate	Medium	The consultant is available for one-on-one briefings to advise of the research and Noongar engagement findings. The consultant report will be made publicly available. SWALSC have distributed information about the project to all their members through the duration of the project.
Financial: External grant funding is not able to be sourced for new interpretive infrastructure in named places.	Possible	Minor	Medium	Prioritise budget allocation where necessary and explore all options to achieve objectives.
Opportunity: The proposal has the potential to see more places and geographic features identified for Aboriginal and dual naming, promoting Menang Noongar language, culture and history.				
Opportunity: Aligning previously dual named locations with current Aboriginal and Dual Naming Guidelines to ensure that signage is consistent with the naming protocols Traditional place name / European name. This will require the three Mounts be dual named correctly, with signage reflecting this correction as part of the interpretation phase of the project.				
Opportunity: As the public becomes more familiar with dual-named places over time, places are likely to be referred to by their Menang name only.				

FINANCIAL IMPLICATIONS

95. Existing interpretive infrastructure will be replaced under operational budget allocation.
96. Further external grant funding will be sought to progress new interpretive infrastructure for the places included within this current dual-naming proposal.

LEGAL IMPLICATIONS

97. Nil.

ENVIRONMENTAL CONSIDERATIONS

98. Place naming does not impact the management of a place, therefore environmental management measures such as bushfire mitigation will continue to occur under existing arrangements. This may include traditional burning where appropriate and permissible under relevant procedures.

ALTERNATE OPTIONS

99. Council may choose not to name or dual name all the proposed places in this report. This is not recommended as it would compromise trust built with the Noongar community that the City engaged in good faith about restoring traditional place names in agreed locations.
100. Council may choose to rename the places proposed for dual naming. While this would be a laudable step in place naming, it is not recommended for the following reasons:
- The Noongar community has emphasised the importance of dual naming to restore the traditional place name while continuing to recognise the current European place name.
 - Feedback from the wider community indicates strong support for dual naming, although there were a small minority of comments suggesting renaming as preferable.
 - Dual naming is considered an appropriate intermediary step to transition to an Aboriginal name. Over time dual-named places are expected to become known colloquially by the traditional name as the public becomes more familiar with the traditional place name as well as becoming more commonly used.

CONCLUSION

101. That the Responsible Officer recommendation be ADOPTED.
102. Aboriginal place naming has been a priority of the Noongar community since at least 2003 and there have been important pieces of work undertaken locally since then to progress this.
103. Significant consultation with the Noongar community, has informed the Restoring Menang Noongar Place Names project, resulting in community identification and agreement of 66 places and place names across the Albany local government area.
104. The City is able to progress 28 of these places for official place naming through Landgate.

Consulted References	:	City of Albany Aboriginal Accord 2003 Land Administration Act 1997 Policies and Standards for Geographical Naming in Western Australia (version 01:2017) Aboriginal and Place Naming Guidelines 2020
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Council Strategic Workshop 28 October 2020

CCS358: RATES FINANCIAL HARDSHIP POLICY

Business Entity Name	: City of Albany
Attachments	: Rates Financial Hardship Policy
Report Prepared By	: Manager Governance & Risk (S Jamieson)
Responsible Officers:	: Executive Director Corporate & Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
 - **Community Priority:** Provide positive leadership that delivers community outcomes.

In Brief:

- Council is requested to consider the proposed revised Rates Financial Hardship Policy in response to the COVID-19 pandemic.

COVID Impact:

- Detailed in report.

RECOMMENDATION

CCS358: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SUTTON

THAT the proposed REVISED Rates Financial Hardship Policy be ADOPTED.

CARRIED 11-0
ABSOLUTE MAJORITY

CCS358: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS358: RESPONSIBLE OFFICER RECOMMENDATION

THAT the proposed REVISED Rates Financial Hardship Policy be ADOPTED.

BACKGROUND

2. On 26 May 2020, Council adopted the current Rates Financial Hardship Policy.
3. This policy is required to be reviewed prior to the 30 June 2021.

DISCUSSION

4. The Local Government (COVID-19 Response) Amendment Order 2021 (the Order), comes into effect on 2 June 2021, providing ongoing assistance to WA ratepayers hardest hit by the COVID-19 pandemic for the 2021-22 financial year.
5. The Order extends requirements of the Local Government (COVID-19 Response) Order 2020 that deal with:
 - a. interest on money owing to local governments
 - b. options for payment of rates or service charges
 - c. accrual of interest on overdue rates or service charges.

6. The only significant change being that the maximum interest rate that can be charged has been lowered from 8 percent to 7 percent.

GOVERNMENT & PUBLIC CONSULTATION

7. Department of Local Government, Sport and Cultural Industries advised of the amendment order on 1 June 2021.

STATUTORY IMPLICATIONS

8. *Local Government Act 1995* (the Act), section 6.49:

Section 6.49 Agreement as to payment of rates and service charges.

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

POLICY IMPLICATIONS

9. The proposed amended policy does not change the process required for applying and processing financial hardship applications from ratepayers, that existed in the current policy position.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Compliance. <i>Risk: The current policy position expires on the 30 June 2021.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Review and adopted the revised policy position by the 30 June 2021.</i>
Opportunity: Continued consistency and understanding of rules for both ratepayers and staff for applications of rates financial hardship.				

FINANCIAL IMPLICATIONS

11. When waiving late payment interest, the City will receive reduced income.
12. A reduction in the timely payment of rates as a result of ratepayers applying for hardship may result in a negative cash flow impact for the City.

LEGAL IMPLICATIONS

13. None.

ENVIRONMENTAL CONSIDERATIONS

14. Not applicable.

ALTERNATE OPTIONS

15. If the proposed revised financial hardship policy is not adopted, City staff will continue to negotiate payment arrangements in accordance with an administrative endorsed policy position that compliments the Local Government (COVID-19 Response) Amendment Order 2021.

CONCLUSION

16. Adoption of a revised policy for rates hardship will continue to provide clear direction to ratepayers and staff.

Consulted References	:	<u>Local Government (COVID-19 Response) Amendment Order 2021</u> <i>Local Government Act 1995</i> Delegations Register
File Number (Name of Ward)	:	RV.RPY.20
Previous Reference	:	OCM 26 May 2020 Resolution CCS247. OCM 24 March 2020 Resolution CCS237.

DIS259: BUSHFIRE ATTACK LEVEL (BAL) PUBLIC LAND MANAGEMENT POLICY

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Attachments	: Bushfire Attack Level (BAL) Public Land Management Policy
Report Prepared By	: Manager City Reserves (J Freeman)
Responsible Officers:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme: 3.** Clean, Green and Sustainable
 - **Objective: 3.1** To protect and enhance our natural and built environment in a changing climate
 - **Community Priority:**
 - 3.1.1** Deliver effective practices that reduce risk to property, infrastructure and the natural environment and improve community awareness and resilience.
 - 3.1.2** Sustainably protect and enhance our iconic coastline, reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves

In Brief:

- The City receives many requests for vegetation to be maintained and/or removed to assist private landholders with reducing their BAL ratings when their properties are adjacent or adjoining to City managed land.
- There are existing strategies which determine our responses dependent on the location of the property.
- The purpose of this policy is to provide guidance to enable a consistent response.

RECOMMENDATION

DIS259: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

Moved: Councillor Doughty
Seconded: Councillor Smith

THAT the Bushfire Attack Level (BAL) Public Land Management Policy be ADOPTED.

CARRIED 11-0

DIS259: COMMITTEE RECOMMENDATION

Moved: Councillor Terry
Seconded: Councillor Stocks

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS259: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Bushfire Attack Level (BAL) Public Land Management Policy be ADOPTED.

BACKGROUND

2. The City receives regular requests to maintain or remove vegetation to assist private landholders with reducing their BAL requirements, although since the housing stimulus packages in 2020, these have increased substantially.
3. The clearing of native vegetation within a City-managed road verge or reserve to reduce the BAL rating for the adjoining property is not permissible.
4. This policy has been developed in order for City officers to provide a consistent response and approach when responding to BAL queries from developers, real estate agents and private landholders.

DISCUSSION

5. The City of Albany (the City) has a major role in the management of public land to ensure the protection of native vegetation and habitat.
6. The clearing of native vegetation within a City-managed road verge or reserve to reduce the BAL rating for the adjoining property is not permissible.
7. The City cannot be bound to clear vegetation on public land to mitigate a private land owners BAL rating.
8. Consideration is to be given to existing strategies detailed in the policy, where possible, to assist landowners.

GOVERNMENT & PUBLIC CONSULTATION

9. N/A

STATUTORY IMPLICATIONS

10. There are no statutory implications

POLICY IMPLICATIONS

11. The proposed policy aims to provide a consistent approach to the queries regarding reduction in BAL ratings in adjoining or adjacent City-managed land.

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
Environment <i>Risk: By not establishing a clear policy, vegetation could be damaged or cleared without permission.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Strategies within the policy provide guidance to avoid non-permissible clearing.</i>
Reputation: <i>The community may feel that the City is providing assistance to reduce their BAL requirements.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>The policy identifies the City's responsibilities and strategies which are to be used where possible.</i>
Opportunity: <i>This policy will provide the community with an understanding of what is and is not possible in public land when assessing and determining BAL ratings.</i>				

FINANCIAL IMPLICATIONS

13. Nil

LEGAL IMPLICATIONS

14. The City is not responsible for reducing the BAL ratings of private landholders.

ENVIRONMENTAL CONSIDERATIONS

15. The clearing of native vegetation within a City-managed road verge or reserve to reduce the BAL rating for the adjoining property is not permissible.

16. Site specific assessments to be undertaken to assess if any strategies can be implemented that won't have a negative impact on the broader environmental values.

ALTERNATE OPTIONS

17. The Council may choose not to adopt this policy.

CONCLUSION

18. This policy will provide clear and consistent guidance to those requesting that the City undertakes works to reduce BAL ratings.

Consulted References	:	<ul style="list-style-type: none">• Application to Clear Native Vegetation from Fence Line• Crossover Application Form• Environmental Code of Conduct Guidelines• Verge Development Guidelines and Application Form• Verge Vegetation Information Sheet
File Number (Name of Ward)	:	LP.POL.1, EM.PER.6 (All Wards)
Previous Reference	:	N/A

DIS260: VEHICLES ON BEACHES

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Attachments	: Submissions
Supplementary Information & Councillor Workstation	: Link to Web Map App Vehicles on Coastal Beaches https://albanywa.maps.arcgis.com/apps/MapSeries/index.html?appid=4d66009cac484c999836e5ca859d54db
Report Prepared By	: Manager City Reserves (J Freeman)
Responsible Officers:	: Executive Director Infrastructure, Development and Environment (P Camins)

Councillor Benson-Lidholm declared in Impartiality Interest in this item. Councillor Benson-Lidholm remained in the Chamber and participated in the discussion and vote for this item.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
 - **Community Priority:** Provider positive leadership that delivers community outcomes.

In Brief:

- In recent years there has been increased usage and associated conflict in relation to vehicles accessing City of Albany managed coastal reserve beaches and foreshore areas.
- A review of current access and usage was undertaken, with recommendations proposed to better reflect the current use.
- It was identified that as most of the changes to beach access did not affect the current use, only those changes to beaches that affected the current use would go out for community feedback. These proposals were to:
 - Prohibit access to Betty's Beach South
 - Prohibit access to Betty's Beach North
 - Allow access to Nanarup Beach West
 - Prohibit access to Shoal Bay
- Consultation was undertaken via survey, social media and signage placed on site.
- 263 submissions were received.

STRATEGIC IMPLICATIONS

2. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
 - **Community Priority:** Provider positive leadership that delivers community outcomes.

In Brief:

- In recent years there has been increased usage and associated conflict in relation to vehicles accessing City of Albany managed coastal reserve beaches and foreshore areas.
- A review of current access and usage was undertaken, with recommendations proposed to better reflect the current use.
- It was identified that as most of the changes to beach access did not affect the current use, only those changes to beaches that affected the current use would go out for community feedback. These proposals were to:
 - Prohibit access to Betty's Beach South
 - Prohibit access to Betty's Beach North
 - Allow access to Nanarup Beach West
 - Prohibit access to Shoal Bay
- Consultation was undertaken via survey, social media and signage placed on site.
- 263 submissions were received.

RECOMMENDATION

DIS260: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOUGHTY

SECONDED: COUNCILLOR STOCKS

THAT Council:

(1) APPROVE the following determinations under the City of Albany Property Local Law 2011 to be advertised for the required 21 days of public comment:

RESERVE NAME & NO.	PROPOSED DETERMINATION
Anvil Beach R30883	Vehicles Prohibited
Bettys Beach (north) R52825	Vehicles Permitted
Bettys Beach (south) R52825	Vehicles Prohibited other than for boat launching.
Black Swan Point R25551	Vehicles Prohibited
Boronia Reserve Foreshore R6862	Vehicles Prohibited
Brambles West R25295	Vehicles Prohibited
Cape Riche R1010	Vehicles Prohibited other than for boat launching.
Cheyne's Beach (central) R878	Vehicles Prohibited other than for boat launching or commercial fishing
Cosy Corner West R24547	Vehicles Prohibited
Emu Point Marina Beach R22698	Vehicles Permitted
Emu Point Beach south R22698	Vehicles Prohibited
Middleton Beach R14789 & 26149	Vehicles Prohibited
Normans Beach R2031	Vehicles Prohibited
Nullaki Peninsula – Ocean Beach R30883	Vehicles Prohibited
Rushy Point - R35754	Vehicles Prohibited
Shoal Bay - R25295	Vehicles Permitted

Whaleworld Beach - R21337	Vehicles Prohibited
(2) APPROVE the CEO requesting the Department of the Premier and Cabinet to alter and advertise the current gazettal as below:	
Frenchman's Bay – Whalers Beach R21337	Vehicles Prohibited other than for boat launching.
Nanarup Beach (West) R45631	Vehicles Permitted
(3) RECEIVE a further Council Item at the August 2021 OCM following the public comment period.	
CARRIED 7-4	

Record of Vote

Against the Motion: Councillors Terry, Hammond, Benson-Lidholm and Thomson

DIS260: AMENDMENT BY COUNCILLOR TERRY
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR THOMSON

THAT the Committee Recommendation be AMENDED to remove Nanarup Beach West R45631 from the list of beaches where vehicles are permitted.

LOST 4-7

Record of Vote

For the Motion: Councillors Terry, Thomson, Hammond and Benson-Lidholm

Councillor's Reason:

Allowing vehicles on Nanarup Beach West would create a conflict of use between vehicles and beach goers.

Councillor Terry then moved an amendment to the Committee Recommendation

DIS260: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR STOCKS

THAT Council:

- (1) APPROVE the following determinations under the City of Albany Property Local Law 2011 to be advertised for the required 21 days of public comment:

RESERVE NAME & NO.	PROPOSED DETERMINATION
Anvil Beach R30883	Vehicles Prohibited
Bettys Beach (north) R52825	Vehicles Permitted
Bettys Beach (south) R52825	Vehicles Prohibited other than for boat launching.
Black Swan Point R25551	Vehicles Prohibited
Boronia Reserve Foreshore R6862	Vehicles Prohibited
Brambles West R25295	Vehicles Prohibited

Cape Riche R1010	Vehicles Prohibited other than for boat launching.
Cheynes Beach (central) R878	Vehicles Prohibited other than for boat launching or commercial fishing
Cosy Corner West R24547	Vehicles Prohibited
Emu Point Marina Beach R22698	Vehicles Permitted
Emu Point Beach south R22698	Vehicles Prohibited
Middleton Beach R14789 & 26149	Vehicles Prohibited
Normans Beach R2031	Vehicles Prohibited
Nullaki Peninsula – Ocean Beach R30883	Vehicles Prohibited
Rushy Point - R35754	Vehicles Prohibited
Shoal Bay - R25295	Vehicles Permitted
Whaleworld Beach - R21337	Vehicles Prohibited

- (2) APPROVE the CEO requesting the Department of the Premier and Cabinet to alter and advertise the current gazettal as below:

Frenchman's Bay – Whalers Beach R21337	Vehicles Prohibited other than for boat launching.
Nanarup Beach (West) R45631	Vehicles Permitted

- (3) RECEIVE a further Council Item at the August 2021 OCM following the public comment period.

DIS260: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-3

Record of Vote

Against the Motion: Councillors Thomson, Benson-Lidholm and Terry

DIS260: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) APPROVE the following determinations under the City of Albany Property Local Law 2011 to be advertised for the required 21 days of public comment:

RESERVE NAME & NO.	PROPOSED DETERMINATION
Anvil Beach R30883	Vehicles Prohibited
Bettys Beach (north) R52825	Vehicles Permitted
Bettys Beach (south) R52825	Vehicles Prohibited other than for boat launching.
Black Swan Point	Vehicles Prohibited

R25551	
Boronia Reserve Foreshore R6862	Vehicles Prohibited
Brambles West R25295	Vehicles Prohibited
Cape Riche R1010	Vehicles Prohibited other than for boat launching.
Cheynes Beach (central) R878	Vehicles Prohibited other than for boat launching or commercial fishing
Cosy Corner West R24547	Vehicles Prohibited
Emu Point Marina Beach - R22698	Vehicles Permitted
Emu Point Beach south - R22698	Vehicles Prohibited
Middleton Beach - R14789 & 26149	Vehicles Prohibited
Normans Beach - R2031	Vehicles Prohibited
Nullaki Peninsula – Ocean Beach R30883	Vehicles Prohibited
Rushy Point - R35754	Vehicles Prohibited
Shoal Bay - R25295	Vehicles Permitted
Whaleworld Beach - R21337	Vehicles Prohibited

(2) APPROVE the CEO requesting the Department of the Premier and Cabinet to alter and advertise the current gazettal as below:

Frenchman's Bay – Whalers Beach R21337	Vehicles Prohibited other than for boat launching.
Nanarup Beach (West) - R45631	Vehicles Permitted

(3) RECEIVE a further Council Item at the August 2021 OCM following the public comment period.

BACKGROUND

- Due to an increase vehicles accessing various City Coastal Reserve beaches and foreshore areas, and subsequent complaints by other users, the City of Albany Local Laws Project Working Group (LLPWG) was formed. The LLPWG includes City of Albany staff from Governance and Risk, Public Health & Safety Management, Ranger & Emergency Services, and Reserves teams.
- In response to the potential for conflict between multiple user groups by vehicles accessing various City Coastal Reserve beaches and foreshore areas, the LLPWG reviewed current access and usage, boat launching facilities, varying user groups, and outstanding issues at each site.
- Recommendations have been proposed to review vehicular access permissions to better reflect current use in order to reduce future conflict between multi-user groups and balance any adverse impacts on existing environmental values.
- There are currently thirty (30) beach and foreshore sites physically accessible to vehicles within City of Albany Coastal Reserves.
- Permission to drive on beaches is implicit as per Section 2.1 of the *City of Albany Local Government Property Local Law (2011)*; unless otherwise Prohibited through either a Council Decision or alternatively gazettal as per state government legislature *Control of Vehicles (Off-Road Areas) Act (1978)*. Of the thirty sites, only six are currently formally prohibited as outlined in the table below:

RESERVE NAME	RESERVE NUMBER	PROHIBITED BY	REFERENCE	DATE
Cosy Corner (East)	Res. 24548 NR004	Gazettal	No. 20684	17 December 1999
Vancouver Beach	Res. 25295 NR012	Gazettal	No. 20685	17 December 1999
Whalers Beach (Frenchman's Bay)	Res. 21337 NR010	Gazettal	No. 20686	17 December 1999
Nanarup Beach (west)	Res. 45631 NR081	Gazettal	No. 20687	17 December 1999
Emu Point Beach (Central)	Res. 22698 DR155	Council Decision	Item 14.2.1	29 February 2000
Emu Point Marina Beach	Res. 22698 DR155	Council Decision	Item 14.3.3	21 March 2000

DISCUSSION

8. Thirty beach and foreshore sites within 24 City Reserves were identified as accessible by vehicles.
9. Consultation was undertaken with Department of Biodiversity and Attractions (DBCA) in regard those coastal reserves where City Reserves abut DBCA managed lands, to ensure a consistent approach to public vehicle access to those beach sites with cross-tenure management.
10. Of the 30 identified City Coastal and Foreshore Reserve sites that are physically accessible to vehicles reviewed by the City Local Laws Project Working Group, nineteen are deemed as requiring formal amendments, outlined in the table below:

RESERVE NAME & NO.	CURRENT ACCESS	PROPOSED ACCESS	COMMENTS	ACTION	LIMITED PROHIBITION
Anvil Beach Res. 30883 NR001	Accessible to Vehicles	Vehicles Prohibited	Access is through Private Property	Council Determination required to prohibit vehicles under Property Local Law	
Bettys Beach (north) Res. 52825 NR082	Accessible to Vehicles	Vehicles Permitted	N/A	Council Determination required to permit vehicles under Property Local Law	
Bettys Beach (south) Res. 52825 NR082	Accessible to Vehicles	Vehicles Prohibited	Boat launching by General Public. By Permit Only (eg. Commercial Fishermen)	Council Determination required to prohibit vehicles under Property Local Law	Specification extent to allow boat launching to General Public at Betty's Beach south
Black Swan Point Res. 25551 NR093	Accessible to Vehicles	Vehicles Prohibited	Coastal Saltmarsh and migratory shorebirds habitat	Council Determination required to prohibit vehicles under Property Local Law	
Boronia Reserve Foreshore Res. 6862 NR066	Accessible to Vehicles	Vehicles Prohibited	Coastal Saltmarsh and migratory shorebirds habitat. Lake Seppings delta.	Council Determination required to prohibit vehicles under Property Local Law	
Brambles West Res. 25295 NR012	Accessible to Vehicles	Vehicles Prohibited	Access is through Camp Quararup	Council Determination required to prohibit vehicles under Property Local Law	
Cape Riche Res. 1010 DR146	Accessible to Vehicles	Vehicles Prohibited	Beach too small. Boat launching for General Public	Council Determination required to prohibit vehicles under Property Local Law	Specification extent to allow boat launching to General

RESERVE NAME & NO.	CURRENT ACCESS	PROPOSED ACCESS	COMMENTS	ACTION	LIMITED PROHIBITION
					Public at Cape Riche
Cheyne's Beach (central) Res. 878 NR149	Accessible to Vehicles	Vehicles Prohibited – central section	by Permit Only (eg. Commercial Fishermen)	Council Determination required to prohibit vehicles under Property Local Law – central section only	Specification extent to allow boat launching to General Public at Cheyne's Beach southern section
Cosy Corner West Res. 24547 NR003	Accessible to Vehicles	Vehicles Prohibited	by Permit Only (eg. Commercial Fishermen)	Council Determination required to prohibit vehicles under Property Local Law	
Emu Point Marina Beach Res. 22698 DR155	Vehicles Prohibited (by Council Decision)	Vehicles Permitted	Boat launching & shared zone	Council to revise Decision to enable vehicles to be permitted	
Emu Point Beach South Res. 22698 DR155	Accessible to Vehicles	Vehicles Prohibited	by Permit Only (eg. VacSwim) (closed by gates)	Council Determination required to prohibit vehicles under Property Local Law	
Frenchman's Bay – Whalers Beach Res. 21337 NR010	Vehicles Prohibited (by Gazettal)	Vehicles Prohibited	Boat launching for General Public	Gazettal requiring change to include Limited Prohibition	Specification extent to allow boat launching to General Public at Whaler's Beach
Middleton Beach Res. 14789 & 26149 DR005	Accessible to Vehicles	Vehicles Prohibited	by Permit Only (and ASLSC & CofA)	Council Determination required to prohibit vehicles under Property Local Law	
Nanarup Beach (West) Res. 45631 NR081	Vehicles Prohibited (by Gazettal)	Vehicles Permitted	Multiple user, high visitation	Gazettal requiring Prohibition to be removed	
Normans Beach Res. 2031 NR082	Accessible to Vehicles	Vehicles Prohibited	Access through DBCA Waychinicup National Park – vehicle beach access Prohibited	Council Determination required to prohibit vehicles under Property Local Law	
Nullaki Peninsula – Ocean Beach Res. 30883 NR001	Accessible to Vehicles	Vehicles Prohibited	Access via Denmark Ocean Beach – DSLSC by Permit Only	Council Determination required to prohibit vehicles under Property Local Law	
Rushy Point Res. 35754 NR094	Accessible to Vehicles	Vehicles Prohibited	Coastal Saltmarsh TEC and migratory shorebirds habitat	Council Determination required to prohibit vehicles under Property Local Law	
Shoal Bay Res. 25295 NR012	Accessible to Vehicles	Vehicles Permitted	Potential future Horse Exercise Area	Council Determination required to permit vehicles under Property Local Law	
Whaleworld Beach Res. 21337 NR010	Accessible to Vehicles	Vehicles Prohibited	Whaleworld retains access to eastern end	Council Determination required to prohibit vehicles under Property Local Law	

11. The remaining eleven City Reserve beach and foreshore sites that have been identified as vehicle accessible require no further action from current existing conditions are listed in the table below:

RESERVE NAME & NO.	CURRENT ACCESS	PROPOSED ACCESS	COMMENTS	ACTION	LIMITED PROHIBITION
Back Beach Res. 41252 NR149	Accessible to Vehicles	Vehicles Permitted	Abuts DBCA Arpenteur Nature Reserve & Waychinicup National Park	Nil Required	
Cheyne's Beach (south) Res. 878 NR149	Accessible to Vehicles	Vehicles Permitted	Vacation Swimming by Permit in peak periods.	Nil Required	Specification extent to allow boat launching to General Public at Cheyne's Beach southern section
Cheyne's Beach (north) Res. 878 NR149	Accessible to Vehicles	Vehicles Permitted	Family day-use recreational area Abuts land vested in Department of Mines, Industry Regulation and Safety	Nil Required	Specification extent to allow boat launching to General Public at Cheyne's Beach southern section
Cosy Corner East Res. 24548 NR004	Vehicles gazetted Prohibited	Vehicles Prohibited	Horses utilise beach also	Nil Required	Vehicles except those used by licensed commercial fishermen
East Bay Res. 2031 NR082	Accessible to Vehicles	Vehicles Permitted	Abuts DBCA Two Peoples Bay Nature Reserve – vehicle beach access prohibited	Nil Required	
Emu Point Beach central Res. 22698 DR155	Vehicles Prohibited by Council Decision	Vehicles Prohibited	Bollards at northern end, gates at southern end	Nil Required	
Hartmans Beach Res. 24547 NR003	Accessible to Vehicles	Vehicles Permitted	Boat launching by General Public	Nil Required	
Muttonbird Beach Res. 2217 NR006	Accessible to Vehicles	Vehicles Permitted	Horses utilise beach also	Nil Required	
Nanarup Beach (East) Res. 45631 NR081	Accessible to Vehicles	Vehicles Permitted	Multiple-user, high visitation. Abuts DBCA Waychinicup National Park	Nil Required	
Torbay West Res. 24514 & 22998 NR005	Accessible to Vehicles	Vehicles Permitted		Nil Required	
Vancouver Beach Res. 25295 NR012	Vehicles gazetted Prohibited	Vehicles Prohibited	Goode Beach to Mistaken Island	Nil Required	

12. Public consultation was undertaken with regards to the proposed actions above and detailed in the next section.

GOVERNMENT & PUBLIC CONSULTATION

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Survey on City Website	21/12/20 to 26/2/21	263	No
Consult	Signage on site	21/12/20 to 26/2/21		
Consult	Advertised through social media	21/12/20 to 26/2/21		

13. It was determined that as most of the changes to beach access were administrative (did not affect the current use), only those changes to beaches that affected the current use would be advertised for public comment. These were:
- 1) Betty's Beach South – proposed to prohibit
 - 2) Betty's Beach North – proposed to prohibit
 - 3) Nanarup Beach West – proposed to permit
 - 4) Shoal Bay – proposed to prohibit
14. A total of 263 people provide responses to the survey with 234 of these providing answers to the 4 questions provided (as per table 1) and 121 submitting comments. The overall survey results are as per table 1 and indicate support for all beaches to allow vehicles to be permitted.

Vehicles on Beaches Overall Survey Results					
Questions	Total Submissions	Yes	No	% Yes	% No
Do you support vehicles being prohibited on Bettys Beach North (with the exception of Commercial Fisherman with a permit).	182	54	128	30%	70%
Do you support vehicles being prohibited on Bettys Beach South (with the exception of general boat launching).	178	59	119	33%	67%
Do you support vehicles being able to drive on Nanarup Beach West (excluding Two Peoples Bay Beach which is managed by DBCA)?	198	127	71	64%	36%
Do you support vehicles being prohibited on Shoal Bay?	198	30	168	15%	85%

Table 1: Overall Survey Results based on Yes and No answers.

15. The comments specified some general themes for and against prohibiting vehicles on beaches as below.
16. Comments against prohibiting access included:
- All who like to take the car with the family - shade, kids can rest, provide wind breaks.
 - Not supportive of any beach access being denied these days.
 - Unless some danger or concerns for safety don't close off access.
 - Not a lot of beaches left to drive on.
 - Great for the elderly and those with limited abilities.

17. Comments in support of prohibiting vehicles included:

- Environmental Damage
- Antisocial behaviour and hooning
- Safety
- Detracts from natural beauty
- Separating vehicles and people
- Protect and preserve

18. Based on the results of the survey and further comments made for each site, the following is proposed for the four beaches that were provided to the community for feedback:

Betty's Beach (South and North):

19. An option would be to prohibit access to the South beach as it is popular for swimming and closer to the carpark, and allow access on to the North beach which is larger and is further away from the car parking areas. Camping would not be allowed on either beach.

Shoal Bay:

20. There was overwhelming support for not prohibiting access to Shoal Bay, mainly due to the beach being hard and easily accessible and large enough to separate users. Future planning will include some better parking and turn around areas, especially for horse floats and trucks if it remains as a horse exercise area.

Nanarup Beach (West):

21. There was overall support for permitting vehicles with some suggestions to excluding vehicle access to the lagoon area to allow a safe place for families. This option would require monitoring and further investigation.
22. The final amendments to the proposed actions following community engagement are:
- 1) Betty's Beach South – Prohibit
 - 2) Betty's Beach North – Permit
 - 3) Nanarup Beach West – Permit
 - 4) Shoal Bay - Permit

STATUTORY IMPLICATIONS

23. Section 3.12 of the *Local Government Act 1995* states the procedures for making local laws.
24. Voting requirement for this item is **SIMPLE MAJORITY**.
25. Amendment of Gazettal LG410 – Control of Vehicles (Off-Road Areas) Act 1978 is required for two beaches.

POLICY IMPLICATIONS

26. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Risk: Changes to beach access may not be accepted by some residents.</i>	Likely	Moderate	High	Provide clear signage, information and education on any changes.
People Health & Safety <i>Risk: Vehicle access to beaches can pose a risk to other beach users</i>	Possible	Moderate	Medium	Install Code of Conduct signage and provide information and education.
Opportunity: To manage coastal reserves for current use and consolidate compliance requirements.				

FINANCIAL IMPLICATIONS

28. The cost of updated and new signage can be accommodated within existing budget lines.

LEGAL IMPLICATIONS

29. Nil

ENVIRONMENTAL CONSIDERATIONS

30. Nil

ALTERNATE OPTIONS

31. Council may choose not to support the proposal to change beach access for vehicles, in which case ongoing enforcement will be required to manage vehicular access.

CONCLUSION

32. It is recommended that the Council approve the determination to allow better management and compliance of our coastal reserves.

Consulted References	:	<i>Local Government Act 1995</i> <i>City of Albany Property Local Law 2011</i>
File Number (Name of Ward)	:	EM.PLA.5 (All Wards)
Previous Reference	:	Council Presentation post-DIS Committee on 12 May 2021.

DIS261: MIXED USE DEVELOPMENT ADDITIONS AND MINOR ALTERATIONS TO EXISTING BUILDING (MULTIPLE DWELLINGS (x6) AND OFFICE) – LOT 20, 1 DUKE STREET, ALBANY

Land Description	: Lot 20, 1 Duke Street, Albany, WA 6330
Proponent / Owner	: Concept Building Design
Business Entity Name	: Concept Building Design Nisus Group Pty Ltd – Company Directors are Edwin & Rita McLean and Karel Murdock.
Attachments	: 1. Copy of Application to Development application plans 2. Current Heritage Impact Statement dated 2020 3. Original Heritage Impact Statement dated 2010 4. Duke Street Streetscape Elevation
Supplementary Information & Councillor Workstation	: 1. 3D streetscape render. 2. Agency submission – DPLH referral response. 3. Public submissions. 4. Previous development approval – 2010. 5. Previous development approval – 2017. 6. Conservation Plan - Albany Courthouse Precinct 2002. 7. Heritage Agreement - Sergeants Quarters Albany Court House Complex 2009.
Report Prepared By	: Planning Officer (D Ashboth)
Responsible Officers:	: Executive Director Infrastructure, Development and Environment (P Camins)

Councillor Doughty declared an Impartiality Interest in this item. Councillor Doughty remained in the Chamber and was present during the discussion and participated in the vote for this item.

Councillor Thomson declared an Impartiality Interest in this item. Councillor Thomson remained in the Chamber and participated in the discussion and vote for this item.

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. This item relates to the following elements of the City of Albany *Strategic Community Plan 2030*:

Theme: A connected and safe built environment

Objective: To develop vibrant neighbourhoods which retain local character and heritage

Community Priority: Develop and implement a contemporary Local Planning Strategy that reflects our identity and supports economic growth.

Community Priority: Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.

3. The item relates to the following strategic objectives of the City of Albany *Local Planning Strategy 2019* (the Planning Strategy):
 - a) Plan for predicted population growth to 2026.
 - b) Consolidate existing urban form and improve land use efficiency.
 - c) Deliver a diverse and affordable housing market.
 - d) Conserve places and areas of European heritage significance.

Maps and Diagrams: 1 (Lot 20) Duke Street, Albany



In Brief:

- The City of Albany has received a development application at 1 (Lot 20) Duke Street, Albany, for a mixed use development addition and minor alterations to the existing heritage building. The proposed additions form two separate components, to be constructed to two and four storeys incorporating six (6) multiple dwellings, an office tenancy and associated on-site car parking.
- The existing building on site is known as the *Sergeant's Quarters* and forms part of the State Registered Place known as the *Albany Court House Complex*. Both the *Albany Court House Complex* and the *Sergeant's Quarters* are also identified on the City's Heritage List and Local Heritage Survey, with each place's level of significance classified as 'Exceptional-Registered'.
- The subject site is located within the Regional Centre Zone under *Local Planning Scheme No. 1 (LPS1)*. The LPS1 Zoning Table designates 'Multiple Dwelling' as a 'D' (discretionary) land use and 'Office' as a 'P' (permitted) land use within the Regional Centre Zone.
- The proposed mixed use development has been assessed on its merits against *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments* (the R-Codes), *Local Planning Policy Albany Town Centre* and the provisions of LPS1.
- The proposal was also referred to the Department of Planning, Lands and Heritage for comment, due to the place being identified on the State Register.
- The proposal seeks to vary the following provisions of LPS1, the R-Codes and Local Planning Policy *Albany Town Centre*:
 - Building height
 - Car parking
- The proposal was advertised to adjoining landowners via direct mail out. Through this process, a total of two (2) responses were received. Both submissions raised objections to the proposal.

- The submissions received outlined the following concerns:
 - Excessive building height
 - Detraction of heritage values
 - Overshadowing
 - Insufficient car parking
 - Overlooking
 - Overdevelopment of the site
- Due to the concerns raised and the extent of variations to the assessment framework, the application is being referred to Council for determination.
- Staff recommend that Council approve the proposed development, subject to conditions.

DIS261: ADDENDUM

At the DIS Committee Meeting held on 09 June 2021, the Committee requested that some clarification be provided by officers regarding the following points. The Committee Recommendation for this item has been updated (in yellow) to include the points of clarification.

6(d) Kerbing and paving on Collie Street shall be adjusted, in order to ensure no net loss of street parking.

- the applicant has an entitlement to establish 2 crossovers to the site. Both existing crossovers are being relocated. The two on-street bays that are being "lost" are currently non-compliant (one is in front the existing crossover on Collie St and current marked/unmarked bays on Duke St don't comply with sightline requirements). There will be some minor kerbing realignment required on Collie St to establish a compliant bay.

10(b) A large, mature street tree shall be provided within the existing kerbed area between Collie and Duke Streets, as indicated in red on the stamped, approved plans.

- this includes planting of a street tree in the existing paved area on Collie St to improve amenity of the intersection.

10(c) The landscaping plan shall include a nominated deep soil area (soft landscape area). The minimum area of deep soil shall be equivalent to 2% of the total site area.

- This note is to clarify what deep soil area means and the percentage it applies to. Deep soil area is terminology that has been established in the newly developed volume 2 of the Residential Design Codes.

RECOMMENDATION

DIS261: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR THOMSON

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for the Four Storey Mixed Use Development (Six Multiple Dwellings and Office Addition and Alterations to Existing Building) at 1 Duke Street, Albany.

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2210020, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.

3. The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.
4. Prior to commencement of development, stormwater disposal plans, details and calculations shall be submitted to the City of Albany for approval. The approved stormwater plans shall be implemented prior to occupation, to the satisfaction of the City of Albany.

Advice:

- a) *Stormwater disposal is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines';*
 - b) *Soil capability testing will likely be required to determine if soakwell infiltration is the appropriate method of disposal for the site;*
 - c) *The stormwater disposal system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.*
 - d) *The City of Albany's preferred option is to connect all stormwater to the City of Albany drainage system on Collie Street. If this is not viable, any discharge into the existing stormwater pit connected to the downstream private stormwater system to be limited to pre-development flows. The City of Albany notes that there are currently no drainage easements to the benefit of 1 (Lot 20) Duke Street over the private stormwater system.*
5. New crossovers shall be constructed to the City of Albany's specifications, levels and satisfaction.
- Advice:**
- a) *A 'Permit for Vehicle Crossover Construction' is required from the City of Albany prior to any work being carried out within the road reserve.*
6. Prior to the commencement of development, a vehicular parking and access plan shall be submitted for approval. The approved vehicular parking, pedestrian and access plan shall be implemented and completed prior to occupancy of use, and maintained thereafter to the satisfaction of the City of Albany.
- Advice**
- a) *Car parking and access is to be designed in accordance with the Australian Standard 2890.*
 - b) *The plan (and subsequent construction when approved) shall clearly indicate the intended use of all parking bays (e.g. disabled bay, loading bay etc.), access areas, line marking, kerbing and sealing.*
 - c) *The provision of permanent, fixed signage indicating the intended use of each car parking bay will be required in order to fulfil this condition. This may include a 'no parking' sign to the paved area to the east of the proposed restaurant, if the carparks are unable to be provided in accordance with Australian Standard 2890.*
 - d) *Kerbing and paving on Collie Street shall be adjusted, in order to ensure no net loss of street parking.*
7. Parking areas and pedestrian entries shall be illuminated when they are in use during hours of darkness, to the satisfaction of the City of Albany.
 8. No goods, materials or equipment shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.
 9. All loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.

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10. Prior to the commencement of development, a landscaping plan detailing the size, species and location of trees/shrubs shall be submitted to the City of Albany for approval. The approved landscaping plan shall be implemented prior to occupancy or within the next available planting season, and maintained thereafter to the satisfaction of the City of Albany.

Advice:

- a) *A minimum of 2 medium trees or 1 large tree and 1 small tree shall be planted within the landscaped area to the east of the site. The existing fig tree nominated for retention can form part of this calculation.*
- b) *A large, mature street tree shall be provided within the existing kerbed area between Collie and Duke Streets, as indicated in red on the stamped, approved plans.*
- c) *The landscaping plan shall include a nominated deep soil area (soft landscape area). The minimum area of deep soil shall be equivalent to 2% of the total site area.*
- d) *Trees shall be planted within the car parking area at a minimum rate of one tree per 4 bays.*
- e) *The landscaping plan shall identify suitable trees and shrubs to be planted within the area marked in red on the stamped approved plans, to screen views to the car parking area from Collie Street.*
- f) *The following plants are not to be used:*
“Pampas Grass, Watsonia, Purple Senecio, Sydney golden wattle, Victorian tea tree, Dolichos pea, Blackberry, Bridal creeper, Taylorina, Arum lily and Gorse.”

11. Prior to commencement of development, details of the privacy screen for the Unit 5 balcony shall be submitted to the City of Albany for approval. The approved screening shall be implemented prior to occupation of use and maintained thereafter to the satisfaction of the City of Albany.

Advice:

- a) *Please note that only permanently fixed, solid (minimum 75% obscured), vertical screening shall be supported by the City of Albany. The City will not accept louvers, lattice or other permeable or semi-permeable screening acceptable in this instance.*
- b) *In accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments, the screening for the balcony shall be at least 1.6m in height, 75 per cent obscure, permanently fixed and made of durable material, to the satisfaction of the City of Albany.*

12. Prior to commencement of development, final detailed drawings/specifications including colours and finishes of the fencing proposed to the Collie and Duke Street frontages, as identified on the stamped approved plans, shall be submitted to the City of Albany for approval, in consultation with the Department of Planning, Lands and Heritage. The approved fencing drawings/specifications shall be implemented prior to occupation of use and maintained thereafter, to the satisfaction of the City of Albany.

Advice:

- c) *The walls and fencing shall be designed to meet the definition of ‘Visually Permeable’ under State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments, where exceeding a height of 1.2m from natural ground level.*
- d) *To ensure appropriate sight lines walls and fences shall comply with clause A3.8.7 State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments.*

13. **Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.**
- Advice:**
- a) *Please refer to the City of Albany Local Planning Policy Signs for further information.*
14. **A Construction Management Plan is to be prepared by the Applicant and submitted to the City for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:**
- public safety and site security;
 - hours of operation,
 - noise and vibration controls;
 - air and dust management;
 - stormwater, groundwater and sediment control;
 - waste and material disposal;
 - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
 - Parking Management Plan prepared by an accredited personnel;
 - the parking arrangements for contractors and sub-contractors;
 - on-site delivery times and access arrangements;
 - the storage of materials and equipment on site (no storage of materials on the verge will be permitted); and
 - any other matters likely to impact upon the surrounding properties or road reserve.
- Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City.
15. **Prior to commencement of development, a Waste Management Plan shall be submitted to the City of Albany for approval. The Waste Management Plan shall be implemented prior to occupation of use and maintained thereafter to the satisfaction of the City of Albany.**
- Advice:**
- a) *Refuse storage areas shall be capable of accommodating all waste produced by the development and shall be screened from public view.*
- b) *The Waste Management Plan shall include details (including plans/specifications) of the provision of waste storage areas for both commercial and residential components, the location and type of refuse storage areas, including bin types and sizes and the location of bin collection points.*
16. **Mounting of large dishes on the roof of the development is not permitted.**
17. **Prior to commencement of development, a Screening Plan shall be submitted to the City of Albany for approval. Prior to occupancy of the development, the approved Screening Plan shall be implemented during construction and completed and thereafter be maintained, to the satisfaction of the City of Albany.**
- Advice:**
- a) *The Screening Plan shall demonstrate aerials, antennas, air conditioning units or other utilities or equipment designed to be an integral part of the roof or walls of the new development and not having a detrimental visual impact on the cultural heritage significance of the subject site or Albany Courthouse Complex State Registered Place.*
- b) *No utilities or equipment is permitted to be installed to the roof or walls of the Sergeant's Quarters.*

- c) *Air conditioning or other equipment/utilities (including clotheslines, hot water units) are to be located such that they can be safely maintained, are not visually obtrusive from the street and do not impact on the functionality of outdoor living areas or internal storage.*
- d) *The Screening Plan shall include detail of the type and colour of materials of the equipment and any screening materials proposed.*
18. Prior to the initial occupation of the development, the boundary wall/s shall be constructed to an acceptable finished standard such as cladding, face brick or render , and maintained thereafter to the satisfaction of the City of Albany.
19. As per the conservation works scoped in Annexure A of the Heritage Agreement, all works noted as urgent, short, medium and long term, where appropriate, are to be completed prior to the application for a Certificate of Occupancy. A Completion Report is to be submitted at the time of completion of the conservation works to the satisfaction of the Director Heritage Development, Department of Planning Lands and Heritage. (DPLH)
20. The proposed planter boxes are to contain dry landscaping only (gravel/stones/artificial plants) that do not require watering. (DPLH)
- Advice:*
- a) *The Development Committee were concerned about falling damp on the rear walls of the Sergeant's Quarters if watering systems were required for the planter boxes.*
21. Prior to the commencement of development, a Standard Archival Record is to be submitted to the satisfaction of the Director Heritage Development, Department of Planning Lands and Heritage. (DPLH)
- Advice:*
- a) *The Standard Archival Record shall be prepared in accordance with the Department of Planning Lands and Heritage Guide to Preparing an Archival Record.*
22. An Interpretation Plan that develops strategies to interpret the previous use of the place and its significant connection to the surrounding Albany Courthouse Complex is to be prepared and implemented within two years of completion of works on site, to the satisfaction of the Director Heritage Development, Department of Planning Lands and Heritage. (DPLH)
- Advice:*
- a) *The Interpretation Plan shall be prepared in accordance with the Department of Planning Lands and Heritage Interpretation Guide.*
- Advice*
- a) *This approval does not include any works to the Sergeant's Quarters nor any change in use to 'Restaurant'.*
- b) *This approval should not be considered to indicate development approval or Heritage Council support for any future works or land use changes to the Sergeant's Quarters.*
- c) *Notwithstanding the Conservation Works as per the Heritage Agreement, any other works to the Sergeant's Quarters are not supported by the Heritage Council. Once finalised, details of the proposed change of use and associated works for the Sergeant's Quarters are to be referred to the Heritage Council for advice. (DPLH).*

CARRIED 11-0

DIS261: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR THOMSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS261: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for the Four Storey Mixed Use Development (Six Multiple Dwellings and Office Addition and Alterations to Existing Building) at 1 Duke Street, Albany.

Conditions:

- (1) All development shall occur in accordance with the stamped, approved plans referenced P2210020, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
- (2) If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.
- (3) The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.
- (4) Prior to commencement of development, stormwater disposal plans, details and calculations shall be submitted to the City of Albany for approval. The approved stormwater plans shall be implemented prior to occupation, to the satisfaction of the City of Albany.

Advice:

- a) *Stormwater disposal is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines';*
- b) *Soil capability testing will likely be required to determine if soakwell infiltration is the appropriate method of disposal for the site;*
- c) *The stormwater disposal system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.*
- d) *The City of Albany's preferred option is to connect all stormwater to the City of Albany drainage system on Collie Street. If this is not viable, any discharge into the existing stormwater pit connected to the downstream private stormwater system to be limited to pre-development flows. The City of Albany notes that there are currently no drainage easements to the benefit of 1 (Lot 20) Duke Street over the private stormwater system.*

- (5) New crossovers shall be constructed to the City of Albany's specifications, levels and satisfaction.

Advice:

- a) *A 'Permit for Vehicle Crossover Construction' is required from the City of Albany prior to any work being carried out within the road reserve.*

- (6) Prior to the commencement of development, a vehicular parking and access plan shall be submitted for approval. The approved vehicular parking, pedestrian and access plan shall be implemented and completed prior to occupancy of use, and maintained thereafter to the satisfaction of the City of Albany.

Advice

- a) *Car parking and access is to be designed in accordance with the Australian Standard 2890.*

- b) *The plan (and subsequent construction when approved) shall clearly indicate the intended use of all parking bays (e.g. disabled bay, loading bay etc.), access areas, line marking, kerbing and sealing.*
- c) *The provision of permanent, fixed signage indicating the intended use of each car parking bay will be required in order to fulfil this condition. This may include a 'no parking' sign to the paved area to the east of the proposed restaurant, if the carparks are unable to be provided in accordance with Australian Standard 2890.*
- (7) Parking areas and pedestrian entries shall be illuminated when they are in use during hours of darkness, to the satisfaction of the City of Albany.
- (8) No goods, materials or equipment shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.
- (9) All loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
- (10) Prior to the commencement of development, a landscaping plan detailing the size, species and location of trees/shrubs shall be submitted to the City of Albany for approval. The approved landscaping plan shall be implemented prior to occupancy or within the next available planting season, and maintained thereafter to the satisfaction of the City of Albany.
- Advice:*
- (a) *A minimum of 2 medium trees or 1 large tree and 1 small tree shall be planted within the landscaped area to the east of the site. The existing fig tree nominated for retention can form part of this calculation.*
- (b) *The landscaping plan should include a minimum 2% deep soil area.*
- (c) *Trees shall be planted within the car parking area at a minimum rate of one tree per 4 bays.*
- (d) *The landscaping plan shall identify suitable trees and shrubs to be planted within the area marked in red on the stamped approved plans, to screen views to the car parking area from Collie Street.*
- (e) *The following plants are not to be used:*
- "Pampas Grass, Watsonia, Purple Senecio, Sydney golden wattle, Victorian tea tree, Dolichos pea, Blackberry, Bridal creeper, Taylorina, Arum lily and Gorse."*
- (11) Prior to commencement of development, details of the privacy screen for the Unit 5 balcony shall be submitted to the City of Albany for approval. The approved screening shall be implemented prior to occupation of use and maintained thereafter to the satisfaction of the City of Albany.
- Advice:*
- a) *Please note that only permanently fixed, solid (minimum 75% obscured), vertical screening shall be supported by the City of Albany. The City will not accept louvers, lattice or other permeable or semi-permeable screening acceptable in this instance.*
- b) *In accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments, the screening for the balcony shall be at least 1.6m in height, 75 per cent obscure, permanently fixed and made of durable material, to the satisfaction of the City of Albany.*
- (12) Prior to commencement of development, final detailed drawings/specifications including colours and finishes of the fencing proposed to the Collie and Duke Street frontages, as identified on the stamped approved plans, shall be submitted to the City of Albany for approval, in consultation with the Department of Planning, Lands and Heritage. The approved fencing drawings/specifications shall be implemented prior to occupation of use and maintained thereafter, to the satisfaction of the City of Albany.

Advice:

- (a) The walls and fencing shall be designed to meet the definition of 'Visually Permeable' under State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments, where exceeding a height of 1.2m from natural ground level.*
- (b) To ensure appropriate sight lines walls and fences shall comply with clause A3.8.7 State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments.*

(13) Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.

Advice:

- (a) Please refer to the City of Albany Local Planning Policy Signs for further information.*

(14) A Construction Management Plan is to be prepared by the Applicant and submitted to the City for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:

- public safety and site security;
 - hours of operation,
 - noise and vibration controls;
 - air and dust management;
 - stormwater, groundwater and sediment control;
 - waste and material disposal;
 - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
 - Parking Management Plan prepared by an accredited personnel;
 - the parking arrangements for contractors and sub-contractors;
 - on-site delivery times and access arrangements;
 - the storage of materials and equipment on site (no storage of materials on the verge will be permitted); and
 - any other matters likely to impact upon the surrounding properties or road reserve.
- Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City.

(15) Prior to commencement of development, a Waste Management Plan shall be submitted to the City of Albany for approval. The Waste Management Plan shall be implemented prior to occupation of use and maintained thereafter to the satisfaction of the City of Albany.

Advice:

- (a) Refuse storage areas shall be capable of accommodating all waste produced by the development and shall be screened from public view.*
- (b) The Waste Management Plan shall include details (including plans/specifications) of the provision of waste storage areas for both commercial and residential components, the location and type of refuse storage areas, including bin types and sizes and the location of bin collection points.*

(16) Mounting of large dishes on the roof of the development is not permitted.

(17) Prior to commencement of development, a Screening Plan shall be submitted to the City of Albany for approval. Prior to occupancy of the development, the approved Screening Plan shall be implemented during construction and completed and thereafter be maintained, to the satisfaction of the City of Albany.

Advice:

- (a) The Screening Plan shall demonstrate aerials, antennas, air conditioning units or other utilities or equipment designed to be an integral part of the roof or walls of the new development and not having a detrimental visual impact on the cultural heritage significance of the subject site or Albany Courthouse Complex State Registered Place.*

- (b) *No utilities or equipment is permitted to be installed to the roof or walls of the Sergeant's Quarters.*
- (c) *Air conditioning or other equipment/utilities (including clotheslines, hot water units) are to be located such that they can be safely maintained, are not visually obtrusive from the street and do not impact on the functionality of outdoor living areas or internal storage.*
- (d) *The Screening Plan shall include detail of the type and colour of materials of the equipment and any screening materials proposed.*
- (18) Prior to the initial occupation of the development, the boundary wall/s shall be constructed to an acceptable finished standard such as cladding, face brick or render , and maintained thereafter to the satisfaction of the City of Albany.
- (19) As per the conservation works scoped in Annexure A of the Heritage Agreement, all works noted as urgent, short, medium and long term, where appropriate, are to be completed prior to the application for a Certificate of Occupancy. A Completion Report is to be submitted at the time of completion of the conservation works to the satisfaction of the Director Heritage Development, Department of Planning Lands and Heritage. (DPLH)
- (20) The proposed planter boxes are to contain dry landscaping only (gravel/stones/artificial plants) that do not require watering. (DPLH)
- Advice:*
- (a) *The Development Committee were concerned about falling damp on the rear walls of the Sergeant's Quarters if watering systems were required for the planter boxes.*
- (21) Prior to the commencement of development, a Standard Archival Record is to be submitted to the satisfaction of the Director Heritage Development, Department of Planning Lands and Heritage. (DPLH)
- Advice:*
- (a) *The Standard Archival Record shall be prepared in accordance with the Department of Planning Lands and Heritage Guide to Preparing an Archival Record.*
- (22) An Interpretation Plan that develops strategies to interpret the previous use of the place and its significant connection to the surrounding Albany Courthouse Complex is to be prepared and implemented within two years of completion of works on site, to the satisfaction of the Director Heritage Development, Department of Planning Lands and Heritage. (DPLH)
- Advice:*
- (a) *The Interpretation Plan shall be prepared in accordance with the Department of Planning Lands and Heritage Interpretation Guide.*
- (b) *This approval does not include any works to the Sergeant's Quarters nor any change in use to 'Restaurant'.*
- (c) *This approval and should not be considered to indicate development approval or Heritage Council support for any future works or land use changes to the Sergeant's Quarters.*
- (d) *Notwithstanding the Conservation Works as per the Heritage Agreement, any other works to the Sergeant's Quarters are not supported by the Heritage Council. Once finalised, details of the proposed change of use and associated works for the Sergeant's Quarters are to be referred to the Heritage Council for advice. (DPLH).*

BACKGROUND

4. The City of Albany has received a development application at 1 (Lot 20) Duke Street, Albany, for a mixed use development addition and minor alterations to the existing heritage building. The proposed additions form two separate components, to be constructed to two and four storeys and incorporating six (6) Multiple Dwellings, an Office tenancy and associated on-site car parking.
5. The subject site is located within the Albany CBD, approximately 150m west of York Street. The site is located on the south western corner of the intersection (roundabout) of Duke and Collie Streets and Peels Place.
6. The subject site is 921m² and incorporates a downward slope of approximately 3 metres extending from the northern boundary at Duke Street to the rear southern boundary.
7. The existing heritage building on site consists of brick build up construction, that follows the downward slope of the site. The ground level of the building sits at grade with and facing Duke Street. Existing vehicle access is provided to the site from both Collie and Duke Streets.
8. The existing heritage building on site is known as the *Sergeant's Quarters* and forms part of the State Registered Place known as the *Albany Court House Complex*. Both the *Albany Court House Complex* and the *Sergeant's Quarters* are also identified on the City's Heritage List and Local Heritage Survey, with each place's level of significance classified as 'Exceptional-Registered'.
9. The subject site is located within the Regional Centre Zone under *Local Planning Scheme No.1* (LPS1). The LPS1 Zoning Table designates 'Multiple Dwelling' as a 'D' (discretionary) land use and 'Office' as a 'P' (permitted) land use within the Regional Centre Zone.
10. Properties adjoining the subject site to the west, south, south east and north east are also zoned Regional Centre, with buildings consisting of a mix of development styles from various eras, and operating as office, civic (government), aged care and residential accommodation uses.
11. Adjoining properties to the north of the subject site are zoned Regional Centre Mixed Use and consist of commercial and holiday accommodation uses. The nearest Residential zoned property is located approximately 25m to the west of the subject site on the northern side of Duke Street, consisting of the Albany Uniting Church and associated buildings.
12. Development approval has previously been granted for mixed use development additions and conservation works to the existing building at the subject site in 2011 and 2017. These developments involved similarly scaled and oriented three storey additions to the rear and two storey additions to the west of existing building.
13. The *Sergeant's Quarters* building is currently unoccupied. Previous development applications also involved conservation works as well as internal alterations to support the proposed adaptive reuse of the existing heritage building to Restaurant.
14. The conservation works are detailed under the Heritage Agreement in place for the site (dated 22 June 2009) and heritage impact statement/s submitted for previous and subject development applications. The conservation works are supported by the Department of Planning, Lands and Heritage and Heritage Council of WA (HCWA).
15. The proposed internal alterations to support the adaptive reuse of the existing heritage building to operate as a Restaurant were not supported by DPLH. DPLH advised in their previous and most recent comments on the development, that insufficient information had been provided and that any other works to the *Sergeant's Quarters* were not supported until this information had been finalised and formally referred for consideration.
16. Subsequently, further internal alterations to the existing heritage building that are not associated with the approved conservation works, do not form part of the subject development application. Any proposed internal alterations additional to the conservation works, require formal referral to DPLH and would be considered as part of a separate development application.

17. There are also no current development approvals in place for a proposed change of use to the existing building. As the subject site is identified as a 'heritage protected place' in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) development approval would be required where internal and/or external works are proposed to the existing building, including for a change of use involving works.
18. It should be noted that development approval may not be required where works are not proposed as part of a change of use, and where the proposed land use is designated as 'P' or 'D' within the Regional Centre Zone, in accordance with the Zoning Table of LPS1.

DISCUSSION

19. The proposed mixed use development has been assessed on its merits against *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments* (the R-Codes), Local Planning Policy *Albany Town Centre* and the provisions of LPS1.
20. The proposal was also referred to the Department of Planning, Lands and Heritage for comment, due to the place being identified on the State Register.
21. The proposal seeks to vary the following provisions of LPS1, the R-Codes and Local Planning Policy *Albany Town Centre*:
- Building height
 - Car parking
22. The applicant has provided the following (summarised) outline of how the proposed development will operate:
- The proposed development comprises of six two bedroom residential units and a ground level office.
 - Two new structures are proposed to be constructed to the west and south of the existing heritage building on site.
 - The structure to the west will comprise of two storeys, with a single residential unit on each level (units 1 and 4).
 - To the south, the new structure will comprise of four storeys, with a ground floor office and storage for the units. The second and third storey's comprise of Units 2, 3, 5 and 6. The fourth storey comprises of two detached offices/ study's, for the private use of units 5 & 6.
 - On-site parking is provided to the south of the site, accessible from Collie Street.
 - The existing State Heritage building (Sergeants Quarters) does not form part of this application, although this may be converted into a restaurant at a later date.
23. The proposal also involves minor external alterations and landscaping upgrades within the Collie and Duke Street setback areas.
24. The application was advertised to adjoining landowners for a period of 22 days via direct mail out. The comments, including the proponent's and staff recommendations are provided in the attached 'Summary of Submissions'. The broad issues are identified and discussed later in this report.
25. Council is now requested to consider the submissions received during the public advertising period and determine whether to grant development approval.

Land use

26. The land uses of 'Multiple Dwelling' and 'Office' are listed as 'D' (discretionary) and 'P' (permitted) uses respectively. These uses are therefore considered appropriate for the site.

Assessment framework

27. In addition to the applicable zone provisions, LPS1 provides the site with a coding of R-AC0. The nominated R-Coding is therefore R80 (see Table 1 of R-Codes Volume 1). The *Residential Design Codes Volume 2 – Apartments* (R-Codes Volume 2) is therefore the applicable framework for the assessment of the multiple dwelling component.
28. The subject site is also located within the Albany Town Centre Policy Area. In the event of conflict, the policy provisions override the provisions of the R-Codes.
29. The previous iteration of the proposal was assessed as an R80 development under *SPP 7.3 – Residential Design Codes Volume 1*, prior to the implementation of *SPP 7.3 – Residential Design Codes Volume 2* in January 2019.

Height – storeys

30. No height controls are indicated in the R-Codes Volume 2 for R-AC0 areas. The tables states that these aspects should be as per *‘the relevant local planning scheme, local development plans and/or precinct control as applicable’*. This aspect of the proposal will therefore be assessed under the LPS1 and the *Albany Town Centre Policy* (the Policy) provisions.
31. Both LPS1 and the Policy provide for a maximum of three (3) storeys on the subject site. As four (4) storeys have been proposed, a variation to LPS1 and the Policy has been requested.
32. The fourth storey comprises of two (2) single offices/studies, each with an area of less than 20m², accessible from units 5 and 6 via internal staircase
33. No criteria for assessing variations to the maximum permissible storeys are established within the relevant assessment framework.

Height – floor to floor

34. Maximum floor to floor heights are established within the Policy. These requirements have been achieved by the proposal with the exception of the second storey which has a floor to floor height of 3.005m (3m required).
35. This variation is considered both low impact and minor in its extent and was therefore not advertised to adjoining landowners.
36. As the Policy only allows for three (3) storeys, no maximum floor to floor height is established for the fourth storey.
37. The proposed third storey has a floor to top of external wall height of 3m, or a floor to ceiling height of 2.4m which is not considered excessive given the minimum floor to ceiling height within the *Building Code of Australia* is 2.4m.

Total height

38. LPS1 establishes a maximum height and states that no development shall exceed 11m in height. *The Albany Town Centre Policy* contains the following provision to aid in the determination of maximum overall height:

Height Datum

Building height shall be measured from the existing pavement (or ground) level at the centre of the street boundary (or boundaries) of the site. On larger sloping sites the front boundary shall be divided into sections of a maximum width of 15m and heights measured from the centre of each section.

39. Using the above provision, the height datum as taken from Duke Street is approximately 10.42, while the height datum from Collie Street is approximately 8.2.

40. Taking the above provision into consideration the proposed apartment building facing Duke Street (Units 1 and 4), has a maximum height of approximately 7.428m and is therefore compliant with LPS 1 and the *Albany Town Centre Policy*.
41. The proposed mixed use building fronting Collie Street has an overall height of approximately 11.6m which is a 600mm variation from the maximum height provision established in LPS1.
42. The proponent has advised the additional fourth storey component of the development is proposed in order to ensure maximum amenity for the occupants of the units.
43. No further rationale or justification has been provided by the applicant against the provisions of the assessment framework.
44. On merit, the proposal to vary the building height provisions can be supported for the following reasons:
 - a) The height the subject of the variation is located to the rear of the site, located away from Duke Street, where the site falls towards Stirling Terrace.

The significant cut proposed for the lower level, along with a significant setback from Collie Street reduces the visual impact of the overall structure and the fourth storey element the subject of the height variation from Duke Street.
 - b) The contemporary design and overall height are in keeping with other developments within the Duke Street streetscape.
 - c) The development, including the fourth storey component, is acceptable from a heritage perspective, with no additional detrimental impact on the cultural heritage significance or views to the overall Albany Courthouse Complex State Registered Place. The proposed additions are in line with contemporary heritage conservation approaches for development to heritage places being of a modern design and separated from the existing place to maintain views to and from within the site.
 - d) The element of the building is broken into two individual components, of minimal area and offset from the storeys below. This reduces impact of building bulk, mitigating the visual impact of the structure from Duke Street, Collie Street and retains visual sightlines from further upslope down to the Court House and other buildings within the *Albany Courthouse Complex*.
45. On balance, however, it is considered the minimal area proposed and significant street setbacks of the fourth storey ensures the visual impact of the variation is sufficiently mitigated.
46. Given the context of the site, in relation to the scale of existing adjoining buildings, the development's response to the topography of the site, and the contemporary design of the development being acceptable from a heritage perspective and not having a detrimental visual impact on adjoining State Registered places, on merit, the variation to height provisions of the policy can be supported in this instance.

Street setback

47. As a nil ground floor street setback is established under LPS1, the proposal is compliant with street setback requirements.
48. The proposal is also consistent with the required Albany Town Centre provisions which require an upper storey is setback in excess of 3m from all street frontages.
49. The proposed setback in respect to the heritage building on the lot was not raised as an issue by the Heritage Council.

Side and rear setbacks

50. Nil side setbacks are proposed in accordance with LPS1 requirements.

Plot ratio

51. The proposal has a gross building area of approximately 1536m², which leads to a plot ratio of 1.6 for the site. This is well below the maximum plot ratio of 2 established under LPS No.1.

Overshadowing

52. The apartment buildings overshadow a significant portion of land to the south of the subject site (Justice and Police Complex) as well as a smaller portion of land to the west.

53. However, as the subject site and the adjoining properties have a coding of R-80, no overshadowing requirements apply under the R-Codes Volume 2.

Tree canopy and deep soil area

54. As an existing fig tree is proposed for retention on site, the proposal qualifies for a reduction in deep soil area to 7% under the R-Codes Volume 2. However, as only 2% of landscaping is required under LPS 1, this does not appear reasonable.

55. A landscaping plan to the satisfaction of the City of Albany is recommended as a condition of consent.

56. The proponent should be advised that this should include a 2% deep soil area and tree planting areas in accordance with the R-Codes Volume 2.

Communal open space

57. Informal seating opportunities (on the grass) will be provided within the landscaped area to the north of the site.

58. The siting of the landscaped area maximises solar access (north facing) and amenity as it is separated from waste disposal/circulation areas and vehicular access.

59. Passive surveillance is provided from the balconies of Unit 3, 4 and 6.

Visual privacy

60. The proposal is surrounded by non-residential land uses. The areas fronting streets are not subject to overlooking.

61. The land to the south is a carpark for the court complex and is not sensitive to overlooking (more so, the safety of the carpark could be improved from passive surveillance).

62. The west of the development is also an office complex.

63. Both elevations have screening in place on the exposed balcony area so that overlooking is mitigated. The requirement for details of screening and the implementation of screening will be applied as a condition of approval.

64. The R-Codes Volume 2 seeks balconies that are unscreened for at least 25% of their perimeter.

65. However, in this instance it is considered preferable for the balconies of Units 2 and 5 to be entirely screened due to adjoining landowner concerns with overlooking.

66. It is also considered resident amenity will be greater with full screening of the balconies due to the prevailing weather conditions in Albany.

67. The application also proposes a communal landscaped area for private use of the residents which offers an opportunity for solar access on warmer days.

68. The R-Codes Volume 2 also require living rooms to have an external outlook from at least one major opening that is not obscured by a screen. Both Unit 2 and Unit 5 fail to achieve this requirement as the entirety of the balcony / courtyard of these areas is screened.

69. However, as discussed above this screening is considered appropriate in this instance. It is also noted the screening has a height of 1.65m, therefore external outlook from the living room above the screen is possible.
70. Open access ways are required to have a 3m privacy setback (if unscreened). However, the landing to the west of the property (no setback) is not considered open access as it functions as a private access route for Units 3 and 4.
71. This aspect of the proposal is therefore compliant with the R-Codes Volume 2.

Vehicle access

72. The proposed crossovers are adequately separated from intersections and are wide enough to enable two-way access/egress.
73. As rear carpark is located at the same level as the ground floor office, vehicular headlights will not shine directly into habitable rooms of the residential component.
74. Vehicle headlights will also not shine directly into the living area of Unit 1 due to the angle of approach of the vehicle and the partial shielding of this area by the courtyard.
75. Conditions relating to visual permeability of fences and walls and ensuring appropriate sight lines are maintained are recommended as a condition of planning consent.

Car parking

76. The application proposes on-site car parking for the entire development (existing building and proposed additions) to be accessed via Collie Street.
77. This arrangement is considered preferable as it assists in maintaining the heritage value of the Sergeants Quarters and utilises secondary street access.
78. A condition requiring landscaping atop the eastern retaining walls to screen the parking area from view is recommended.
79. Car parking requirements for the office component are established within the Albany Town Centre Policy. Parking is required at a rate of 1 bay per 30m² gross floor area. The proposed floor area is 81.5m², therefore a total of 3 carparks are required for the Office component.
80. Residential parking requirements are established under the R-Codes Volume 2 which require 1.25 bays per dwelling giving a total requirement of 7.5 (8) bays. The R-Codes Volume 2 also require the provision of 2 visitor bays.
81. The total car parking requirements for the development are 8 residential, 2 visitors and 3 for the Office tenancy.
82. It is noted that previous development approvals did not involve Restaurant, however 2 bays are to be allocated for the existing building/future use.
83. It is considered that a minimum of one bay is required to be provided for each Multiple Dwelling. In terms of car park functionality, the applicant has advised that one (1) car parking bay will be reserved for each unit through signage and this will be contained within the Strata by laws.
84. A total of 10 car parks have been provided for the development which is a shortfall of 5 car parks.
85. The Albany Town Centre Policy allows for a shortfall of car parking where the number of bays is insubstantial (5 bays or less).
86. It is recommended that a sign indicating the location of visitor parking along the Duke Street frontage be provided.
87. The provision of a 'no parking' sign to the paved area to the east of the proposed restaurant is also recommended as it doesn't appear that car parking is able to be provided in accordance with *Australian Standard 2890*, nor has it been proposed.

88. It is recommended signage is submitted for approval to the City within a vehicular parking and access plan.
89. A total of eight (8) bicycle parks have been proposed which exceeds Policy and R-Code Volume 2 requirements.

Storage

90. Storage for each Unit is provided at basement level at the dimensions required under the R-Codes Volume 2.

Façade Design

91. The appearance component of the proposal in this instance is largely influenced by the comments received by the Heritage Council. For the full heritage comments on the proposal, please see the attached correspondence.

Waste Management

92. The applicant has proposed a bin storage area on the site which is screened from view, located within a small compound at the south of the lot.
93. It is not clear if this is proposed to function as a waste storage area for the units in addition to the office. A condition is recommended requiring the provision of a final Waste Management Plan demonstrating operational and design waste management on site.

Site analysis

94. The R-Codes Volume 2 require the provision of a written and illustrated site analysis that demonstrates how the design response is informed by the surrounding context.
95. However, this was not requested as it was determined that the existing/intended character of the area and associated design requirements have been articulated through the *Albany Town Centre Policy*.
96. The main concerns raised during the advertising period and officer response, including mitigation measures are outlined in the table below.

Summary of Submissions	Officer Comment
Development incompatible with heritage values of the site and other state heritage listed buildings on Duke Street	The proposal was referred to the Department of Planning, Lands and Heritage to provide comment on the heritage impacts of the proposal. Heritage Council advised the redevelopment would be a positive outcome for the site through ongoing use, increased social activation and preservation of the heritage building through extensive conservation works, as per the Heritage Agreement.
Overshadowing	The application was assessed against the R-Codes Volume 2. However, as the subject site and adjoining properties have a R-80 coding, no overshadowing requirements apply. The application is therefore consistent with the acceptable outcome provisions of the R-Codes Volume 2.
Insufficient car parking	The Albany Town Centre Policy allows for consideration of relaxation of car parking requirements where an insubstantial shortfall is proposed (5 bays or less).
Overlooking	The application is consistent with the acceptable outcomes of the Residential Design Codes Volume 2 in regards to visual privacy. Screening to the western balconies is recommended as a condition of planning consent.
Overdevelopment of the site	The shortfall in car parking has been addressed above. Due to the design of the fourth storey, the additional building height is considered low impact. It should also be noted that this height variation does not result in any additional residences on-site. The proposal is consistent with the plot ratio provision of LPS1.

97. It is recommended that Council approve the proposed development, subject to the conditions recommended.

GOVERNMENT & PUBLIC CONSULTATION

98. The application was advertised to adjoining landowners for a period of 22 days via direct mail out. It should be noted that a car parking shortfall of six (6) was advertised to adjoining landowners as the restaurant was considered as part of the application at this stage. The restaurant was subsequently removed from the application following advertising and the respondents were notified that the car parking shortage has been reduced to three (3).
99. Through this process a total of two (2) responses were received both raising objections to the proposal.
100. The comments, including the proponent's and staffs' recommendations are provided in the attached 'Summary of Submissions'. The issues raised during advertising are summarised and discussed above.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail out	03/02/2021 to 25/02/2021	2 submissions received	Yes

Department of Planning, Lands and Heritage

101. The subject site is identified as a State Heritage Area (Albany Courthouse Precinct) and contains a State Heritage Listed building (Sergeants Quarters).
102. The Albany Courthouse Complex is an important regional centre of justice in Western Australia, constructed at a time of enormous growth in the population and economy of the Colony and Western Australia, to cater for an increased demand for law enforcement.
103. The Sergeant's Quarters is acknowledged as a significant building that contributes to the Complex. It is a fine example of a Federation Queen Anne style building purposely built for the short term imprisonment at the beginning of the 20th century in WA.
104. The current proposal for a mixed use development at 1 Duke Street, Albany (also referred to as Lot 20 Collie Street, Albany) does not greatly differ from the design that the Development Committee conditionally supported in 2017. The Development Approval from the City of Albany for this development has since expired.
105. Revisions to the 2017 design include:
- The addition of an additional storey for a small office/study area on the new build to the rear.
 - Removal of the decking that was located in the south west area forward of the Quarters that has been replaced with additional paving.
106. The new build element has been designed with a development buffer zone distinctly separating old and new fabric physically and visually, whilst also attempting to retain as many view lines as possible.
107. Whilst the new build does not follow all of the recommendations of the Conservation Plan, the redevelopment will be a positive outcome for the site through ongoing use, increased social activation and preservation of the heritage building through extensive conservation works, as per the Heritage Agreement.
108. The Committee was not satisfied with the level of detail submitted in 2017 for the adaptive reuse of the heritage building as a café/restaurant. The lack of details remains in the current submission. The Heritage Council would still like to ensure that a positive outcome for the Quarters is a primary focus of the development of the site.
109. A number of conditions were proposed and have been included as recommended conditions to the development approval.

STATUTORY IMPLICATIONS

110. 'Multiple Dwelling' is listed as a 'D' (discretionary) use within the Regional Centre Zone. An 'Office' is listed as a 'P' (permitted) use within the Regional Centre Zone.
111. A discretionary ('D') use means that the use is not permitted unless the local government has exercised its discretion by granting development approval. A permitted ('P') use means the use is permitted if it complies with any relevant development standards and requirements of LPS1.
112. LPS1 clause 3.2.8 lists the following objectives for the Regional Centre zone:
- a) Provide for a broad range of commercial, entertainment, administrative, government, cultural, inner-city residential and social activities, consistent with the zone's status as the regional centre for the Great Southern region;
 - b) Ensure that development within the zone recognises and complements surrounding land uses and existing streetscape elements, in particular:
 - (i) The height, scale, character and fine-grained nature of buildings;
 - (ii) Incorporates spaces for public art, social interaction and street activities that add vibrancy and vitality to the City;
 - (iii) Promotes the renovation, adaptation and re-use of recognised heritage buildings and places; and
 - (iv) Weather protection.
 - c) Support and promote transport modes to and access through the zone to achieve better travel efficiency and develop synergies between streets and parking areas;
 - d) Ensure adequate provision is made for the parking of vehicles and the landscaping of lots; and
 - e) Retain heritage buildings, features and characteristics for the protection of Albany's historic values.
113. The proposal, as submitted is not consistent with the height limits pertinent to the site. As the total height of the proposal is only slightly over the LPS1 requirements, and the proposed fourth storey is small scale and low impact a pragmatic approach has been undertaken for an assessment against these requirements.
114. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

115. The proposal is assessed in the context of the *State Planning Policy 7.3 – Residential Design Codes Volume 2 (Apartments)* and the *Albany Town Centre Policy*.
116. The proposal, as submitted is not consistent with the car parking and maximum height limits established within the *Albany Town Centre Policy*. It is considered the parking shortfall can be mitigated by on site management and signage.
117. As the total height of the proposal is only slightly over Policy requirements, and the proposed fourth storey is small scale and low impact a pragmatic approach has been undertaken for an assessment against these requirements.
118. The application generally complies with the provisions of *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments*.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community <i>The proposed development may contribute to a lack of car parking availability on Duke and Collie Streets and the immediate vicinity.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Mitigation of impacts to be achieved through adoption and enforcement of conditions.</i>
Reputation <i>The proposed development may appear unsympathetic to the scale and mass of surrounding buildings.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>The application has been assessed against the relevant statutory framework.</i>
Opportunity: <i>Responds to the need to consolidate existing urban form and deliver a diverse and affordable housing market.</i>				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

122. Council is at liberty to use its discretion to approve or refuse the proposal. An applicant aggrieved by a decision or condition may apply for a review to the State Administrative Tribunal, in accordance with Section 252 of the *Planning and Development Act 2005*.
123. 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

124. The subject lot contains an existing heritage building and a paved hardstand to the Duke Street frontage. There are no environmental implications directly relating to this item.

ALTERNATE OPTIONS

125. Council has the following alternate options in relation to this item, which are:
- To resolve to refuse the proposal subject to reasons; and
 - To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

CONCLUSION

126. The proposal is consistent with the *Local Planning Scheme No.1* and *Albany Town Centre Policy* provisions, with the exception of those relating to height and car parking.
127. It is considered the car parking shortfall can be mitigated by on site management and appropriate on-site signage.
128. The minimal area and significant street setbacks of the fourth storey ensures the visual impact of the height variation is sufficiently mitigated.
129. The application generally complies with the provisions of *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments*.

130. The Department of Planning, Lands and heritage are supportive of the proposal, subject to conditions.
131. The majority of matters raised in agency and public submissions received during the advertising period have been broadly addressed by the proponent and can be mitigated through the application of appropriate planning conditions.
132. It is therefore recommended that Council approved the proposed development, subject to the conditions provided.

Consulted References	:	1. Local Planning Scheme No. 1 2. Albany Town Centre Policy 3. State Planning Policy 7.3 – Residential Design Codes Volume 2 (Apartments) 4. Albany Local Planning Strategy 2019
File Number (Name of Ward)	:	A186676 (Frederickstown Ward)
Previous Reference	:	P2160623

DIS262: LED STREET LIGHTING BULK REPLACEMENT

Land Description	: City of Albany
Proponent / Owner	: Western Power and City of Albany
CONFIDENTIAL Attachments	: 1. Western Australian Local Government (South Metropolitan and Albany) LED Street Lighting Business Case 2. Peer Review
Report Prepared By	: Environmental Sustainability Officer (M Holt)
Responsible Officers:	: Executive Director Infrastructure, Development and Environment (P Camins)

CONFIDENTIAL ATTACHMENTS

The attachments are confidential in accordance with section 5.23(2) (c) and (e, iii) of the Local Government Act 1995, being: (ii) information that has a commercial value to a person.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Clean, Green & Sustainable
 - **Objective:** To protect and enhance our natural and built environment in a changing climate.
 - **Community Priority:** Deliver effective practices that reduce risk to property, infrastructure and the natural environment and improve community awareness and resilience.
 - **Objective:** To identify and deliver improvements in sustainability within the City and wider community.
 - **Community Priority:** Integrate and promote effective sustainability through resource conservation, management and education to continuously improve environmental outcomes.

In Brief:

- The City of Albany, in conjunction with other Councils in the South Metropolitan region of Perth, explored the idea of replacing the street lights in their respective regions to Light Emitting Diode ('LED') technology.
- LED street lighting has been proven to make roads safer, save money by using energy more efficiently and cut greenhouse gas emissions by more than half.
- The consortium of councils commissioned a business case ('the Western Australian Local Government (South Metropolitan and Albany) LED Street Lighting Business Case') by an external consultant, Ironbark Sustainability, to assess the viability of the project.
- The City of Albany, on its own, commissioned a review of the Western Australian Local Government (South Metropolitan and Albany) LED Street Lighting Business Case, by Sage Consulting, to ensure the financial viability of the proposed bulk LED street lighting retrofit project.
- It is anticipated that the project will cost approximately \$2.5 million.
- The City of Albany has applied for grant funding of \$625,000 to contribute to this project, from the Clean Energy Future Fund.
- The residual \$1.875 million required to fund this project is proposed to be loan funded, and is to be included in the City's proposed Financial Year 2021/22 budget (yet to be endorsed by Council).
- Council support is sought to implement the project should suitable funding become available.

RECOMMENDATION

DIS262: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR DOUGHTY

THAT Council:

- 1. RECEIVE the Western Australian Local Government (South Metropolitan and Albany) LED Street Lighting Business Case (prepared by Ironbark Sustainability) and Peer Review (prepared by SAGE Consulting).**
- 2. SUPPORT the replacement of City of Albany existing street light luminaires with LED luminaires subject to a successful funding application.**

CARRIED 11-0

DIS262: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS262: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- 1. RECEIVE the Western Australian Local Government (South Metropolitan and Albany) LED Street Lighting Business Case (prepared by Ironbark Sustainability) and Peer Review (prepared by SAGE Consulting).**
- 2. SUPPORT the replacement of City of Albany existing street light luminaires with LED luminaires subject to a successful funding application.**

BACKGROUND

- 2. LED and smart-lighting technologies provide many social, environmental and economic benefits to the community.**
- 3. LED Street lighting has been proven to make roads safer, save money by using energy more efficiently, and cut greenhouse gas emissions by more than half.**
- 4. The City of Albany currently has approximately 4,000 unmetered street lights under the control and maintenance of Western Power, of which 3,819 consist of old mercury based technology (compact fluorescent, mercury vapour, metal halide, high pressure sodium).**
- 5. Western Power released an LED street light product in early 2019. However, transition has been slow as street lights are only replaced when the existing luminaires fail.**
- 6. In an effort to aid the transition to more efficient LED street lighting, the South West Group of Councils and WALGA engaged consultant Ironbark to develop a LED bulk street lighting change business case.**

DISCUSSION

- 7. The South West Group of Councils (SWGC), consists of the City of Albany, Armadale, Canning, Cockburn and Melville, and WALGA.**
- 8. SWGC, led by the City of Cockburn, commissioned Ironbark Sustainability to develop a LED bulk Street Lighting Change Business Case that aims to replace existing Western Power street light luminaires with LED luminaires.**

9. The program has been funded by the participating councils at a total cost of \$25,000, of which the City of Albany will be contributing \$5,000.

LED Street Lighting Business Case (Ironbark)

10. The Business Case analyses the costs and savings that can be expected from replacement of all non-LED light types across participating councils.
11. The scope of this report is limited to the management of street lights within the unmetered street lighting network (Western Power infrastructure).
12. Council-owned street lighting has been excluded from Ironbark's analysis due to limited technical details and decorative street lighting product variations.
13. The business case proposes to replace around 47,000 streetlights, across the participating councils, to more energy efficient and low maintenance LED luminaires.
14. The program will be funded by the participating councils.
15. Table 1 provides a summary of the expected outcomes for the councils from the program and the potential if extrapolated across the entirety of the Western Power-managed SWIS Grid.

Region	Number of lights	Project Cost (incl. interest)	Total Cost Savings (20 years)	Total Energy Savings (MWh, 20 years)	Total Greenhouse savings (tCO2-e, 20 years)	Payback (years)
Perth South Metro and Albany	47,000	\$25 to 29m	\$107 to \$123m	300,000 to 370,000	210,000 to 250,000	5.0 to 6.3
All of Western Power SWIS Grid (est.)	276,000	\$150 to \$170m	\$620 to \$720m	1.7m to 2.2m	1.2m to 1.5m	5.0 to 6.3

Table 1. Ironbark's summary of results

16. To ensure that the LED Street lighting project is suitable, the following need to be undertaken:
- Undertake street lighting design based on the preferred project option (external consultant).
 - Negotiate project costs, product selection and future system management models within Western Power.
17. The business case also breaks down financial modelling specific to the City of Albany.
18. The City of Albany currently has around 4,000 unmetered street lights under the control and maintenance of Western Power, with an annual estimated cost to the City of Albany of \$670,000.
19. The LED street light modelling proposed three LED street lighting options which include:
- Option 1. standard like-for-like replacement \$2.57 million.
 - Option 2. standard like-for-like replacement with contestable energy agreement \$1.65 million.
 - Option 3. Western Power approved, smart ready, with contestable agreement \$1.75 million, however, this is not currently available from Western Power.
20. The estimate for the portion of the works attributable to the City of Albany is \$2.57m with an estimated payback period of 7 years. This is based on an average cost per luminaire of \$650.

LED Street Lighting Business Case Peer Review (SAGE Consulting)

21. SAGE Consulting undertook a peer review of the LED Street Lighting Business Case as per EMT recommendation.
22. The SAGE consulting report supports the recommendations of the LED Street Lighting Business Case, which supports investment in a bulk LED lighting retrofit.
23. The Peer Review also notes some discrepancies in LED luminaire costs, as Ironbark has modelled the financial costs on Victorian pricing and not the latest Western Power and Synergy pricing.
24. The peer review supports the following recommendations for the City of Albany:
 - a. allow a capital budget of \$2.1 million for the project.
 - b. preparation of a Lighting Policy or Lighting Master Plan.
 - c. engage a lighting designer to undertake independent review of the final lighting designs.
 - d. consider smart controls at a later date when Western Power and Synergy launch a smart control system and tariff structure.
25. It should be noted that the projected cost of \$2.1 million excludes internal project management costs and design/structural assessment costs. Total project cost is estimated to be \$2.5 million.

External Funding

26. Round 2 of the Clean Energy Future Fund (CEFF) was available to local government organisations for clean energy projects in regional and remote Western Australia, which closed 22 April 2021.
27. The CEFF funding criteria specifies that projects must comply with the following:
 - a. Innovative clean energy projects in regional and remote Western Australia. Regional and remote Western Australia means projects that are at the fringe of, or are not connected to, the South West Interconnected System or the North West Interconnected System.
 - b. Clean energy projects that improve the security and resilience of networked electricity supply in line with the Distributed Energy Resources Roadmap.
 - c. Clean energy projects that support decarbonisation of existing industry and the development of new, low emissions industries in Western Australia.
 - d. 'Shovel ready' clean energy projects that will reduce emissions and create jobs in Western Australia.
 - e. Projects that will enhance energy efficiency and materially reduce emissions from the built environment or manufacturing.
 - f. Clean energy projects that support the replacement of diesel with renewable energy.
28. The maximum proportion of eligible costs for the project that can be contributed by the Fund in a competitive round is 25%. The minimum amount available is \$250,000.
29. The City of Albany has submitted a CEFF funding application separately to the SWGC.
30. One of the SWGC Cities (City of Cockburn) has also applied for the CEFF funding, which is expected to be announced later in 2021 and made reference to the other Cities applying for future funding.

GOVERNMENT & PUBLIC CONSULTATION

31. No public consultation was required for this item.
32. Consultation with Western Power and Synergy has been undertaken by the SWGC and will continue as part of this project.

STATUTORY IMPLICATIONS

33. N/A

POLICY IMPLICATIONS

34. This item relates to the City of Albany Environmental (Climate Change) Policy (2017) and the City of Albany Climate Change Action Declaration.

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
Business Operation, Reputation & Financial. Allocation of funding in the 2020-21 budget for the LED street lighting retrofit is not supported.	Possible	Minor	Medium	City staff will continue to apply for suitable funding in order to progress the project.
Environment: Delaying the implementation of the street lighting retrofit will not result in a reduction in greenhouse gas emissions	Possible	Moderate	Medium	Advocate to Western Power to reduce the waiting time for replacement of current street lighting with LED.
Financial: Delaying the installation of LED street lighting may result in an inability to reduce energy costs for the City.	Likely	Moderate	High	City staff to continue to source funding streams in order to progress the retrofit, and continue to advocate for a reduction in waiting time for the Western Power retrofit.
Opportunity: Demonstrate the City's commitment to climate change action, its leadership on environmental sustainability issues and support of energy efficiency measures. Opportunity: To realise significant energy cost savings into the future by installing LED lighting.				

FINANCIAL IMPLICATIONS

36. The City of Albany has applied for CEFF funding, which if successful covers 25% of the total project costs (\$625,000).

37. The remaining \$1.875 million is expected to be funded via a 7-year loan, to be proposed in the City's Financial Year 2021/22 budget. The budget is expected to be presented to Council for endorsement in July 2021.

38. If the City is unsuccessful in their grant application, there will be a funding shortfall of \$625,000. For the project to proceed, the additional \$625,000 required will need to be obtained from some other means, which the Council will need to endorse.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

40. The bulk LED street lighting retrofit is estimated to reduce the City of Albany's greenhouse gas emissions from street lighting by approximately 50%.

41. The existing street lighting luminaires contain mercury - responsible disposal of these luminaires needs consideration such as transport to a lamp recycling facility in Victoria.

ALTERNATE OPTIONS

42. Council may choose to not support the request, and continue with the gradual retrofit of street lights with LED luminaires as existing luminaires fail. Most luminaires would be replaced after 8-10 years.

CONCLUSION

43. LED and smart-lighting technologies provide many social, environmental and economic benefits to the community.

Consulted References	:	<ul style="list-style-type: none">• CCS298 (October 2020) – Climate Change Action Declaration• Presentation at Strategic Workshop (16 March 2021)
File Number (Name of Ward)	:	RD.SMG.12 (All Wards)
Previous Reference	:	N/A

DIS263: PLANNING AND BUILDING REPORTS MAY 2021

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports May 2021
Report Prepared By : Information Officer – Development Services (Z Sewell)
Responsible Officers: : Manager Planning and Building Services
(J Van Der Mescht)

RECOMMENDATION

DIS263: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GOODE

THAT Council NOTE the Planning and Building Reports for May 2021.

CARRIED 11-0

COVID-19 IMPACT

- COVID-19 has no impact on this report.

PR009: CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

- Attachments** : i. **CONFIDENTIAL – CEO Performance Review 2020-2021**
Report prepared by Learning Horizons Consulting
ii. **CONFIDENTIAL – Annexure 1 - CEO Key Performance**
Indicators for May to August 2021
- Report Prepared By** : Manager People & Culture (L Harding)
- Authorising Officer** : Manager People & Culture (L Harding)

This report and attachments i. & ii. were considered as CONFIDENTIAL in accordance with section 5.23(2)(a) of the Local Government Act 1995, as it relates to a matter affecting an employee.

The Chief Executive Officer Mr Andrew Sharpe declared a Financial Interest in this item. The Meeting Secretary suspended Mr Sharpe's Zoom access during the discussion and vote for this item.

Manager People and Culture, Ms Libby Harding, declared an Impartiality Interest in this item. Ms Harding remained in the Chamber and participated in the discussion for this item.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
 - **Community Priority:** Provide positive leadership that delivers community outcomes.

In Brief:

- Consider the recommendations of the CEO Performance Review Committee following the completion of the annual CEO performance review process.

RECOMMENDATION

RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

Moved: Councillor Sutton
Seconded: Councillor Thomson

THAT in accordance with clause 3.5 of the City of Albany Standing Orders Local Law 2014 (as amended) Report Item PR009: Chief Executive Officer Performance Review be **ACCEPTED** for consideration by Council as an urgent item.

CARRIED 11-0
ABSOLUTE MAJORITY

7.22PM

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

Moved: Councillor Goode
Seconded: Councillor Smith

THAT in accordance with clause 4.1 of the City of Albany Standing Orders Local Law 2014 (as amended), the meeting go behind closed doors to discuss PR009: Chief Executive Officer Performance Review.

CARRIED 11-0

Members of the public, media and staff left the Chamber.

7.28pm

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOUGHTY

SECONDED: COUNCILLOR SLEEMAN

THAT the meeting be re-opened.

CARRIED 11-0

Council considered the Responsible Officer Recommendation after the meeting was re-opened.

PR009: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE

SECONDED: COUNCILLOR SLEEMAN

THAT Council:

- 1. NOTE that Mr Andrew Sharpe's annual performance review as Chief Executive Officer for the City of Albany for 2020/21 has been undertaken.**
- 2. ADOPT the recommendations of the CEO Performance Review Committee, inclusive of the Key Performance Indicators.**

CARRIED 11-0

BACKGROUND

2. On 3 February 2021, a number of regulations took effect implementing the provisions of the Local Government Legislation Amendment Act 2019.
3. The regulations included the Local Government (Administration) Amendment Regulations 2021 (Model Standards).
4. The Model Standards incorporates Section 5.39A – Model Standards for CEO Recruitment, Performance and Termination.
5. The City of Albany's CEO Performance Review Process Policy and Clause 8, *Performance Criteria and Review of Performance* of the CEO's employment contract are in accordance with the Model Standards, contain the requirements for an annual review of the CEO's performance and define the review process.

DISCUSSION

Review Panel

6. The CEO Performance Review Process Policy describes the composition of the Performance Review Panel as consisting of:
 - a. The Mayor; and
 - b. Three Councillors nominated by resolution of Council.
7. The Performance Review Panel for the 2020/21 review period, as appointed by Council:
 - a. Mayor Wellington;
 - b. Councillor Goode;
 - c. Councillor Smith; and
 - d. Councillor Doughty.

Independent Facilitator

8. For the purposes of increased transparency, the Performance Review Committee determined to engage a new independent facilitator for the 2020/21 process.
9. Following a selection process run in accordance with the City's procurement processes, the Performance Review Committee appointed Ms Helen Hardcastle of Learning Horizons to support the annual review process as an independent/external person.

Review Process

10. The key milestones of the review process are summarised below:

Date	Milestone
16 March 2021	Performance Review Committee, CEO and consultant meeting to confirm the review process
22 March 2021	Consultant to distribute self-assessment questionnaire to CEO
6 April 2021	Appraisal questionnaire & CEO's self-assessment response distributed to Mayor & Councillors
20 April 2021	CEO 'Year In Review' presentation to Council
23 April 2021	Deadline for submission of written feedback from Mayor & Councillors to consultant
7 May 2021	Performance Review Committee Briefing with consultant Performance Review Committee formal CEO appraisal meeting
10 May 2021	Consultant to provide report to Performance Review Committee
22 June 2021	Performance Review Committee report presented to OCM

11. All Elected Members were provided with the appraisal questionnaire as well as the opportunity to provide feedback via an interview with the consultant. Feedback was received from eleven (11) Elected Members via written responses.
12. An aggregated summary of the feedback, ratings and comments from Elected Members was presented at a briefing for the Performance Review Committee on the 7 May 2021.
13. The CEO's formal appraisal meeting was held on the 7 May 2021. In addition to the Committee, Mr Andrew Sharpe, Chief Executive Officer, Mrs Libby Harding, Manager People and Culture and Ms Helen Hardcastle, Consultant were present at the meeting which covered the following activities:
 - a. The formal performance review interview of the CEO appraising his performance for the 2020/21 performance period;
 - b. Agreement to develop the CEO's Key Performance Indicators (KPI's) for the period 17 May to 31 August 2021 to allow for the finalisation of the City of Albany Corporate Business Plan;
 - c. Agreement further KPIs are to be developed following finalisation of the Corporate Business Plan for the remainder of the 2021/22 performance period; and
 - d. The Committee's professional development plans for Mr Sharpe over the coming 12 months.

Key Performance Indicators (KPIs)

14. All Councillors were provided with the opportunity to provide feedback on the CEO's KPIs via the appraisal questionnaire.
15. The Performance Review Committee utilised the feedback of all Councillors in the development of the CEO's KPIs.
16. The proposed CEO's KPIs for the 17 May to 31 August 2021 review period are provided in Annexure 1 - CEO Key Performance Indicators included as a confidential attachment to this report.

GOVERNMENT & PUBLIC CONSULTATION

17. Not applicable.

STATUTORY IMPLICATIONS

18. The CEO Performance Review has been conducted in accordance with section 5.39A - Model Standards for CEO Recruitment, Performance and Termination of the Local Government (Administration) Amendment Regulations 2021 and Part 2, section 22 of the Local Government Legislation Amendment Act 2019.
19. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

20. Not applicable.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal. <i>The statutory and contractual process compromised.</i>	<i>Unlikely</i>	<i>Major</i>	<i>High</i>	<i>Ensure Council is fully aware of the statutory and contractual process to be followed. Guidance from external performance specialist followed.</i>

LEGAL IMPLICATIONS

22. Refer to risk identification and mitigation section of this report, and the requirements of section 5.39A - Model Standards for CEO Recruitment, Performance and Termination of the Local Government (Administration) Amendment Regulations 2021 and Part 2, section 22 of the Local Government Legislation Amendment Act 2019 which govern CEO performance review.

ENVIRONMENTAL CONSIDERATIONS

23. Nil.

ALTERNATE OPTIONS

24. Council may endorse (accept) the review, with or without modification, or reject the recommendations of the CEO Performance Review Committee.

CONCLUSION

25. It is recommended the CEO Performance Review Committee report is noted and all recommendations, including the Key Performance Indicators for the 17 May to 31 August 2021 period are approved and/or adopted.

Consulted References	:	<i>Local Government Legislation Amendment Act 2019</i> <i>Local Government (Administration) Amendment Regulations 2021</i> <i>Council Policy-CEO Performance Review Process</i> <i>Chief Executive Officer Employment Contract</i>
File Number (Name of Ward)	:	Personnel File
Previous Reference	:	OCM 25/08/2020 Report Item PR008

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

PR009: CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16. REPORTS OF CITY OFFICERS Nil

17. MEETING CLOSED TO PUBLIC

PR009: CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

18. CLOSURE

There being no further business the Mayor declared the meeting closed at **7.31PM**

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR