

AGENDA

Ordinary Meeting of Council

Tuesday 22 May 2018

6.00pm

City of Albany Council Chambers

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



NOTICE OF AN ORDINARY COUNCIL MEETING

Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 22 May 2018 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING
AGENDA 22/05/2018

TABLE OF CONTENTS

Item	Details	Pg#
1.	DECLARATION OF OPENING	3
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	3
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	3
4.	DISCLOSURES OF INTEREST	4
5.	REPORTS OF MEMBERS	4
6.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
7.	PUBLIC QUESTION TIME	5
8.	APPLICATIONS FOR LEAVE OF ABSENCE	5
9.	PETITIONS AND DEPUTATIONS	5
10.	CONFIRMATION OF MINUTES	5
11.	PRESENTATIONS	5
12.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	5
	MINUTES AND RECOMMENDATIONS OF COMMITTEES	
CCS	Corporate and Community Services Committee	
CCS049	FINANCIAL ACTIVITY STATEMENT-FEBRUARY 2018	6
CCS050	LIST OF ACCOUNTS FOR PAYMENT-APRIL 2018	8
CCS051	DELEGATED AUTHORITY REPORT	10
CCS052	COUNCIL COMMITTEE SYSTEM REVIEW	11
CCS053	CITY UPDATE (CORPORATE SCORECARD)-MARCH QUARTER 2018	17
CCS054	SECURITY AT REGIONAL AIRPORTS	19
CCS055	PROPOSED NEW LICENCE-TREVOR WHEATCROFT-LOT 14 CHEYNE ROAD, CHEYNE BEACH	23
DIS	Development and Infrastructure Services Committee	
DIS092	LAKE MULLOCULLUP RECREATIONAL USE UPDATE	29
DIS093	RECOMMEND ADOPTION OF LOCAL STRUCTURE PLAN NO. 10-LOT 10 CHESTERPASS ROAD AND LOT 521 MERCER ROAD, WALMSLEY	35
DIS094	RECOMMEND ADOPTION OF MODIFIED LOCAL STRUCTURE PLAN NO. 17-LOTS 1 AND 973 NANARUP ROAD, KALGAN	43
DIS095	RECOMMEND ADOPTION OF MODIFIED LOCAL STRUCTURE PLAN NO. 14-LOTS 1, 2 AND 3 SOUTH COAST HIGHWAY, MCKAIL	49
DIS096	PLANNING AND BUILDING REPORTS APRIL 2018	55
DIS097	RECEIVE THE MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE-DECEMBER 2017	56
DIS098	WARDEN AVENUE PATHWAY CONSTRUCTION	57
AR	Audit and Risk Committee	
AR037	INSURANCE CLAIM	61
AR039	INTERNAL AUDIT FUNCTION	64
AR042	DELEGATIONS REGISTER REVIEW	70
AR043	INVESTMENT OF SURPLUS FUNDS POLICY	73
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	76
15.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	76
16.	REPORTS OF CITY OFFICERS Nil	76
17.	MEETING CLOSED TO PUBLIC	
AR037	INSURANCE CLAIM-CONFIDENTIAL ITEM	61
18.	CLOSURE	76

1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward

P Terry

Breaksea Ward

R Hammond

Frederickstown Ward

G Stocks (Deputy Mayor)

Frederickstown Ward

R Stephens

Kalgan Ward

B Hollingworth

Vancouver Ward

J Shanhun

West Ward

S Smith

West Ward

A Goode JP

Yakamia Ward

A Moir

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate Services

M Cole

Executive Director Development
Services

P Camins

Executive Director Infrastructure
& Environment

M Thomson

Executive Director Community Services

S Kay

Meeting Secretary

J Williamson

Apologies:

Vancouver Ward

T Sleeman (Leave of Absence)

Kalgan Ward

E Doughty (Leave of Absence)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest

5. REPORTS OF MEMBERS

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

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 24 April 2018, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS049: FINANCIAL ACTIVITY STATEMENT – MARCH 2018

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

RECOMMENDATION

CCS049: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 March 2018.

CCS049: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR DOUGHTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS049: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 March 2018.

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 March 2018 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

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

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

8. The City's 2017/18 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 March 2018 has been incurred in accordance with the 2017/18 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.7 - All Wards
-----------------------------------	----------------------

CCS050: LIST OF ACCOUNTS FOR PAYMENT – APRIL 2018

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Manager Finance (D Olde)
Responsible Officers: : Executive Director Corporate Services (M Cole)

RECOMMENDATION

CCS050: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 April 2018 totalling \$6,582,131.60.

CCS050: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
 SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS050: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 April 2018 totalling \$6,582,131.60.

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 April 2018. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$28,049.65
Credit Cards	\$8,780.68
Payroll	\$1,309,734.63
Cheques	\$79,380.45
Electronic Funds Transfer	\$5,156,186.19
TOTAL	<u>\$6,582,131.60</u>

As at 15 April 2018, the total outstanding creditors, stands at \$719,680.24 and made up as follows:-

Current	\$614,405.24
30 Days	\$522,856.26
60 Days	\$19,729.94
90 Days	\$1,175.31
TOTAL	\$1,158,166.75
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 April 2018 has been incurred in accordance with the 2017/2018 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 April 2018 has been incurred in accordance with the 2017/2018 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
-----------------------------------	---	----------------------

CCS051: DELEGATED AUTHORITY REPORTS

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

RECOMMENDATION

CCS051: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the Delegated Authority Reports 16 March 2018 to 15 April 2018.

CCS051: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS051: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports 16 March 2018 to 15 April 2018.

CCS052: COUNCIL COMMITTEE SYSTEM REVIEW

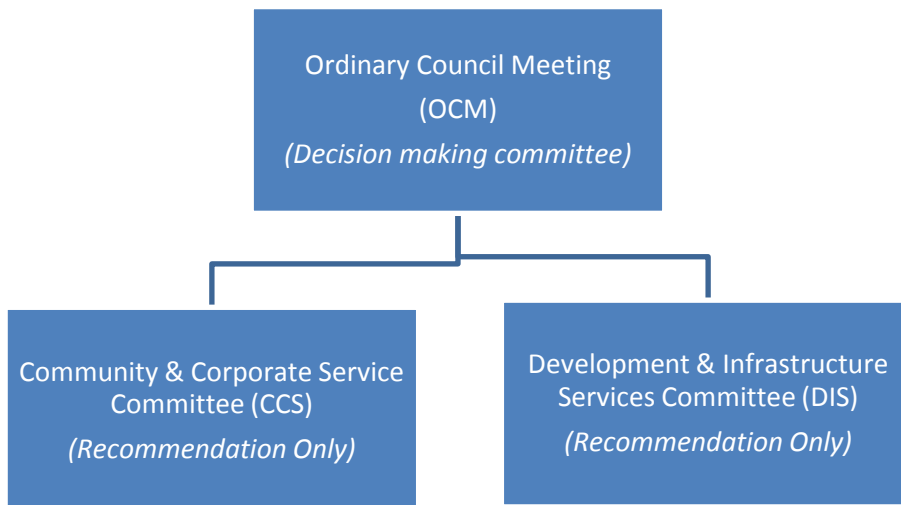
Proponent / Owner : City of Albany
Report Prepared By : Manager Governance & Risk (S Jamieson)
Responsible Officers: : Chief Executive Officer (S Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
 - a. **Theme: 1. Leadership.**
 - b. **Objectives:**
 - **1.1** To establish and maintain sound business and governance structures.
 - **1.3** To engage effectively with our community.
 - c. **Community Priorities:**
 - **1.3.1** Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.
 - **1.3.2** Improve community engagement processes and platforms to provide our community with a variety of opportunities to be involved and to contribute to decisions.

In Brief:

- Review the current committee structure.



RECOMMENDATION

**CCS052: AMENDED RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Council Committee System Review Report be NOTED; and nominations be called for four elected members to be appointed to attend WALGA Great Southern Zone meetings on behalf of Council (Two members and two reserves).

1.
2.
3.
4.

Reason:

Currently, as per the resolution of Council made at the October 2017 Ordinary Council Meeting (CCCS067), all elected members are appointed to attend WALGA Great Southern Zone meetings.

At the Community and Corporate Services Committee meeting held on Tuesday 8 May 2018, elected members requested that a total of four elected members be nominated and appointed as Council representatives to attend WALGA Great Southern Zone meetings.

Accordingly, this Amended Responsible Officer Recommendation is presented to call for nominations and appointment to the WALGA Great Southern Zone of two members and two reserves.

CCS052: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MOIR**

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 12-0

CCS052: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Council Committee System Review Report be NOTED.

BACKGROUND

2. On 20 September 2016, an elected member strategic workshop was held to review the standing council committee structure.
3. The three options were considered:
 - a. Option 1: No change. Current committee system stay in place.
 - b. Option 2: Consolidate committees to form two standing council committees.
 - c. Option 3: Consolidate to form one standing council committee.
4. Option 2 was selected unanimously as the preferred option, as it facilitates a break in the monthly meeting cycle and provides better councillor availability to attend other representational activities (i.e. civic duties, community workshops, strategic briefings etc.).
5. The current Meeting & Governance Framework was reviewed and approved in October 2017.

DISCUSSION

6. **Executive Committee:** The Council’s Executive Committee is facilitated by a monthly full council (all members) meeting. These meetings are open unless it can be shown to be reasonable to exclude the public due to the nature of the agenda and is currently the only committee empowered with the authority to make decisions.
7. **Standing Committees:** Council has also appointed standing committees elected from among its members.
8. These committees currently provide recommendations to the monthly Ordinary Council Committee Meeting (OCM) for decision:

Committee Name	Function
<p>Audit & Risk Committee <i>Statutory Requirement</i></p>	<p>This Committee is responsible for assisting Council discharge its responsibilities with regard to the exercise of due care, diligence and skill in relation to the:</p> <ul style="list-style-type: none"> • reporting of financial information; • application of accounting policies; • management of the financial affairs of the City; and • assessment of the adequacy of the management of risk, internal control and legislative compliance.
<p>Chief Executive Officer Performance Review Panel</p>	<p>This panel is responsible for reviewing the performance of the Chief Executive Officer in accordance with the CEO Performance Review Process Policy.</p>
<p>Community & Corporate Services Committee</p>	<p><u>Community Services:</u> The delivery of “Community Health & Participation Objectives” contained in the City of Albany Strategic Plan:</p> <ul style="list-style-type: none"> • To build resilient and cohesive communities with a strong sense of community spirit. • To create interesting places, spaces and events that reflect our community’s identity, diversity and heritage. • To develop and support a healthy inclusive and accessible community.
	<p><u>Corporate Services:</u> Monitoring and commenting on the financial health and strategies of Council. The delivery of “Leadership Objectives” contained in the City of Albany Strategic Plan:</p> <ul style="list-style-type: none"> • To establish and maintain sound business and governance structures. • To provide strong, accountable leadership supported by a skilled & professional workforce. • To engage effectively with our community.
	<p><u>Economic Development:</u> Considering and recommending to Council ways to strengthen the local Albany economy. The delivery of “Smart, Prosperous and Growing Objectives” contained in the City of Albany Strategic Plan:</p> <ul style="list-style-type: none"> • To strengthen and grow our region’s economic base. • To develop a smart city that supports economic growth. • To develop and promote Albany as a unique and sought-after visitor location.
<p>Development & Infrastructure Services Committee</p>	<p><u>Development Services:</u> The delivery of the “A Connected and Safe Built Environment Objectives” contained in the City of Albany Strategic Plan:</p> <ul style="list-style-type: none"> • To develop vibrant neighbourhoods which retain local character and heritage. • To advocate, plan for and build friendly and connected communities.

	<ul style="list-style-type: none"> To develop and support a healthy inclusive and accessible community.
	<p><u>Infrastructure & Environment Services</u>: The delivery of the “Clean and Green & Sustainable Objectives” contained in the City of Albany Strategic Plan:</p> <ul style="list-style-type: none"> To protect and enhance our natural and built environment in a changing climate. To build, maintain and renew city assets sustainably. To identify and deliver improvements in sustainability within the City and wider community.

9. **Internal Advisory Committees:**

Committee Name	Function
<p>Airport Emergency Committee <i>Statutory Requirement</i></p>	<p>Legislative Authority: This Committee is established under the Civil Aviation Act (1998) and the Emergency Management Act 2005. This Committee is responsible for ensuring the currency of the Airport Emergency Plan and associated procedures in support of response and recovery agencies plans.</p>
<p>Bushfire Advisory Committee</p>	<p>The Committee is responsible for: Reviewing administrative and resourcing decisions and recommendations from the Bushfire Advisory Group and provide advice to Council on Bush Fires Act 1954 matters.</p> <p>Under the Bush Fires Act 1954 (s67), local governments may appoint such persons as it sees fit as a bush fire advisory committee for the purpose of advising the local government.</p>
<p>Local Emergency Management Committee <i>Statutory Requirement</i></p>	<p>The Emergency Management Act 2005 requires that local governments are to ensure that local emergency management arrangements are prepared and maintained for the local government district. The local emergency management arrangements contain the overarching emergency management arrangements relevant to that local government district.</p> <p>The LEMC is responsible for reviewing, planning and testing the local community emergency management arrangements.</p>
<p>National Anzac Centre Advisory Group</p>	<p>The National Anzac Centre Advisory Group Terms of Reference is the document that establishes the agreed roles and functions for the Advisory Group, both collectively and individually. It is utilised by the Advisory Group to ensure that its operation is governed responsibly.</p> <p>The Group’s Terms of Reference must be endorsed and approved by resolution of the City of Albany Council, who is ultimately responsible for ensuring it is maintained and properly utilised.</p>
<p>Waste Management Working Group</p>	<p><u>Infrastructure and Environment</u>. The delivery of ‘Clean, Green and Sustainable’ objectives contained in the City’s Strategic Community Plan:</p> <ul style="list-style-type: none"> Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments. <p>The purpose of this Working Group is to report to, and engage with, Council in order to communicate progress in establishing a new waste facility to meet the future needs of the district.</p>

10. The following **external committees** have an elected member or staff member represent the City of Albany:
- AEC Operational Advisory Committee;
 - Great Southern Development Commission – Board of Management;
 - Great Southern Joint Development Assessment Panel (DAP);
 - Great Southern Recreation Advisory Group (GSRAG);

- e. Lower Great Southern Economic Alliance;
- f. South Coast Management Group;
- g. WALGA - Road Wise Advisory Committee;
- h. WALGA – Great Southern Zone; and
- i. Great Southern Regional Road Group.

11. **For consideration:**

- a. **Community Committees:** Some local governments have established Community Committees. Community committees are established to encourage participation by the community – their job is to make council aware of the needs and concerns of residents and keep people informed of the activities of the council.

This can be grouped by Wards or by areas of interest (i.e. Surf Reef, Shared Pathway trails etc).

- b. **Direct Committee Strategic Risk Reporting:** Consider the introduction of direct formal reporting to committee members.

- **Is there is a lack of clear reporting?** Does Council feel they have an oversight of how their policy decisions have been implemented, and were they implemented as intended.

Noting that “specialists” and those close to a particular risk may be unable to see the bigger picture of whether risks relate to the sustainability of the City, Council input/review may help mitigate this.

- Noting without consistency of reporting structured according to the strategic intent of the Council, the line of communication between operational levels and the board can be obscured.
- **Risk is viewed in terms of negative incidents rather than a positive strategic view of risks and rewards:**
- Processes could be refined and/or redesigned to better integrate risk management into strategic planning.
- Council with the Executive could consider scenario-planning processes to explore both upside and downside risks, as well as a view into the overall risk exposures and opportunities as part of formulating recommendation and proposals for Council consideration and/or workshopping.
- **Is there a confusion of consensus with solidarity on Council?** Collegiality is more likely to allow robust discussion and the capacity to look at different choices, but the Council and Executive needs to avoid ‘groupthink’.
- **Is consensus occurring because there is no dissent or challenge?** What tone do the Council and the CEO set within and outside the formal meeting process? Is the Council open-minded and does it avoid ‘groupthink’? How is it sure of this?

- c. **Is risk being adequately discussed in the formulation of policy and strategy:**

Does the Council and Executive need to consider additional analysis (workshopping) the risk-return ratio in setting the City’s strategic goals, the proposed means of reaching those goals, and the likely constraints.

- d. **Consider the establishment of additional “Executive Committees”.**

GOVERNMENT & PUBLIC CONSULTATION

12. Public. Public consultation was conducted during the formulation of the Community Strategic Plan, which resulted in Council adopting a new Committee Structure.

13. Government. The legislation and Department of Local Government Guidelines were consulted.

STATUTORY IMPLICATIONS

14. Division 2, Part 5 of the *Local Government 1995* deals with Council Meetings, committees and their meetings.
15. If a Committee is delegated the power to make decisions the date and time of the meeting must be advertised and be open to the public.

POLICY IMPLICATIONS

16. If changes to the Committee Structure and Terms of Reference is required, the current Governance & Meeting Framework Policy will require to be rescinded and replaced.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, <i>Risk: There is a risk that the current committee structure limits public accessibility to Council meetings.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Continue to use the current committee structure and framework. Provide additional resources to promote committee meetings.</i>
Opportunity: <i>Better internal and external stakeholder engagement.</i>				

FINANCIAL IMPLICATIONS

18. An appropriate budget line exists for the cost of administering Council Committees.
19. The reduction in standing committees from 4 to 2 reduced employee staffing costs, catering and travel expenses.

LEGAL IMPLICATIONS

20. There are no legal implications related to this item except for compliance with specific provisions of the *Local Government Act 1995*, including subdivision 2 – Committees and their meetings.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

22. Alternate options are presented for consideration in the discussion section of the report.

CONCLUSION

23. That the responsible officer’s recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none"> <i>Local Government Act 1995</i> <i>Council Policy: Governance & Meeting Framework</i> <u>Governance and risk management: sustainable organisation – A discussion paper</u>
File Number (Name of Ward)	:	(All Wards) – CM.STD.7
Previous Reference	:	OCM 31/10/2017 Resolution CCOS067 OCM 27/10/2015 Resolution CSF202

**CCS053: CITY UPDATE (CORPORATE SCORECARD) - MARCH
QUARTER 2017/18**

Proponent : City of Albany
Attachments : City Update-March Quarter 2017
Report Prepared by : Facilitator-Strategy and Improvement (S Grimmer)
Responsible Officer(s) : Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Community Strategic Plan and Corporate Business Plan:
 - **Key Theme:** 1 Leadership
 - **Objective:** 1.1 To establish and maintain sound business and governance structures
 - **Community Priority:** 1.1.1 Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.

In Brief:

- The City Update (Corporate Scorecard) reports progress against the Vision, Strategic Objectives and Operational Priorities as outlined in the City's integrated planning framework.

RECOMMENDATION

**CCS053: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council NOTE the Corporate Scorecard Report for the March 2018 quarter.

CCS053: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR DOUGHTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS053: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE the Corporate Scorecard Report for the March 2018 quarter.

BACKGROUND

2. The City Update provides a quarterly snapshot on how the City is performing in the areas of Service Delivery, Finance, People, Asset Management and summarises progress on strategic priorities (CEO KPI's) and strategic projects.
3. A simple traffic light system is used to report on the progress made against set performance targets.

SUMMARY OF FINDINGS

4. The format used aligns with the Our City brand and includes a summary of progress against the strategic projects scheduled for delivery.
5. The March 2018 report indicates that the City continues to meet its budget and asset management commitments and is making good progress against the deliverables outlined in Business Unit Plans, Strategic Projects and the 2017/18 Key Performance Indicators (KPI's) as established by Council.

GOVERNMENT CONSULTATION

6. The City of Albany Scorecard is modelled on similar approaches from across the Local Government sector.

STATUTORY IMPLICATIONS

7. **Section 5.56(1) and (2) of the *Local Government Act 1995*** requires that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations. The advisory standard, framework and supporting guidelines stress the importance of measuring progress and outcomes.

RISK IDENTIFICATION & MITIGATION

8. The risk identification and categorisation references the City's Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. Council fails to deliver against it's commitments.	Unlikely	Moderate	Medium	Monitor & report performance quarterly and take appropriate action
Opportunity: To improve communication with the community on how the City is performing against it's commitments. Communication will be complimented by quarterly reporting to Council and social media video updates.				

FINANCIAL IMPLICATIONS

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

CONCLUSION

10. The City Update provides a snapshot on how the City of Albany is performing against it's integrated planning framework.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • Western Australian - Integrated Planning and Reporting Framework
File Number (Name of Ward)	:	CM.RVW.3 (All Wards)
Previous Reference	:	<ul style="list-style-type: none"> • November 2017 OCM- CCS005 • Councillor Strategic Workshop November 2017

CCS054: SECURITY AT REGIONAL AIRPORTS

Proponent	: City of Albany
Attachments	: • New Article, The Australian: “Security costs put critical services at risk”; • Submission by the Western Australia Department of Transport to the Senate Inquiry into the operation, regulation and funding of air route services delivery to rural, regional and remote communities, dated January 2018.
Report Prepared by	: Manager Governance & Risk (S Jamieson)
Responsible Officer(s)	: Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Community Strategic Plan and Corporate Business Plan:
 - **Key Theme:** 2 Smart, Prosperous & Growing
 - **Objective:** 2.1 To Stngthen and grow our region’s economic base
 - **Community Priority:** 2.1.1 Work with business and other stakeholders to attract investment; diversify the economy; create jobs and support small business growth.

In Brief:

- The Department of Transport has provided a submission to the Senate Inquiry into regional aviation (attached) highlighting its concerns on the potential increase in security at regional airports.
- The WA Minister for Transport has also written to the Minister for Home Affairs and Minister for Infrastructure and Transport.
- The purpose of this report is to raise community awareness and formally inquire if Council, Business and the Wider Community have a position on this matter.

RECOMMENDATION

CCS054: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- (1) **SUPPORT** the Department of Transport (DoT) submission to the Senate Inquiry into regional aviation, **NOTING** that the recommendations to the Senate Committee are:
 - (a) **Review and consider** the DoT’s submission and evidence to the State’s Parliamentary Inquiry into airfares on regional RPT air routes as well as the final report produced by EISC in order to ensure a greater awareness of airfare and aviation-related concerns, challenges and opportunities specific to WA, particularly in relation to high airfares;
 - (b) **Encourage** the Commonwealth Government to engage with the WA Government in relation to the likely impact of any changes to regional airport security so that the costs and benefits of any changes are well understood before any decisions are made; and
 - (c) **Support** the continuation of the necessary funding for the Remote Airstrip Upgrade Program and Remote Air Services Subsidy Scheme.
- (2) **ACKNOWLEDGE** the Commonwealth Government current and historical support provided to the Albany (Harry Riggs) Regional Airport.

CCS054: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN

SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS054: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) SUPPORT the Department of Transport (DoT) submission to the Senate Inquiry into regional aviation, NOTING that the recommendations to the Senate Committee are:
 - (a) Review and consider the DoT's submission and evidence to the State's Parliamentary Inquiry into airfares on regional RPT air routes as well as the final report produced by EISC in order to ensure a greater awareness of airfare and aviation-related concerns, challenges and opportunities specific to WA, particularly in relation to high airfares;
 - (b) Encourage the Commonwealth Government to engage with the WA Government in relation to the likely impact of any changes to regional airport security so that the costs and benefits of any changes are well understood before any decisions are made; and
 - (c) Support the continuation of the necessary funding for the Remote Airstrip Upgrade Program and Remote Air Services Subsidy Scheme.
- (2) ACKNOWLEDGE the Commonwealth Government current and historical support provided to the Albany (Harry Riggs) Regional Airport.

BACKGROUND

2. The Department of Transport has provided a submission to the Senate Inquiry into regional aviation (attached) highlighting its concerns on this matter (see page 6 in particular).
3. The WA Minister for Transport has also written to the Minister for Home Affairs and Minister for Infrastructure and Transport.
4. At the recent Albany Community Consultation Group (CCG) meeting, the Department of Transport (DoT) encouraged all attendees to directly contact (call and in writing) the Commonwealth to express views on this issue and the potential impact on the Albany (Harry Riggs) Regional Airport, our services and community.

DISCUSSION

5. Department of Transport, Regular Passenger Transport (RPT) Operators (i.e. REX Airlines) and Albany Airport Management (City of Albany Staff) recognise that the safety and security of our community is important, however this needs to be balanced with the ongoing sustainability of our regional community and economy.
6. The key point the Department of Transport is making in their submission is:

"If the current security arrangements that are applied to planes operating Regular Passenger Transport (RPT) services that are 20 tonnes and above are applied to all regional public air services then [there is a significant likelihood that a number of critical air services in WA would be discontinued.](#)

"This would include air services to Laverton, Leonora, Meekatharra, Mount Magnet, Wiluna, Halls Creek, Kalumburu and Monkey Mia. Most of these routes carry significantly less than 5,000 passengers per year. If this were to occur there would be a major impact on these towns and this would not be an acceptable outcome to these communities."

“For routes that have greater passenger demand the impact is likely to be substantial in terms of the cost to the passenger. For example, in 2012 the Shire of Esperance was required to spend approximately \$3 million to redesign its passenger terminal, and purchase aircraft passenger and luggage security screening equipment to comply with the Commonwealth's airport security legislation.

A cost of \$40 per passenger flight between Esperance and Perth was included in airfares to recover the ongoing operational and maintenance costs for airport security equipment.

This is the equivalent of an increase of over 30 per cent on the lowest Esperance airfare that is currently offered in the market place.”

“It is imperative that a balanced approach is taken in amending aviation security legislation, which should be considered in the context of security in other modes of transport.

There are, for example, no security requirements to enter peak hour public transport trains on which an equivalent or greater number of people travel on than even the largest of planes. The rationale for higher levels of security in one mode of transport compared to another needs to be established, and justified.”

Albany Context (Cost of Security Screening):

In 2015:

- Security Guard Screening Services were charged at \$674.39 per flight.
- This resulted in a monthly fee of: \$44,320.66.
- Which equates to approximately **\$550,000** per annum.

GOVERNMENT & PUBLIC CONSULTATION

7. As stated in the Department of Transport submission:

“Going forward, collaboration will be a key aspect in identifying opportunities for improvements in regional aviation.

A more holistic and collaborative approach by airlines, airport operators, Commonwealth, State and Local Government organisations and relevant tourism, mining and other stakeholders is more likely to identify opportunities that can address current issues and concerns in a positive, constructive, proactive and innovative manner and alleviate some of the challenges in the aviation industry.”

STATUTORY IMPLICATIONS

8. The operation of the Albany Airport falls under the *Aviation Transport Security Act 2004* and the regulatory framework of the *Aviation Transport Security Regulations 2005*.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. Not making a submission or facilitating input from the community may draw criticism from those for and opposed to increased security measures.	Likely	Moderate	High	Clearly articulate the rationale for either supporting or not supporting the submission.
Opportunity: To improve communication with the community on the potential increase in Security of Regional Airports.				

FINANCIAL IMPLICATIONS

10. While there are no direct financial implications in relation to this item, if security screening is re-introduced an increase in fares to cover operational and maintenance costs may result.

CONCLUSION

11. It is Recommended that the Responsible Officer's Recommendation be ADOPTED.

Consulted References	:	<ul style="list-style-type: none">• https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/RegionalAirRoutes/Submissions• https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/RegionalAirRoutes
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	Nil

**CCS055: PROPOSED NEW LICENCE – TREVOR WHEATCROFT –
LOT 14 CHEYNE ROAD, CHEYNE BEACH**

Land Description	: Portion of Crown Reserve 878 Lot 7442 on Deposited Plan 214689, the subject of Head Certificate of Title Volume LR3082 Folio 959, Cheyne Beach
Proponents	: Trevor Wheatcroft
Owner	: Crown (City of Albany under Management Order)
Report Prepared By	: Team Leader Property and Leasing (T Catherall)
Responsible Officers:	: Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council is requested to consider a new licence for Trevor Wheatcroft over Lot 14 Cheyne Road, Cheyne Beach to formalise current use of the site for drying of fishing nets used in commercial fishing operations.
- The licence will run concurrent with Mr Wheatcroft's commercial fishing lease over Lot 7 and will expire at the same time as the lease.
- Any infrastructure on site is the responsibility of the licensee.
- The recommendation proposes that Council approve the new licence.

RECOMMENDATION

**CCS055: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE a new licence to Trevor Wheatcroft over Lot 14 Cheyne Road, Cheyne Beach, on portion of Reserve 878 subject to:

- a) Licence purpose being for "The drying of fishing nets associated with commercial fishing operations" and in accordance with the Management Order over the land.**
- b) Licence is conditional upon the licensee continuing to operate under a commercial fisherman's licence for the Cheyne Beach area issued by the Department of Fisheries Western Australia.**
- c) Licence area being approximately 2184m² to be confirmed by survey.**
- d) Licence rent to be determined by market valuation provided by a licensed Valuer.**
- e) Rent reviews by market valuation every three years with Consumer Price Index applied for intervening years.**
- f) Licence term to commence as soon as practicable with an expiry date of 31 December 2027 plus an option for a further term of 10 years, to run concurrent with the Mr Trevor Wheatcroft's current Cheyne Beach Commercial Fishing lease over Lot 7.**
- g) All costs associated with the ongoing operations of the licence property being payable by the licensee.**
- h) All costs associated with the preparation, execution and completion of the licence documentation being payable by the licensee.**
- i) Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent being obtained.**
- j) The proposed licence being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.**
- k) Cheyne Beach Planning Policy will apply to future development approvals.**
- l) Licence being consistent with Council Policy – Property Management (Licences and Licences).**

CCS055: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DOUGHTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS055: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE a new licence to Trevor Wheatcroft over Lot 14 Cheyne Road, Cheyne Beach, on portion of Reserve 878 subject to:

- a) Licence purpose being for “The drying of fishing nets associated with commercial fishing operations” and in accordance with the Management Order over the land.
- b) Licence is conditional upon the licensee continuing to operate under a commercial fisherman’s licence for the Cheyne Beach area issued by the Department of Fisheries Western Australia.
- c) Licence area being approximately 2184m² to be confirmed by survey.
- d) Licence rent to be determined by market valuation provided by a licensed Valuer.
- e) Rent reviews by market valuation every three years with Consumer Price Index applied for intervening years.
- f) Licence term to commence as soon as practicable with an expiry date of 31 December 2027 plus an option for a further term of 10 years, to run concurrent with the Mr Trevor Wheatcroft’s current Cheyne Beach Commercial Fishing lease over Lot 7.
- g) All costs associated with the ongoing operations of the licence property being payable by the licensee.
- h) All costs associated with the preparation, execution and completion of the licence documentation being payable by the licensee.
- i) Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent being obtained.
- j) The proposed licence being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.
- k) Cheyne Beach Planning Policy will apply to future development approvals.
- l) Licence being consistent with Council Policy – Property Management (Licences and Licences).

BACKGROUND

2. Crown Reserve 878 at Cheyne Beach is under management order H359478 issued to the City of Albany with the power to lease, licence, sub-licence or licence for the purpose of “Recreation, Camping, Holiday Accommodation, Accommodation Associated with the Fishing Industry and Fire Station” for any term not exceeding 21 years subject to the consent of the Minister for Lands.
3. The reserve currently hosts 29 holiday accommodation leases along Baxteri Road, six leases for accommodation associated with the commercial fishing industry and one fishing licence for access to the waterfront for fish loading operations along Cheyne Road.
4. The City’s fire shed is also situated on Lot 15 within the reserve.

5. The subject land, Lot 14 was previously leased to another commercial fisherman, Mr David Wheatcroft from 1998 for drying and storage of commercial fishing nets and has since been surrendered back to the City in 2016. At the time of surrender the lease rental was \$2,500.00 + GST per annum as determined by a market valuation.
6. Under the terms of the lease, any structures within the licence area were to be removed upon surrender. These consisted of net drying racks and water stand. The removal of these items has been delayed in agreement with the City.

DISCUSSION

7. Mr Trevor Wheatcroft has requested a new licence over Lot 14 Cheyne Road, commonly referred to as the Net Rack Block, for the purpose of drying fishing nets for commercial fishing activities, and has requested to use the existing infrastructure in place.
8. It has been agreed by all parties the infrastructure upon Lot 14 is to remain. It is also understood Lot 14 will continue to be used as a shared facility between a number of existing Cheyne Beach commercial fishermen, as it is understood this arrangement has been in practice for many years.
9. Mr Wheatcroft has requested the licence be in his name solely and understands and accepts that all responsibility for the licence area, including payment of licence rental will remain his responsibility solely.
10. It is proposed that the licence term commences as soon as practicable with an expiry date of 31 December 2027 plus an option for a further term of 10 years, to run concurrent with the Mr Trevor Wheatcroft's current Cheyne Beach Commercial Fishing lease over Lot 7.
11. A licence can be considered with commercial fishermen at Cheyne Beach, provided they meet the following requirements:
 - a. the licensee is actively engaged in the fishing industry at Cheyne Beach;
 - b. the licensee holds a current commercial fishing licence issued by the Department of Fisheries Western Australia; and
 - c. the licensee will use the licence area for activities associated with the commercial fishing industry for own or staff use only.
12. It is noted that the licensee has provided a statutory declaration and provided a copy of the current commercial fishing licence in order to comply with the pre-conditions to licence.
13. In addition the licensee has met the obligations of his existing lease including payment of rent and outgoings and holding the required licences.
14. The proposed licence will be developed in line with Council Policy – Property Management (Licences and Licences).

GOVERNMENT & PUBLIC CONSULTATION

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

17. The new licence will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

18. Section 18 the *Land Administration Act 1997* states that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land or create or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.
19. As this is Crown land, under Management Order held by the City, the Minister’s consent will be sought.
20. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including licenced land and buildings including advertising requirements. The proposed licence will be advertised.
21. The *Aboriginal Heritage Act 1972* applies to any place or object of importance to persons of Aboriginal descent and Section 17 of this Act makes it an offence to destroy, damage or alter in any way an Aboriginal site or object. This Act applies to known and unknown sites.
22. In past discussions with the local Noongar community regarding the Cheyne Beach area, including visits on site, it is known to staff that there are areas in this locality of significance to the Noongar community. A full Aboriginal Heritage Survey was recently undertaken to consider a range of future proposals in the Cheynes locality to manage any risk of disturbing Aboriginal cultural heritage.
23. Any future development needs to be considered in the context of the recommendation of the Heritage Survey. It is noted that no additional development of the site has been proposed.

POLICY IMPLICATIONS

24. The City’s Property Management (Licences and Licences) Policy complies with this proposal.
25. The City’s Cheyne Beach Local Planning Policy complies with this proposal.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: licence not approved.	Unlikely	Minor	Low	Seek to negotiate terms to Council satisfaction. The City’s standard licence will be the formal document
Reputation: licence not approved – restricted limitations for the fishing industry at Cheyne Beach	Unlikely	Minor	Low	Seek to negotiate terms to Council satisfaction
Opportunity: To provide support to the Cheyne Beach commercial fishing industry given the fishing industries historic and economic association with the Cheynes area and for the City to receive commercial rental income.				

FINANCIAL IMPLICATIONS

27. All costs associated with the development, execution and completion of the licence documentation will be met by the licensee.
28. Licence rental to be determined by market valuation provided by a licensed Valuer.

29. The new licence rental will be placed into the Cheyne Beach Improvement Reserve for the purpose of facilitating community maintenance and enhancement projects in the Cheyne Beach locality.

LEGAL IMPLICATIONS

30. The Deed will be prepared by City’s lawyers with enforceable terms and conditions, at the licensee’s expense.

ENVIRONMENTAL CONSIDERATIONS

31. There are no environmental implications.

ALTERNATE OPTIONS

32. Council may:
- a. Approve the new licence request; or
 - b. Decline the new licence request.
33. Should Council decline the licence, an alternate area may be sought by the licensee for the commercial fisherman to dry the fishing nets in line with commercial fishing operations. This may prove difficult given limited land available for development within the reserve.

CONCLUSION

34. Mr Trevor Wheatcroft has requested a new licence over Lot 14 Cheyne Road for drying fishing nets associated with commercial fishing operations.
35. The licence is considered a good opportunity to formalise current use of the site.
36. Mr Wheatcroft holds a current lease over Lot 7 Cheyne Road for accommodation associated with the fishing industry. The proposed licence for Lot 14 will run concurrent with the lease.
37. The licensee has a long term family connection with the Cheyne Beach fishing industry and is actively engaged in the commercial fishing industry at Cheyne Beach; and holds the required commercial fishing licences.
38. It is recommended that the proposed new licence be supported.

Consulted References	:	<ul style="list-style-type: none">• Council Policy – Property Management (Licences and Licences)• <i>Local Government Act 1995</i>• <i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	PRO227, A240181 (Kalgan Ward)
Previous Reference	:	OCM 13/12/2016 CSF287

DIS092: LAKE MULLOCULLOP RECREATIONAL USE

Land Description	: City of Albany Managed Reserve 16367 (Lake Mullocullop).
Proponent / Owner	: City of Albany (Land vested in the care and control of the City of Albany).
Attachments	: Draft Report prepared for the City of Albany by independent consultant Myles Mitchell. 'Results of Noongar Community Consultation regarding recreational use at Lake Mullocullop (Warriup Swamp)
Report Prepared By	: Manager City Reserves (J Freeman)
Responsible Officers:	: Executive Director Infrastructure & Environment (M Thomson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Themes:** 1: Leadership & 3: Clean, Green and Sustainable
 - **Objectives:**
 - 1.3: To engage effectively with our community.
 - 3.1: To protect and enhance our natural and built environment in a changing climate.
 - **Community Priorities:**
 - 1.3.1: Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.
 - 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:

- Reference is made to Council resolution item DIS035, August 2017.
- The City appointed an independent consultant to engage with representatives of the Local Noongar community with regard to recreational use of Lake Mullocullop. The draft report is to be noted.

Maps and Diagrams:



Lake Mullocullop – Warriup Road, Green Range

RECOMMENDATION

**DIS092: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council NOTE:

- 1. The consultant's report; and**
- 2. That a further report will be presented to Council pending the outcome of the assessment by the Department of Land and Heritage in relation to the registration of Aboriginal sites at Lake Mullocullop.**

DIS092: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR DOUGHTY

THAT Council NOTE:

1. The consultant's report; and
2. That a further report will be presented to Council pending the outcome of the assessment by the Department of Land and Heritage in relation to the registration of Aboriginal sites at Lake Mullocullop.

CARRIED 13-0

DIS092: AMENDMENT

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR DOUGHTY

THAT the Responsible Officer Recommendation be AMENDED to remove the words '*and recommendations*' from Point 1.

CARRIED 11-2

Record of Vote

Against the Motion: Councillors Moir and Terry

DIS092: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT:SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

Councillor Terry withdrew his Alternate Motion.

DIS092: ALTERNATE RECOMMENDATION BY COUNCILLOR TERRY
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE:

1. The consultant's report and recommendations;
2. That a further report be presented to Council pending the outcome of the assessment by the Department of Land and Heritage in relation to the registration of Aboriginal sites at Lake Mullocullop; and
3. That the granting of temporary permits for speed boats to use the lake be withdrawn, including jet skis, pending the outcome of the above mentioned assessment and that the resolution of DIS039 Local Law Determination – Use of Speed Boats applies to Lake Mullocullop.

Councillor Reason:

Whilst the officer's report notes that use of speed boats on Lake Mullocullop is not permitted and that no temporary permits have been issued I feel given the Regulations in the Navigable Waters Act that Council should note this formally in a resolution thereby giving staff specific direction to not grant temporary permits to those that might want one.

Officer's Comment:

The 22 August 2017 Ordinary Meeting resolution of Council (DIS035) part (4) provides:

'That Council temporarily permit the use of Speed Boats (excluding jet skis) pending the Department of Transport gazettal process being undertaken'.

However, as per paragraph 12 in the Officers report (report DIS092) – unless gazetted for the purpose, water skiing is prohibited under the Navigable Water Regulations. For this reason, City staff have not issued any temporary permits to allow the use of Speed Boats and would support the extra clarification proposed in the above alternate motion.

DIS092: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE:

1. The consultant's report and recommendations; and
2. That a further report will be presented to Council pending the outcome of the assessment by the Department of Land and Heritage in relation to the registration of Aboriginal sites at Lake Mullocullop.

BACKGROUND

2. On 22 August 2017 Council resolved:

"THAT Council SUPPORT the gazettal of Lake Mullocullop by the Department of Transport for the purpose of allowing the operation of speed boats, excluding jet skis, subject to the following:

- 1) *That the City monitor the use of the lake and review the requirement for a permit system twelve months after gazettal;*
- 2) *That City staff consult with the local Noongar Community and adequately address any concerns raised concerning the use of the lake;*
- 3) *An annual environmental monitoring program be developed by the City. The results of the monitoring shall be reviewed every two (2) years;*
- 4) *That Council temporarily permit the use of Speed Boats (excluding jet skis) pending the Department of Transport gazettal process being undertaken."*

3. The City sought expressions of interests from qualified consultants to undertake Noongar consultation on its behalf. The City appointed Mr Myles Mitchell who is a qualified Anthropologist/Archaeologist to undertake the consultation and to provide a report.
4. The draft report is attached.
5. Four recommendations have been identified:
 - a) Seek more detailed scientific data relating to ecological and environmental effects of motorboats at Lake Mullocullop before deciding whether or not to gazette the lake for water skiing. This could include impacts on birds and effects on their breeding and nesting.
 - b) Work with the Noongar community to develop and install interpretive signage that highlights and celebrates the cultural and ecological values around the lake reserve, and encourage conservation and respect among all user groups.
 - c) Assess the results of the Heritage Information Submission Form (HISF) lodged with Department of Planning, Land and Heritage and then seek advice about the City's obligations under the Aboriginal Heritage Act with regards to water skiing on the lake.
 - d) Notify the Wagyl Kaip Working Party via South West Aboriginal Land and Sea Council (SWALSC) of the matter (*this is part of the process under recommendation three*).
6. In respect to item (c) above the City has, through its consultant, lodged a HISF to determine whether the significance of the site warrants the registration of any Aboriginal Sites.
7. The HISF was lodged in early March this year and the process is likely to take 3 – 6 months

DISCUSSION

8. The intent of the consultation was to establish the cultural significance of the lake and to determine possible means to address concerns.
9. While recommendations (a) and (b) above are broadly consistent with the current resolution of Council of August 2017, the outcome of recommendation (c) may influence future management of the Lake including gazettal for water skiing.
10. Once this outcome is known, City staff will present a further report to Council detailing any impacts. Until this time, it is prudent to hold off on progressing the gazettal.
11. Note that at this time the use of "Speed Boats" is not permitted on Lake Mullocullop and therefore skiing cannot occur until the Lake is gazetted for that purpose.
12. In relation to item 4 of the resolution Council could provide temporary permits to allow Speed Boats to operate within the Lake, however the permits may imply that water skiing is also permitted. Unless gazetted for the purpose, water skiing is prohibited under the Navigable Waters Regulations. For this reason, City staff have not issued any permits to allow the use of Speed Boats.

GOVERNMENT & PUBLIC CONSULTATION

13. Consultation was undertaken in January with 22 representatives of the Noongar community include a workshop at the subject site, formal meetings and one on one discussions. The Department of Land and Heritage (DPLH) was also contacted for advice.
14. Key comments concerning the consultation are as follows:
 - a) 59% are opposed to water skiing, 36% are not opposed and 5% were undecided.

- b) Lake Mullocullop has significance (to Noongar people) associated with traditional and ecological values.
 - c) Lake Mullocullop is not a registered Aboriginal site although it was recommended that the gazettal process is taken through SWALSC.
 - d) It would be beneficial for interpretation of this significance to be acknowledged at the lake through signage.
 - e) All agreed that there is insufficient information regarding the ecological impacts of water skiing to make an informed decision.
 - f) There was no objection to passive recreation such as swimming, canoeing, fishing and bird watching.
15. A Heritage Information Submission Form has been lodged with the DPLH to assess whether any sites should be registered as an Aboriginal site.

STATUTORY IMPLICATIONS

16. There are no statutory requirements related to this item.

POLICY IMPLICATIONS

17. Not applicable to this report.

RISK IDENTIFICATION & MITIGATION

18. It is acknowledged that it is vital that the City establishes a framework to effectively, efficiently and transparently manage areas of public land vested in its care and control.
19. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation Actioning the gazettal of Lake Mullocullop for skiing without a formal assessment of the cultural significance of the site being complete may be perceived as dismissive of concerns raised during the consultation process.</p>	Likely	Moderate	High	City staff to follow up on the actions as previously resolved and to follow up with the Department for Lands and Heritage on the status of the area in terms of Aboriginal sites.
<p>Opportunity: The opportunity to allow the Lake to be assessed and its cultural significance to be formally recognised.</p>				

FINANCIAL IMPLICATIONS

20. Not applicable.

LEGAL IMPLICATIONS

21. Not applicable.

ENVIRONMENTAL CONSIDERATIONS

22. Noting previous reports on this matter, there are no additional or new environmental implications.

ALTERNATE OPTIONS

23. There are no alternative options at this stage given that there is a current resolution of Council of August 2017.

CONCLUSION

24. Council staff have undertaken consultation with the Local Noongar Community as per the resolution of August 2017.
25. The City awaits the outcome of the HISF assessment by Department of Land and Heritage in relation to whether an Aboriginal site or sites should be registered at Lake Mullocullop.
26. The City will further consider this matter when this outcome is known.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>Navigable Waters Regulations 1958</i>
File Number (Name of Ward)	:	CR.COC.42 (Kalgan Ward)
Previous Reference	:	OCM 22 August 2017, Resolutions DIS035 & DIS039

DIS093: RECOMMEND ADOPTION OF LOCAL STRUCTURE PLAN NO.10 – LOT 10 CHESTER PASS ROAD AND LOT 521 MERCER ROAD, WALMSLEY

Land Description	: Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley.
Proponent	: Edge Planning and Property – (Steve Thompson)
Business Entity Name	: Ardess 1607 Pty Ltd – (Alan Walmsley, Frances Walmsley, Gordon Walmsley) Ten Year Developments Pty Ltd – (Peter Walmsley, Edward Walmsley)
Attachments	: Local Structure Plan No.10 Schedule of Submissions and Recommendations Copy of Submissions
Supplementary Information & Councillor Workstation Report Prepared By	: Senior Planning officer – Strategic Planning (A Nicoll)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. The application for consideration proposes a structure plan to guide future development, rezoning and subdivision of land in the Walmsley area.
2. In making a decision on the proposed structure plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*. The structure plan complies with strategic planning for the following reasons:
 - a) The Albany Local Planning Strategy (2010) seeks to encourage the development of the Structure Plan area for industry and urban.
 - b) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

Maps and Diagrams: Subject Site – Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley.



In Brief:

- The structure plan proposes the following:
 - Establishing new areas for residential development, including a primary school and public open space; and
 - Creating new areas for light industrial (expansion of the Ardess light industrial area).
- Council is now requested to consider the submissions received on the Local Structure Plan No.10, and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

RECOMMENDATION

**DIS093: ALTERNATE RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council, pursuant to section 75 of the Planning and Development Act 2005 and Regulation 20. (2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to:

- 1. Recommend that the Western Australian Planning Commission REFUSE Local Structure Plan No.10, for the following reasons:**
 - a. Expansion of industrial land area is not consistent with current planning strategy;**
 - b. Transport Depots are considered undesirable inside the proposed Albany Ring Road alignment once constructed, as the RAV designation will likely change. It is considered unreasonable to expect a transport depot once approved and developed to then relocate; and**
 - c. A Traffic Impact Assessment is required upfront to guide development requirements and assess the impact on adjoining approved land uses.**
- 2. Forward the structure plan documentation, the local government's assessment of the proposal based on appropriate planning principles and submissions and comments by the local government in respect of submissions, to the Western Australian Planning Commission with a request that the Commission REFUSE the structure plan.**
- 3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.**

DIS093: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR WELLINGTON**

THAT the Responsible Officer Recommendation be ADOPTED.

LOST 4-8

Record of Vote

Against the Motion: Councillors Moir, Smith, Sleeman, Doughty, Hollingworth, Stocks, Terry and Hammond.

Reasons for the objection:

- Expansion of industrial land area is not consistent with current planning strategy;
- Transport Depots are considered undesirable inside the proposed Albany Ring Road alignment once constructed, as the RAV designation will likely change. It is considered unreasonable to expect a transport depot once approved and developed to then relocate; and
- A Traffic Impact Assessment is required upfront to guide development requirements and assess the impact on adjoining approved land uses.

PROCEDURAL MOTION BY COUNCILLOR SLEEMAN

MOVED: COUNCILLOR SLEEMAN
NO SECONDER

THAT Item DIS093: Recommend Adoption of Local Structure Plan No. 10 – Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley be DEFERRED.

MOTION LAPSED DUE TO NO SECONDER

DIS093: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005 and Regulation 20. (2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No.10, subject to modifications.
2. Forward structure plan documentation, submissions and recommended modifications to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan (subject to modifications).
3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

BACKGROUND

3. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes.
4. The subject land comprises of Lot 10 Chester Pass Road and Lot 512 Mercer Road, Walmsley.
5. Lot 10 is currently zoned 'Light Industry' and is partly developed, containing industries including a garden centre, warehouse, storage and workshop. The eastern portion of Lot 10 is vacant.
6. Lot 512 is zoned 'General Agriculture' and is used for livestock grazing. A vegetated area is located in the northern section of the lot.
7. The proponent of Lot 10 approached the City with the notion of developing a transport depot within the Ardess Industrial Estate.
8. The City advised the proponent that:
 - a) In accordance with the Environmental Protection Authority Guideline 3, transport depots should accommodate a 200m buffer to residential use;
 - b) A 'Development Plan' adopted for the Ardess estate recommends only supporting industries that require a maximum 50m buffer; and
 - c) Should the proponent wish to pursue the development of transport depots in the industrial estate, a structure plan which captures surrounding areas is to be prepared and endorsed.
9. Subsequent to the above advice, the proponent lodged a structure plan which proposes the following key elements:
 - a) A range of residential development, with densities ranging between R5 and R60;
 - b) Three areas of public open space on the site;

- c) That a transport depot may be approved in a Precinct A (land located within the '<200 metre' buffer') subject to exercising discretion after advertising;
 - d) Transport depots may be approved in a Precinct B (land located within the '>200metre' buffer') without advertising.
 - e) A primary school site and community purpose site; and
 - f) New roads.
10. The City of Albany advertised the proposed Local Structure Plan No.10 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
11. At the close of advertising, the City of Albany received twelve (12) submissions commenting on the proposed structure plan.
12. Council is requested to consider the submissions received following public advertising and determine whether to support the structure plan.

DISCUSSION

13. As part of the advertising process, the following key comments were received:
- a) New proposed development areas, including industry, should be connected to the Water Corporation sewerage system.
 - b) A 200m buffer area, with limitations on land use, should be incorporated within proposed industrial areas to reduce impact to surrounding residential areas. Transport depots should not be supported within the 200m buffer area.
 - c) The purpose of developing the Albany Ring Road, is to restrict the movement of large trucks within congested urban areas and including on sections of Chester Pass Road. This being the case, it was commented that transport depots should only be supported outside of the proposed Albany Ring Road.
 - d) Additional investigation on transport, surface water and contributions should be undertaken to indicate servicing expectations, design and management criteria.
 - e) Public Open Space should be centralised and developed as a larger, 2 hectare, district size space.
14. The above matters are discussed via the applicable headings below.

Sewerage

15. The structure plan currently recommends that any new industrial areas should not be required to connect to the Water Corporation's sewerage network.
16. As advised by the Water Corporation, the ultimate servicing of the area relies on:
- a) Construction of a major waste water pumping station; and
 - b) Connection to sewer occurring in a logical and orderly manner from west to east.
17. As advised by the Department of Planning, Lands and Heritage, all of the additional industrial land proposed by the Structure Plan should be provided with reticulated sewerage. The provision of sewerage importantly allows for a range of range of lot sizes and uses to be established within the zone.
18. In accordance with government agency comments, it is recommended that all new development areas are connected to the Water Corporation's sewer network.

200m Buffer

19. The structure plan currently supports transport depots (subject to consultation with neighbouring properties), within a 200m buffer to surrounding future residential development.
20. The Department of Planning, Lands and Heritage and a neighbouring landholder advised that transport depots are considered to be inappropriate adjacent to sensitive land uses, such as residential housing.

21. Transport depots are noted in the EPA's *'Environmental Assessment Guidelines for Separation Distances between Industrial and Sensitive Land Uses'*, as being associated with gas, noise, dust and odour issues. Consequently, a 200 metre separation distance is recommended.
22. It is recommended that the structure plan be modified by deleting the provision for transport depots within the 200m buffer to surrounding sensitive land uses.

Albany Ring Road

23. The structure plan proposes to support transport depots within Lot 10, with access gained via a crossover to Chester Pass Road.
24. Main Roads Western Australia plans to develop a ring road around Albany's urban area to accommodate large trucks and bypass urban areas by linking the existing major arterial main roads and highways.
25. The Department of Planning, Lands and Heritage, Main Roads WA and landholders made submissions advising the following;
 - a) To meet transport objectives of MRWA and the City of Albany, transport depots may need to relocate adjacent to the future Albany ring road; and
 - b) The Chester Pass Road crossover to Lot 10 may require upgrading.
26. In accordance with the concerns raised, it is recommended that the structure plan is modified to ensure that any development approvals granted for transport depots are subject to temporary approval (e.g. reviewed every 5 years). It is also proposed that a Traffic Impact Assessment be prepared to determine appropriate access for large trucks.

Additional Investigation

27. The structure plan includes a basic analysis of the matters of transport, surface water and contributions.
28. Government agencies and landholders raised in submissions that additional background studies are required to make improved provisions for land use, service infrastructure, transportation and stormwater. In particular, it was recommended that additional consideration is given to:
 - a) Developing a Cost Apportionment Schedule that validates contributions required per dwelling for critical infrastructure to service the structure plan area;
 - b) Development of a major waste water pumping station;
 - c) Development of utilities under a private or public system;
 - d) Developing service roads parallel to major transport routes;
 - e) Land gradients and traffic demand to determine road alignments, intersections and appropriate truck movements;
 - f) The appropriateness of single access to and from the Lot 10 to Chester Pass Road by large trucks; and
 - g) Measuring and modelling of surface water and then demonstrating design criteria to meet stormwater objectives.
29. It is recommended that the structure plan is modified to comply with any additional investigations undertaken to support the above matters.

Public Open Space (POS)

30. The structure plan proposes to locate POS on the fringe of urban development and in low lying areas, with the purpose of managing stormwater. The structure plan also proposes to conserve approximately 10ha of vegetation via designation as POS.

31. In accordance with the Western Australia Planning Commission's Liveable Neighbourhood document and the City Public Parkland Policy, POS should be:
 - a) Located central to an urban area.
 - b) Developed on flat land.
 - c) Developed as a single large area and not individual pocket parks.
 - d) Developed to serve a function, including sport, nature and recreation.
32. The City's Public Parkland Policy states:
 - a) Areas of bushland that have little or no recreational value (conservation status) should not be ceded to the City of Albany as POS; and
 - b) Careful thought needs to be given towards the cost of maintaining parks. The developer is required to maintain a park for a limited number of years once development has taken place, after this timeframe, the maintenance burden is transferred to the City of Albany. On this basis, drainage, vegetation and infrastructure should be developed with a view to minimise long term maintenance cost.
33. The Commission's draft Liveable Neighbourhood document defines conservation areas as 'Restricted Access Conservation Areas'. In accordance with the draft Liveable Neighbourhood document, conservation areas are not accepted as a contribution to POS.
34. The draft Liveable Neighbourhood document makes the following statements in relation to the management of stormwater:
 - a) Concrete-lined and/or steep-sided drains, retention basins and detention basins receive zero per cent credit towards public open space provision.
 - b) Storm water management systems located in public open space with the purpose of managing small rainfall events from lots and street reserves receive zero percent credit towards public open space provision.
35. In accordance with the Commission's Liveable Neighbourhoods document and the City's adopted Public Parkland Policy, it is recommended that the structure plan is modified as follows:
 - a) Incorporate stormwater management techniques into the street network where possible;
 - b) Relocate and redefine POS to serve particular functions, including 'recreation', 'nature' and 'sport';
 - c) Centralise POS, locate adjacent to the school site and define this as a district size space;
 - d) Delete POS at south east corner;
 - e) Modify/rationalise southern POS configuration;
 - f) Delete POS conservation strip portion adjacent to school site for 'nature' space (POS for the purpose of conservation is not permitted);
 - g) Unless appropriately designed, delete basins from POS areas. Refer to draft Liveable Neighbourhoods for appropriate stormwater design measures located in POS areas; and
 - h) Revegetation using native species (where currently there is very little native species and diversity) in areas of POS to promote fauna habitat and flora diversity.

GOVERNMENT & PUBLIC CONSULTATION

36. The Structure Plan No.10 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Structure Plans require advertising in accordance with Part 4, cl.18 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Reg's).

37. Submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors as an original and as summarised in the attached Schedule of Submissions.
38. Commentary on the submissions has been provided in this report item and in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

39. Local Structure Plans undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
40. Schedule 2, Part 4, clause 19 requires the local government to consider the submissions made within the period specified in the notice advertising the structure plan.
41. Schedule 2, Part 4, clause 20 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed structure plan should be approved by the Commission.
42. Voting requirement for this item is **SIMPLE MAJORITY**
43. Following endorsement of a structure plan, a proposal to introduce new zones, rezone land and / or introduce additional provisions into a scheme, to reflect structure plan requirements, may be undertaken.

POLICY IMPLICATIONS

44. The following applicable policies have been considered during the assessment of the structure plan:
 - a) *Draft Government Sewerage Policy;*
 - b) *State Planning Policy 2 Environment and Natural Resources Policy;*
 - c) *State Planning Policy No. 2.9 Water Resources;*
 - d) *State Planning Policy 3.7 Planning in Bushfire Prone Areas;*
 - e) *Liveable Neighbourhoods;*
 - f) *EPA Guidance Statement No 3 - Separation Distances Between Industrial and Sensitive Land Uses.*

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</p>	Possible	Minor	Low	If the Structure Plan is not supported by the WAPC, the City may be required to make modifications.
<p>Opportunity: <i>Increase opportunity for servicing, development and employment.</i></p>				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

48. The Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation recommended protecting a strip of native vegetation, located in the norther precinct of the structure plan.
49. The City recommends that a portion of the native vegetation is protected and ceded as public open space for 'nature' play. It is proposed that the remaining portion of native vegetation is developed for residential.
50. Prior to rezoning the native vegetation strip to enable residential development, an application may need to be made to the Environmental Protection Authority and Federal Department of Environment and Energy.

ALTERNATE OPTIONS

51. Council may consider alternate options in relation to the structure plan, including;
 - a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed structure plan; or
 - b) Recommend that the Western Australian Planning Commission approve the proposed structure plan without modification;
 - c) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to additional modifications and or provisions.

CONCLUSION

52. The Structure Plan No.10 is proposing new areas for industrial and residential development.
53. The structure plan was advertised and provisions have subsequently been recommended to address issues raised.
54. Council is requested to agree to recommend that the Western Australian Planning Commission approve the structure plan subject to modifications.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1;</i> 2. <i>Local Planning Strategy 2010;</i> 3. <i>Draft Government Sewerage Policy;</i> 4. <i>State Planning Policy 2 Environment and Natural Resources Policy;</i> 5. <i>State Planning Policy No. 2.9 Water Resources;</i> 6. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas;</i> 7. <i>Liveable Neighbourhoods;</i> 8. <i>EPA Guidance Statement No 3 - Separation Distances Between Industrial and Sensitive Land Uses.</i>
File Number (Name of Ward)	:	LSP10 (Yakamia Ward)
Previous Reference	:	Nil

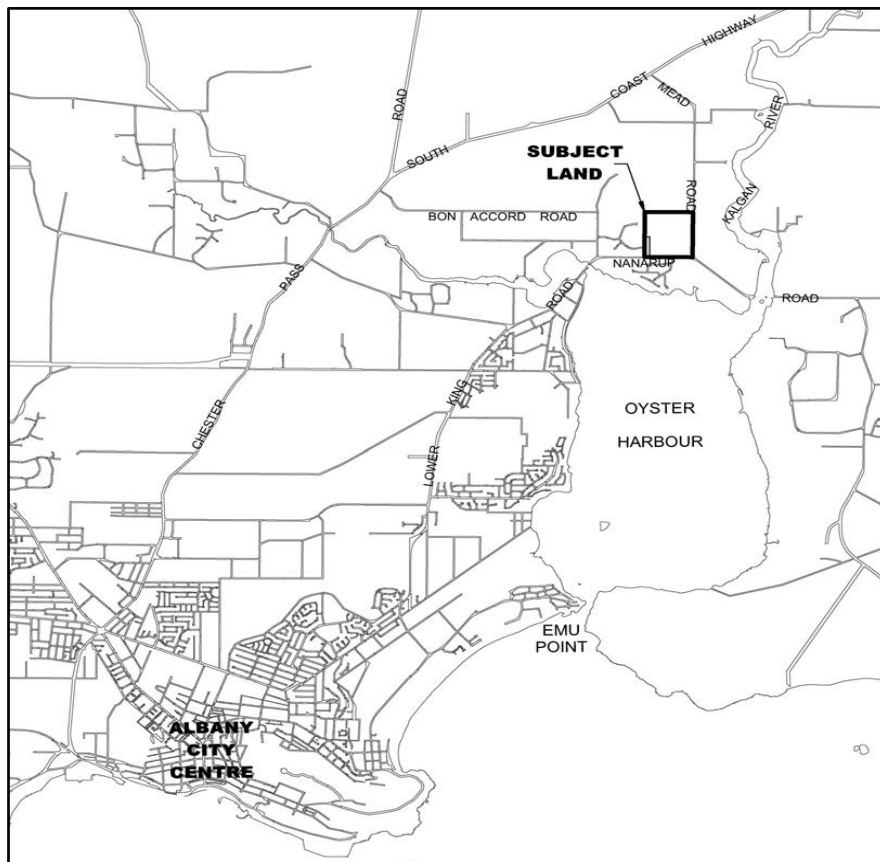
**DIS094: RECOMMEND ADOPTION OF MODIFIED LOCAL
STRUCTURE PLAN NO.17 – LOTS 1 & 973 NANARUP ROAD, KALGAN**

Land Description	: Lots 1 & 973 Nanarup Road, Kalgan
Proponent	: Ayton Baesjou G Clark S Lucas
Attachments	: Original Structure Plan Modified Local Structure Plan No.17
Report Prepared By	: Senior Planning officer – Strategic Planning (A Nicoll)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. The application proposes a structure plan to guide future development and subdivision of land in the Kalgan area.
2. In making a decision on the proposed structure plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*. The structure plan complies with strategic planning for the following reasons:
 - a) The *Albany Local Planning Strategy (2010)* seeks to encourage the development of the Structure Plan area for rural residential living.
 - b) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

Maps and Diagrams: Subject Site – Lots 1 & 973 Nanarup Road, Kalgan.



In Brief:

- In 2015, council agreed to recommend that the Commission endorse a structure plan pertaining to land in the Kalgan area (Nanarup Road). The structure plan sought to provide for large rural residential lots of between 2000m² and one (1) hectare in area.
- The Commission requested that the City re-examine various components of the structure plan including bushfire and wetland management and access from Nanarup Road.
- Council is now requested to recommend that the Western Australian Planning Commission support a modified structure plan which takes on-board comments from the Commission.

RECOMMENDATION

**DIS094: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005 and regulation 20. (2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

- 1. Recommend that the Western Australian Planning Commission approve the modified Local Structure Plan No.17.**
- 2. Forward structure plan documentation, to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan.**
- 3. Advise the applicant/owner of the Council decision accordingly.**

DIS094: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS094: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005 and regulation 20. (2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. Recommend that the Western Australian Planning Commission approve the modified Local Structure Plan No.17.
2. Forward structure plan documentation, to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan.
3. Advise the applicant/owner of the Council decision accordingly.

BACKGROUND

3. In December 2015, Council resolved to recommend that the Western Australian Planning Commission support a proposed structure plan for Lots 1 and 973 Nanarup Road, Kalgan, subject to modification to:
 - a) Identify a '10-20-10' (40m wide area consisting of a setback of 10 m, 20 m vegetated area and another 10 m setback) buffer on proposed lots 1, 2, 3, 4, 5, 24 and 29; and
 - b) Identify an 'Additional Use' site for 'Aquaculture' over Lot 1 Nanarup Road.
4. The structure plan was forwarded to the Department of Planning, Lands and Heritage with a request for endorsement. The Department of Planning, Lands and Heritage recommended the following:

Additional Use site

 - a) The City's proposed modification for an Additional Use 'AU32' over Lot 1 should include conditions to guide development.

Bushfire Management Plan

 - b) The Bushfire Management Plan should be reviewed in accordance with State Planning Policy 3.7 and associated Guidelines, including a BAL Contour Map for the site.

Late Winter Site Testing

 - c) Late winter site testing should be conducted to support the proposed structure plan. The flood risk of Johnston Creek should also be considered in the documentation.

Development Exclusion Areas

 - d) The proposed Development Exclusion Areas on the proposed structure plan should be amended to comply with recommendations made in an accompanying Land Capability Assessment.

Management of Johnston Creek

 - e) Consideration should be given to management concerns for the Johnston Creek.

Intersection – Nanarup Road

 - f) The proposed new intersection with Nanarup Rd does not appear to have considered the existing intersection with Morilla Rd.
5. Subsequent to the Department of Planning, Lands and Heritage recommendations, the proponent made the following modifications;
 - a) Included provisions to deal with the 'Additional Use' zone;
 - b) Revised the Bushfire Management Plan;
 - c) Confirmed that late winter site testing is unnecessary, given that building envelopes are located outside of low land capability areas;
 - d) Adjusted development exclusion areas to recognise land capability assessment;
 - e) Modified the plan to show vegetation drainage lines managed in private ownership; and
 - f) Relocated the intersection with Nanarup Road in accordance with Austroads (2005).
6. The Department of Water and Environmental Regulation were consulted on the modifications and have provided their support.
7. The Department of Fire and Emergency Services were consulted on the updated Bushfire Management Plan. The Department of Fire and Emergency Services raised issues, which have subsequently been addressed, with the exception of the cul-de-sac.

8. The structure plan is designed to incorporate a cul-de-sac. Cul-de-sacs in bushfire prone areas are not favoured because they do not provide escape routes in different directions for residents. DFES requested substantiated evidence of a performance principle-based solution. The proponent contends that no alternative exists and that an escape route can be achieved via an emergency access way. City staff support the performance-based outcome for the following reasons:
- a) An Emergency Access Way provides a second means of access and egress - 460m long, which is below the 600m maximum allowed.
 - b) Utilization of a short cul-de-sac allows the area to be effectively subdivided with well-proportioned lots.
 - c) The cul-de-sac is 100m long, half the maximum recommended length of 200m.
 - d) As scheme water is available, a fire hydrant can be located at the cul-de-sac head. This location is central to the 4 lots which use it for access.
 - e) The area in which the cul-de-sac is located is within an area of the property removed from vegetation.

DISCUSSION

9. The subject land is designated for rural residential development in the City of Albany *Local Planning Strategy* and will effectively form an extension of the Sheringa Park rural residential area which abuts the sites western boundary.
10. Key elements of the plan include:
- a) The provision for 29 rural residential lots ranging in size from 1.0ha to 4.0ha in area, with two larger lots of 8.0ha and 9.8ha incorporating a creek and surrounding lower lying land;
 - b) Protection of Johnson Creek within an extended creek protection area;
 - c) Provision for a secondary means of access and egress for Sheringa Park to the west which currently only has one point of access/egress in emergency situations;
 - d) Provision for a buffer to rural land use to the north and incorporation of best practice bushfire management.
 - e) The designation of 'Additional Use' sites for short stay accommodation and aquaculture; and
 - f) The incorporation scheme provisions to minimise the export of nutrients into Oyster Harbour.
11. Staff at the City believe that the structure plan has satisfactorily taken into account issues raised by government agencies including:
- a) Buffers to adjoining land-use;
 - b) Land capability;
 - c) Vegetation and landscape protection;
 - d) Bushfire protection;
 - e) Creek line protection and management;
 - f) Onsite effluent disposal and retention of nutrients on site; and
 - g) Access to and from Nanarup Road.
12. Council is accordingly requested to agree to recommend that the Commission supports the modified structure plan.

GOVERNMENT & PUBLIC CONSULTATION

13. Structure Plans require advertising in accordance with Part 4, cl.18 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
14. The Department of Planning, Lands and Heritage advised that, re-advertising was not necessary due to inconsequential modifications.

STATUTORY IMPLICATIONS

15. Local Structure Plans undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
16. Schedule 2, Part 4, clause 20 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed structure plan should be approved by the Commission.
17. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If the Structure Plan is not supported by the WAPC the City may be required to make modifications.</i>
Opportunity: <i>Increased opportunity for servicing and development.</i>				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

22. The structure plan proposes to protect remnant vegetation and the natural integrity of a waterway (Johnson Creek).
23. The Department of Water and Environmental Regulation has given in-principle support to the proposed structure plan.

ALTERNATE OPTIONS

24. Council may consider alternate options in relation to the structure plan, including;
 - a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed structure plan; or
 - b) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to additional modifications and or provisions.

CONCLUSION

25. The Structure Plan No.17 seeks to guide the subdivision and development of land in the Kalgan area.
26. Since the original support given by Council in 2015, the structure plan has been modified to account for issues raised by various government agencies including the Department of Fire and Emergency Services, the Department of Water and Environmental Regulation and the Department of Planning, Lands and Heritage.
27. Council is requested to agree to recommend that the Western Australian Planning Commission approve the modified structure plan.

Consulted References	:	<ul style="list-style-type: none">• Local Planning Scheme No.1;• Local Planning Strategy 2010;• Draft Government Sewerage Policy.
File Number (Name of Ward)	:	LSP17 (Kalgan Ward)
Previous Reference	:	Nil

DIS095:RECOMMEND ADOPTION OF MODIFIED LOCAL STRUCTURE PLAN NO.14 – LOTS 1, 2 & 3 SOUTH COAST HIGHWAY, MCKAIL

Land Description	: Lots 1, 2 & 3 South Coast Highway, McKail.
Proponent	: Government of Western Australia, Department of Communities.
Business Entity Name	: Government of Western Australia, Department of Communities.
Attachments	: Local Structure Plan No.14 – Report Local Structure Plan No.14 - Map Bushfire Management Plan
Supplementary Information & Councillor Workstation	: Nil
Report Prepared By	: Senior Planning officer – Strategic Planning (A Nicoll)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. The application for consideration proposes a modified structure plan to guide subdivision and development at Lots 1, 2 & 3 South Coast Highway, McKail.
2. In making a decision on the proposed modified structure plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*.
3. The Structure Plan complies with the Albany Community Strategic Plan and the *Albany Local Planning Strategy 2010*.
 - The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).
 - The *Albany Local Planning Strategy (2010)* seeks to encourage the development of the Structure Plan area for 'Future Urban' development.

Maps and Diagrams: Subject Site – Lots 1, 2 & 3 South Coast Highway, McKail.



In Brief:

- The modified McKail Structure Plan has been prepared to facilitate:
 - Revised lot design;
 - Revised road layout;
 - A variety of residential; and
 - Bushfire assessment.
- The modified structure plan proposes a more responsive street and lot layout, which will ultimately provide an improved level of residential amenity. Council is requested to recommend that the Western Australian Planning Commission support the modified McKail Structure Plan.

RECOMMENDATION

**DIS095: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005 and regulation 20. (2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

- 1. Recommend that the Western Australian Planning Commission approve the modified Local Structure Plan No.14, with modifications.**
- 2. Forward structure plan documentation to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan.**
- 3. Advise the applicant/owner of the Council decision accordingly.**

DIS095: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS095: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005 and regulation 20. (2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. Recommend that the Western Australian Planning Commission approve the modified Local Structure Plan No.14, with modifications.
2. Forward structure plan documentation to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan.
3. Advise the applicant/owner of the Council decision accordingly.

BACKGROUND

4. In 2010, a structure plan was approved to guide development and subdivision in McKail, specifically for lots bound by South Coast Highway, Clydesdale Road and Gregory Drive.
5. The structure plan area is 1.5km west of a Neighbourhood Centre in the adjoining suburb of Orana and within 2km of North Albany Senior High School and South Regional TAFE.
6. Subdivision and development has occurred in the northern precinct of the Structure Plan area. However, the southern precinct remains undeveloped and under the ownership of the Government of Western Australia, Department of Communities.
7. The Government of Western Australia, Department of Communities submitted a MODIFIED structure plan pertaining to the undeveloped land. Modifications include:
 - A greater mix of lot sizes;
 - Improved lot orientation to facilitate 6-star energy ratings for dwellings;
 - A reduction in developments with rear laneways;
 - A reduction in the overall road percentage;
 - Increased efficiency in traffic movement;
 - Improved road interface with South Coast Highway;
 - POS included at the entrance to the structure plan area;
 - Recoding of lots coded R30/R40/R50 to R30/40 and R40 – to provide appropriate development for the area;
 - Increasing density adjacent to public open space from R20 to R30;
 - Identifying larger R40 lots for grouped dwelling development;
 - Including bushfire assessment for the site, and
 - Changing terminology by replacing 'Local Shopping' with 'Local Centre', for consistency with the City of Albany Local Planning Scheme No. 1.

DISCUSSION

8. It is recommended that the Council agree to recommend that the Commission endorse the modified structure plan subject to two (2) modifications as follows:
 - a) It is recommended that the public open space (entry statement) included at the entrance of the structure plan area is instead identified as private lots. The City endorsed a Public Parkland Policy in 2014, which encourages the development of large public open spaces and not small pocket parks that provide no recreation function and high maintenance costs. Once the developer's entry statement is no longer required, the land may then be utilised for residential.
 - b) It is recommended that a high density R40 area proposed in the south west corner of the structure plan area is instead identified for R20. The City recommends that the R40 lot is instead located adjacent to the central public open space to the south of the structure plan area.
9. Subject to the modifications, it is recommended that the Council agree to recommend that the Commission endorse the modified structure plan on the basis that it proposes a more responsive street and lot layout, which improves amenity, access efficiency and sense of place.
10. The modified road layout results in lots which are developed to orientate east/west. This modification means properties can maintain sunlight penetration to living areas and private open space areas.

11. The increased density adjacent to public open space areas means improved surveillance, outlook and use of public open space.
12. The proposed modifications will not materially alter the purpose and intent of the approved structure plan. There is no anticipated reduction in the lot yield for the structure plan area. Public open space and a primary school already allocated, will remain unchanged.
13. The majority of the site is not subject to a BAL rating or is within the BAL-low category. Taking into consideration the provision of low-fuel zones, all residential lots are BAL - 29 or below. Once vegetation clearing of the school and public open space areas has occurred, it is anticipated the hazard level of the development will decrease to BAL - low.
14. Development and subdivision of lots coded R30/40 and R40 will be subject to the preparation and subsequent provisions of Local Development Plan(s) which will address the following matters;
 - Buildings envelopes/setbacks;
 - Building heights;
 - Garage/ carport positions;
 - Access;
 - Fencing;
 - Site coverage;
 - Private open space;
 - Outbuildings;
 - Landscaping;
 - Variations to the Residential Design Codes;
 - Noise mitigation – lots adjacent to South Coast Highway; and
 - Notification on titles (for lots within BAL rating 12.5 or above) pertaining to bushfire management.

GOVERNMENT & PUBLIC CONSULTATION

15. The *Planning and Development (Local Planning Schemes) Regulations 2015* Part 5, cl.29(3) states:

The local government may decide not to advertise an amendment to a structure plan if, in the opinion of the local government and the Commission, the amendment is of a minor nature.
16. As agreed by the Commission, amendments proposed by the modified structure plan are minor in nature. As such, the structure plan has not been advertised.

STATUTORY IMPLICATIONS

17. Local structure plan undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
18. Schedule 2, Part 4, clause 20 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed Structure Plan should be approved by the Commission.
19. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

20. There are no policy implications relating to this report item.
21. The structure plan is compliant with *Liveable Neighbourhoods*, notably in regard to the treatment of the interface with South Coast Highway. As part of a future Local Development Plan, lots adjacent to South Coast Highway will ensure dwellings are constructed in accordance with building design and construction treatments in *State*

Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation</p> <p>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</p>	Possible	Minor	Low	If the Structure Plan is not supported by the WAPC the City may be required to make modifications.
<p>Opportunity: Increase opportunity for servicing, land use and development.</p>				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

25. There are no environmental implications relating to this report item.

ALTERNATE OPTIONS

26. Council may consider alternate options in relation to the structure plan, including;
- a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed modified structure plan; or
 - b) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to modifications.

CONCLUSION

27. Local Structure Plan No.14 has been prepared in order to implement a number of modifications to the 2010 McKail Structure Plan.
28. The proposed modifications proposed include :
- Revised lot design;
 - Revised road layout;
 - Provision for a variety of densities; and
 - Bushfire assessment.
29. The modifications propose to achieve a more responsive street and lot layout and density and ultimately, improved residential amenity.
30. Council is requested to agree to recommend that the Western Australian Planning Commission approve the modified structure plan with modifications.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2010)</i> 3. <i>Liveable Neighbourhoods</i>
File Number (Name of Ward)	:	LSP14 (Vancouver Ward)
Previous Reference	:	Nil

DIS096: PLANNING AND BUILDING REPORTS APRIL 2018

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports February 2018
Report Prepared By : Administration Officer – Planning (V Martin)
Administration Officer – Development Services (Z Sewell)
Responsible Officers: : Executive Director Development Services (P Camins)

RECOMMENDATION

DIS096: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE the Planning and Building Reports for April 2018.

**DIS097: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY
MANAGEMENT COMMITTEE – DECEMBER 2017**

Proponent : City of Albany
Attachment : LEMC Minutes 16 March 2017
Report Prepared By : Administration Coordinator-Rangers & Emergency Services
(S Lees)
Responsible Officer(s): : Executive Director Planning & Development (P Camins)

In Brief:

- Receive the confirmed minutes of the Local Emergency Management Committee meeting held on 14 December 2017.

RECOMMENDATION

DIS097: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 14 December 2017 be RECEIVED.

DIS098: WARDEN AVENUE PATHWAY CONSTRUCTION

Land Description	: Warden Avenue Road Reserve
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Report Prepared By	: Manager City Engineering (D King)
Responsible Officers:	: Executive Director Infrastructure & Environment (M Thomson)

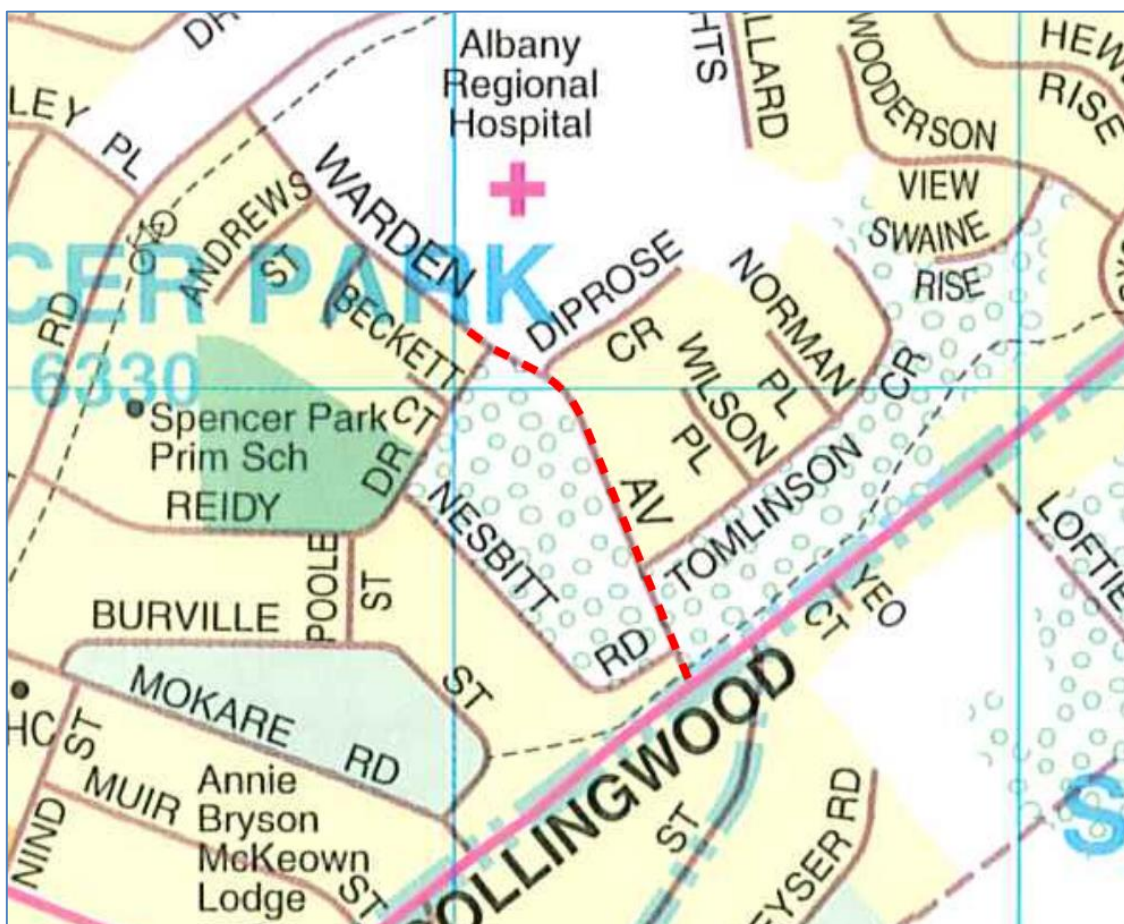
STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme: 5.** A connected and Safe Built Environment.
 - **Objective: 5.2** To advocate, plan for and build friendly and connected communities.
 - **Community Priorities: 5.2.1** Improve connectedness and traffic flows via a well-designed and safe transport and pathway network that connects people and services and encourages pedestrians and cyclists.

In Brief:

- Mt Elphinstone (Stage 1) scope was reduced in December Ordinary Council Meeting (DIS072) pending officer resolution of the design of the section between Parade and Collie Streets
- The reduction in scope has resulted in an expected underspend on the project of \$150,000
- Reallocation of \$150,000 to construct a pathway on Warden Avenue is requested.

Maps and Diagrams: Location Plan - extent of project is indicated by the red dashed line (- - - -)



RECOMMENDATION

**DIS098: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council:

- (1) NOTE that a reduction in scope of the Mt Elphinstone to CBD Cycle Link (Stage 1) will result in a \$150,000 saving on the current budget allocation.**
- (2) APPROVE the re-allocation of \$150,000 from the Mt Elphinstone to CBD Cycle Link to fund the Warden Avenue Pathway Construction Project.**
- (3) ACCEPT \$75,000 of Western Australian Bicycle Network (WABN) funding for the Warden Avenue Pathway Construction Project.**

BACKGROUND

2. Mt Elphinstone (Stage 1) scope was reduced in December Ordinary Council Meeting (DIS072) pending officer resolution of the design of the section between Parade and Collie Streets
3. Due to the removal of the Parade to Collie Street section, the funding partner requested that the omitted section be increased to encompass the section from Melville to Parade also. This is because through these two sections the design includes a separated cycle path and a footpath. It would not be good design practise to have such a short section (Melville to Parade) with this design if continuity through to Collie Street could not be achieved.
4. City officers are currently undergoing a design review and further consultation with adjacent residences on the Melville to Collie sections to determine an outcome for this section that will be brought back to Council at a later date.
5. Any required works on the section from Melville to Collie Street would need to be scheduled for construction in future budgets.
6. Reduction in scope has resulted in an expected underspend of \$150,000 of which 50% is funded through the Western Australia Bicycle Network (WABN) Grants Program.

DISCUSSION

7. The WABN have offered the underspend to be reallocated to fund a 400m pathway along Warden Avenue from Collingwood Road to the Hospital.
8. City of Albany published the Cycle City Albany 2014-2019 Strategy in October 2014. The strategy has a bold vision 'to transform Albany into one of Australia's best cycling destinations, including both on and off road cycling'. To achieve this, the strategy 'aims to improve cycling infrastructure, encourage cycling as a legitimate mode of transport, improve the culture surrounding cycling by encouraging 'sharing the road' and provide more cycle tourism'.
9. Section 1.12 of the Strategy recommends a pathway along the Warden Avenue proposed route.
10. Warden Avenue is a key link for school children to Spencer Park Primary, St Joseph's College and Albany Primary and Albany Regional Hospital. It is considered an important missing link.

11. The Strategy recommends the pathway to be constructed on the Western Side of Warden Avenue although it does not provide a reasoning behind the statement. However, Site constraints including drainage, slope unviable. If the pathway was constructed on the West a substantial amount of Native vegetation would require clearing also.
12. By constructing the pathway on the East serves to pick up pedestrian and cyclist traffic directly from adjacent residents, reduces cost and significantly reduces the environmental impact of the project.

GOVERNMENT & PUBLIC CONSULTATION

13. **Government.** The Department of Transport (DoT), as detailed in the discussion section of the report.
14. **Public.** Adjacent Residences have been informed via letter of the proposed construction and properties with impinging verge developments have been advised of the pathway impact.

STATUTORY IMPLICATIONS

15. Regulation 6.8(1) of the *Local Government (Financial Management) Regulations 1996*, states in part: *A local government is not to incur expenditure form the Municipal Fund unless authorised in advance.*
16. Voting Requirement: **Absolute Majority.**

POLICY IMPLICATIONS

17. There are no policy implications directly related to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial: Loss of Opportunity funds. An underspend on the Mt Elphinstone project in 2017/18 will result in associated component of funding (50% of unspent funds) lost is not reallocated	Almost Certain	Major	Extreme	Loss of funds. To mitigate potential loss of funds, support to reduce the scope of the WABN project and re-allocation to the subject project is proposed. Note: According to Council's Current Risk Management Framework (Risk Appetite) \$75,000 is rated as Major.
Financial: Loss of Opportunity funds. The City can only acquit funding for the Warden Avenue project on work complete before June 30 2018.	Possible	Minor	Medium	Approvals have been complete, and contractors will be on standby to commence construction immediately if approved by Council. This will maximise the timeframe in which to complete the works proposed.
People Health and Safety: Non approval proposal, may limit potential cycling to and from identified schools.	Possible	Moderate	Medium	Progressively improve cycling infrastructure and explore funding opportunities.
Opportunity: To deliver construction of an important link in the City of Albany pathway network. Noting Warden Avenue is a key link for school children to Spencer Park Primary, St Joseph's College and Albany Primary and Albany Regional Hospital.				

FINANCIAL IMPLICATIONS

19. Grant funds to the value of \$75,000 have been offered from the State Government through the Western Australia Bicycle Network (WABN) Grants Program to complete these proposed works in the 2017/18 financial year.
20. If approved an allocation of \$150,000 funds will be transferred from the Mt Elphinstone CBD Cycle Link project budget line to a new budget line created to fund the Warden Avenue Pathway Construction Project.

LEGAL IMPLICATIONS

21. Funding is conditional on the completion of the construction before 30 June 2018.
22. Funding must be acquitted before 10 July 2018.

ENVIRONMENTAL CONSIDERATIONS

23. An environmental assessment has been undertaken by City officers and deemed not to require external approvals.
24. It has been identified to facilitate the proposed pathway, a number of small trees will be removed.

ALTERNATE OPTIONS

25. Proceed with the proposed recommended project, re-allocating the unspent funds or not proceed and return the unspent grant allocation of \$75,000.

CONCLUSION

26. It is recommended that Council APPROVE the allocation of \$150,000 from the Mt Elphinstone CBD Cycle Link project to fund the Warden Avenue Pathway Construction Project, noting: Warden Avenue is a key link for school children to Spencer Park Primary, St Joseph’s College and Albany Primary and Albany Regional Hospital.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	Breaksea Ward
Previous Reference	:	OCM 19/12/2017 Report DIS072

AR037: INSURANCE CLAIM

Proponent / Owner : City of Albany
Attachment : Correspondence (Ref No.: LI0041785)
Report Prepared By : Manager Governance & Risk (S Jamieson)
Responsible Officers: : Chief Executive Officer (A Sharpe)
Executive Director Corporate Services (M Cole)

CONFIDENTIAL REPORT

In accordance with section 5.23(2)(b) of the Local Government Act 1995, this report deals with the personal affairs of a person other than the local government.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme: 1.** Leadership.
 - **Objective: 1.2** To provide strong, accountable leadership supported by a skilled and professional workforce
 - **Community Priority: 1.2.1** Provider positive leadership that delivers community outcomes.

In Brief:

- Receive the confidential report and consider the recommendation.

RECOMMENDATION

**AR037: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPROVE an Ex Gratia payment to the parties detailed in the confidential report AR037, and AUTHORISE the Chief Executive Officer to administer the payment through a Deed of Settlement.

BACKGROUND

2. Council has delegated the power to determine and pay compensation for damage to property up to \$1,000 dollars to the Chief Executive Officer or his delegate.

DISCUSSION

3. In this circumstance, as the loss was incurred whilst performing a volunteer function to the Albany community, it is considered appropriate to provide an “Ex Gratia” good will payment.

Action taken post event:

4. Support provided:
 - a. The City enacted the Employee Assistance Program (EAP) to provide appropriate support;
 - b. A contact officer from the City was assigned to coordinate and provide assistance; and
 - c. The City provided assistance to facilitate the lodgement of a public liability claim to the City’s insurer, LGIS.

5. Procedures:

- a. The Campground Host Policy & Procedures have been fully reviewed and updated, emphasizing:

Volunteer liability and insurance:

Generally speaking, the City of Albany will be liable for anything a volunteer does in good faith when doing work organised by the City.

The City of Albany (the City) will generally not be liable for acts of volunteers where the volunteer:

- acts outside the scope of the work organised by the City;
- acts contrary to instructions given by the City; or
- is unable to do their work in a proper manner because his or her actions were significantly impaired by alcohol or non-therapeutic drugs.

The potential liability highlights why the City implements, policies in relation to volunteer work and to provide volunteers with adequate training and supervision.

Personal Insurance:

Campground Hosts are responsible for ensuring their vehicle, camping accommodation and property are fully insured.

The City takes no responsibility for damage to vehicles, camping accommodation or property.

The City will not be liable for damage incurred to host vehicles exploring surrounding areas.

GOVERNMENT & PUBLIC CONSULTATION

Senior Liability Claims Consultant, LGIS Liability:

6. It was agreed that the incident was the unfortunate consequence of what appears to be criminal activity by a third party.

Reason for LGIS denying liability:

7. There has been no negligence or breach of duty of care that we can identify on the part of the City that caused or contributed to this incident.

STATUTORY IMPLICATIONS

8. The *Local Government Act 1995*, does not prohibit the City from paying compensation.
9. Currently Council has delegated the power to determine and pay compensation for damage to property up to \$1,000 dollars to the Chief Executive Officer or his delegate.
10. As the recommended payment is above this amount, the payment must be approved by Council.

POLICY IMPLICATIONS

11. As result of this incident a fully revised Campground Host Policy & Procedure has been enacted (see attached).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputational Risk. <i>Risk: There is a risk that by not providing an ex-gratia payment, there may be a negative perception by the Camp Host volunteer Australia Wide Community.</i></p>	Likely	Moderate	High	Approve an ex gratia payment, or clearly communicate the rationale why a payment cannot be made.
<p>Opportunity: Promote the City of Albany as a caring community to both residents and visitors.</p>				

FINANCIAL IMPLICATIONS

13. Detailed in discussion section of report.

LEGAL IMPLICATIONS

14. There is no legal obligation or liability to pay compensation.

ENVIRONMENTAL CONSIDERATIONS

15. Not applicable to this report.

ALTERNATE OPTIONS

16. Council may choose to approve, modify or not approve the proposed settlement.

CONCLUSION

17. That the Responsible Officer’s Recommendation be ADOPTED.

Consulted References	:	<ul style="list-style-type: none"> • Local Government Act 1995 • Delegations Register 2017/2018
File Number (Name of Ward)	:	RM.CLM.439
Previous Reference	:	Councillor Workshop Briefing 2012 (Camp Host Program)

AR039: INTERNAL AUDIT FUNCTION

Business Entity Name : City of Albany
Hyperlink : <https://audit.wa.gov.au/local-government/frequently-asked-questions/>
Report Prepared By : Manager Governance & Risk (S Jamieson)
Manager Finance (D Olde)
Responsible Officers: : Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

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

In Brief:

- To consider the appointment of an internal auditor for investigative projects.
- Provide an overview of potential internal audit projects to be conducted by the Office of the Auditor General (OAG).

RECOMMENDATION

**AR039: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

The Council:

- (1) **NOTE that from 2017/2018 the City of Albany will be subject to audit oversight from Office of Auditor General (OAG).**
- (2) **Considers allocating funds in the 2018-19 budget (approximately \$25,000 - \$50,000) to engage a contract auditor to conduct internal audits on a project basis, with further consideration being given to increasing the role once the outcomes of initial projects are determined.**

AR039: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

AR039: RESPONSIBLE OFFICER RECOMMENDATION

The Council:

- (1) NOTE that from 2017/2018 the City of Albany will be subject to audit oversight from Office of Auditor General (OAG).
- (2) Considers allocating funds in the 2018-19 budget (approximately \$25,000 - \$50,000) to engage a contract auditor to conduct internal audits on a project basis, with further consideration being given to increasing the role once the outcomes of initial projects are determined.

BACKGROUND

2. The *Local Government (Audit) Regulations 1996* set out the requirements for local governments to define the scope of audits and the related plan and methodologies, and the reporting of the financial operations must be in accordance with the *Local Government Act 1995*, the related financial and administrative regulations, and the Australian auditing and accounting standards.
3. The regulations are not specific on internal audits.
4. The City currently engages an external auditor to conduct the annual financial audit on a contract basis and an audit plan is developed annually. The two main elements of the plan are:
 - a. the interim audit of systems and procedures; and
 - b. the end-of-year financial audit.
5. An interim audit is a preliminary examination of the City's systems and procedures, including assignments of roles, separation of duties, workflow and compliance with policies.
6. This is limited to sample testing over several days and generally sets the scene for the audit plan, including establishing the level of testing and sampling to be applied to the end-of-year audit.
7. The focus of the end-of-year audit is on financial accuracy and reporting compliance with the accounting standards.
8. The City does not currently have a contract for internal audit. The previous contract ended in June 2016. Since then the City has been awaiting changes to the Act and Regulations that give the OAG oversight of local government audits in order to determine whether internal audit is required.
9. Resources are not currently allocated to internal audits, which are generally more detailed, and prolonged investigations of potential weaknesses in systems and procedures as identified through broader risk management work.

The Auditor General and the Office of the Auditor General

10. From 2017/2018 the Auditor-General and Office of Auditor General (OAG) from 2017-18, will be contracting audit firms to conduct financial audits on behalf of the state government.
11. The Office of the Auditor General has advised that their approach to local government will be the same as their approach to state government department audits.
12. It should be noted that to maintain independence, OAG staff and contractors will not provide detailed advice on how to perform financial/accounting transactions that is specific to the particular local government they are auditing.
13. It is anticipated that an OAG audit may take anywhere from three to six weeks.

Financial Audits

14. The Auditor General will begin local government financial audits in a staged approach, as existing audit contracts expire.
15. By 2020-21, the OAG will have audited all local governments, whether their existing contracts have expired or not.

OAG Forward Audit Programs

- **Fraud prevention and detection in local governments:** To determine whether local governments identify their fraud and corruption risks, establish controls and support better practice to minimise risks.
- **Local government building controls services:** To determine whether Local Governments effectively plan and regulate building control services.

- **Local government records management:** Determine whether local governments are effectively managing records in accordance with requirements.
- **Effectiveness of network user passwords:** Determine whether WA agencies are using good practices to manage network passwords.
- **Local Government Procurement:** The objective of the audit is to determine whether local governments have effective procurement arrangements in place. The OAG lines of inquiry will include, but are not be limited to:

Have LGs established policies and procedures for procurement of goods and services? And Is there effective oversight and control of procurement activities?

- **Timely Payment of Suppliers:** The objective of the focus audit is to assess whether the sampled local governments are making payments to suppliers on a timely basis in accordance with better practice. The OAG lines of inquiry:

Have local governments developed procedures and controls for ensuring that payments are being made on a timely basis? And Are suppliers being paid on a timely basis?

- **Controls Over Corporate Credit Cards:** The objective of this focus audit is to assess whether the sampled local governments have effective controls over expenditure using corporate credit cards. The OAG lines of inquiry are:

Do local governments have appropriate policies and administrative systems in place for corporate credit cards? And Are suitable controls in place to monitor and manage the issue and use of cards and the timely approval of card transactions? And Do management periodically review their use of corporate credit cards and act on any identified shortcomings?

DISCUSSION

16. The interim audit identifies potential weaknesses in systems and procedures, however it is essentially a sampling exercise conducted once a year. It is not intended to be a 'deep dive' into specific areas, and the emerging practice in the sector is to have a separate resource allocated to such investigations, either on a staff or contract basis. Internal audit is complementary to the risk management and governance framework, but the fundamental requirement is that it is independent to the normal activities of the organisation and is not responsible for managing the risks.
17. The City has developed its risk and governance framework, including the policy and risk appetite, and identifying risk themes and accountabilities.
18. This is an iterative (mathematical and computational) process, and the City is now entering the assurance phase, which is where internal audit has a role.
19. The separation of roles can be summarised as:

Risk management:

- Develops the risk management policy and processes;
- Identifies risk themes;
- Establishes the risk appetite;
- Develops the matrix (likelihood and consequence) for assessment of risks; and
- Ensures that risk responses are implemented and managed accordingly.

Internal audit:

- Evaluates the appropriateness of the risk management policy and processes;
- Provides independent and objective assurance on risk evaluation and reporting; and
- Reviews how the risks are managed.

20. While the two roles have these distinctions, they should have a shared understanding of the overall governance requirements and, to some extent, the lines between the two roles can be blurred where there are appropriate safeguards to maintain the core internal audit principles of independence and objectivity.
21. Within the spectrum of activities and safeguards, the internal audit role can provide the assurance, by way of detailed investigation, that the appropriate systems and procedures are in place.
22. The last internal audit focussed on the following:
 - Salary and wage costs
 - Expenditure and Creditors
 - Property, plant and equipment and depreciation
 - Management of major capital projects

GOVERNMENT AND PUBLIC CONSULTATION

23. The City has engaged Local Government Insurance Services (LGIS) to provide expert advice on risk management issues generally, and officers have also obtained advice from the City's contract auditors (external audit services) and have been involved in LGIS sector forums on the specific issue of internal audits.

STATUTORY IMPLICATIONS

24. The *Local Government Act 1995* sets out the general requirements for appointment of auditors and the requirements are set out in more detail in the *Local Government (Audit) Regulations 1996*, although they are not specific on internal audits.
25. Regulation 6 of the *Local Government (Financial Management) Regulations 1996* is specific on the matter of independence, and officers involved in financial or accounting matters are not to be involved in, or have supervision of, internal audits.

Local Government Auditing Bill 2017

26. Under the amended legislation, local governments will be required to publish their annual reports including audit reports on their websites, improving access to the financial position of individual councils for ratepayers.
27. A new category of audits that will examine the economy, efficiency and effectiveness of programs and organisations, including compliance with legislative provisions and internal policies, was also introduced under the new legislation.
28. Greater detail is provided at OAG – [Frequently Asked Questions](#).

POLICY IMPLICATIONS

29. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Operation, Reputation & Financial.</p> <p><i>Risk: It is not known when the OAG will audit the City of Albany.</i></p> <p><i>Internal Process reviews of processes, by independent persons are good practice and promote accountability.</i></p> <p><i>The non-facilitation of external reviews may be perceived as undermining good practice.</i></p>	Likely	Moderate	High	It is good practice to conduct yearly interim audits to minimise bad practice creep.
<p>Opportunity: Prepare for the OAG for the forward audit program and reward good practice.</p>				

FINANCIAL IMPLICATIONS & ALTERNATE OPTIONS

31. Engagement of a contract auditor to perform internals would be at an agreed hourly rate.
32. Alternatively, an internal role could be created. The cost would depend on the number of hours to be allocated to the project work. It is estimated that \$25,000 - \$50,000 would fund a number of specific projects on a contract basis, based on the hourly rates charged by the City's current auditors (providing external audit services).
33. Council may consider it appropriate to allocate funds in the 2018-19 budget (approximately \$25,000 - \$50,000) to engage a contract auditor to conduct internal audits on a project basis, with further consideration being given to increasing the role once the outcomes of initial projects are determined.

ALTERNATE OPTIONS

34. The following options are available to Council:

Options:		Advantages	Disadvantages
1	The City does not fund an internal audit role.	No specific legislative requirement, and current controls are compliant.	Interim audit is only intended to sample test systems and procedures; assurance is limited.
2	The City funds an internal audit role.	Provides resources for more extensive investigations to support the risk management process (assurance)	Funds would need to be allocated. Cannot be done within existing resources due to requirement for independence from day-to-day functions.
3	The City waits for the OAG to conduct the audit.	Less resourcing required in the short to medium term.	Reduced awareness on how and if identified risks are being appropriately managed.

35. The Committee may also consider changing the Responsible Officer’s Recommendation if it feels that amount should not be determined at this stage, and may also requested that a further report be submitted to the Committee once the scope of the internal audits had been determined.

CONCLUSION

36. That Council support the proposal for funds to allocated to facilitate engagement of an external provider in 2017-18 for specific project work that is endorsed by the Audit & Risk Committee and APPROVED by Council.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Audit) Regulations 1996</i> • <i>Local Government (Financial Management) Regulations 1996</i> • https://audit.wa.gov.au • https://audit.wa.gov.au/local-government/frequently-asked-questions/
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	Not applicable to this report.

AR042: DELEGATIONS REGISTER REVIEW

Proponent	: City of Albany
Attachments	: Delegations Register 2018
Report Prepared by	: Manager Governance & Risk (S Jamieson)
Responsible Officer(s)	: Chief Executive Officer (A Sharpe) Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

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

In Brief:

- Council review and approve the Register of Delegations 2018.

RECOMMENDATION

AR042: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

That the Reviewed Register of Delegations 2018 be ADOPTED.

AR042: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

AR042: RESPONSIBLE OFFICER RECOMMENDATION

That the Reviewed Register of Delegations 2018 be ADOPTED.

BACKGROUND

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

DISCUSSION

4. A register of Delegations of Authority is essential in order to inform the public of the activities, functions, powers and duties of the Local Government as well meeting the requirements of Section 5.46 of the *Local Government Act 1995* (the Act).
5. This Act requires the Chief Executive Officer (CEO) of the Local Government to keep a Register of Delegations made by the Council to a Committee or the Chief Executive Officer, and by the CEO to other employees.
6. The compilation of the content of this Register was prepared through references to the Act, the Complete Guide to The Local Government Act 1995 (which is a joint production of the Western Australian Municipal Association, the Institute of Municipal Management (WA Division) and the Western Australia Department of Local Government.
7. Section 5.42 of the Act allows Council to delegate to the Chief Executive Officer and/or Committee.
8. Proposed amendments are detailed in the document control section of the Delegations Register.
9. Council Policies and their associated delegation(s) are listed at attachment C to the Delegations Register.
10. Council may choose to identify specific Council Policy positions for separate review.

GOVERNMENT AND PUBLIC CONSULTATION

11. Detailed in the discussion section of the report.

STATUTORY IMPLICATIONS

12. Detailed in the discussion section of the report.

Delegation to CEO

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

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

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

Delegation to Committees

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

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

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

Delegations to be reviewed every financial year

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

Appointment of authorised persons

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

Transfer of Authority Due to Absence

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

Proposed, Amended Delegations

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

POLICY IMPLICATIONS

20. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Legal & Compliance. Non-compliance with the City's statutory requirement to review the delegations every financial year.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Review and bring back to Council for adoption prior to 30 June 2018.</i>

FINANCIAL IMPLICATIONS

22. Nil.

LEGAL IMPLICATIONS

23. Refer to statutory implication section of report.

ENVIRONMENTAL CONSIDERATIONS

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

SUMMARY CONCLUSION

25. That the reviewed delegations register (attached) be adopted and if required identify specific Council Policy positions for separate review.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 Local Government: Operational Guidelines Number 17.
File Number (Name of Ward)	:	PE.AUT.1 (All Wards)
Previous Reference	:	OCM May 2017

AR043: INVESTMENT OF SURPLUS FUNDS POLICY

Business Entity Name : City of Albany
Attachments : Investment of Surplus Funds Policy
Report Prepared By : Manager Finance – D Olde
Responsible Officers: : Executive Director Corporate Services – M Cole

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** 1. Leadership.
 - **Objective: 1.1** To establish and maintain sound business and governance structures.
 - **Community Priority:** 1.1.1 Implement systems and controls that ensure prudent use of rates and ensure value for money in all aspects of Council operations.

In Brief:

- Review and amend the Investment of Surplus Funds Policy.

RECOMMENDATION

AR043: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council AMEND the Investment of Surplus Funds Policy to:

- **Increase the maximum permitted term for a deposit with an authorised institution to be no more than 3 years; and,**
- **Amend the term to maturity framework table, limiting the maximum ratio of the investment portfolio invested at a term of between 1 and 2 years to 20%, and limiting the maximum ratio of the investment portfolio invested at a term of between 2 and 3 years to 10%.**
- **Limit deposits to authorised deposit taking institutions that have an office presence in Albany.**

AR043: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR

THAT Council AMEND the Investment of Surplus Funds Policy to:

- Increase the maximum permitted term for a deposit with an authorised institution to be no more than 3 years; and,
- Amend the term to maturity framework table, limiting the maximum ratio of the investment portfolio invested at a term of between 1 and 2 years to 20%, and limiting the maximum ratio of the investment portfolio invested at a term of between 2 and 3 years to 10%.
- Limit deposits to authorised deposit taking institutions that have an office presence in Albany.

CARRIED 7-0

AR043: AMENDMENT

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR STEPHENS

THAT Council AMEND the Investment of Surplus Funds Policy to include a third dot point reading:

- Limit deposits to authorised deposit taking institutions that have an office presence in Albany.

CARRIED 7-0

AR043: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council AMEND the Investment of Surplus Funds Policy to:

- Increase the maximum permitted term for a deposit with an authorised institution to be no more than 3 years; and,
- Amend the term to maturity framework table, limiting the maximum ratio of the investment portfolio invested at a term of between 1 and 2 years to 20%, and limiting the maximum ratio of the investment portfolio invested at a term of between 2 and 3 years to 10%.

BACKGROUND

2. The *Local Government (Financial Management) Regulation 1996* (*‘the Regulations’*) – Regulation 19 requires a local government to establish and document procedures to be followed by employees to ensure control over investment.
3. The Investment of Surplus Funds Policy is the mechanism to exercise this control.

DISCUSSION

4. The City has had a policy regarding the investment of surplus funds for a number of years.
5. This policy has been reviewed and updated a number of times to reflect changes in legislation.
6. The *Local Government (Financial Management) Regulations 1996* – Regulation 19C was amended on 12 May 2017 to increase the maximum permissible term for term deposits from 12 months to 3 years.
7. The City policy is now being reviewed with two amendments suggested.
 - a. Increase the maximum permitted term to 3 years, and:
 - b. Amend the term to maturity framework table, limiting the total ratio of the investment portfolio invested at a term of between 1 and 2 years to 20%, and invested at a term of between 2 and 3 years to 10%.
8. All other terms of the policy remain unchanged.
9. The policy specifically prohibits derivative based investments, options, forward contracts or other types of exotic investments.

GOVERNMENT & PUBLIC CONSULTATION

10. On 12 May 2017, amendments to the Regulations permitted investments up to a period of three years.

STATUTORY IMPLICATIONS

11. Legislation covering investment of surplus funds includes:
 - a. *Local Government Act 1995* Section 6.14 (*‘the Act’*).
 - b. The *Trustees Act 1962* – Part III Investments as amended by the *Trustees Amendment Act*.
 - c. *Local Government (Financial Management) Regulations 1996* – Regulation 19, Regulation 19C, Regulation 28 and Regulation 49.
 - d. Australian Accounting Standards.

POLICY IMPLICATIONS

12. The current policy is compliant with the Act and Regulations, but with a shorter maximum permitted term. The proposed amendments are only to increase the permitted term of any deposit.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Financial, Legal and Compliance</p> <p><i>Risk: There is a risk that by not establishing clear guidelines and policy framework, investments may not comply the Act and regulations. This may result in higher risk investments being made that could see a financial loss to the City.</i></p>	Possible	Severe	High	If the proposed amendments to the policy are not endorsed, the current policy is compliant. If the policy is rescinded, the Act and Regulations have statutory requirements that the City staff are obliged to comply with.
<p>Opportunity: Consistency and understanding of Act and Regulations will reduce risk and allow interest income to be earned.</p>				

FINANCIAL IMPLICATIONS

14. The proposed amendments are not expected to negatively impact on interest income from investments.

LEGAL IMPLICATIONS

15. The City is obligated to invest any funds within the scope of the Act and Regulations.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

17. The Committee may recommend to Council to accept or reject the amendments to the Investment of Surplus Funds Policy.

CONCLUSION

18. The City has had this policy in place for a number of years. These amendments seek to reflect changes to the Act and Regulations.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 Section 6.14; The Trustees Act 1962 – Part III Investments as amended by the Trustees Amendment Act; Local Government (Financial Management) Regulations 1996– Regulation 19, Regulation 19C, Regulation 28 and Regulation 49.
File Number (Name of Ward)	:	CM.STD.3 – Policies
Previous Reference	:	OCM 23/05/2017 – Resolution CCCS028 OCM 19/02/2013 – Report Item 1.1

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

AR037: Insurance Claim
18. **CLOSURE**