



MINUTES

Ordinary Meeting of Council

Tuesday 22 November 2016

6.00pm

City of Albany Council Chambers

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

VISION

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

VALUES

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

Focused: on community outcomes

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

United: by working and learning together

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

Accountable: for our actions

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

Proud: of our people and our community

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

ORDINARY COUNCIL MEETING
MINUTES 22/11/2016

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1. DECLARATION OF OPENING

[6:03:34 PM](#) The Mayor declared the meeting open.

On behalf of the City, Mayor Wellington accepted the award for National Winner for Heritage and Culture at the 2016 Keep Australia Beautiful Tidy Towns and Sustainable Communities Awards from Ms Janice Ford, Secretary of Keep Albany Beautiful committee.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward	R Hammond
Breaksea Ward	P Terry
Frederickstown Ward	G Stocks
Frederickstown Ward	C Dowling
Kalgan Ward	J Price
Kalgan Ward	B Hollingworth
Vancouver Ward	N Mulcahy
West Ward	A Goode JP
West Ward	S Smith
Yakamia Ward	A Moir
Yakamia Ward	R Sutton

Staff:

Chief Executive Officer	A Sharpe
Executive Director Corporate Services	M Cole
Acting Executive Director Development Services	P Camins
Executive Director Commercial Services	C Woods
Executive Director Works and Services	M Thomson
Executive Manager Community Services	A Cousins
Meeting Secretary	J Williamson

Apologies:

Vancouver Ward	J Shanahun
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4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Sutton	CSF282	Impartiality. The nature of the interest being that Councillor Sutton is a life member of the North Albany Football Club. Councillor Sutton remained in the Chamber and participated in the discussion and vote for this item.
Councillor Terry	CSF282	Impartiality. The nature of the interest being that Councillor Terry is a social member (i.e. non-voting member) of the Princess Royal Sailing Club. Councillor Terry remained in the Chamber and participated in the discussion and vote for this item.
Councillor Mulcahy	CSF282	Impartiality. The nature of the interest being that Councillor Mulcahy is a foundation member of the Albany (Sharks) Football Club. Councillor Mulcahy remained in the Chamber and participated in the discussion and vote for this item.
Councillor Stocks	CSF282	Impartiality. The nature of interest being that Councillor Stocks is a member of the Albany Golf Club. Councillor Stocks remained in the Chamber and participated in the discussion and vote for this item.

5. REPORTS OF MEMBERS

[6:05:36 PM](#) **Councillor Goode**

Summary of key points:

- Suggested that the City send a letter to our Sister City Tomioka expressing support at this difficult time.

[6:06:59 PM](#) **Councillor Smith**

Summary of key points:

- Attended WA Tourism Awards where the City was nominated in four categories and received a Gold for Local Government Tourism and a Bronze in Cultural Award.

[6:08:36 PM](#) **Councillor Price**

Summary of key points:

- Congratulated the City of Albany and Albany Agricultural Society on a successful 2016 Albany Agricultural Show.

6:09:33 PM Councillor Stocks

Summary of key points:

- Paid Parking at Airport
- Albany Agricultural Show
- PIAF Opening
- Remembrance Day well attended
- Price Waterhouse Coopers-Innovation Park-encouraging investment in the region

6:13:10 PM Councillor Dowling

Summary of key points:

- Attended service at St George's Cathedral

6:13:48 PM Councillor Terry

Summary of key points:

- Attended SEGRA Conference
- Remembrance Day

6:15:35 PM Councillor Hammond

Summary of key points:

- Innovation Park

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

6:18:13 PM Mr Phillip Wyatt

Summary of key points:

- Spoke in support of CSF276: Proposed New Community Licence Agreement-Centennial Stadium Inc. for the Football Stadium-Centennial Park Sporting Precinct.

6:20:24 PM Ms Dianne Skipper, 14 View Street, Albany

Summary of key points:

- Spoke against PD145: Proposed Bed and Breakfast-Lot 3, 13 Cliff Street, Albany.
-

6:24:18 PM Mr Geoff Oldfield

Summary of key points:

- Spoke in support of CSF276: Proposed New Community Licence Agreement-Centennial Stadium Inc. for the Football Stadium-Centennial Park Sporting Precinct.

6:26:42 PM Mr Ian Redmond, 77 Campbell Road, Albany, on behalf of Albany Golf Club

Summary of key points:

- Spoke in support of the Responsible Officer Recommendation for CSF282: Proposed Rating Subsidy Policy-Sporting and Community Groups and Rating Subsidy 2016-17.

[6:29:59 PM](#) **Mr B Harold, 315 Emu Point Drive, Collingwood Park**

Summary of key points:

- Spoke against the Recommendation for PD128: Proposed Home Business and Fill-Lot 355, 307-321 Emu Point Drive, Collingwood Park.
- Mr Harold tabled pages from the National Strategy for the Management of Coastal Acid Sulfate Soils.

[6:32:32 PM](#) **Mr Barry Panizza, 94 Willyung Road, Willyung**

Summary of key points:

- Spoke in support of CSF276: Proposed New Community Licence Agreement-Centennial Stadium Inc. for the Football Stadium-Centennial Park Sporting Precinct.

[6:34:44 PM](#) **Mr Will Richards, 28 Rowley Street, Albany**

Summary of key points:

- Spoke in support of the Responsible Officer Recommendation for CSF282: Proposed Rating Subsidy Policy-Sporting and Community Groups and Rating Subsidy 2016-17.

[6:39:00 PM](#) **John Shaylor, 293 Emu Point Drive, Collingwood Park**

Summary of key points:

- Spoke against the Responsible Officer Recommendation for PD128: Proposed Home Business and Fill-Lot 355, 307-321 Emu Point Drive, Collingwood Park.

[6:42:38 PM](#) **Ms Wendy Green, 17 Cliff Street, Albany**

Summary of key points:

- Spoke in support of PD145: Proposed Bed and Breakfast-Lot 3, 13 Cliff Street, Albany.

[6:43:52 PM](#) **Mr Frank Liva, 321 Emu Point Drive, Collingwood Park**

Summary of key points

- Mr Liva tabled a letter to Mayor and Councillors regarding PD128: Proposed Home Business and Fill-Lot 355, 307-321 Emu Point Drive, Collingwood Park.

[6:44:52 PM](#) **Mr Tony Harrison, Little Grove**

Summary of key points:

- Mr Harrison addressed Council regarding PD128: Proposed Home Business and Fill-Lot 355, 307-321 Emu Point Drive, Collingwood Park.

[6:45:24 PM](#) Councillor Price left the Chamber

[6:46:26 PM](#) Councillor Price returned to the Chamber

ORDINARY COUNCIL MEETING
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[6:49:03 PM](#) There being no further speakers the Mayor declared Public Question Time closed.

8. APPLICATIONS FOR LEAVE OF ABSENCE Nil

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SMITH

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

CARRIED 12-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

ED039: CLIPPER ROUND THE WORLD YACHT RACE EVENT 2017

Proponent : City of Albany
Attachments: • ED015 2013 Clipper Host Port post event report
• ED030 2015 Clipper Host Port post event report
Report Prepared By : Manager Tourism Development Services (M Bird)
Responsible Officer(s) : Executive Director Community Services (C Woods)

Responsible Officer's Signature:



CONFIDENTIAL

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

STRATEGIC IMPLICATIONS

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

In Brief:

- The City has first right of refusal to the host port rights for 2017 Clipper Round the World Yacht Race event.
- Officers are seeking Council direction in relation to the host port rights for the 2017 Clipper Round the World Yacht race event before committing resources to the bid process.

RECOMMENDATION

**ED039: RESOLUTION (ALTERNATE MOTION BY COUNCILLOR MULCAHY)
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR MULCAHY
SECONDED: COUNCILLOR PRICE**

THAT Council request that the Chief Executive Officer negotiate the host port rights for the 2017 Clipper Round the World Yacht Race based on the following conditions;

1. That City of Albany financial commitment is to be in kind assistance up to \$15,000; and
2. The City to seek additional partner funding and support (in writing) that will develop greater community activation of the Albany Host Port Clipper Round the World Yacht Race.

**CARRIED 9-3
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillors Goode, Dowling and Terry

Councillor Reason:

The Clipper Event is a colourful and unique occasion for which the City has previously secured hosting rights with financial contributions in 2013 and 2015.

The City have hosted this event twice and shown it to be an exceptional destination; community engagement has been high and it is an event that we would welcome again.

However, previous contributions and promotion of the event by the City have earned us the right to submit for hosting rights at no financial contribution and additional partner funding and contributions will be actively sought.

Officer Comment (Executive Director Commercial Services):

I support this alternate motion for the following reasons:

- The City has a strong maritime history and a world class natural harbour from which we can develop a biannual marine and sailing event for future years.
- The event builds on our previous investment in the Clipper Yacht Race for minimal ongoing investment.
- The event provides much needed activation of the waterfront which is identified as a key economic development precinct for the City and this could assist the attraction private investment and development.

[9:00:10 PM](#) Councillor Hammond left the Chamber

ED039: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE

SECONDED: COUNCILLOR SUTTON

THAT Council go behind closed doors to discuss ED039: Clipper Round the World Yacht Race Event 2017.

CARRIED 11-0

[9:01:06 PM](#) Councillor Hammond returned to the Chamber.

[9:11:36 PM](#)

ED039: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council come out from behind closed doors and the meeting be re-opened to the public.

CARRIED 12-0

ED039: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council request that the Chief Executive Officer negotiate the host port rights for the 2017 Clipper Round the World Yacht Race based on the following conditions;

1. That City of Albany financial commitment is not to exceed \$50,000 (ex GST);
2. The City to secure partner funding and other contributions (in writing) that will form the basis of a host port bid proposal that will be subject to Council review and approval prior to final presentation to Clipper Ventures.

BACKGROUND

2. The City of Albany successfully hosted the Clipper Round the World Yacht Races (Clipper) in November 2013 and again in November 2015.

3. Copies of post event evaluation reports are included in attachments.
4. The 2013 event attracted 332 sailors, 22 event management personnel, injected an estimated \$810,000 of total economic impact into the local economy.
5. The 2015 event attracted 340 sailors, 17 event management personnel, injected an estimated \$874,000 of visitor and event organiser spend into the local economy, and generated significant positive feedback and goodwill from the local business community.
6. The City is now presented with the opportunity to host the 2017 event.
7. City officers are seeking endorsement from Council to enter into negotiations with the event owner, to seek partner financial support, and to prepare a host port business case for Council to consider.

DISCUSSION

8. Hosting of the 2013 and 2015 events provided the City with economic benefits including;
 - a. Injecting an estimated \$1.68m into the local economy with a direct cost to the City of Albany of \$230,000 achieving a return on investment ratio of around 7:1.
 - b. Generating increased destination awareness from being part of a high profile international sailing event.
 - c. The Clipper organisers estimate the 2013 event reached a cumulative audience of 192m, generated an advertising equivalent of \$3.5m and PR value of \$10.6m. Although difficult to substantiate these media claims it is acknowledged that the Clipper Race is a major generator of international media attention.
9. The major beneficiaries from hosting the Clipper events are typically local accommodation, hospitality, visitor attractions, tour operators, visitor centres, shopping and general retail.
10. Other non-tourism based beneficiaries from the past events included the Albany Maritime Foundation, Albany Boat Shed Markets, Princess Royal Sailing Club, Albany Agricultural Society, fuel providers and yacht and sail repair services.
11. The City surveyed the local business community post hosting both 2013 and 2015 events and a large 90% of respondents supported the City hosting the Clipper events.
12. Activation of the Albany Waterfront is a key strategic goal of the City and securing the Clipper host port rights encourages hotel, short stay and commercial development and investment within the precinct.
13. Whilst the benefits from hosting these past Clipper events have been estimated at \$1.68m the City needs to ensure any hosting of future Clipper events delivers value for money economic benefit and is aligned with our future strategic direction.
14. Based on the City's experience from hosting the two previous events it is recommended that Albany enters into negotiations to host the 2017 Clipper event on the basis that Council financial investment does not exceed \$50,000 (ex GST.).

GOVERNMENT & PUBLIC CONSULTATION

15. The Albany Chamber of Commerce and Industry Inc. (ACCI) was a strong proponent for Albany hosting the previous 2013 and 2015 Clipper events.
16. The City of Albany partnered with a large number of local agencies, groups and individuals to deliver the Clipper events. All partners have rated the events favourably and indicated a desire to investigate hosting future Clipper events.
17. Local media interest in the previous events generated significant community and local business comment in local media. Feedback received is that there is strong support from local community for hosting the Clipper event as long as it is "at the right price".

18. The Community Strategic Plan involved widespread community consultation in late 2012 and early 2013. The community identified a number of economic priorities under the theme of Smart Prosperous and Growing including the attraction of iconic major events.

STATUTORY IMPLICATIONS

19. Nil.

POLICY IMPLICATIONS

20. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial. The final financial commitment required to host the 2017 event could exceed the City's initial commitment and expectations.	Possible	Moderate	Medium	<ul style="list-style-type: none"> • Council to limit financial exposure to a maximum of \$50,000 as part of host port contractual negotiations. • City officers to seek alternative funding bodies. • Council to review and provide approval conditions for 2017 host bid proposal.
Reputational. Public and business sector criticism may result if the City of Albany does not attempt to secure host port rights for 2017 event.	Likely	Moderate	High	<ul style="list-style-type: none"> • City to enter into negotiations with Clipper to host the 2017 event. • Council to review and provide approval conditions for 2017 host bid proposal.
Reputational – City fails to secure 2017 host port rights.	Possible	Moderate	Medium	<ul style="list-style-type: none"> • City of Albany to enter into negotiations with Clipper with value for money the key consideration.
Reputational – Failure to implement or acknowledge post event survey suggestions from local business may lead to reputation damage.	Possible	Minor	Medium	<ul style="list-style-type: none"> • City officers to review local business feedback and suggestions for improvement and integrate into event attraction, management and promotion processes as part of host port bid. • Additional funding from external bodies be sought to meet community expectations, e.g. maritime festival.

FINANCIAL IMPLICATIONS

22. City staff to prepare a detailed 2017 host port budget as part of the final bid proposal. The proposal is to be reviewed and approved by Council prior to finalising any contractual agreements with Clipper event organisers. Bid proposal to include confirmed partner funding and limit the City's financial exposure to a maximum of \$50,000.
23. If approved, the City's financial commitment (maximum level of \$50,000) to be allocated in the 2017/18 financial year.
24. Management and oversight of funding and event contractual deliverables for the 2017 event would be undertaken using existing staff resources within the Commercial Services Directorate and normal operational budgets.

LEGAL IMPLICATIONS

25. Nil.

ENVIRONMENTAL CONSIDERATIONS

26. Nil.

ALTERNATE OPTIONS

Option 1: Enter into negotiations for 2017 host port based on zero financial assistance and simply invite Clipper Ventures to stopover in Albany with no Council support and no associated welcome or festivities.

Comment

This is a no cost option to Council however is highly likely that host port rights will not be agreed and will likely result in negative local PR and a future lost economic opportunity for Albany.

Option 2: Enter into negotiations for 2017 host port based on a greater amount than \$50,000 and prepare a stronger bid proposal with better support services, higher quality activities and festivals, and greater media facilitation.

Comment

This is a higher cost option to Council however a value judgment must be made with regard to what is an appropriate contribution of Council resources to host this event.

Option 3: Budget a lesser amount than the recommended \$50,000 and reduce the scope of services offered in negotiations.

Comment

This is a viable option, however it may threaten the competitiveness of Albany’s proposal.

SUMMARY CONCLUSION

27. Securing the 2017 Clipper host port event will achieve a City strategic deliverable to identify iconic events that provide community and economic benefits. The Clipper event is considered a strong strategic fit for the Albany destination and its natural waterways and marine assets.
28. It is recommended Council make a provisional allocation of up to \$50,000 in the 2017/18 budget as its maximum cash contribution to be offered to Clipper Ventures for the host port rights to the 2017 Round the World Yacht Race.
29. This amount will be used to underwrite a total bid package based on partner contributions secured by City officers and committed in writing (financial and other resources) prior to Council review and approval of the final host port bid.
30. If other partner contributions are not achieved, the City will scale back the proposed additional event components.
31. Activation of the Albany Waterfront is a key strategic goal of the City and securing the Clipper host port rights encourages hotel, short stay and commercial development and investment within the precinct.

Consulted References	:	<ul style="list-style-type: none"> • ED015 2013 Clipper Host Port post event report • ED030 2015 Clipper Host Port post event report • Council Policy Community Funding • Community Funding Guidelines 2016 to 2017 • City of Albany Major and Regional Events Strategy 2014-17
File Number (Name of Ward)	:	All Wards
Previous Reference	:	See attachments

**ED040: ALBANY REGIONAL AIRPORT REGULAR PUBLIC TRANSPORT
(RPT) HOLIDAY PACKAGE FARES**

Proponent : City of Albany
Report Prepared By : Manager Tourism Development Services (M Bird)
Responsible Officer(s) : Executive Director Community Services (C Woods)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item directly relates to the following elements from the City of Albany Community Strategic Plan – Albany 2023 and the Corporate Business Plan 2014-2018.
 - a. **Key Themes:**
 - 1. Smart Prosperous and Growing.
 - 3. A Connected Built Environment
 - b. **Strategic Objectives**
 - 1.2 To strengthen our region's economic base.
 - 1.3 To develop and promote Albany as a unique and sought after destination.
 - 3.1 To advocate, plan and build friendly and connected communities.
 - c. **Strategy**
 - 1.2.2. Strengthen our economy by support by supporting business innovation and diversity
 - 1.3.2. Promote the Albany region as a sought after and iconic tourism destination.
 - 3.1.1 Improve connectedness and traffic flows.

In Brief:

- The City has been working with Regional Express (REX) to grow the inbound holiday and leisure travel market on the Perth to Albany air route.
- The current air travel market is dominated by business, employment, healthcare and local community travel.
- The introduction of a \$99 one way fare will test demand potential from the holiday and leisure air traveller market to Albany.

RECOMMENDATION

ED040: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR TERRY

THAT Council:

1. **NOTE** the introduction of a \$99 one way fare promoted and sold to attract increased inbound holiday and leisure air travel to Albany.
2. **APPROVE** the waiver of Albany Airport passenger handling fees (currently \$30.48 plus GST) on all \$99 one way fares sold with the following conditions;
 - a. **Must be sold as part of a travel package that includes the purchase of a minimum of 2 nights accommodation with participating local accommodation operators; and**
 - b. **Sold via an accredited third party travel wholesaler;**
3. **APPROVE** the reduction of the RPT fixed annual passenger handling fee charged to REX by the number of \$99 promotional fares sold multiplied by \$30.48 for the 2016/17 financial year.

CARRIED 12-0

ED040: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR PRICE

SECONDED: COUNCILLOR DOWLING

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

CARRIED 9-0

ED040: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. **NOTE** the introduction of a \$99 one way fare promoted and sold to attract increased inbound holiday and leisure air travel to Albany.
2. **APPROVE** the waiver of Albany Airport passenger handling fees (currently \$30.48 plus GST) on all \$99 one way fares sold with the following conditions;
 - a. **Must be sold as part of a travel package that includes the purchase of a minimum of 2 nights accommodation with participating local accommodation operators; and**
 - b. **Sold via an accredited third party travel wholesaler;**
3. **APPROVE** the reduction of the RPT fixed annual passenger handling fee charged to REX by the number of \$99 promotional fares sold multiplied by \$30.48 for the 2016/17 financial year.

BACKGROUND

2. On 13 November 2015 the WA Department of Transport (DoT) awarded Regional Express Airlines (REX) the sole rights to operate Regular Public Transport (RPT) aviation services on the Perth to Albany route for a 5 year period. REX replaced Virgin Australia Regional Airlines (VARA) who did not re-tender for the route.
3. At the 15 December 2015 Ordinary Council Meeting Council resolved to remove security screening and to provide REX with an airport fee structure based on an all-inclusive per passenger fee basis of \$30.48 plus GST effective from 28 February 2016 until 30 June 2017.
4. In response to a request from REX at the 24 May 2016 Ordinary Council Meeting Council approved the introduction of a fixed annual fee for the 2016/17 financial period of \$1,645,920 plus GST based on 54,000 RPT passengers paying the current RPT per passenger fee of \$30.48 plus GST.

5. The rationale of the above was to provide a financial incentive for REX to grow the annual passenger numbers. This approach appears to be working well with REX experiencing a 5% increase in passengers numbers carried for the first 3 months of 2016/17 compared to the same period in 2015/16.
6. In August 2016 REX lowered their base line one way fare from \$151 to \$129 called the Rex Promo available for purchase with the conditions being purchases made either 24 hours or 60 days before flight departure. This fare has been well received by the marketplace.
7. The City has been working with REX to identify strategies to grow new market segments and the opportunity to promote \$99 one way fares is now being considered to grow the inbound holiday and leisure visitor segment to Albany.

DISCUSSION

8. The REX \$99 one way holiday package fare will test the market potential for the air travel holiday and leisure visitor to Albany and surrounding region. The proposed approach is designed to grow new visitor market types rather than appeal to existing travellers on the route.
9. Subject to the City's full waiver of its \$30.48 passenger handling fee REX proposes to offer a \$99 one way fare that would only be promoted and sold as part of a package that includes the purchase of a minimum of 2 nights commercial accommodation.
10. The packages would only be sold via accredited travel wholesalers and most likely on a campaign style basis.
11. It is forecast that for every 100 return fare packages sold (minimum 2 night stay) this will generate an additional \$50,000 of new visitor expenditure into the local economy excluding airfares.
12. The fares would not be sold direct from the REX website.
13. Existing delegated authority exists for the CEO to authorise waiver of fees and charges up to a \$10,000 limit. Assuming the sale of return fares for each package sold, the \$10,000 limit would equate to 164 packages. If more than 164 return fare packages are sold in a year then this waiver of fees will require Council approval.
14. The City will review the success of the fare and report back to Council on a regular basis.

GOVERNMENT & PUBLIC CONSULTATION

15. The City has been working closely with REX, the Department of Transport Aviation section, and major identified travel wholesalers to develop holiday and leisure travel packages with attractive air travel pricing.

STATUTORY IMPLICATIONS

16. The City CEO and Executive Director Commercial Services both have delegated authority to waive fees as stated in the Officer Recommendation as per the Register of Delegations, section 2016:009 – Grant Funding, Donations and Sponsorships of the *Local Government Act 1995* states:

Delegated Power:

1. Authorise donations, grants, sponsorships, financial assistance (waive fees and charges), under the *Local Government Act 1995*, s6.7(2) and s6.12(1)(2)&(3).
3. Waive fees for goods, services and charges.

Condition of Delegation:

This authorisation is subject to:

- Conditions contained in Council Policies;
- Funding being allocated in the City's Annual Budget; and
- Funding/donations limited to \$10,000.

POLICY IMPLICATIONS

17. There are no policy implication related to this report.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational. Negative public perception towards the City may result if initiatives to grow the holiday market by reducing fares is not supported.	Possible	Moderate	Medium	Council to consider financial scenarios and impacts of waiving passenger handling fee on holiday packages. Work with Rex Airline to ensure a mutually beneficial arrangement is agreed to.
Financial. By agreeing to waive passenger handling fees on travel packages sold the City could potentially forego to \$6,000 (assume 100 return flight packages sold) in additional RPT fee income.	Likely	Minor	Medium	Developing travel packages is growing new air travel market for the destination. The nett impact of a successful travel package program could result in an additional \$50k (100 packages multiplied by \$500 avg) visitor spend into the region. The nett ROI on attracting 100 return packages is in the vicinity of \$44k to the Albany destination or an 8:1 ratio.

FINANCIAL IMPLICATIONS

19. If approved, the City will waive passenger handling fees on all \$99 air travel packages sold. If it is assumed that 100 return flight packages are sold then the City will forego some \$6,096 in airport fees (100 x 2 x \$30.48).
20. For every 100 return air fare packages sold it is forecast that around \$50,000 will be injected into the local economy. This economic benefit estimate assumes minimum 2 night stay in commercial accommodation and excludes air fare costs.
21. It can be argued that these additional holiday packages would be all new business and would only be sold if the waived passenger fee and attractive pricing was in place.

LEGAL IMPLICATIONS

22. Nil.

ENVIRONMENTAL CONSIDERATIONS

23. Nil.

ALTERNATE OPTIONS

24. Council can apply an annual financial cap to this \$99 fare program at predetermined levels.

SUMMARY CONCLUSION

25. The introduction of a \$99 one way fare will test demand potential from the holiday and leisure air traveller market to Albany
26. It is forecast that for every 100 return fare packages sold (minimum 2 night stay) this will generate an additional \$50,000 of new visitor expenditure into the local economy excluding airfares.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 Delegations Register 2016
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 24/05/2016 Resolution ED033

ED041: ALBANY HERITAGE PARK – QUARTERLY REPORT

Proponent	: City of Albany
Attachments	: Albany Heritage Park – Quarterly Report National Anzac Centre Advisory Group Minutes – 31 August 2016 (Confidential)
Report Prepared By	: Manager Albany Heritage Park (M Hammond)
Responsible Officer(s)	: Executive Director Commercial Services (C Woods)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

In Brief:

- To provide Council with quarterly statistical and financial year to date updates on the performance of the National Anzac Centre and Albany Heritage Park.

RECOMMENDATION

ED041: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

Moved: Councillor Dowling

Seconded: Councillor Moir

That Council:

1. **NOTE the Albany Heritage Park Report July 2016 to September 2016.**
2. **NOTE the Minutes of the National Anzac Centre Advisory Group meeting 31st August 2016.**

CARRIED 12-0

ED041: COMMITTEE RECOMMENDATION

Moved: Councillor Dowling

Seconded: Councillor Hammond

That the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

ED041: RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. **NOTE the Albany Heritage Park Report July 2016 to September 2016.**
2. **NOTE the Minutes of the National Anzac Centre Advisory Group meeting 31st August 2016.**

BACKGROUND

2. The National Anzac Centre is the City of Albany's most significant tourism asset.
3. The National Anzac Centre is a \$10.6 million dollar investment from the Federal and State Government with an additional \$1.5 million invested by Wesfarmers for the construction of the Convoy Walk and Lookout.
4. The City of Albany manages the asset and understands the importance of generating economic outcomes for the region using the National Anzac Centre and the Albany Heritage Park assets to encourage both increased visitation and extended stays to the region.
5. Key stakeholders will also receive this quarterly report in an effort to further develop the relationships and as recognition of their significant investment and commitment to the City of Albany.
6. The City has established an independent National Anzac Centre Advisory Committee for the 2016/17 financial year to assist in the further development of both the NAC and AHP to ensure the assets continue to evolve and attract both local repeat visitation and visitors from outside the region. The inaugural meeting was held on the 31st August 2016.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of NAC and the AHP and has established a reserve on the understanding that any surplus funds will be reinvested and be used to leverage additional grant funding to improve the asset.

DISCUSSION

8. This NAC report template is constantly being reviewed to ensure that the Economic Development Committee and the National Anzac Centre Advisory Group receive all relevant information as to its performance.
9. Ongoing feedback from both the Economic Development Committee and the National Anzac Centre Advisory Group is encouraged to ensure the report is meeting expectations.
10. Officers will provide a more detailed description on the financial variances at the Committee Meeting.

GOVERNMENT & PUBLIC CONSULTATION

11. Not Applicable.

STATUTORY IMPLICATIONS

12. Not Applicable.

POLICY IMPLICATIONS

13. Not Applicable.

RISK IDENTIFICATION & MITIGATION

14. Nil.

FINANCIAL IMPLICATIONS

15. Nil.

LEGAL IMPLICATIONS

16. Nil.

ENVIRONMENTAL CONSIDERATIONS

17. Nil.

ALTERNATE OPTIONS

18. The Committee can further develop and refine the reporting tool as it requires or request changes to the current quarterly reporting timeline.

SUMMARY CONCLUSION

19. The financial performance of the NAC and AHP is tracking in line with targets. Whilst July and August were down on 2015/16, September saw an improvement on the same period in 2015/16. The Forts Store revenue in August and September was up on the previous year and continues to exceed expectations. The National Anzac Centre continues to deliver economic outcomes to the region as is evident from the visitation profiles and accolades announced such as the TripAdvisor number 1 museum in Australia and Tourism Award finalist.

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

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

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

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

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

RECOMMENDATION

PD128: COMMITTEE RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOTION LAPSED – WAS NOT MOVED OR SECONDED

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

Conditions:

- (1) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans dated (**insert date**).
- (2) Earthworks and management of stormwater drainage shall be undertaken in accordance with the earthworks plan, including proposed levels
- (3) Surface water management shall be undertaken to ensure that the vehicle storage area is suitably drained and sealed.
- (4) All vehicle wash-downs shall be undertaken off-site at the appropriate commercial facilities and there shall be no direct discharges from the vehicle storage area.
- (5) No servicing of vehicles shall be undertaken on the premises.
- (6) A landscaping plan detailing the size, species and location of trees/shrubs shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
- (7) All landscaped areas shall be maintained as per the approved landscaping plan(s) to the satisfaction of the City of Albany.
- (8) The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.
Advice:
A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. 97024 1/3 – 97024 3/3 (refer to the City of Albany's Subdivision and Development Guidelines).
- (9) The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
- (10) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
- (11) No preparation of bitumen shall be undertaken on the premises.
- (12) There shall be no storage of construction materials or dumping of construction waste (including asphalt) on the premises.

PD128: AMENDMENT BY COUNCILLOR MULCAHY
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MULCAHY
NO SECONDER

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

Conditions:

- (1) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans dated (**insert date**). **As amended via condition 13**
- (2) Earthworks and management of stormwater drainage shall be undertaken in accordance with the earthworks plan, including proposed levels
- (3) Surface water management shall be undertaken to ensure that the vehicle storage area is suitably drained and sealed.
- (4) All vehicle wash-downs shall be undertaken off-site at the appropriate commercial facilities and there shall be no direct discharges from the vehicle storage area.
- (5) No servicing of vehicles shall be undertaken on the premises.
- (6) A landscaping plan detailing the size, species and location of trees/shrubs shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
- (7) All landscaped areas shall be maintained as per the approved landscaping plan(s) to the satisfaction of the City of Albany.
- (8) The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.
Advice:
A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. 97024 1/3 – 97024 3/3 (refer to the City of Albany's Subdivision and Development Guidelines).
- (9) The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
- (10) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
- (11) No preparation of bitumen shall be undertaken on the premises.
- (12) There shall be no storage of construction materials or dumping of construction waste (including asphalt) on the premises.
- (13) **The driveway, new crossover and parking be relocated to the east, away from lot 4 to reduce noise and amenity concerns in general accordance with the attached plan to the satisfaction of the City.**

Advice: It is also recommended to the applicants that the shed previously approved for storage but not yet constructed be relocated to the east.

MOTION LAPSED DUE TO NO SECONDER

Councillor Reason:

The relocation of the entry exit road to the subject property will reduce noise and amenity concerns of the affected neighbour. It will also assist in traffic management to and from the site.

Officer Comment (A/Executive Director Development Services)

This outcome will reduce impact on the residents of lot 4. Staff consider this is a good compromise, allowing the development and the use, but reducing the impact on the neighbour's amenity

PD128 COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR HAMMOND

THAT the Original Officer Recommendation is ADOPTED

LOST 2-4

Record of Vote

For the Motion: Mayor Wellington, Councillor Hammond

PD128: RESPONSIBLE OFFICER RECOMMENDATION (AMENDED)

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

Conditions:

- (1) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans dated (*insert date*).
- (2) Earthworks shall be undertaken in accordance with the earthworks plan, including proposed levels
- (3) Surface water management shall be undertaken to ensure that the vehicle storage area is suitably drained and sealed.
- (4) All vehicle wash-downs shall be undertaken off-site at the appropriate commercial facilities and there shall be no direct discharges from the vehicle storage area.
- (5) **No major servicing of vehicles shall be undertaken on the premises, any routine maintenance of vehicles shall be confined to the proposed shed in order to minimise potential noise and contain any possible contaminants.**
- (6) A landscaping plan detailing the size, species and location of trees/shrubs shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
- (7) All landscaped areas shall be maintained as per the approved landscaping plan(s) to the satisfaction of the City of Albany.
- (8) The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.

Advice:

A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. 97024 1/3 – 97024 3/3 (refer to the City of Albany's Subdivision and Development Guidelines).

- (9) The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
- (10) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
- (11) No preparation of bitumen shall be undertaken on the premises.
- (12) There shall be no storage or dumping of construction waste (including asphalt) on the premises. **Minor storage of materials used by the business shall be confined to the storage area shown on the site plan to the satisfaction of the City.**

PD128: RESPONSIBLE OFFICER RECOMMENDATION

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

Conditions:

- (1) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans dated (**insert date**).
- (2) Earthworks and management of stormwater drainage shall be undertaken in accordance with the earthworks plan, including proposed levels
- (3) Surface water management shall be undertaken to ensure that the vehicle storage area is suitably drained and sealed.
- (4) All vehicle wash-downs shall be undertaken off-site at the appropriate commercial facilities and there shall be no direct discharges from the vehicle storage area.
- (5) No servicing of vehicles shall be undertaken on the premises.
- (6) A landscaping plan detailing the size, species and location of trees/shrubs shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
- (7) All landscaped areas shall be maintained as per the approved landscaping plan(s) to the satisfaction of the City of Albany.
- (8) The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.

Advice:

A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. 97024 1/3 – 97024 3/3 (refer to the City of Albany's Subdivision and Development Guidelines).

- (9) The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
- (10) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
- (11) No preparation of bitumen shall be undertaken on the premises.
- (12) There shall be no storage of construction materials or dumping of construction waste (including asphalt) on the premises.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. The subject lot lies to the north side of Emu Point Drive, approximately five kilometres north-east of Albany city centre. The lot has an area of approximately 1.44 hectares and is zoned 'General Agriculture' under *City of Albany Local Planning Scheme No. 1*.
6. The land to the south is zoned 'Future Urban' and is bounded by 'Parks and Recreation' local scheme reserve. The land to the north and west is zoned 'General Agriculture', while the land to the east is covered by the 'Parks and Recreation' local scheme reserve.
7. The application was advertised for public comment, in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and clause 9.4 of *Local Planning Scheme No. 1*. Surrounding landowners were directly notified in writing. A total of 13 submissions were received, all of which objected to, or raised concerns around the proposal.

8. The proponent was granted a clearing permit by the Department of Environmental Regulation on 29 May, 2014. The permit granted clearing of an area of vegetation within the north-western quadrant of the property. Clearing has occurred, and all vegetation within the clearing area removed.
9. The application was originally laid on the table at the June Planning Committee meeting and was consequently withdrawn from the June Ordinary Council meeting pending a review of the application.
10. The application has subsequently been amended by the proponent, with an earthworks plan developed and the originally proposed dam removed from the proposal.
11. Council is now requested to consider whether to grant development approval.

DISCUSSION

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

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

Traffic

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

Amenity

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

24. It is considered that the landscaping, in conjunction with the stated scale of the operation, will assist in mitigating amenity issues. However, it is recommended that the implementation and ongoing maintenance of the landscaping and rehabilitation planting be stipulated as a condition of development approval.

Environment

25. Concerns regarding environmental impacts were consistently raised in the submissions.
26. The proposed dam on the original proposal was the subject to a number of concerns raised in submissions. The dam has now been removed from the application.
27. The Department of Water was consulted and has advised the City that standard water control conditions are applicable to the proposal, which includes surface water management being undertaken by the developer. It is recommended that water management measures are applied as condition of development approval.
28. City of Albany engineers have reviewed the proponent's engineers plan request to fill sections of the lot. The proposed plan will allow fill to be undertaken to expand the useable area of the land, while maintaining the natural floodplain and drainage functions of the area. Compliance with the submitted earthworks plan is recommended as a condition of development approval.
29. A number of submissions have also raised the issue of clearing of native vegetation. It is apparent from these submission that there is a level of misunderstanding within the community regarding the approval of the clearing that has taken place. Some members of the community believe that the City of Albany had granted approval for clearing. To clarify, the Department of Environmental Regulation is the statutory authority for clearing permits within Western Australia and has issued approval for clearing within the north-western quadrant of the subject lot.
30. The proponent has submitted a landscaping details for the planting of additional native vegetation. The planting and ongoing maintenance is recommended as a condition of consent.

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

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

39. Should the proponents seek a review of Council’s decision or any attached conditions through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

LEGAL IMPLICATIONS

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

41. The proponent has the right to seek a review of the Council’s decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

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

- To determine that the proposed use is unacceptable and to resolve to refuse the application; or
- To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

SUMMARY CONCLUSION

44. The matters raised in the submissions received during the public advertising period have been broadly addressed and can be mitigated through the application of appropriate planning conditions.

45. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

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

PD145: PROPOSED BED AND BREAKFAST – LOT 3, 13 CLIFF STREET, ALBANY

Land Description : Lot 3, 13 Cliff Street, Albany
Proponent : H L Moyle
Owner : H L Moyle
Business Entity Name : N/A
Directors : N/A
Attachments :
1. Copy of development application
2. Schedule of submissions
Supplementary Information & Councillor Workstation : 3. Copy of submissions
4. Copy of legal advice
Report Prepared by : Planning Officer (J Anderson)
Responsible Officer : Executive Director Development Services (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council is asked to consider a development application for a Bed and Breakfast at Lot 3, 13 Cliff Street, Albany.
- The proposal is to let one room, with a maximum of three guests.
- Due to the site's topography, vehicular access can only be gained via a privately owned Right of Way from View Street, to the south.
- The application was advertised for public comment and referred to surrounding landowners in writing.
- Two letters of objection have been received from surrounding landowners. The objections primarily relate to concerns over the use of the privately owned Right of Way; specifically, whether Council can approve a use with a commercial element when the only means of access is via a privately owned Right of Way, the condition of the Right of Way, the lack of contribution to its maintenance and the possibility of guests reversing down the Right of Way. Other concerns relate to the compounding parking issues, the possibility of motorhomes parking on the verge of Cliff Street and pets being permitted on the premises.
- Legal advice was received with regard to whether Council has the right to approve a use with an incidental commercial element when access is gained via a privately owned Right of Way. This advice stated that *“all registered proprietors, as well as their guests and invitees, have an implied right to use the right of way. There is no prohibition on guests or invitees using the right of way as a means of access to a lot with a minor commercial element.”*
- One neighbour has since agreed that the planning conditions proposed mitigate the issues they raised.
- The second concerned resident does not think the use should be approved on the grounds that it will generate too much traffic on the Right of Way and has requested that the proposal is determined at an Ordinary Council Meeting.
- Staff recommend that Council approve the proposed development, subject to conditions, which will mitigate the concerns raised.

RECOMMENDATION

**PD145: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR MOIR**

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for a Bed and Breakfast at Lot 3, 13 Cliff Street, Albany:

Conditions:

- (1) The vehicular access way shall be sealed and constructed to the City of Albany's specifications, levels and satisfaction, as specified for vehicular crossovers, to a minimum width of four metres within four months from the date of this approval, unless otherwise agreed in writing by the City of Albany.**
- (2) The operator/manager of the Bed and Breakfast accommodation hereby approved shall ensure that a copy of the House Rules is provided to all guests, and enforced to the satisfaction of the City of Albany.**
- (3) One parking space shall be provided per guest bedroom, in addition to the two (2) bays required for the full-time occupants of the dwelling.**
- (4) Vehicular parking must be contained within the lot boundaries at all times.**
- (5) Prospective guests shall be advised that there is no capacity to park motorhomes, caravans, trailers, boats or similar large vehicles or trailers.**
- (6) Guests shall be notified that they must leave the premises in a forward gear.**
- (7) The maximum number of persons residing in the Bed and Breakfast accommodation shall not exceed three (3) at any one time, exclusive of the owner/operator, unless otherwise agreed in writing by the City of Albany.**
- (8) The owner/operator of the Bed and Breakfast accommodation shall reside on-site.**
- (9) The Bed and Breakfast accommodation hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.**
- (10) The owner/operator of the Bed and Breakfast accommodation hereby approved shall maintain an annual register and receipt book, containing the details of all persons who stay on the premises, to the satisfaction of the City of Albany.**
- (11) The Bed and Breakfast accommodation hereby approved shall be used for short-stay accommodation only, and shall not be occupied by the same person or persons for more than three months in any 12 month period.**

CARRIED 7-5

Record of Vote

Against the Motion: Councillors Stocks, Price, Mulcahy, Sutton and Smith

PD145: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

PD145: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for a Bed and Breakfast at Lot 3, 13 Cliff Street, Albany:

Conditions:

- (1) The vehicular access way shall be sealed and constructed to the City of Albany's specifications, levels and satisfaction, as specified for vehicular crossovers, to a minimum width of four metres within four months from the date of this approval, unless otherwise agreed in writing by the City of Albany.
- (2) The operator/manager of the Bed and Breakfast accommodation hereby approved shall ensure that a copy of the House Rules is provided to all guests, and enforced to the satisfaction of the City of Albany.
- (3) One parking space shall be provided per guest bedroom, in addition to the two (2) bays required for the full-time occupants of the dwelling.
- (4) Vehicular parking must be contained within the lot boundaries at all times.
- (5) Prospective guests shall be advised that there is no capacity to park motorhomes, caravans, trailers, boats or similar large vehicles or trailers.
- (6) Guests shall be notified that they must leave the premises in a forward gear.
- (7) The maximum number of persons residing in the Bed and Breakfast accommodation shall not exceed three (3) at any one time, exclusive of the owner/operator, unless otherwise agreed in writing by the City of Albany.
- (8) The owner/operator of the Bed and Breakfast accommodation shall reside on-site.
- (9) The Bed and Breakfast accommodation hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
- (10) The owner/operator of the Bed and Breakfast accommodation hereby approved shall maintain an annual register and receipt book, containing the details of all persons who stay on the premises, to the satisfaction of the City of Albany.
- (11) The Bed and Breakfast accommodation hereby approved shall be used for short-stay accommodation only, and shall not be occupied by the same person or persons for more than three months in any 12 month period.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

5. The subject site lies to the south side of Cliff Street, approximately 550 metres west of Albany city centre. The lot has an area of 553m² and is zoned 'Residential' under *City of Albany Local Planning Scheme No. 1*. The surrounding lots are also zoned 'Residential'.
6. Due to topography the subject lot can only gain pedestrian access from Cliff Street. Vehicular access is via a privately owned Right of Way from View Street, to the south.
7. The application was advertised for public comment, in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and clause 9.4 of *Local Planning Scheme No. 1*. Surrounding landowners were directly notified in writing. Two written submissions were received, both of which raised concerns with the proposal.
8. These matters were discussed with the proponent, who subsequently revised the proposed house rules in an attempt to mitigate the concerns.
9. One of the concerned residents has since confirmed that the proposed planning conditions would mitigate their concerns. However, the second concerned resident does not think the use should be approved on the grounds that it will generate too much traffic on the Right of Way and has requested that the proposal is determined at an Ordinary Council Meeting.
10. Council is now requested to consider whether to grant development approval.

DISCUSSION

11. *City of Albany Local Planning Scheme No. 1* defines Bed and Breakfast accommodation as “a dwelling, used by a resident of the dwelling, to provide accommodation for no more than six guests away from their normal place of residence on a short-term commercial basis within the dwelling and may include the provision of meals”.
12. The City's *Bed and Breakfast Accommodation* local planning policy states that “*Bed and Breakfast accommodation should occupy a maximum of two bedrooms of a dwelling house and be made available for short-stay accommodation for a maximum of six guests at any one time and will only be approved on a lot where it can be demonstrated that:*
 - 1) *The proposal is consistent with surrounding land use activities and can demonstrate general support from adjoining landowners;*
 - 2) *The owner/manager of the Bed and Breakfast accommodation will reside on-site;*
 - 3) *The proposal provides addition on-site car parking bays at the ratio of 1 bay per bedroom and shall not interfere with vehicular access; and*
 - 4) *Access/egress to the site and car parking shall not adversely impact on with local vehicular or pedestrian access.”*
13. The existing dwelling has three bedrooms, inclusive of the proposed guest room. It is proposed to let this room, which is housed in an existing standalone structure with ensuite, to a maximum of three guests at any one time.
14. The City's *Bed and Breakfast Accommodation* local planning policy requires one car parking bay per room for let, in addition to the required two bays for the single dwelling. The proponent is currently constructing a double garage and an additional parking bay will be provided for the exclusive use of guests.
15. During the public comment period, two written submissions were received from surrounding landowners, both objecting to the proposal. The objections are summarised and addressed in the attached schedule of submissions.

16. The main concerns raised and the proposed mitigation measures are addressed as follows:

I. Use of the Right of Way

One submission raised concerns that the guests will use the Right of Way and stated that the use of the Right of Way does not extend to a commercial use. They claim that the use should not be supported as it involves the use of someone else's land, which is only to be used for personal access to their properties and not for commercial use. The City has sought legal advice in this regard and was advised that "*all registered proprietors, as well as their guests and invitees have an implied right to use the right of way. There is no prohibition in guests or invitees using the right of way as a means of access to a lot with a minor commercial element.*"

II. The condition of the Right of Way and lack of contributions towards its upkeep

As the proponent is introducing an additional use, City Engineering Staff have recommend that a condition is placed on the approval requiring the proponent to upgrade a portion of the Right of Way to an acceptable driveway standard. In relation to the ongoing upkeep of the Right of Way, this is a civil matter and the City strongly recommends that the landowners liaise with each other to reach an amicable solution.

III. Parking

Limited off-street parking is available and there is a concern that inviting additional traffic onto the property will compound the existing shortage of parking. It has also been suggested that vehicles, including motorhomes, may park on Cliff Street, obstructing traffic and lines of sight. Furthermore, there is no suitable parking available for large vehicles and caravans or trailers. In order to address these issues, the proponent is currently constructing a double garage and one additional car parking bay for the exclusive use of the guests, which will meet the minimum car parking requirement for the proposed development. The proponent has also updated the House Rules to require parking in the designated guest bay and to prohibit parking on Cliff Street. Additionally, the proponent has agreed to notify any prospective guests at the time of booking that there is no parking available for motorhomes, caravans, trailers, etc. This will be required by application of an appropriate planning condition.

IV. Safety

Concerns were raised over the possibility of guests reversing down the Right of Way due to a lack of turning space. To address this issue, the proponent has revised the house rules to include information for guests that they should leave the premises in a forward gear.

V. Dogs being permitted

Concern was raised that guests may be permitted to bring their dogs to the premises. The keeping of domestic animals is permitted on a residential property and the proponent has amended the house rules to ensure that guests are only permitted to bring small or medium dogs to the premises, that they must be contained on the premises, or on a lead when out walking and that all litter is to be picked up (litter bags will be provided).

17. The proposed condition requiring the upgrade of a portion of the Right of Way has been raised with the proponent, who has stated that this will affect the viability of the proposed Bed and Breakfast accommodation. The proponent believes that it is unjustified, due to the scale of the development and the relatively small increase in traffic that it will generate.

18. Staff subsequently discussed the revised house rules and proposed planning conditions with the owner of the Right of Way, who is still not comfortable with the proposal and the potential effects that it could have on the use of the Right of Way.
19. The second concerned resident has confirmed that he is satisfied that the proposed planning conditions would mitigate his concerns.
20. The application is considered to be generally consistent with the City of Albany's *Bed and Breakfast Accommodation* local planning policy.
21. Council is now requested to consider the submissions received during the public advertising period and determine whether to grant development approval.

GOVERNMENT & PUBLIC CONSULTATION

22. The proposal was advertised for public comment for a period of 21 days, in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and clause 9.4 – *Advertising of Applications* within *Local Planning Scheme No. 1*. Surrounding landowners were directly notified in writing.
23. A total of two submissions were received during the public advertising period. Both submissions objected to the proposal. Staff comments and recommendations are provided in the attached schedule, while the broad issues are discussed in paragraphs 18 – 33 above.

STATUTORY IMPLICATIONS

24. A Bed and Breakfast is classified as an 'A' use within the 'Residential' zone under *Local Planning Scheme No. 1*, meaning that the use is not permitted, unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Scheme.
25. Voting requirement is a **Simple Majority**.

POLICY IMPLICATIONS

26. Proposals for the development of Bed and Breakfast accommodation are assessed in the context of the City of Albany's *Bed and Breakfast Accommodation* local planning policy.
27. In this instance, the proposed Bed and Breakfast accommodation is considered to be consistent with the objectives and provisions of the policy. These matters are discussed in more detail in paragraphs 9 to 23 above.

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

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

30. Should the proponents seek a review of Council’s decision or any attached conditions through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

33. The subject lot is developed with a residential dwelling and garden ground. There are no environmental considerations relating to this proposal.

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

35. The proposal is considered to be consistent with the objectives of the zone and the requirements of the City of Albany’s *Bed and Breakfast Accommodation* local planning policy.
36. The matters raised in the public submissions received during the advertising period have also been broadly addressed by the proponent and can be mitigated through the application of appropriate planning conditions and the yearly licence renewal process.
37. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>Bed and Breakfast Accommodation</i> local planning policy
File Number (Name of Ward)	:	A105416 (Frederickstown Ward)
Previous Reference	:	Nil.

PD146: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT – LOTS 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 AMITY QUAYS, ALBANY

Land Description : Lots 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 Amity Quays, Albany

Proponent : Ayton Baesjou Planning

Owner : LandCorp

Business Entity Name : LandCorp

Attachments : Local Planning Scheme Amendment No. 20 report

Supplementary Information & Councillor Workstation: : Nil

Report Prepared by : Planning Officer (C McMurtrie)

Responsible Officer : Executive Director Development Services (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams



In Brief:

- A request has been submitted for Council to adopt a local planning scheme amendment to:
 - Incorporate Lots 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 Amity Quays, Albany within a ‘Special Control Area’ and change the residential density code from R30 to R60;
 - Incorporate the Amity Quays Special Control Area within Part 6 – Special Control Areas of the Scheme Text; and
 - Amend the Scheme Maps accordingly.
- City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
- The proposal will facilitate the development of higher density dwellings in close proximity to the City centre with the attendant amenity benefits that this will bring.
- Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

RECOMMENDATION

PD146: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR MULCAHY

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

1) Adopt Amendment No. 20 to amend *City of Albany Local Planning Scheme No. 1* by:

(1) Incorporating Lots 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 Amity Quays, Albany within a ‘Special Control Area’ and change the residential density code from R30 to R60;

(2) Incorporating the Amity Quays Special Control Area within Part 6 – Special Control Areas of the Scheme Text; and

(3) Amending the Scheme Maps accordingly.

2) Note that the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- **The amendment is consistent with the *Albany Local Planning Strategy*, which sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity;**
- **The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and**
- **The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**

CARRIED 12-0

PD146: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

PD146: RESPONSIBLE OFFICER RECOMMENDATION

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

- 1) Adopt Amendment No. 20 to amend *City of Albany Local Planning Scheme No. 1* by:
 - (1) Incorporating Lots 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 Amity Quays, Albany within a 'Special Control Area' and change the residential density code from R30 to R60;
 - (2) Incorporating the Amity Quays Special Control Area within Part 6 – Special Control Areas of the Scheme Text; and
 - (3) Amending the Scheme Maps accordingly.
- 2) Note that the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - The amendment is consistent with the *Albany Local Planning Strategy*, which sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity;
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. Amendment No. 20 has been prepared to seek:
 - Incorporation of Lots 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 Amity Quays, Albany within a 'Special Control Area' and change the residential density code from R30 to R60;
 - Incorporation of the Amity Quays Special Control Area within Part 6 – Special Control Areas of the Scheme Text; and
 - Amendment of the Scheme Maps accordingly.
6. The subject lots are located approximately 500 metres west-south-west of York Street and have a cumulative area of approximately 1.1 hectares. The land slopes very slightly upward in a northerly direction, from Amity Quays toward the railway line. The land has been cleared and extensive remediation works have been undertaken to remove soil contamination resulting from its former use as a gasworks.

7. The subject land is bounded on its western, southern and eastern sides by Amity Quays. It is bounded by the railway line to the north. The land to the south of Amity Quays is occupied by a strip of public open space and a public parking area within a 'Parks and Recreation' local scheme reserve. Princess Royal Drive extends along the southern edge of the public open space within a 'Major Roads' local scheme reserve and Princess Royal Harbour lies beyond.
8. The land to the west of the subject lots is covered by a 'Parks and Recreation' local scheme reserve and is partly developed with a cluster of buildings currently occupied by the Community Living Association. The land to the east of the subject lots is covered by a 'Public Purposes' local scheme reserve and is occupied by the Navy Cadet Hall, the Brig Amity, the Residency Museum and a large area of public open space. The land to the north of the subject lots is zoned 'Residential' with an R30 Residential Density Code and largely developed with single houses on individual lots, although some vacant lots remain.
9. The amendment document states that:

"The subject land is currently zoned 'Residential with an R30 density code. However, the site has been subdivided into 18 lots of approximately 600m² each which equates to an R15 density code. While each lot can be developed as a duplex lot with two dwellings per lot, a potential buyer has no idea what might be built within the estate or next to or in some cases, in front of their property.

Given the unique nature of the site, its location near the CBD and the general amenity available in terms of water views and strategic siting, it is considered that a higher density coding is warranted and should be encouraged. This would be in accord with the key planning documents guiding development within the City which encourages;

- *The consolidation of urban development;*
- *Infill development;*
- *Increased densities up to R60 around the periphery of the CBD; and*
- *Provision of a variety of housing to accommodate the increasing proportion of smaller households.*

In order to ensure the site specific issues...are addressed, it is recommended that the subject land be incorporated within a 'Special Control Area' which will facilitate the incorporation of conditions to address those issues."

DISCUSSION

10. The City's planning Staff support the incorporation of Lots 1533-1550 Amity Quays, Albany within a 'Special Control Area', changing the residential density code from R30 to R60 and incorporating the Amity Quays Special Control Area within Part 6 – Special Control Areas of the Scheme Text, as it is consistent with the *Albany Local Planning Strategy*.
11. The amendment documents include a concept plan and indicative built form examples to illustrate how the site could be developed to an R60 density. A Services Investigation Report prepared by a consulting engineer has also been submitted in support of the proposal. It indicates that there are no technical difficulties associated with developing the site to a higher residential density.
12. Additionally, a Bushfire Attack Level Contour Plan prepared by an accredited bushfire assessor has been provided, identifying the fire risk associated with the vegetation surrounding the site. The majority of the site has been identified as being subject to Bushfire Attack Level 12.5, which can be managed by the application of appropriate building standards. A higher risk has been identified in the north-western and north-eastern corners of the subject land and a notation has been provided on the indicative concept plan, identifying the need for further detailed planning work to establish suitable building setbacks to mitigate the risk.

13. The *Albany Local Planning Strategy* identifies the site as part of the 'Existing Urban' area and sets strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity.
14. The proposal is consistent with the Albany Local Planning Strategy's objective of supporting urban infill development, as it will facilitate the development of higher density dwellings in close proximity to the City centre with the attendant amenity benefits that this will bring.

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

16. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
17. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning. Section 81 of the Act requires a local government to refer an adopted local planning scheme amendment to the Environmental Protection Authority to determine if it should be assessed.
18. Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
19. The proposal is considered to be a standard scheme amendment for the following reasons:
 - The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as 'Existing Urban' and sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity;
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
20. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

23. There are no financial implications directly relating to this item.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

25. The subject land was formerly the site of Albany Gasworks. Extensive remediation works have been undertaken to remove soil contamination. As per Section 48(A) of the *Environmental Protection Act 1986*, the proposal will be referred to the Environmental Protection Authority to determine if environmental assessment is necessary, prior to public advertising and referral to public authorities.

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

27. It is recommended that Council adopt Local Planning Scheme Amendment No. 14, as the proposal is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will facilitate the development of higher density dwellings in close proximity to the City centre with the attendant amenity benefits that this will bring.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Albany Corporate Business Plan 2013-2017</i> 5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i>
File Number (Name of Ward)	:	LAMD20 (Frederickstown Ward)
Previous Reference	:	Nil

PD147: SERVICE STATION AND LUNCH BAR - LOT 40 AND 41 , 342-346 ALBANY HIGHWAY, ORANA WA 6330

Land Description : Lot 40 and 41, 342-346 Albany Highway Orana WA 6330.
Proponent : Peter Webb and Associates
Owner : Procon Investments 7 Pty Ltd
Business Entity Name : Procon Investments 7 Pty Ltd
Directors : David Leon Key
Attachments : 1. Application
2. Area Plan
3. Site Plan
4. submissions

Supplementary Information & Councillor Workstation : Additional correspondence
Report Prepared by : Manager Planning services (J van der Mescht)
Responsible Officer : Executive Director Planning & Development Services (Dale Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council is asked to consider a development application for a Service Station and Lunch Bar at Lots 40 and 41, 342-346 Albany Highway Orana WA 6330.
- Both of the uses are “p” permitted land uses within the “Highway Commercial” zone in accordance with LPS1.
- A permitted (‘P’) use means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.
- The application was referred to Main Roads for comment as this section of Albany Highway falls under their control and they regulate access onto roads under their control.
- Main Roads objected to the proposed development. The objections primarily relate to concerns regarding safety and efficiency of the state road network.
- Main Roads have also stated that they will only support one crossover of up to 11m wide.
- Staff recommend that Council approve the proposed development, subject to conditions.

RECOMMENDATION

PD147: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR PRICE

THAT this item be deferred until the 13 December 2016 Ordinary Council Meeting to consider the outcome of a meeting between the proponent, Main Roads WA and the City of Albany.

CARRIED 7-5

Record of Vote

Against the Motion: Councillors Hammond, Goode, Sutton, Moir and Mulcahy

PD147: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to ISSUE a notice of determination granting development approval, with conditions, for a Service Station and Lunch Bar at Lots 40 and 41, 342-346 Albany Highway Orana WA 6330.

Conditions:

1. All development shall occur and be maintained in accordance with the stamped, approved plans referenced P2160267(subject to variations to plans necessary for condition 7 to be met) and/or unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.

2. The proposal shall comply with any details and/or amendments marked in red on the stamped, approved plans.

Advice:

Notwithstanding the submitted detail the pylon sign shall be reduced to a maximum height of 6m above ground level in accordance with the City’s Signs Policy, to the satisfaction of the City of Albany.

3. Prior to commencement of development, a schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval. The development shall be constructed in accordance with this approved detail to the satisfaction of the City of Albany.
4. Prior to commencement of development, a landscaping plan detailing the size, species and location of trees/shrubs shall be submitted for approval in writing by

the City of Albany. The approved landscaping shall be implemented in the first planting season following occupancy of the development to the satisfaction of the City of Albany.

5. Prior to commencement of development, stormwater disposal plans, details and calculations shall be submitted for approval by the City of Albany. The development shall be constructed in accordance with this approved detail to the satisfaction of the City of Albany.

Advice:

Stormwater disposal is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines';

The stormwater disposal system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.

6. Prior to commencement of development, a vehicular and bicycle parking and access plan shall be submitted for approval by the City of Albany and shall be implemented and constructed to the satisfaction of the City of Albany.

Advice:

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

The plan shall clearly indicate the intended use of all parking bays (eg disabled bay, loading bay etc), access areas, line marking, kerbing and sealing.

A minimum of 1 bicycle parking bay shall be provided for the development hereby approved.

This plan shall reflect and be in accordance with Main Roads approved crossover location(s).

7. Vehicle access points, traffic movements and stormwater management onto Albany Highway and/or Chester Pass Road, shall be provided to the specification agreed by Main Roads Western Australia.
8. All landscaped areas shall be maintained as per the approved landscaping plan/s to the satisfaction of the City of Albany.
9. All vehicular parking and access areas shall be maintained as per the approved details and plans, to the satisfaction of the City of Albany.
10. The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
11. No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.
12. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
13. Lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.
14. Unless otherwise agreed in writing with the City of Albany, the level of illumination of the fuel price pylon sign information shall not exceed a maximum luminance of:
 - a. 6000 cd/m² during hours of full daylight;

- b. 600 cd/m² at dawn and dusk; and
- c. 300 cd/m² during hours of darkness.

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

Advice:

Please refer to the City of Albany Local Planning Policy – Signs for further information.

16. Prior to occupancy of use lots 40 and 41 Albany Highway, shall be amalgamated into one lot and the necessary Certificate of Title created, to the satisfaction of the City of Albany.

17. Prior to occupancy of use a public art work commission to the value of 1% (or cash in lieu off) to reflect or enhance local cultural identity shall be provided as part of the development hereby approved, to the satisfaction of the City of Albany.

Advice: please refer to the City of Albany policy - Art in the Public Domain for further information

18. A plan indicating the location and type of bin and refuse storage shall be submitted for approval by the City of Albany, and shall be implemented to the satisfaction of, the City of Albany prior to occupancy of the use.

PD147: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

PD147: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval, with conditions, for a Service Station and Lunch Bar at Lots 40 and 41, 342-346 Albany Highway Orana WA 6330.

Conditions:

1. All development shall occur and be maintained in accordance with the stamped, approved plans referenced P2160267 (subject to variations to plans necessary for condition 7 to be met) and/or unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.

2. The proposal shall comply with any details and/or amendments marked in red on the stamped, approved plans.

Advice:

Notwithstanding the submitted detail the pylon sign shall be reduced to a maximum height of 6m above ground level in accordance with the City's Signs Policy, to the satisfaction of the City of Albany.

3. Prior to commencement of development, a schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval. The development shall be constructed in accordance with this approved detail to the satisfaction of the City of Albany.

4. Prior to commencement of development, a landscaping plan detailing the size, species and

location of trees/shrubs shall be submitted for approval in writing by the City of Albany. The approved landscaping shall be implemented in the first planting season following occupancy of the development to the satisfaction of the City of Albany.

5. Prior to commencement of development, stormwater disposal plans, details and calculations shall be submitted for approval by the City of Albany. The development shall be constructed in accordance with this approved detail to the satisfaction of the City of Albany.

Advice:

Stormwater disposal is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines';

The stormwater disposal system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.

6. Prior to commencement of development, a vehicular and bicycle parking and access plan shall be submitted for approval by the City of Albany and shall be implemented and constructed to the satisfaction of the City of Albany.

Advice:

Car parking and access is to be designed in accordance with the Australian Standard 2890. The plan shall clearly indicate the intended use of all parking bays (eg disabled bay, loading bay etc), access areas, line marking, kerbing and sealing.

A minimum of 1 bicycle parking bay shall be provided for the development hereby approved.

This plan shall reflect and be in accordance with Main Roads approved crossover location(s).

7. Vehicle access points, traffic movements and stormwater management onto Albany Highway and/or Chester Pass Road, shall be provided to the specification agreed by Main Roads Western Australia.
8. All landscaped areas shall be maintained as per the approved landscaping plan/s to the satisfaction of the City of Albany.
9. All vehicular parking and access areas shall be maintained as per the approved details and plans, to the satisfaction of the City of Albany.
10. The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
11. No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.
12. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
13. Lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.
14. Unless otherwise agreed in writing with the City of Albany, the level of illumination of the fuel price pylon sign information shall not exceed a maximum luminance of:
- 6000 cd/m² during hours of full daylight;
 - 600 cd/m² at dawn and dusk; and
 - 300 cd/m² during hours of darkness.
15. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.

Advice:

Please refer to the City of Albany Local Planning Policy – Signs for further information.

16. Prior to occupancy of use lots 40 and 41 Albany Highway, shall be amalgamated into one lot and the necessary Certificate of Title created, to the satisfaction of the City of Albany.

17. Prior to occupancy of use a public art work commission to the value of 1% (or cash in lieu off) to reflect or enhance local cultural identity shall be provided as part of the development hereby approved, to the satisfaction of the City of Albany.

Advice: please refer to the City of Albany policy - Art in the Public Domain for further information

18. A plan indicating the location and type of bin and refuse storage shall be submitted for approval by the City of Albany, and shall be implemented to the satisfaction of, the City of Albany prior to occupancy of the use.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. The subject lots are located on the northern side of the Albany Highway and Chester Pass Road junction/roundabout, approximately 1.3 kilometres from the Albany city centre.
6. The lots have a combined area of approximately 3219 m² and are zoned 'Highway Commercial' under *City of Albany Local Planning Scheme No. 1*.(LPS1)
7. The subject lots are currently developed and contain derelict buildings, a hardstand and fencing associated with a used car sales business that has not operated for a number of years.
8. The Service Station and Lunch Bar uses are listed as ("p") permitted land uses within the "Highway Commercial" zone in LPS1.
9. A permitted 'P' use means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.
10. The application was referred to Main Roads for comment who objected to the proposed development. The objections primarily relate to concerns regarding safety and efficiency of the state road network.
11. Council is now requested to consider whether to grant development approval given the impact and concerns regarding the access to the development.

DISCUSSION

12. An assessment of the proposed development is required to ensure that the development (and not the use) complies with the development standards and the requirements of the Scheme.
13. When considering a permitted 'P' use the City does not have the ability to refuse the use. However the City may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
14. The most pertinent development standards and requirements of the Scheme to be considered include;
 - a. vehicle access and egress;
 - b. vehicle parking;
 - c. Site requirements
 - d. bin and refuse storage areas
 - e. landscaping requirements
 - f. Signs (policy)
 - g. Public Art (policy)

15. The application was assessed and the proposed development complies (or through satisfying standard conditions will comply) with all but two of the development standards and requirements of the Scheme.
16. The applicant has requested variations to the standards and requirements for vehicle access & egress and advertising Signs have been requested.

Vehicle access and egress

17. The application proposes the amalgamation of the two existing lots and a rationalisation of the existing driveway provision on Albany Highway from three to two; one for entry which will be 10m wide and another for exit which will be 11m wide.
18. The applicant contends that it is likely that the proposed development will attract 226 vehicles per day (452 movements) including 34 vehicles in the peak hour. Most of the vehicles will be pass by trips that use this facility because they are already passing the site and form part of the existing traffic flow, or linked trips combining multiple trip purposes at a number of destinations (i.e. already travelling on the road network in this area).
19. The LPS1 provisions for Highway Commercial zoned areas include the following provision;
“5.5.9.1 Within the Highway Commercial zone: ...
(d) Any access/egress point(s) onto adjoining roads requires the approval of the relevant road control authority. “
20. The application was referred to Main Roads for comment as this section of Albany Highway and Chester Pass Road fall under their jurisdiction.
21. Main Roads have objected to the proposed development and also required further information. Their objections and concerns primarily relate to safety and efficiency of the state road network.
22. Main Roads state that "A fuel station will be a high demand development that will generate high traffic movements at this location. Main Roads considers this to be a major safety issue and will also impact the efficiency to the State Network at this location."
23. Main Roads also provided advice stating that (in accordance with their relevant policy) that they will only support one crossover up to 11m wide.
24. The applicant was informed of the Main Roads response. The proposed responses and restrictions were unacceptable to the applicant and they requested the City to defer its decision until they could discuss the matter with the relevant Minister for Transport and Main Roads.
25. The applicant and their traffic engineers have since held a number of discussions with Main Roads and provided further information in an attempt to resolve Main Roads concerns without success. (Please refer to the correspondence attached to this report for more detail on the responses.)
26. The applicant contends that the proposed driveways are in accordance with the current MRWA (Main Roads Western Australia) "Driveways" Policy, which allows two 11m driveways for a Service Station in this situation.
27. The applicant insists on the need for two (2) driveway crossovers to the development to enable a fuel tanker to safely access, circulate and exit the site and to safely allow other vehicles to enter and exit the site. If restricted to a single crossover, any fuel tanker would be unable to negotiate the site safely. The applicants contend that this situation will have a far greater impact on Albany Highway with respect to traffic operations and safety.
28. Main Roads have reemphasised their concerns and need to restrict the number of driveway access points to single access.
29. The applicant has now requested the City to make a decision on the matter and has requested the use of two (2) driveway access point (crossovers).
30. The applicant's arguments over the need and benefit of having the two access points for vehicle circulation is acknowledged by Staff. However these roads are under control of Main Roads and the number of access points remains their decision.

31. City Staff therefore recommend that a condition requiring Main Roads approval for access/egress point(s) onto the adjoining roads be placed as a condition of any approval.
32. This condition will allow the Applicant to alter their plans in accordance with Main Roads comments or negotiate an alternative outcome with Main Roads.

Signage

33. As part of the application a pylon sign 7.30 m in height is proposed.
34. The maximum height allowed for a pylon sign under the City's Signs policy is 6m in height. There is no planning merit or local precedence to warrant a variation to this policy requirement.
35. City Staff therefore recommend that a condition requiring the pylon sign to be amended to a maximum of 6 m height be placed as a condition of any approval.

GOVERNMENT & PUBLIC CONSULTATION

36. The proposal was referred to Main Roads for comment as this section of Albany Highway and Chester Pass Road fall under their jurisdiction and they regulate access to roads under their control.
37. Main Roads objected to the proposed development. The objections primarily relate to concerns regarding safety and efficiency of the state road network.
38. Main Roads also stated that in accordance with their relevant policy, they will only support one crossover up to 11m wide.

STATUTORY IMPLICATIONS

39. The "Service Station" and "Lunch Bar" land uses are both listed as ("p") permitted land uses within the "Highway Commercial" zone in LPS1.
40. A permitted 'P' use means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.
41. According to City of Albany *Local Planning Scheme No. 1*;
 - a. **lunch bar** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;
 - b. **service station** means premises used for:
 - i. (a) the retail sale of petroleum products, motor vehicles accessories and goods of an incidental/convenience retail nature; and
 - ii. (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,
 - iii. but does not include premises used for a transport depot, panel beating, spray-painting, major repairs or wrecking;
42. City of Albany *Local Planning Scheme No. 1* clause 4.2.11 lists the following objectives for the Highway Commercial zone:
 - (a) Provide along the main transport spines into the CBD, a range of services and activities that support the main CBD commercial areas including automotive trades, car sales, showrooms, vehicle servicing and repairs, storage and similar activities that cannot be accommodated in other commercial or industrial related zones;
 - (b) Ensure that the lot sizes, the built form and layout of the development is robust and adaptable, and the built form provides attractive, complementary street façades and adjoining developments promote the joint use of crossovers and parking areas; and

(c) Restrict the sizes and location of signs and encourage landscaping of front setbacks to improve the amenity of highway commercial areas.

43. City of Albany *Local Planning Scheme No. 1* clause 4.2.11 lists the following pertinent objectives for the Highway Commercial zone:

“5.5.9.1 Within the Highway Commercial zone:

(d) Any access/egress point(s) onto adjoining roads requires the approval of the relevant road control authority.

(e) Signage associated with an approved development should be incorporated into the fabric of buildings and structures on-site and the use of bunting should be avoided.”

44. Voting requirement is a **Simple Majority**.

POLICY IMPLICATIONS

45. The proposal is assessed in the context of the City of Albany’s Local Planning Scheme, Signs policy and Public Art policy.

46. The proposal, as submitted, is not consistent with the signs policy. It is therefore recommended that a condition requiring the plans for the proposed pylon sign to be amended to have a height of 6 m maximum be placed on any approval.

47. It is recommended that a condition requiring a 1% Public art contribution in accordance with the Public Art policy be placed on any approval.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation <i>The proposed use could give rise to unacceptable detrimental impacts on the safety and efficiency of the road network.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation of impacts to be achieved through adoption and enforcement of appropriate planning conditions.</i>

FINANCIAL IMPLICATIONS

49. All costs associated with the development will be borne by the proponent.
50. However, should the proponents be aggrieved by Council’s decision or any attached conditions and seek a review of that decision or conditions through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

53. The subject lot is developed with derelict buildings and a hardstand associated with used car sales business that has been vacant for a number of years. There are no environmental considerations relating to this proposal.

ALTERNATE OPTIONS

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

- To determine that the proposed development as proposed is unacceptable and to resolve to request the applicant to submit a proposal that is acceptable to Main Roads. This option may be considered by the applicants as a “deemed refusal” and brought before the State Administrative Tribunal for a review.
- To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

SUMMARY CONCLUSION

55. The subject lots have been neglected for a number of years. The proposed development will result in the removal of the derelict buildings, hardstand and fencing and thereby improving the street scape appearance of this highly visible approach to the City.
56. The proposed land uses are permitted (“P”) uses within Local Planning Scheme number 1. When considering a permitted ‘P’ use the City cannot refuse the use because of the unsuitability of the use for the zone.
57. The City may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme.
58. The proposed development generally complies with all except two of the development standards and the requirements of the Scheme as discussed in this report.
59. These matters can however be resolved through appropriate conditions of approval.
60. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>Signs Policy</i> 4. <i>Public Art policy</i>
File Number (Name of Ward)	:	A119358 (Yakamia Ward)
Previous Reference	:	

PD148: PLANNING AND BUILDING REPORTS OCTOBER 2016

Proponent : City of Albany
Attachment : Planning and Building Reports October 2016
Report Prepared By : Administration Officer-Planning (K Smith)
Information Officer-Development Services (J Corcoran)
Responsible Officer(s): : Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



RECOMMENDATION

PD148: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MULCAHY
SECONDED: COUNCILLOR SMITH

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

CARRIED 12-0

**LEMC011: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY
MANAGEMENT COMMITTEE – MARCH & JUNE 2016**

Proponent : City of Albany
Attachment : LEMC Minutes 17 March 2016
LEMC Minutes 16 June 2016
Report Prepared By : Administration Coordinator-Rangers & Emergency Services
(S Lees)
Responsible Officer(s): : Acting Executive Director Development Services (P Camins)

Responsible Officer's Signature:



In Brief:

- Receive the confirmed minutes of the Local Emergency Management Committee meeting held on 17 March 2016 and 16 June 2016.

RECOMMENDATION

**LEMC011: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR DOWLING**

THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 17 March 2016 and 16 June 2016 be RECEIVED.

CARRIED 12-0

**CSF276: PROPOSED NEW COMMUNITY LICENCE AGREEMENT –
CENTENNIAL STADIUM INC. FOR THE FOOTBALL STADIUM –
CENTENNIAL PARK SPORTING PRECINCT**

Land Description : Crown Reserve 405, Lot 1359 on Deposited Plan 185302, the subject of Certificate of Title Volume LR3009 Folio 774

Proponent : Centennial Stadium Inc.

Owner : Crown

Attachments : Licence Plan

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

Responsible Officer : Executive Director Corporate Services (M Cole)

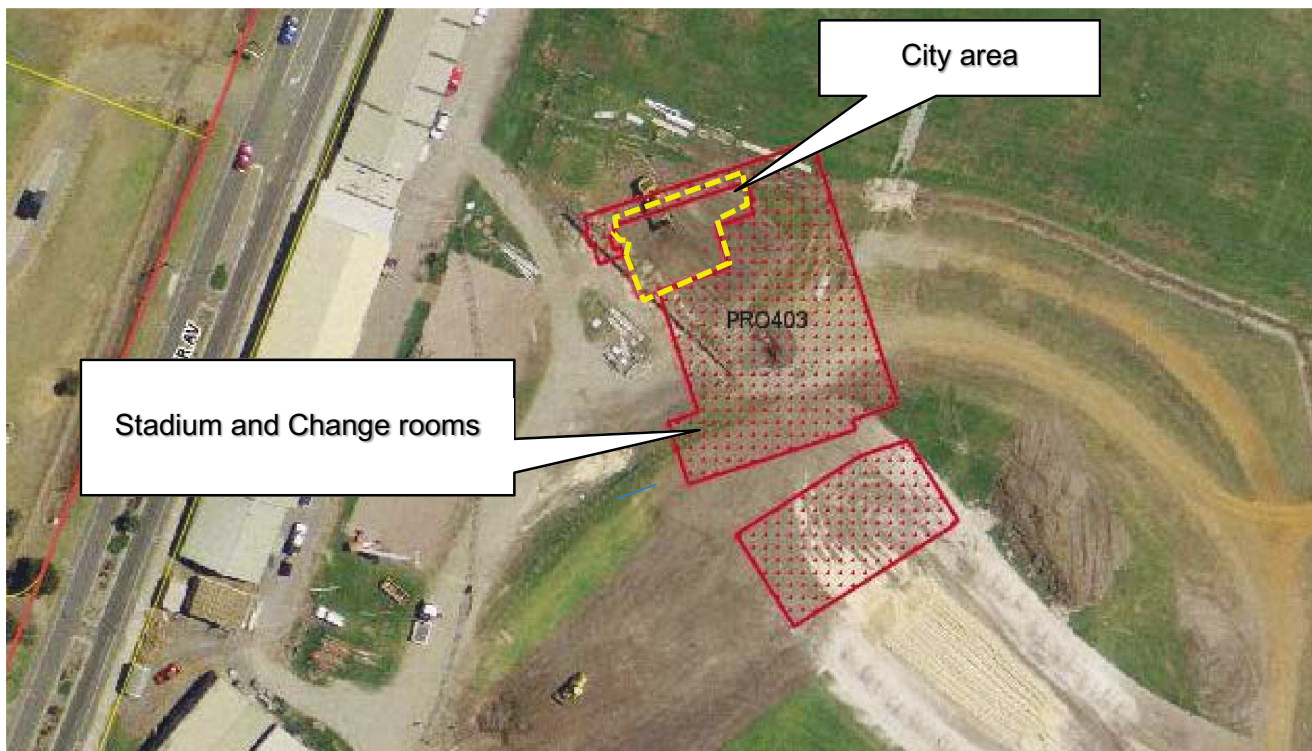
Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council is requested to consider a new licence over the Football Stadium buildings in the Centennial Park Sporting Precinct to Centennial Stadium Inc. with both Royals Football and Sporting Club Inc & Albany Football and Sporting Club Inc (known as Sharks) as Guarantors.
- The licence terms being five years with an option for two further five year terms.
- It is recommended that Council approve the new licence.

RECOMMENDATION

CSF276: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR MULCAHY

SECONDED: COUNCILLOR PRICE

THAT Council:

(1) APPROVE a community licence over portion of Reserve 405, Centennial Park to Centennial Stadium Inc. with Royals Football and Sporting Club Inc & Albany Football and Sporting Club Inc as Guarantors, subject to:

- Licence purpose being Sporting Association activities in accordance with the Association incorporations objectives.**
- Licence area being 2099.1m² (Stadium 1495.4m² and Change rooms 603.7m²).**
- Licence term being five years with an option for two further five year terms.**
- Licence commencement dates being as soon as practicable following completion of construction of the stadium.**
- Licence fee being equivalent to the minimum rate as set by Council each year, currently \$968 plus GST.**
- Licence special condition to document that the clubs agree to comply with the Centennial Park Sporting Precinct Management Framework and the City of Albany Sporting Precincts Grounds User Guide.**
- Legal costs associated with the preparation, execution and completion of the Deed of Licence are to be payable by the clubs.**
- Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent being obtained.**
- Licence being consistent with Council Policy – Property Management (Leases and Licences).**

(2) APPROVE a self-supporting loan to Centennial Stadium Inc. for furniture and equipment up to an amount of \$140,000 and give one month's local public notice of the proposal.

**CARRIED 12-0
ABSOLUTE MAJORITY**

CSF276: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR PRICE

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF276: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) APPROVE a community licence over portion of Reserve 405, Centennial Park to Centennial Stadium Inc. with Royals Football and Sporting Club Inc & Albany Football and Sporting Club Inc as Guarantors, subject to:
 - a) Licence purpose being Sporting Association activities in accordance with the Association incorporations objectives.
 - b) Licence area being 2099.1m² (Stadium 1495.4m² and Change rooms 603.7m²).
 - c) Licence term being five years with an option for two further five year terms.
 - d) Licence commencement dates being as soon as practicable following completion of construction of the stadium.
 - e) Licence fee being equivalent to the minimum rate as set by Council each year, currently \$968 plus GST.
 - f) Licence special condition to document that the clubs agree to comply with the Centennial Park Sporting Precinct Management Framework and the City of Albany Sporting Precincts Grounds User Guide.
 - g) Legal costs associated with the preparation, execution and completion of the Deed of Licence are to be payable by the clubs.
 - h) Pursuant to Section 18 of the Lands Administration Act 1997, the Minister for Lands consent being obtained.
 - i) Licence being consistent with Council Policy – Property Management (Leases and Licences).
- (2) APPROVE a self-supporting loan to Centennial Stadium Inc. for furniture and equipment up to an amount of \$140,000 and give one month's local public notice of the proposal.

BACKGROUND

2. Council at its meeting on 25 February 2014 adopted the Centennial Park Sporting Precinct Master Plan and Concept Designs. Since this date the Football Stadium in the Eastern Precinct and the Soccer/Cricket Pavilion in the Western Precinct have been approved and progressed.
3. In November 2015, the City commenced earthworks for the stadium and playing field site.
4. At Special Council Meeting on 28 January 2016, Council awarded the tender to Smith Constructions to construct the Football Stadium in the Eastern Precinct. The site was handed over to Smith Constructions in March 2016.
5. The practical completion date for the stadium is currently being reviewed due to weather. It is anticipated this will be sometime between December 2016 and mid-February 2017.
6. The new stadium is located on portion of Crown Reserve 405. The reserve is under Management Order H597356 to the City of Albany with the power to lease, sub-lease or licence for the purpose of 'Recreation and Showground' for any term not exceeding 21 years subject to the consent of the Minister for Lands.
7. The licence area consists of stadium (1495.4m²) and change rooms (603.7m²) areas, with the City retaining a 251.4m² portion of the building comprising meeting rooms and foyer for its own use.

Royals Football and Sporting Club (Royals)

8. The Royals 10 year lease agreement with the City over portion of freehold Lot 305, adjoining Reserve 405 expired in December 2013 and Royals have continued to occupy the property on holding over arrangements.
9. Royals lease end of term clause provides they must remove all fixtures and fittings and make good the building. The City has waived the make good requirement given the Albany Agricultural Society will be taking over the building and future planned internal works.

Albany Football and Sporting Club Inc (Sharks)

10. Sharks currently occupy space at the North Albany Football and Sporting Club building.

Albany Agricultural Society Inc (AAS)

11. The AAS licence for buildings on Centennial Park (the location for the stadium, playing fields and car parking) expired 31 December 2010 and AAS had continued to occupy the property on holding arrangements.
12. In November 2014 the City issued a termination notice to AAS and their occupation of the site terminated in November 2015.
13. After extensive negotiations with AAS a Deed of Agreement between the City and AAS was executed in December 2015 that provided for AAS future tenure within the Centennial Park Sporting Precinct, while securing the City's future tenure of the Hanrahan Landfill Facility.
14. The Deed allowed the City to commence demolition of AAS buildings in order to start the stadium building works.
15. The City proposes to amend the Deed as below, subject to Council approval, to reflect negotiations with AAS:
 - a. Variation to the Centennial Park Precinct Lease area from 1.048ha along Symers Street and Cockburn Road to 1.091ha along Cockburn Road, subject to survey. This variation will minimise the costs associated with the earthworks required for the construction of the AAS three sheds.
 - b. Variation to minimise AAS priority use rights over the Central and Eastern Precinct (grounds and facilities) during the show period.
16. The above variations will be subject to a further item to Council.

DISCUSSION

17. A Football Stadium working group was established, consisting of representatives from the City, Royals and Sharks. The working group has been actively engaged in the development of the stadium and the negotiation of club tenure terms and conditions over the facility.
18. Royals and Sharks have established a joint club incorporated entity, Centennial Stadium Inc. to manage their co-location of the stadium.
19. It has been agreed, subject to Council and Minister for Lands consent, that a non-exclusive community licence agreement between the City and Centennial Stadium Inc. is the best approach to formalise tenure arrangements for the stadium.
20. Key provisions of the community licence will be:
 - a. Term being five years with an option for two further five year terms.
 - b. Licensee will contribute an amount equal to 50% to the fitout, furniture and equipment for the stadium.
 - c. Licensee may purchase the furniture and equipment from the City at 50% of the written down value at the time.
 - d. Licensee will contribute to a maintenance fund, administered by the City, for planned and programmed maintenance, annual services and renewal of furniture and equipment.
 - e. Licensee will be responsible for cleaning, preventative maintenance, consumables, utilities and outgoings.
 - f. A Sponsorship Committee consisting of City and both club representatives will consider naming rights of the stadium to a sponsor and provide a recommendation to Council for approval of a sponsor. The Licensee will receive a 40% share of any cash profits (less expenses) to be offset against annual maintenance fund contributions and licence fees. No cash will be paid to the Licensee.
 - g. Occasional hire of the stadium for community purposes by the Licensees is permitted. All fees from hiring will be kept by the Licensee.

- h. City may request priority use of the stadium for major events of regional or economic benefit to the City by giving 26 week's notice, on a cost recovery basis of utilities and other consumables.
 - i. AAS have rights to use the stadium for the Annual Show each year on a cost recovery basis of utilities and other consumables. This reflects AAS rights in the December 2015 Deed of Agreement with the City.
 - j. Licensee will enter into a sub-licence with Southern Districts Junior Football Association Inc. (SDJFA) for use of an office in the stadium.
 - k. Licensee agrees to comply with the Centennial Park Sporting Precinct Management Framework and the City of Albany Sporting Precincts Grounds User Guide.
21. Other than as set out above, standard terms will apply as applicable to a City of Albany community licence.

GOVERNMENT & PUBLIC CONSULTATION

22. 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.
23. Section 3.58 of the *Local Government Act 1995* outlines the requirements for the disposal of property, including leased/licensed land and buildings. The Act requires the following:
- a. A local government must give local public notice of the proposed lease/licence inviting submissions from the public, for a period of two weeks.
 - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
 - c. A local government can then proceed with the lease/licence.
24. Section 30 of the *Local Government (Functions & General) Regulations 1996* defines the dispositions to which the advertising requirements of Section 3.58 of the Act do not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:
- (b) The land is disposed of to a body, whether incorporated or not –
 - (i) the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
25. The sporting clubs are exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

26. Section 18 of 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.
27. As this is Crown land, under Management Order held by the City, the Minister's consent will be sought.
28. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings including advertising requirements.
29. This item requires an **Absolute Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: new licence not approved.</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Community: new licence not approved – Royals remain in current building allocated to AAS</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Financial: new licence not approved – no rental income</i>	<i>Unlikely</i>	<i>Low</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction.</i>

FINANCIAL IMPLICATIONS

34. All costs associated with the development, execution and completion of the licence documentation will be met by the clubs, limited to \$600.00 + GST.
35. The new licence rental will be the equivalent of minimum rate as set by Council each year, currently \$968.00 plus GST.
36. It is proposed to set up a maintenance fund for the stadium to ensure good asset management and a high level of building maintenance into the future. It is recognised that this is a new model for building maintenance. However it has been recommended as the best option for this precinct to ensure the community buildings are well kept.
37. The City and club will contribute annually into the fund for planned and programmed maintenance, annual services and renewal of furniture and equipment.
38. It has been agreed that this cost sharing will require that the City will contribute two thirds and the club one third of the required annual maintenance contribution. The clubs contribution is \$17,800 per annum. This amount will be reviewed annually and adjusted against actual costs with the adjustment being no greater than 10% of the preceding annual contribution amount.
39. Should this option be supported by Council it is noted that the City would be responsible for any difference between the required annual contribution and the negotiated amount.
40. It is proposed the annual maintenance fund contribution will be waived in the first year for the clubs.
41. The clubs have requested Council's approval of a self-supporting loan up to the amount of \$140,000. The final amount will be determined following the outcome of a number of grant applications.

LEGAL IMPLICATIONS

42. The Deed of Licence with enforceable conditions will be prepared by City's lawyers, at the licensee's expense.

ENVIRONMENTAL CONSIDERATIONS

43. There are no environmental considerations related to this report.

ALTERNATE OPTIONS

- 44. Given the existing commitments made with Royals and Sharks it is not considered that there is an alternate option. The proposed licence will formalise the intention for stadium use.
- 45. Both clubs require use of clubrooms in close proximity to the fields associated with its sport. If the stadium is not the preferred location for their clubrooms this may impact on the future intentions for the recreational use of the Centennial Park Sporting Precinct.

SUMMARY CONCLUSION

- 46. The stadium is scheduled to reach practical completion sometime between December 2016 and mid-February 2017.
- 47. Royals and Sharks have established an incorporated entity, Centennial Stadium Inc., to manage co-location of the stadium as Licensee.
- 48. It is proposed to set up a maintenance fund for the stadium to ensure good asset management and a high level of maintenance into the future. The City and Centennial Stadium Inc. will contribute annually into the fund for planned and programmed maintenance, annual services and renewal of furniture and equipment.
- 49. The City will retain a 251.4m² portion of the building comprising meeting room and foyer for its own use.
- 50. The proposed licence sets out the terms and conditions under which Centennial Stadium Inc. will occupy and use the buildings. Other than the specials conditions that apply to the stadium building this agreement is generally consistent with the City’s standard community licence.
- 51. To satisfy the City’s agreed commitments to the Centennial Stadium Inc., it is recommended the new licence be approved.

Consulted References	:	<ul style="list-style-type: none"> • Council Policy – Property Management (Leases and Licences) • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	PRO403 , A92318 (Frederickstown Ward)
Previous Reference	:	OCM 25/02/2014 Item CS008 SCM 28/01/2016 Item SCM013

CSF277: FINANCIAL ACTIVITY STATEMENT – SEPTEMBER 2016

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

Responsible Officer's Signature:



RECOMMENDATION

CSF277: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY

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

CARRIED 12-0

CSF277: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MULCAHY
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF277: RESPONSIBLE OFFICER RECOMMENDATION

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

BACKGROUND

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

DISCUSSION

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

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CSF278: LIST OF ACCOUNTS FOR PAYMENT – OCTOBER 2016

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

Responsible Officer's Signature:

RECOMMENDATION

CSF278: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILOR SMITH
SECONDED: COUNCILLOR DOWLING

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 October 2016 totalling \$5,185,936.79.

CARRIED 12-0

CSF278: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
 SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF278: RESPONSIBLE OFFICER RECOMMENDATION

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 October 2016 totalling \$5,185,936.79.

BACKGROUND

- 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

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

Municipal Fund

Trust	\$0.00
Credit Cards	\$31,369.06
Payroll	\$1,774,000.78
Cheques	\$58,767.48
Electronic Funds Transfer	\$3,321,772.47

TOTAL

\$5,185,936.79

- As at 15 October 2016, the total outstanding creditors, stands at \$696,424.17 and made up as follows:-

Current	\$323,698.05
30 Days	\$328,674.29
60 Days	\$44,498.63
90 Days	-\$446.80

TOTAL

\$696,424.17

Cancelled cheques – Nil.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

SUMMARY CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CSF279: DELEGATED AUTHORITY REPORTS

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

Responsible Officer's Signature:



RECOMMENDATION

CSF279: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DOWLING

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

CARRIED 12-0

CSF279: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR SMITH

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

CARRIED 11-0

CSF279: RESPONSIBLE OFFICER RECOMMENDATION

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

CSF280: COUNCIL STANDING COMMITTEES

Proponent / Owner : City of Albany
Attachments :
• Reviewed Council Policy: Governance & Meeting Framework
• Strategic Workshop Briefing Note – 20/09/2016
• Strategic Workshop Presentation – September 2016
Report Prepared By : Manager Governance & Risk (S Jamieson)
Responsible Officer: : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

In Brief:

- Approve consolidating current committees to form two standing council committees as agreed in principle at the Elected Member Strategic Workshop held on 20 September 2016.
- Review and approve the fully reviewed governance and meeting framework (which details the terms of reference for the committees).

[7:22:25 PM](#) Councillor Price left the Chamber

[7:22:59 PM](#) Councillor Price returned to the Chamber

RECOMMENDATION

CSF280: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HOLLINGWORTH

THAT:

- (1) **The following council standing committees be DISSOLVED:**
 - **Community Service Committee.**
 - **Corporate Services & Finance Committee;**
 - **Economic Development Committee;**
 - **Planning & Development Services Committee; and**
 - **Works & Services Committee.**
- (2) **The following committees be ESTABLISHED and their respective Terms of Reference ADOPTED:**
 - **Commercial, Community & Corporate Services (CCCS) Committee; and**
 - **Development & Infrastructure Services (DIS) Committee.**
- (3) **That all elected members are appointed to the listed committees.**
- (4) **The Meeting and Governance Framework policy position be ADOPTED.**
- (5) **The above items being 1-4 take effect for the new committee system as at the 1 February 2017**

CARRIED 12-0
ABSOLUTE MAJORITY

CSF280: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR PRICE

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF280: RESPONSIBLE OFFICER RECOMMENDATION

THAT:

- (1) The following council standing committees be DISSOLVED:
 - Community Service Committee.
 - Corporate Services & Finance Committee;
 - Economic Development Committee;
 - Planning & Development Services Committee; and
 - Works & Services Committee.
- (2) The following committees be ESTABLISHED and their respective Terms of Reference ADOPTED:
 - Commercial, Community & Corporate Services (CCCS) Committee; and
 - Development & Infrastructure Services (DIS) Committee.
- (3) That all elected members are appointed to the listed committees.
- (4) The Meeting and Governance Framework policy position be ADOPTED.
- (5) The above items being 1-4 take effect for the new committee system as at the 1 February 2017

BACKGROUND

2. On 20 September 2016, an elected member strategic workshop was held to review the current standing council committee structure (see attached briefing and presentation).
3. 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.).

DISCUSSION

5. The Standing council committees will continue to report to Council, and remain subject to the requirements of the *Local Government Act 1995* (the Act).
6. It is proposed:

Committee Membership

- a. Open to all elected members who wish to nominate.
- b. The number of committee members will determine the quorum (50% plus 1).

Appointment of Committee Chair and Deputy Chair

- c. The Chair and Deputy Chair will be appointed at the first committee meeting.

Standing Committee Terms of Reference

- d. The purpose each committee will be to:
 - (i) Develop policies and strategies;
 - (ii) Establish ways to measure progress;
 - (iii) Receive progress reports;
 - (iv) Consider officer advice;
 - (v) Debate topical issues;
 - (vi) Provide advice on effective ways to engage and report progress to the Community; and
 - (vii) Make recommendations to Council.

7. The two standing committees have been named and functions allocated as follows:

Committee One: <i>Commercial, Community & Corporate Services (CCCS) Committee</i>	Committee Two: <i>Development & Infrastructure Services (DIS) Committee</i>
<p>Commercial Services:</p> <ul style="list-style-type: none"> Economic Development (for example: tourism, regional alliance) Facilities (for example: Airport, National Anzac Centre, Albany Entertainment Centre) Recreation Services (for example: club development) <p>Community Services:</p> <ul style="list-style-type: none"> Arts & Culture Community Engagement & Capacity Building (welfare advocacy, youth, aged, multicultural, access & inclusion) Community Infrastructure Planning Facilities (for example: Library, Vancouver Arts Centre) <p>Corporate Services:</p> <ul style="list-style-type: none"> Councillor Support Customer Service Finance (budget & investment reporting, Business Planning) Governance, Risk & Insurance Human Resource Management Information Technology Strategic Development (integrated planning & reporting) 	<p>Works & Services:</p> <ul style="list-style-type: none"> Asset Management (City buildings, sporting fields) Capital Works (Road & Pathway Networks) Major Projects Parks (Natural & Developed Reserve Management) <p>Development Services:</p> <ul style="list-style-type: none"> Building Control City Centre & Precinct Development (Waterfront, Middleton Beach) Community Safety (rangers, bushfire brigades, emergency management) Environmental Health Statutory Planning Strategic Planning

GOVERNMENT & PUBLIC CONSULTATION

8. Legislation and Department of Local Government Guidelines were consulted, including the local government sector, in particular the Cities of Joondalup (*Governance Framework*) and Rockingham (*Committee Structure*).

STATUTORY IMPLICATIONS

9. Appointment to Committees is by Absolute Majority (s5.10 of the Act).

POLICY IMPLICATIONS

10. The current Governance & Meeting Framework will be rescinded and replaced.

RISK IDENTIFICATION & MITIGATION

11. 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, <i>Risk: There is a risk that the proposed committee structure and/or framework is not approved.</i></p> <p><i>Opportunity: Better internal and external stakeholder engagement.</i></p>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Continue to use the current committee structure and framework.</i>

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

14. 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

15. 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

16. No other alternate option are presented.
17. Elected members can reserve the right not to nominate to Committees until a later date.

CONCLUSION

18. That the responsible officer's recommendation be adopted.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	(All Wards) – CM.STD.7 – Policy Register
Previous Reference	:	<ul style="list-style-type: none">• OCM 27/10/2015 - Resolution CSF202• Elected Member Strategic Briefing - 20/9/2016

CSF281: GRAFFITI VANDALISM ACT 2016

Land Description	: (All Wards) – City of Albany Municipality
Proponent / Owner	: City of Albany
Attachments	: <ul style="list-style-type: none">• Form 4 and Form 6 GV Act• Reviewed Graffiti Management Policy
Report Prepared By	: Manager Governance & Risk (S Jamieson)
Responsible Officers:	: Executive Manager Community Services (A Cousins)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:**
 - 4. A Sense of Community.
 - 5. Civic Leadership.
 - b. **Strategic Objectives:**
 - 4.1.2 Promote and develop an authentic sense of community.
 - 5.2 To provide strong, accountable leadership supported by a skilled and professional workforce
 - c. **Strategy:**
 - 5.2.1 Provider positive leadership that delivers community outcomes.

In Brief:

- Existing powers in regards to graffiti are no longer enforceable under the in the *Local Government Act 1995*.
- Current delegation needs to be amended and a new delegation and forms adopted.

RECOMMENDATION

CSF281: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR HAMMOND

THAT:

1. Delegation 2016:026 – Activities on Private and Public Land be **AMENDED** to remove reference to graffiti.
2. Delegation 2016: 049 - Graffiti Vandalism Act 2016
 - **Function: Remove Graffiti**
 - **Delegated Power:**
 1. *Issue notices in writing requiring persons to ensure that graffiti is obliterated under the Graffiti Vandalism Act 2016; and*
 2. *Enter properties under warrant to remove graffiti.*
 - **Condition of Delegation: That a “Warrant to Enter” is to only be executed with the authority of the Chief Executive Officer.**
 - **Legislative Reference: Graffiti Vandalism Act 2016.**
 - **Reporting Requirement: Report to file.**

be **ADOPTED**

3. Council **ADOPTS:**

- (a) Form 4 (as shown at attachment 1) for the purpose of ‘Objections’ under the *Graffiti Vandalism Act 2016*; and

(b) Form 6 (as shown at attachment 2) for the purposes of 'Warrant to Enter' under the *Graffiti Vandalism Act 2016*.

4. Council ADOPTS the reviewed Graffiti Management Policy.

CARRIED 12-0
ABSOLUTE MAJORITY

CSF281: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR PRICE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF281: COMMITTEE RECOMMENDATION

THAT:

1. Delegation 2016:026 – Activities on Private and Public Land be AMENDED to remove reference to graffiti.
2. Delegation 2016: 049 - Graffiti Vandalism Act 2016
 - Function: Remove Graffiti
 - Delegated Power:
 3. Issue notices in writing requiring persons to ensure that graffiti is obliterated under the *Graffiti Vandalism Act 2016*; and
 4. Enter properties under warrant to remove graffiti.
 - Condition of Delegation: That a "Warrant to Enter" is to only be executed with the authority of the Chief Executive Officer.
 - Legislative Reference: *Graffiti Vandalism Act 2016*.
 - Reporting Requirement: Report to file.

be ADOPTED

3. Council ADOPTS:

- (a) Form 4 (as shown at attachment 1) for the purpose of 'Objections' under the *Graffiti Vandalism Act 2016*; and
- (b) Form 6 (as shown at attachment 2) for the purposes of 'Warrant to Enter' under the *Graffiti Vandalism Act 2016*.

4. Council ADOPTS the reviewed Graffiti Management Policy.

BACKGROUND

2. The *Graffiti Vandalism Act 2016* is a consolidated Act enabling police, public transit officers and the local government sector to deal with graffiti offences. The relevant powers of these agencies has been transferred from various Acts (including the *Local Government Act 1995* into the *Graffiti Vandalism Act 2016* (the 'GV Act') to create stand-alone legislation. The GV Act came into force on the 7 October 2016.
3. The GV Act:
 - a. creates a new offence of damaging property by graffiti and allows for the costs of cleaning graffiti to be awarded against the offender;
 - b. allows local government to issues notices requiring the removal of graffiti and to enter properties under warrant to remove graffiti themselves; and
 - c. provides those persons issued with a notice ("affected persons") the right to seek review of that decision with the State Administrative Tribunal or to object to the notice.

4. The provisions of the *Local Government Act 1995* that the City currently utilise to manage graffiti removal will be repealed and transferred into the new Act.

DISCUSSION

5. To enable Officers to continue to address the issue of graffiti Council is requested to:
 - a. adopt the relevant forms required to administer the Act;
 - b. delegate its powers under the Act to the CEO; and
 - c. acknowledge that an internal review of the current Council policy position “Council Policy – Graffiti Management” was undertaken with changes presented for critique and review.

GOVERNMENT & PUBLIC CONSULTATION

6. Report is in response to Department of Local Government and Communities Circular 34-16, *Graffiti Vandalism Act 2016*.

STATUTORY IMPLICATIONS

7. The existing Form 4 in Schedule 1 to the *Local Government (Functions and General) Regulations 1996* (the Regulations) can be used provided the head of power, being section 22 of the GV Act, is included at the top and the form is approved by a council resolution.
8. Therefore, a council decision is necessary to adopt Forms 4 and 6 as the approved forms for use under the GV Act.

POLICY IMPLICATIONS

Delegation:

9. Delegation 2016:026 – Activities on Private and Public Land will be amended accordingly, which currently states, in part:

“Delegated Power: Schedule 3.1 - Powers under notices to owners or occupiers of land

1. Issue notices in writing requiring the person to do anything, but not limited to, the following:...h. Obliterate graffiti that is visible from a public place and that has been applied without the consent of the owner or occupier;....

Condition: The authorised persons must document how they formed the opinion that the things to be performed are necessary to protect and/or enhance the health, safety or amenity of the persons or property in the district or to remove a nuisance.”

Council Policy – Graffiti Management:

10. There is no requirement to change the Council’s current Graffiti Management Policy position as a result of the legislative changes other than to update the reference to the GV Act.
11. However, the policy position was fully reviewed and updated (see document version control on attached policy).
12. Policy statement extract from reviewed policy:

“The City of Albany views that it is a crime to deface another person’s property without their permission.

Unless the City identifies an asset as exempt from this for community purpose, the City will endeavour to clean, remove or cover all graffiti on buildings, fences and structures that are within or constitute boundaries of all reserves under the care and control of the City, including but not exclusively parks, reserves, public access ways and road reserves.”

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>Business Operation: Risk: None approval of the forms will not allow the City to issue notices requiring the removal of graffiti and to enter properties to remove graffiti. Opportunity: Update current policy positions and procedures to reflect the GV Act.</p>	Likely	Moderate	High	If the proposed recommendation is not approved, staff will continue with current graffiti removal practices, however will not be able to issue notices “requiring” graffiti to be removed, or enter property to remove graffiti.

FINANCIAL IMPLICATIONS

14. There are no direct financial implications related to this report.

LEGAL IMPLICATIONS

15. Refer to background section of report.

ENVIRONMENTAL CONSIDERATIONS

16. There are no direct environmental considerations related to this item, however in a strategic context the Community requested a graffiti control target of 70 percent (see paragraph 1 of this report).

ALTERNATE OPTIONS

17. No alternate options have been considered.

CONCLUSION

18. That to the Responsible Officer’s Recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none"> • Local Government Act 1995 • Graffiti Vandalism Act 2016 • Delegations Register 2016
File Number (Name of Ward)	:	CM.STD.7 (All Wards)
Previous Reference	:	OCM 17/11/2009 Report Item 15.2.4.

CSF282: PROPOSED RATING SUBSIDY POLICY – SPORTING & COMMUNITY GROUPS & RATING SUBSIDY 2016/17

Business Entity Name : City of Albany
Attachments :

- List of current subsidy recipients
- Draft Council Policy: Rating Subsidy – Sporting and Community Organisations
- Local Government Sector Policy Examples

Report Prepared By : Manager Finance (D. Olde)
Responsible Officers: : Executive Director Corporate Services (M. Cole)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objectives:** 5.1. To establish and maintain sound business and governance structures.
 - c. **Strategy:** Nil

In Brief:

- Consider adoption of the Rating Subsidy – Sporting and Community Organisations policy position.

Councillors Sutton, Terry, Mulcahy and Stocks declared an Impartiality interest in this item. All Councillors remained in the Chamber and participated in the discussion and vote for this item.

RECOMMENDATION

CSF282: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON

THAT:

- (1) The Rating Subsidy – Sporting and Community Organisations Policy be **ADOPTED**.
- (2) The Rating Subsidy to sporting and community organisations for 2016/2017 listed in the report be **ENDORSED**.

CARRIED 7-5

Record of Vote

Against the Motion: Councillors Goode, Mulcahy, Price, Hammond and Terry

The foreshadowed motion by Councillor Smith (Original Responsible Officer Recommendation) was then considered by Council.

The foreshadowed amendment by Councillor Mulcahy was put to the vote and lost.

CSF282: AMENDMENT BY COUNCILLOR MULCAHY
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MULCAHY
SECONDED: COUNCILLOR PRICE

THAT:

1. This item be DEFERRED until such time as an amended policy can be brought back to Council; and
2. That this policy be considered by Council prior to undertaking community consultation.

LOST 5-7

Record of Vote

For the Motion: Councillors Mulcahy, Price, Goode, Hammond, Terry

Councillor's Reason:

This amendment will allow the policy be brought back to Council for consideration prior to undertaking community consultation.

CSF282: AMENDED MOTION BY COUNCILLOR TERRY
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR HAMMOND

THAT this report be DEFERRED and be presented to the February 2017 Ordinary Council Meeting to allow public consultation to be undertaken, and the clarification of the definition around eligibility.

TIED 6-6
MAYOR EXERCISED CASTING VOTE
LOST 6-7

Record of Vote

Against the Motion: Mayor Wellington, Councillors Sutton, Smith, Hollingworth, Stocks and Mulcahy

The amended Committee Recommendation then became the substantive motion and was put to the vote. The motion was tied 6-6. The Mayor then exercised his casting vote and the motion was lost 6-7.

Councillor Mulcahy foreshadowed a further amendment to the Committee Recommendation should the amended motion be lost.

Councillor Smith foreshadowed a motion to bring the original Responsible Officer Recommendation should both the current amended motion and Councillor Mulcahy's foreshadowed motion be lost.

[8:01:20 PM](#) Councillor Mulcahy returned to the Chamber

The amendment to the Committee Recommendation was carried.

CSF282: AMENDMENT BY COUNCILLOR TERRY
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR HAMMOND

THAT the Committee Recommendation be AMENDED to read as follows:

THAT this report be DEFERRED and be presented to the February 2017 Ordinary Council Meeting to allow public consultation to be undertaken, and the clarification of the definition around eligibility.

CARRIED 6-5

Record of Vote

Against the Motion: Mayor Wellington, Councillors Sutton, Smith, Hollingworth and Stocks

[7:59:52 PM](#) **Councillor Mulcahy left the Chamber.**

The Committee Recommendation was moved and seconded. Councillor Terry then proposed an amendment to the Committee Recommendation as above.

CSF282: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR GOODE

THAT this report be DEFERRED and be presented to the February 2017 Ordinary Council Meeting to allow public consultation to be undertaken.

Councillor Price's Motion was dealt with as the first order of business for this item. The motion was lost.

CSF282: ALTERNATE MOTION BY COUNCILLOR PRICE
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR MULCAHY

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

- 1. The Rating Subsidy - Sporting and Community Organisations Policy be adopted.**
- 2. The policy is amended to specify a capped rating subsidy, limited to \$5000 per applicant, commencing in the 2017/2018 budget.**
- 3. That Point 6. 'Special Exemptions' be amended to read "Council reserves the right to consider each application request for a rate subsidy on a case-by-case basis and may require additional conditions."**
- 4. The rating subsidy to sporting and community organisations for 2016/2017 listed in the report be endorsed.**
- 5. The policy document and rating subsidy percentage be reviewed each 4 years, with the next review due being conducted prior to the 2021/2022 budget deliberations.**

LOST 1-11

Record of Vote

For the Motion: Councillor Price

Councillor's Reason:

There is no obligation for the City to provide rating subsidies to sporting and community groups.

By applying a (capped) maximum rating subsidy amount of \$5,000 per applicant, an extra 61,895.84 in rate revenue is generated, based on the 2016/17 Rating Subsidy tabled amounts. This may increase annually depending on Rental Valuations. These funds can be redirected back into the community for other projects and services to be determined by Council.

The capped limit will provide equity by specifying a maximum limit available to ALL applicants, thus distributing the subsidy evenly. This will allow organisations to plan around their financial obligations as households, landholders and businesses are annually obliged to.

The current rating subsidies provided by Council are generous and unevenly distributed among recipients, resulting in an indiscriminate system and significant amounts of revenue not being realised by the City.

Officer Comment:

The amount of subsidy to be provided by Council is a decision of Council. Applying a cap of \$5,000 will add a minor administrative complexity to application of the subsidy but can be managed.

CSF282: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SHANHUN

THAT this report be DEFERRED and be presented to the February 2017 Ordinary Council Meeting to allow public consultation to be undertaken.

CARRIED 9-2

CSF282: RESPONSIBLE OFFICER RECOMMENDATION

THAT:

(1) The Rating Subsidy – Sporting and Community Organisations Policy be ADOPTED.

(2) The Rating Subsidy to sporting and community organisations for 2016/2017 listed in the report be ENDORSED.

BACKGROUND

3. For a number of years, the City has offered a subsidy on rates for a select group of sporting and community organisations.
4. No legislative requirement exists requiring any subsidy to be offered, unlike the exemption claimed by charitable organisations.

DISCUSSION

Proposed Policy Position:

5. No policy or formal program currently exists for the allocation of rating subsidies.
6. A program has existed for a number of years giving rating subsidies to community and sporting groups. The origins of this program are unclear. In the past, this subsidy has been part of various community financial assistance programs. Regardless of the precise nature of any program, a rating subsidy has been given to various organisations since 1999.

7. A draft Council policy position has been prepared for Council consideration for the purpose of:
 - a. transparency and accountability; and
 - b. for providing an opportunity to eligible organisations to receive the subsidy.
8. The policy outlines the type of organisations that would be considered eligible to receive a rates subsidy; and the evidence that may be required to make an informed and transparent assessment.
9. No waiver or subsidy will be applied to any other charges, including, but not limited to, electricity, water, waste charges or Emergency Services Levy.
10. To ensure that Council is fully informed on the total cost of the subsidy an estimate of the subsidy and the list of recipients will be presented for noting as part of the budget approval process.
11. This policy will be effective from 1 July 2017.
12. A table of current recipients is listed in the attachments.
13. This list will change in the next 6-12 months due to tenancy changes within the Centennial Park Sporting Precinct. The tenants using shared facilities, being the cricket/soccer pavilion, and the stadium, will operate under a non-exclusive licence model, thereby not be liable to pay rates, regardless of any policy position. Likewise, the changes to the tenancy and lease area for the Albany Agricultural Society will need to be addressed by either policy or specific waiver outside of any policy.
14. All organisations currently receiving a rating subsidy will be requested to submit information as detailed in the policy. This will allow an assessment to be made on the eligibility to receive the subsidy.
15. A desktop review indicates it is unlikely that any organisation currently receiving this rating subsidy would be ruled ineligible under the proposed policy. However, this will need to be verified and confirmed once the supporting evidence has been provided and reviewed by City officers.
16. If an organisation that is currently receiving the subsidy is found to not satisfy the criteria, a phasing in period will apply until no subsidy is allowed. This phasing in will be over a number of years, as detailed in the table below:

Financial Year	Subsidy offered
2017/18	75%
2018/19	50%
2019/20	25%
2020/21	Nil

Table 1

17. By phasing out the subsidy over a number of years, any impacted organisation will have time to adjust budgets and financial impact.
18. A review of a number of other local governments was done to determine if a standard approach is being taken.
19. This review was done by searching for policy documents on various council websites, emailing and phoning other officers. From this research it became evident that no consistent approach has been taken across the sector. If any trend is evident, it would be rural and regional councils tend to waive rates, while metropolitan councils tend to not give any subsidy. However, as can be seen in the following points, exceptions to this do exist.
 - a. The City of Kalgoorlie-Boulder has a Rates Exemption Policy, which includes not-for-profit groups promoting a community or sporting activity.

- b. The Shire of Denmark attempted to seek exemption on 29 properties from the Minister. Not all groups received exemption. However the Shire resolved to waiver rates on the non-exempt properties. No information is attached, as this decision spanned a number of council meetings, and information is contained in meeting minutes.
 - c. The City of Gosnells has a policy on when consideration would be given to waiver rates based on certain criteria for a certain time period.
 - d. The City of Stirling has a specific policy applying to an “A” Class reserve, on which the Mt Lawley Golf Club is situated. This waives the rates due on this property only.
 - e. The Shire of Esperance policy COR 004: Building and property leases classifies City owned land and property into a number of different classifications, and the payment of rates for each property. Category (iii) Specific Sports Facilities do not pay rates, as confirmed with a Shire officer.
 - f. The City of Bunbury has community lease policy. No rating subsidy is offered, regardless of the organisation size or type, on either City owned and managed land, or freehold land.
 - g. The City of Fremantle has a policy (SC45) dealing with leases to not-for-profit organisations of council owned properties. Discussions with a City of Fremantle officer indicated that as a general rule no rating subsidy is offered, but exceptions are made at the discretion of officers. However, the number of properties impacted is minimal, in the order of 15-20. Discussions with the officer indicated that one other metropolitan council offers no subsidy to any community or sporting group, while a third council is the opposite, waiving almost all fees, charges and rates to almost every community and sporting group.
 - h. Two other regional councils had no set policy, however, historical practise was for rates to be waived at the discretion of the CEO or Executive. Indications from officers are that most, if not all, groups receive this waiver or subsidy.
20. The policy has suggested three criteria that need to be met to be eligible.
- a. The purpose of an organisation must be sporting or community focused in nature. This purpose will be stated in the organisations constitution, details of incorporation or similar statement of purpose; and;
 - b. The organisation must be not-for-profit, and;
 - c. The property for which the subsidy is being sought must be used for the sporting or community use for which the organisation exists.
21. Suggestions and comments have been made to examine other criteria:
- a. A criteria using the provision of alcohol, either the provision to sell to members, and/or to the general public. A search of the Department of Racing, Gaming and Liquor website indicates 11 clubs have a Club licence, 2 have a Club Restricted licence, and 2 organisations have Special Facility – Sports Arena licence. Each individual licensee may have particular conditions on the licence they hold, such as opening hours. In general terms, none of the licences preclude sale to the general public. A Club licence may permit sale of packaged/takeaway alcohol, while a Club Restricted does not. While general restrictions do apply to the service of alcohol to members and guests, much of the detail is determined by the constitution of the club or organisation. The Special Facility – Sports Arena does not permit the sale of packaged/takeaway alcohol. Therefore, to use the service of alcohol to the public is possible, however, could potentially impact every group that has a licence. It should also be noted a club or organisation may also apply for an occasional liquor licence,

which are not listed on the Departments website. It is understood that this does happen from time to time.

- b. A criteria based on the service or activity already being provided within the community. This would extremely problematic to determine who would receive the subsidy, as, for example, three bowling clubs and three football clubs currently receive a subsidy, and it would be difficult to determine which group would be eligible and which groups would be ineligible.
 - c. A criteria based on the ability to access other revenue. Every group or club has fundraising from a number of sources, such as annual membership fees, event entry fees, facility hire or use fees, sponsorship and fundraising raffles. These funds are used to continue day to day operations, maintenance and repairs to facilities, or possibly saving in a reserve for future capital works. Funding from other sources of revenue simply enable the group or club to reduce the burden on members subscriptions.
22. Consideration has been given within the policy to allow for ancillary activities to be undertaken, and not disqualify eligibility to a subsidy. This allows the operation of a bar facility, canteen, hire out clubrooms, or undertake other fundraising activity, provided that any revenue and surplus is retained by the club.

Rating Subsidy 2016/2017:

- 23. An informal program has existed for a number of years giving rating subsidies to community and sporting groups. It appears that this program has never been formally endorsed by Council.
- 24. To give Council, officers and the community transparency and accountability, a table detailing the amount and organisations receiving the subsidy is detailed further on in this item.
- 25. For the 2016/17, it is proposed that the subsidy continue as it has done in the past.
- 26. With the construction of a number of sporting facilities currently taking place, two organisations that are currently listed as recipients will be removed from the list next year (2017/18). This is due to clubs operating under a non-exclusive licence for the use of the new facilities, therefore, rates will not be levied. However, as this formal handover has not yet taken place at the time of raising rates, for 2016/17, the subsidy will need to be approved and allocated

GOVERNMENT & PUBLIC CONSULTATION

- 27. All of the organisations currently receiving the subsidy will be contacted upon policy endorsement. Rates for the 2017/18 year will not be raised until August 2017, and not due until mid to late September 2017. By adopting this policy in late 2016, City officers will have at least six months to contact and work with the various organisations to address the eligibility criteria.

STATUTORY IMPLICATIONS

- 28. The Local Government Act 1995 does provide for an exemption from rates under certain circumstances, such as land used for a public purpose and land used exclusively for a charitable purpose. However, the Act does not provide a definition of what constitutes a charitable purpose, or for a public purpose.
- 29. Using case law precedence, each local government has the responsibility to assess and decide on applications from organisations seeking an exemption from paying rates. No application has been found from these organisations requesting exemption, and the case law precedence would indicate that the organisations listed would not be eligible for this exemption.

30. The Act does allow a local government to waive or grant other concessions (**Absolute Majority** required).

POLICY IMPLICATIONS

31. No policy currently exists. Adoption of this policy will ensure transparency and accountability is established.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community & Organisational Operations. If policy is not adopted uncertainty amongst community organisations and City officers regarding eligibility and amount of subsidy will remain.	Possible	Minor	Medium	City Officer address any concerns and re-present policy position for consideration and adoption.
Reputation. Adoption of the policy may result in some dissatisfaction within sporting & community groups not currently receiving any subsidy.	Possible	Minor	Medium	Clearly articulate the rationale for the introduction of this policy position to the community.
Community Financial Risk: Non approval of the current subsidy may expose some groups to financial hardship and financial sustainability.	Possible	Major	High	Maintain the status quo, until financial viability assessed.
Opportunity: Improve: The adoption of a Council policy promotes transparency of process.				

FINANCIAL IMPLICATIONS

33. **Policy Implications:** The total value of the subsidy for 2016/17 was in the order of \$210,000. It is anticipated that this amount will change in line with the annual change in rates.
34. A number of these groups lease land from the City, and pay a lease or licence fee for the use of City owned or managed assets. Any lease or licence fee is covered by *Council Policy: Property Management (Leases and Licences)*.
35. No subsidy is offered on other charges, such as ESL or any waste charges.
36. **Current Allocated Subsidy:** The following table details the amount and organisation receiving the subsidy, being 100% of rates due for 2016/17:

2016/17 Rating Subsidy		
Assessment Number	Sporting/Community Group	Subsidy Amount
A133873	ALBANY ATHLETICS GROUP INC	\$ 3 542.79
A179378	ALBANY BOATING & OFFSHORE	\$ 2 643.88
A161280	ALBANY BOWLING CLUB	\$ 5 076.24
A161537	ALBANY BRIDGE CLUB	\$ 3 225.53
A171336	ALBANY CITY KART CLUB INC	\$ 1 164.77
A149179	ALBANY CLUB INC	\$ 7 402.85
A204735	ALBANY ENTERPRISE GROUP INC	\$ 7 369.01
A174427	ALBANY EQUESTRIAN ASSOCIATION INC.	\$ 9 147.81
A136770	ALBANY GOLF CLUB	\$ 21 521.14

A14758	ALBANY HARNESS RACING CLUB INC	\$ 6 186.67
A14780	ALBANY ITALIAN CLUB INC	\$ 2 273.73
A82145	ALBANY KINDERGARTEN	\$ 1 639.20
A156611	ALBANY LIGHT OPERA AND THEATRE COMPANY	\$ 1 996.34
A130471	ALBANY MARITIME FOUNDATION	\$ 5 634.84
A204721	ALBANY MODEL AERO CLUB	\$ 1 692.08
A140446	ALBANY MODEL RAILWAY ASSOC INC	\$ 2 529.66
A79732	ALBANY PLAY GROUP INC	\$ 968.00
A6791	ALBANY RACING CLUB INC	\$ 14 012.54
A64947	ALBANY ROWING CLUB	\$ 1 692.08
A96087	ALBANY SOCCER FEDERATION	\$ 3 331.28
A187399	ALBANY SPEEDWAY CLUB INC	\$ 1 683.40
A97368	ALBANY WOMENS REST HOUSE ASSOCIATION INC	\$ 968.00
A30213	CITY OF ALBANY BAND INC	\$ 1 205.61
A155029	EMU POINT SPORTING CLUB INC	\$ 10 152.48
A124369	GIRL GUIDES WESTERN AUSTRALIA (INC)	\$ 2 009.35
A65539	GREEN RANGE COUNTRY CLUB	\$ 3 217.91
A65999	KING RIVER HORSE & PONY CLUB	\$ 4 357.11
A6037	KING RIVER RECREATIONAL CLUB INC	\$ 3 278.41
A74368	LAWLEY PARK TENNIS CLUB	\$ 5 023.36
A136225	LOWER GREAT SOUTHERN HOCKEY ASSOC	\$ 2 144.71
A227280	LOWER KING COMMUNITY KINDERGARTEN	\$ 968.00
A50479	MERRIFIELD PARK TENNIS CLUB	\$ 1 776.68
A84446	MIDDLETON BEACH BOWLING CLUB	\$ 9 306.44
A116479	NORTH ALBANY FOOTBALL & SPORTING CLUB INC	\$ 6 080.91
A64820	PRINCESS ROYAL SAILING CLUB	\$ 7 667.24
A92223	RAILWAYS FOOTBALL & TIGERS SPORTING	\$ 4 494.59
A64799	RIVERVIEW COUNTRY CLUB	\$ 3 437.04
A92354	ROYALS FOOTBALL CLUB	\$ 4 230.20
A74354	SCOUT ASSOCIATION AUSTRALIA WA BRANCH	\$ 2 115.10
A104446	SENIOR CITIZENS CENTRE	\$ 9 623.71
A64785	SOUTH COAST COUNTRY MUSIC CLUB INC	\$ 1 045.00
A157843	SPECTRUM THEATRE INC	\$ 1 732.27
A176287	STIRLING CLUB INC	\$ 12 690.60
A185660	TAOIST TAI CHI SOCIETY OF AUSTRALIA (INC)	\$ 2 559.69
A162430	THE JAYCEES COMMUNITY FOUNDATION INC	\$ 3 629.51
A64866	VINTAGE CAR CLUB (INC)	\$ 2 432.37
	TOTAL	\$ 210 880.13

ALTERNATE OPTIONS

37. That no rating subsidy policy for sporting and community organisations is adopted.

CONCLUSION

38. That the Responsible Officer's Recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none">• Local Government Act 1995• Council Property: Property Management (Leases and Licences)
File Number (Name of Ward)	:	Nil (All wards)
Previous Reference	:	OCM 22/09/2015 Resolution CSF195

WS115: ALBANY RECREATIONAL BOATING FACILITIES DRAFT STRATEGIC PLAN 2016

Land Description	: Recreational Boating Facilities along the City of Albany coastline
Proponent / Owner	: City of Albany
Attachments	: Emu Point Conceptual Layout Lower King Conceptual Layout Cheyne Beach Conceptual Layout Cosy Corner (Hartmans) Existing Layout
Supplementary Information & Councillor Workstation	: Albany Recreational Boating Facilities Draft Strategic Plan 2016 including recommendations. (175 pages)
Report Prepared By	: Manager City Engineering (D King)
Responsible Officers:	: Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 2. Clean, Green & Sustainable
 - b. **Strategic Objectives:** 2.2 To maintain and renew City assets in a sustainable manner.
 - c. **Strategy:** 2.2.2 Deliver effective asset maintenance programmes.

In Brief:

- The Albany Recreational Boating Facilities Draft Strategic Plan has been finalised in conjunction with consultants Seashore Engineering and the community.
- The draft plan is presented for consideration and adoption (*made available in the Councillor Workstation*).

RECOMMENDATION

**WS115: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR HOLLINGWORTH**

THAT:

1. The Albany Recreational Boating Facilities Draft Strategic Plan 2016 be **ADOPTED**.
2. The implementation of recommendations contained in the plan will be subject to the City's Long Term Financial Plan and future Council approval.

CARRIED 12-0

WS115: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR SMITH**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

WS115: RESPONSIBLE OFFICER RECOMMENDATION

THAT:

1. The Albany Recreational Boating Facilities Draft Strategic Plan 2016 be ADOPTED.
2. The implementation of recommendations contained in the plan will be subject to the City's Long Term Financial Plan and future Council approval.

BACKGROUND

2. The City's recreational boating facilities have been developed over the years with little strategic planning. Some are well-placed and in excellent condition but others are under-utilised and in an unsuitable condition. The City needs to understand the current and future demand of these facilities so that it can plan works effectively.
3. The City of Albany received a Recreational Boating Facilities Scheme (RBFS) grant of \$87,730 from the Department of Transport in 2015 to undertake a strategic plan for boating facilities in the Albany municipality. This scheme provides funding for planning and construction of recreational public boating infrastructure across Western Australia.
4. The City engaged Seashore Engineering in August 2015 to undertake a study to ensure a rational and sustainable approach to future provision of recreational boating facilities in the municipality. The focus is on development of improved, safe and appropriate facilities for recreational boating users (in particular motorised) in Albany.

DISCUSSION

5. A key stakeholder workshop was held in November 2015 which provided critical local knowledge and focus to the strategy. This resulted in tangible recommendations for improvements to boating facilities. In particular, stakeholders identified two urban sites (Emu Point & Lower King) and two rural sites (Cheyne Beach & Cosy Corner/Hartmans) as priority sites.
6. Following input from key local stakeholders and City of Albany Elected Members and staff, Seashore Engineering compiled the Albany Recreational Boating Facilities Draft Strategic Plan Revision C which was advertised for public comment from 28 June until 27 July 2016.
7. The plan includes the following aspects:
 - a. Outcomes of inspections of boat launching facilities;
 - b. An assessment of boating demand;
 - c. Community consultation;
 - d. A strategic assessment of the capacity of facilities to meet existing and future demand;
 - e. Recommendations for improvements to, rationalisation of and maintenance of existing boating facilities, potential new facilities and boating safety.
8. Key priorities included new boat launching facilities in Lower King, and improvements to existing facilities at Emu Point, Cheyne Beach and Cosy Corner (Hartmans)
9. Lower King provided the best opportunity to construct a new boating facility to meet future demand and alleviate pressure at Emu Point. This site is close to areas of high population density and population growth. The design and timeframe for constructing a new facility at this site should be subject to further monitoring of boating demand and a consultative Master Planning process.
10. The capacity and utility of the Emu Point facility can be improved through modification of the trailer parking layout and replacement of the timber finger jetty, which is nearing the end of its design life, with a wider jetty/pontoon. This is likely to require some realignment of the ramps. The development of a Master Plan to accommodate future demand is recommended.
11. The peak season capacity at Cheyne Beach and Cosy Corner (Hartmans) should be improved through maintenance of gravel parking and ramp approaches and improved delineation of parking bays and signage.

12. The adoption of this report will support further applications to the RBFS to secure future funding for the proposed work within the report, however, before doing so, the City will analyse the costs and ensure that adequate funds can be made available in the Long Term Financial Plan.

GOVERNMENT & PUBLIC CONSULTATION

13. Implementation of the strategy will require further consultation on specific projects with key stakeholders and the general community.

STATUTORY IMPLICATIONS

14. Nil.

POLICY IMPLICATIONS

15. There are no direct policy implication related to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community & Reputation Risk: <i>A lack of strategic planning may result in inadequate recreational boating facilities to meet growing demand.</i>	<i>Likely</i>	<i>Moderate</i>	<i>Low</i>	<i>Adoption and timely implementation of the Recreational Boating Facilities Strategy.</i>
Reputation Risk: <i>The perception that there will be no further public engagement post adoption of the plan.</i>	<i>Possible</i>	<i>Medium</i>	<i>Low</i>	<i>Ongoing community consultation will continue and will be appropriately targeted for specific projects.</i>
Opportunity. <i>By adopting the Recreational Boating Facilities Strategic Plan and its recommendations, the City's position to attract further funding support through the Recreational Boating Facilities Scheme is enhanced.</i>				

FINANCIAL IMPLICATIONS

17. Adopting of the plan does not lock the City into allocation of funds. City staff will give consideration to the recommendations as further reviews and development of the City's Long Term Financial Plan occur.
18. The progression of physical works will be subject to funding.

LEGAL IMPLICATIONS

19. Nil.

ENVIRONMENTAL CONSIDERATIONS

20. There are no direct environmental issues associated with item. Specific projects will be assessed as part of a more detailed design process.

ALTERNATE OPTIONS

21. Nil.

CONCLUSION

22. That the Responsible Officer's recommendation be adopted.

Consulted References	:	Refer to Item 10 'References' on page 77 of the Strategic Plan.
File Number (Name of Ward)	:	PR.PLA.11 (Kalgan, Breaksea and West Wards)
Previous Reference	:	Nil

WS116: ALBANY TOURISM AND INFORMATION HUB

Land Description : York Street, Albany CBD
Proponent / Owner : City of Albany
Business Entity Name : Albany Public Library
Attachments : **Commercial in Confidence: Albany Tourism and Information Hub detailed design package.**
(Note: No attachments to be released with the agenda, as designs will be presented to Elected Members on the 9 November).
Supplementary Information & Councillor Workstation : Nil
Report Prepared By : Manager of Major Projects (A McEwan)
Responsible Officers: : Executive Director Works and Services (M Thomson)
Executive Director Commercial Services (C. Woods)

Responsible Officer's Signature:



CONFIDENTIAL ATTACHMENT

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

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023.
 - a. **Key Themes:**
 - 1. Smart, Prosperous & Growing
 - 4. A Sense of Community
 - 5. Civic Leadership
 - b. **Strategic Objectives:**
 - 1.2 Revitalise and promote the central City area
 - 4.2 To create interesting places, spaces and events that reflect our community's identity, diversity and heritage
 - 5.2 To provide strong, accountable leadership supported by a skilled and professional workforce
 - c. **Strategies:**
 - 1.2.1 Increasing numbers of locals and visitors attracted to the central area.
 - 4.2.1 Deliver effective library and information services.
 - 5.2.1 Provide positive leadership that delivers community outcomes.
2. This item relates to the following elements of the Corporate Business Plan 2014 – 2018:
 - a. **Key Focus Area:** 2. Facilities
 - b. **Outcome:** 2.1 Investigate feasibility of relocating the AVC to a higher profile location

Maps and Diagrams:

Location of Albany Tourism and Information Hub.



In Brief:

- The Detailed Design has now been completed for Council’s consideration and approval.
- Approval to progress into the advertising of Contract Tender Documentation is also being sought.

RECOMMENDATION

**WS116: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: Councillor Stocks
Seconded: Councillor Mulcahy**

THAT:

- 1. The Albany Tourism and Information Hub Detailed Design Package be APPROVED; and**
- 2. The Contract Tender Documentation Package be prepared and issued.**

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Goode

WS116: COMMITTEE RECOMMENDATION

**Moved: Councillor Moir
Seconded: Councillor Hollingworth**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

WS116: RESPONSIBLE OFFICER RECOMMENDATION

THAT:

1. The Albany Tourism and Information Hub Detailed Design Package be APPROVED; and
2. The Contract Tender Documentation Package be prepared and issued.

BACKGROUND

3. The City of Albany's "*Albany Tourism and Information Hub Project*" was successful in securing funds through the National Stronger Regions Fund and Tourism WA to co-locate the Albany Public Library and Albany Visitors Centre to the Library site on York Street, Albany. The application was submitted on Friday 28 Nov 2014.
4. On 3 June 2016, under CEO Delegation, the contract (C16007) for full service consultancy for the delivery of design, engineering services, superintendence and contract administration was awarded to Howard + Heaver Architects.
5. The detailed design phase has now been completed by the appointed consultants, and documentation has been enclosed for Council's consideration and approval under confidential cover.
6. This design documentation package details the proposed design, materials and themes associated with the project.

DISCUSSION

7. The detailed design includes the following components:
 - a. New Visitor Centre component;
 - b. Alison Hartman Garden interface ; and
 - c. Minor Library integration works.
8. The scope of detailed design work is comprised of the following elements:
 - a. Architectural;
 - b. Electrical;
 - c. Mechanical;
 - d. Hydraulics;
 - e. Landscape;
 - f. Civil; and
 - g. Structural.
9. Key user groups have been engaged and involved in the development of the design for the Albany Tourism and Information Hub.
10. The Schematic Design and Detailed Design phases have been completed and presented to Elected Members by the appointed Consultants (Howard + Heaver) together with the Major Projects Team.
11. An Albany Tourism and Information Hub Project Control Group was established in September 2015 to guide the project design and development. Membership includes:
 - a. Chief Executive Officer;
 - b. Executive Director Commercial Services;
 - c. Executive Manager Community Services;
 - d. Executive Director Works & Services;
 - e. Manager of Major Projects;
 - f. Manager of Tourism and Development Services;
 - g. Executive Director Corporate Services;
 - h. Manager of Planning Services; and
 - i. Major Project Team Officers.

12. The next phase is the preparation of contract tender documentation and advertising.
13. The approval of the Albany Tourism and Information Hub construction tender will require Council approval.

GOVERNMENT & PUBLIC CONSULTATION

14. **Government Consultation:** The City of Albany has undertaken consultation and engagement with other government stakeholders including the Great Southern Development Commission and Heritage Council of WA.
15. **Internal Business Unit Consultation:** The Albany Tourism and Information Hub Project Control Group has representation from business units across the City of Albany, with regular updates provided to the Executive Management Team and Elected Members. The Project Control Group has also briefed City of Albany business units directly.
16. Elected Members presentations were undertaken on the following dates:
 - a. 18 November 2014;
 - b. 19 April 2016;
 - c. 21 June 2016;
 - d. 19 July 2016;
 - e. 6 September 2016;
 - f. 18 October 2016; and
 - g. 9 November 2016.
17. **Public Consultation:** A Community engagement forum was held at the Senior Citizens Centre on the 16 and 17 September 2016 to brief the community on the schematic designs, impacts to services and the design intent.
18. **Future Planned Consultation:** A project presentation to the Albany Chamber of Commerce and Industry (ACCI) and the Business After Hours event is planned to be undertaken in late November 2016.
19. A further community engagement forum will be held once the construction programme has been determined and library service impacts during the construction period are known.

STATUTORY IMPLICATIONS

20. Council Procurement Policy - tenders and quotes, and associated procedures is applicable to this report.
21. Voting requirement: **Simple Majority.**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

23. The risk identification and categorisation relies on the [City's Enterprise Risk & Opportunity Management Framework](#).
24. Council may choose not to adopt the detailed design. This would expose the City to the following risks:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial Risk: <i>There is a financial risk that if the proposed detailed design is not approved, the project delivery may be delayed, which result in grant agreements being jeopardised.</i>	<i>Almost Certain</i>	<i>Severe</i>	<i>Extreme</i>	<i>City Officers and engaged architects address any areas of concern to allow the proposed designs to be approved.</i>
Community Risk: <i>Disruption to user groups, community members, and tourists would result if construction is undertaken during peak visitor period as a result of significant project delay.</i>	<i>Likely</i>	<i>Major</i>	<i>High</i>	<i>Design is approved and project progressed in accordance with projected time frame.</i>
Reputational Risk - <i>Delays in the project may result in substantial public dissatisfaction and may attract a high media profile.</i>	<i>Almost Certain</i>	<i>Major</i>	<i>Extreme</i>	<i>Design is approved and project progressed in accordance with projected time frame.</i>

FINANCIAL IMPLICATIONS

25. Council allocated \$226,230 for the planning and design of the Albany Visitor Centre in the 2016/17 budget.
26. The funds allocated in the 2016/17 budget for planning and design have been committed and spent in accordance with requirements, and in support of the design services process.
27. In summary, the financial status of the project funding can be reported as follows:
- Total approved external funding: \$1,332,190
 - Total City contribution: \$1,381,120
 - Funding sources include:
 - National Stronger Regions - Department of Infrastructure & Regional Development
 - Tourism WA (TWA) Regional Visitor Centre Sustainability Program / Tourism Demand Driver Infrastructure (TDDI)
 - City of Albany
 - Total project budget: \$2,713,310
- (*Total project budget not all related to construction costs.)
28. The award of the recommended construction tenderer and budget will be subject to Council approval.

LEGAL IMPLICATIONS

29. There are no legal implications relating to this report.

ENVIRONMENTAL CONSIDERATIONS

30. **Heritage:** Noting the registered heritage sites adjacent to the subject property the Heritage of *Western Australia Act 1990* is applicable.

ALTERNATE OPTIONS

31. Option 1: Adopt the proposed detailed designs.
 32. Option 2. Adopt the proposed detailed design with minor amendments; or
 33. Option 3: Not adopt the detailed design.

CONCLUSION

34. The Detailed Design has now been completed by the appointed service provider, Howard + Heaver Architects, and will be presented for Council's consideration and approval.
 35. The City requires Council approval to progress into the Contract Tender Documentation phase for the Albany Tourism and Information Hub.
 36. Therefore, it is recommended that the Responsible Officers recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • Albany Tourism and Information Hub Detailed Design Package
File Number (Name of Ward)	:	CP.DEC.17 (Fredericktown Ward)
Previous Reference	:	<ul style="list-style-type: none"> • Elected Member presentations and briefings (<i>See public consultation section of the report</i>). • OCM 26/07/2016 Resolution CSF255 (Budget Adoption)

WS117: ALBANY ARTIFICIAL SURF REEF

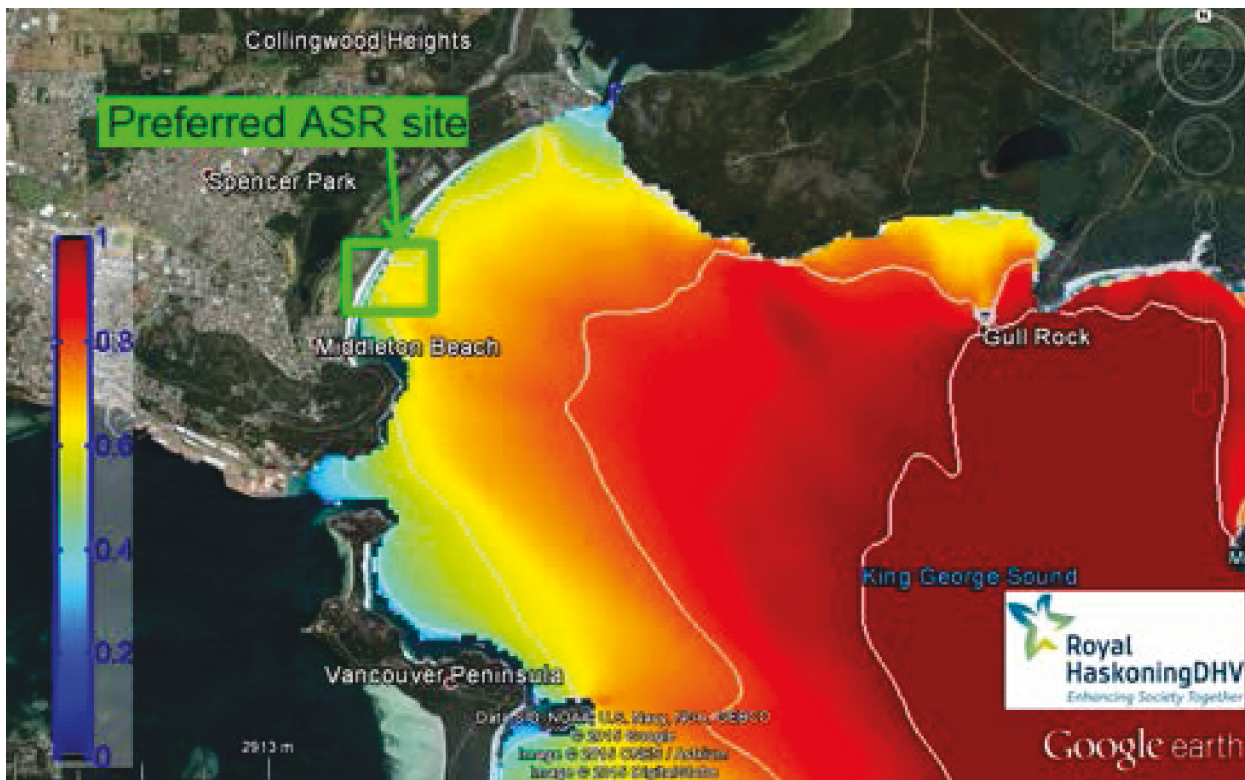
Land Description	: Middleton Beach, Albany
Proponent / Owner	: City of Albany
Business Entity Name	: N/A
Attachments	: Albany Artificial Surfing Reef Business Case (Executive Summary)
Supplementary Information & Councillor Workstation	: Nil
Report Prepared By	: Manager Major Projects (A McEwan)
Responsible Officers:	: Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 4. A Sense of Community
 - b. **Strategic Objectives:** 4.3 To develop and support a healthy, inclusive and accessible community.
 - c. **Strategy:** 4.3.1 Develop a range of activities and facilities that are appropriate for all ages.

Maps and Diagrams:



In Brief:

- The City of Albany commissioned a Business Case for the development of an Artificial Surf Reef at Middleton Beach as per the resolution of Council at the 22 March 2016 OCM and 2016/17 adopted budget.
- Council is requested to review and support the Albany Artificial Surfing Reef Business Case (as presented to the Elected Members briefing on 18 October 2016).
- Council consideration of the completed Business Case is sought to enable the project to progress should funding opportunities arise.

RECOMMENDATION

WS117: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MOIR

SECONDED: COUNCILLOR STOCKS

THAT:

1. **The Albany Artificial Surf Reef Business Case be RECEIVED.**
2. **Funding advocacy COMMENCE to support the implementation of an Albany Artificial Surf Reef at Middleton Beach.**
3. **Council NOTE that should suitable funding sources become available for the Artificial Surf Reef, this will be the subject of a future Council report.**

CARRIED 10-2

Record of Vote

Against the Motion: Councillors Price and Goode

WS117: AMENDMENT BY COUNCILLOR PRICE

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR PRICE

SECONDED: COUNCILLOR HAMMOND

THAT the Committee Recommendation be AMENDED to read as follows:

THAT

1. **The Albany Artificial Surf Reef Business Case be RECEIVED.**
2. **Funding advocacy COMMENCE to seek support for the DETAILED DESIGN PHASE of an Albany Artificial Surf Reef at Middleton Beach.**
3. **Council NOTE that should suitable external funding sources for the DETAILED DESIGN PHASE become available for the Artificial Surf Reef, this will be the subject of a future report for the consideration of Council.**

LOST 2-10

Record of Vote

For the Motion: Councillors Price and Hammond

Councillor Reason:

Under Points 16 and 17 of the Officers' Report under 'Background' it states that ...

"16. The project is subject to a detailed design phase to determine exact requirements for the project implementation and budget requirements.

17. Any detailed design work on the proposal will require a further Council resolution directing the Administration to seek external funding to progress the project."

The wording of the Committee Recommendation is misleading, as it could be read to imply the City seeks to implement building of the reef. This is not what City seeks at this stage of the project.

The cost of the DETAILED DESIGN PHASE is not insignificant (estimated at \$500,000 +), and the motion should more clearly reflect what we intend to seek support for.

Officer Comment:

Amendment to the current recommendation as suggested is restrictive and may limit opportunities for advocacy and external funding support of the project as a whole. This project could be delivered through various procurement methodologies, including design and construct.

The project has undergone a rigorous feasibility and business modelling process which positions the project well to advance into detailed design and construction with funding from an external agency. This is typical of a project of this nature and funding agencies have the ability to review and interrogate the work done to date before committing to the project. It is unlikely that there would be any interest in funding the detailed design alone.

Any process for further development and delivery of the project at any stage would be subject to approval of Council. Note that estimates provided are conservative.

WS117: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

WS117: RESPONSIBLE OFFICER RECOMMENDATION

THAT:

1. The Albany Artificial Surf Reef Business Case be RECEIVED.
2. Funding advocacy COMMENCE to support the implementation of an Albany Artificial Surf Reef at Middleton Beach.
3. Council NOTE that should suitable funding sources become available for the Artificial Surf Reef, this will be the subject of a future Council report.

BACKGROUND

2. The local Albany surfing community have been advocating for an artificial surf reef for over a decade. A series of comprehensive reports have been privately undertaken in relation to the creation of an artificial surf reef in Albany.
3. As a response from the community and Council, the City of Albany included an allocation in the 2015/2016 budget to investigate further feasibility studies into the proposed artificial surf reef at Middleton Beach. A previous study was undertaken in 2003, and was laid on the table with a recommendation to seek funding, mitigate environmental works through further scientific studies on coastal protection, and develop a more robust feasibility study considering the environmental impacts.
4. On 12 February 2015, an Albany Artificial Surf Reef Steering Group was established. The Steering Group's role was to guide and monitor project development against identified objectives and provide guidance to the consultant engaged to develop the Feasibility and Scoping Study including development of the vision, scope and methodology. This Steering Group has since evolved to provide guidance on the development of the business research phase and approvals process.
5. The Steering Group consists of volunteer community members, City of Albany representatives and the Great Southern Development Commission.

6. A Feasibility Study was completed in July 2015 by Royal Haskoning DHV (RHDHV) regarding the feasibility of developing an Artificial Surfing Reef at Middleton Beach with the primary objective developed by the Steering Group to deliver:
“The creation of a consistent, surfable wave, which maximises available swell conditions and is central to Albany, driving benefits in tourism, economic development and retention of Albany’s younger age demographic.”
7. RHDHV presented a significant amount of scientific and technical studies and subsequent preliminary design options to the Steering Group. This work was produced as a result of months of comprehensive data compilation and modelling analysis.
8. The Feasibility and Scoping Study prepared by the specialist consultant team was developed taking into consideration: recreational amenity and performance, direct and indirect ecological and environmental impacts, approvals process, constructability and an order of costs that met the objectives of the brief.
9. The outcomes of the Feasibility Study determined that Middleton Beach is an ideal location for an artificial surf reef that offers existing unique characteristics: wave period, unidirectional wave climate and tidal advantages that are sought in artificial reef design.
10. These factors combine to make the proposed site an ideal location for an artificial surfing reef as the predictable wave conditions, low tidal range and predominant offshore winds mean that a lot of the variability encountered with previous artificial surf reef locations are eliminated.
11. The information received as a result of this previous commission is an invaluable resource for any future coastal adaptation and protection works outside of this specific project and is not considered sacrificial.
12. A community survey was undertaken in February 2015. The City of Albany received a total of 732 feedback documents, the largest response for any City of Albany community survey undertaken to date, with Community survey results revealing 90% support for the creation of an Artificial Surf Reef at Middleton Beach.

DISCUSSION

13. The progression of a business research phase for an artificial surf reef at Middleton Beach was endorsed by Council at the 22 March 2016 OCM, to determine return on investment business models and how the project would be sustainable as an economic investment once installed and in the long term.
14. The City of Albany appointed local professionals Keston Technologies to undertake the business research phase. Professional coastal engineers from Royal Haskoning DHV, and Dr Michael Raybould of Bond University School provided input into the content development.
15. In summary, the Business Case concluded that the development of an artificial surf reef at Middleton Beach would be a viable investment. Outcomes included:
 - a. The introduction of an artificial surf reef would diversify and grow the regional economy.
 - b. A series of socio-economic benefits would be delivered including economic development, social, health, ecological, environmental and safety.
 - c. The calculations demonstrated a positive Net Present Value of \$18m (Benefit Cost Ratio of 3.52), clearly deriving from the high level of community benefits that would accrue - hosting surfing events, uplift in visitation and length of stay, complementing adventure tourism and creation of a Surfing Hub. Note: Benefit Cost Ratio above 1 is considered a viable public investment.
 - d. The implementation of an artificial surf reef will create a consistent, quality wave appropriate for holding events at state, national and international levels. Surfing WA indicated they would foresee holding 3-4 events per year in Albany that are not currently possible due to the poor quality of surf on Albany’s central beaches.

- e. Job creation would be significant. There will be benefits from both the construction phase and the operational phase - 30 FTE direct jobs in the construction industry and 125 FTE jobs in the economy as a whole, during the construction phase, and an estimated 27 sustainable, long-term FTE jobs in the region, based on the additional direct tourism spend.
 - f. The implementation of an artificial surf reef would provide a significant tourism drawcard in Albany's winter season, which predominately experiences lower tourist numbers and overnight visitors to the area.
 - g. A real opportunity exists for Albany to be recognised as a Surfing Hub; a clustering of multiple recognised surfing spots in the region (the only other such hub being Margaret River). With existing infrastructure in retail and hospitality and other attractions, the facilitation of a recognised surfing hub in Albany would provide substantial benefits both economically and socially.
 - h. A general uplift in visitation would be expected and an increase in length of stay.
 - i. The project would improve the community's confidence in the City's ability to deliver recreational projects that contribute to Albany's liveability and reputation as one of WA's key tourism destinations.
 - j. The project will attract and retain a younger generation, who currently tend to be drawn away to metropolitan areas where a wider variety of recreational facilities exist.
 - k. The project will deliver a recreational outlet beyond those currently available in the region, providing for diversified interests in the community and helping to create a more liveable regional city.
16. The project is subject to a detailed design phase to determine exact requirements for the project implementation and budget requirements.
17. Any detailed design work on the proposal will require a further Council resolution directing the Administration to seek external funding to progress the project.

GOVERNMENT & PUBLIC CONSULTATION

18. **Government:** The Great Southern Development Commission has been engaged and involved in development of the Business Case, as per its membership on the Steering Group.
19. **Government:** The City has undertaken consultation and engagement with key government stakeholders (Department of Transport & Southern Ports Authority) during the Feasibility Phase. Both these authorities together with Grange Resources have provided large amounts of coastal environment research data and information to the City.
20. The Department of Fisheries was briefed on the project scope during the Feasibility Phase.
21. **City of Albany:** The Steering Group has representation from across the City of Albany including the Major Projects Team, Community Services, Works & Services, Economic & Tourism Development, and Planning & Development Services. The Steering Group has been led by the Manager of Major Projects.
22. **Key Community Groups:** The Steering Group has representation from key community user groups including the Albany Surf Life Saving Club, Middleton Beach Group, Surfing WA, and the Albany Boardriders,
23. A briefing on the project scope (only) was also given to representatives of UWA, Friends of Emu Point and the City of Albany's Let's Chat Focus Group, facilitated by the Manager Stakeholder Relations.
24. **Broad Community:** The City of Albany has undertaken a number of broad community engagement activities including public submission period (survey) during the Feasibility Phase.

STATUTORY IMPLICATIONS

25. The voting requirement of Council is to be Simple Majority.

POLICY IMPLICATIONS

26. Should the project be supported and funding become available, Federal and State policies would apply to the project implementation.

27. The Artificial Surf Reef will be considered for inclusion in the City’s Sport & Recreation Futures Plan.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. If the Business Case and commencement of funding advocacy is not supported, the project will not progress.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>City officers will resubmit for further discussion addressing concerns raised.</i>
<i>Reputation. The viability of the Business Case outcome raises community expectations that the artificial surf reef will be implemented.</i>	<i>Likely</i>	<i>Major</i>	<i>High</i>	<i>Develop media and Communication Strategy to manage community expectations Clearly articulate Council’s rationale for decision.</i>

FINANCIAL IMPLICATIONS

29. The Business Case has been completed within the agreed budget allocation.

LEGAL IMPLICATIONS

30. There are no legal implications related to the Business Case.

ENVIRONMENTAL CONSIDERATIONS

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

32. Any environmental considerations will be considered as part of the broader project, ongoing data collection and approvals process.

ALTERNATE OPTIONS

33. Council may chose not to support the Albany Artificial Surfing Reef Business Case.

34. Failure to support the project may result in the project not progressing further, and/or limit funding advocacy opportunities.

CONCLUSION

35. The community response during the Feasibility Phase revealed overwhelming support for the project.

36. The Business Case concluded that the implementation of an artificial surf reef at Middleton Beach would be a viable investment. In line with the outcome of the Business Case, the City recommends to continue with the project to ensure the potential implementation would have positive impacts to retain youth and be an economic driver for tourism into the future, especially during the winter season tourism decline.

37. Council’s support of the Artificial Surfing Reef Feasibility & Scoping Study completes the research business phase as per Council resolution at the OCM on 22 March 2016.

38. Support of the Artificial Surfing Reef Business Case will allow funding advocacy to commence and improve the community's confidence in the City's ability to deliver recreational projects that contribute to Albany's liveability and reputation as one of WA's key tourism destinations.
39. A Council commitment to fund implementation of an Artificial Surf Reef at Middleton Beach is not being sought. External funding opportunities would be pursued.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • Commercial-in-Confidence: Albany Artificial Surf Reef Business Case • Commercial-in-Confidence: Albany Artificial Surfing Reef Feasibility Study • Community Engagement Report 12 February 2015
File Number (Name of Ward)	:	EM.PLA.28 (Breaksea Ward)
Previous Reference	:	<ul style="list-style-type: none"> • OCM 22/03/2016 Resolution WS101 • 2016/2017 City Adopted Budget • Strategic Briefing Presentation dated 23/06/2015 • Strategic Briefing Presentation dated 18/10/2016

WS118: CONTRACT C16022 – ELIZABETH STREET RECONSTRUCTION

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

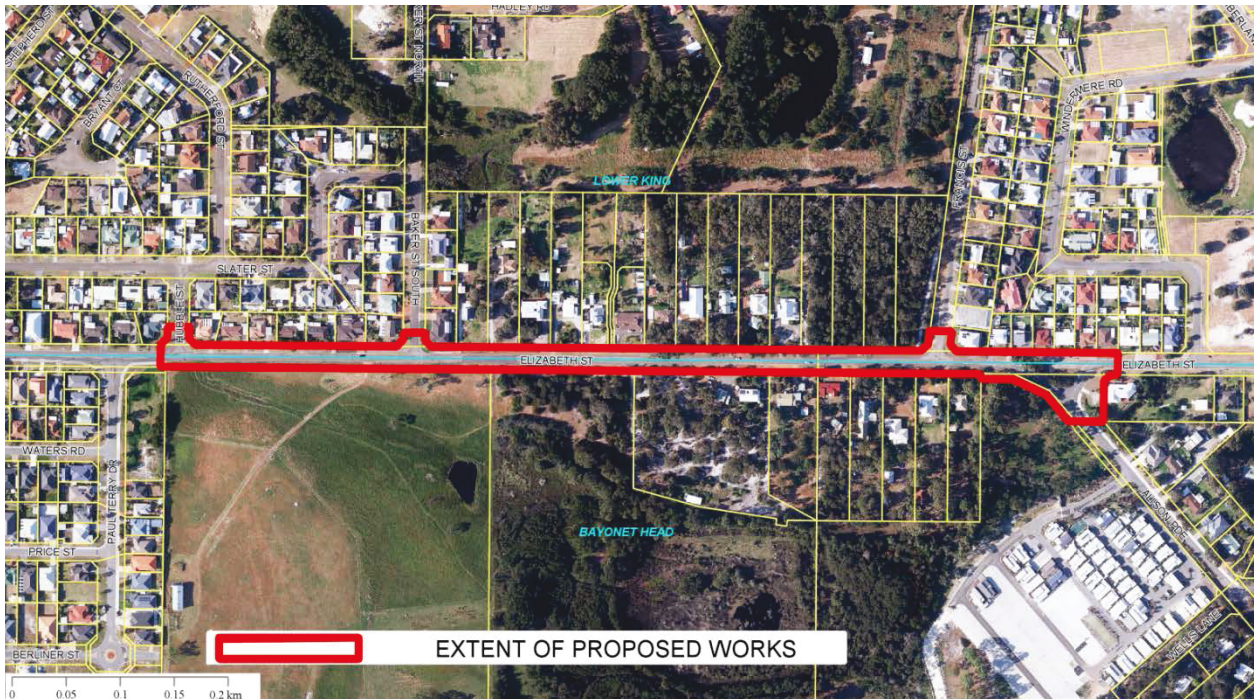
Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council approval is sought to appoint the preferred tenderer, Tricoast Civil, to construct Elizabeth Street Reconstruction, Lower King.
- Nine (9) complying tenders and One (1) alternative tender were received, with Tricoast Civil the recommended contractor.
- Construction is scheduled for completion by early April 2016.

RECOMMENDATION

**WS118: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HOLLINGWORTH**

THAT Council:

- 1. ACCEPT the tender from Tricoast Civil; and**
- 2. AWARD contract C16022 for the Elizabeth Street Reconstruction.**

CARRIED 12-0

WS118: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

WS118: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- 3. ACCEPT the tender from Tricoast Civil; and**
- 4. AWARD contract C16022 for the Elizabeth Street Reconstruction.**

BACKGROUND

2. The proposed Elizabeth Street Reconstruction is required due to poor existing pavement and seal condition.
3. The proposed works involve full reconstruction of existing pavement, primer seal and asphaltic concrete surfacing, kerbs and drainage, concrete footpath and driveways.
4. Design and specification documentation was prepared by City of Albany Works and Services staff to the stage of 'Tender Issue'. Tender period was from 5 November 2016 to 26 November 2016.

DISCUSSION

5. A total of 29 tender documents were issued by the City of Albany.
6. Nine (9) completed tender documents and one (1) alternative tender document were submitted on or before the stipulated closing date and time.
7. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weighs their importance to determine an overall points score for each tender. The criteria are tabled below:

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

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

Tenderer	Total Evaluation Score
Tenderer A (non-conforming)	582.94
Tricoast Civil	579.77
Tenderer B	574.45
Tenderer C	566.71
Tenderer D	565.21
Tenderer E	558.99
Tenderer F	520.40
Tenderer G	490.42
Tenderer H	420.26

9. Tricoast Civil is the recommended tenderer as Tenderer A was deemed to be non-conforming due to changes made to the Pricing Schedule and a number of clarifications which can potentially expose the City to construction and financial risk.

GOVERNMENT & PUBLIC CONSULTATION

10. All relevant Government departments including Department of Environment Regulation, Department of Indigenous Affairs and SWALSC have been consulted on the project.
11. A request for tenders was published in the West Australian on 5 October 2016 and the Albany Weekender on 6 October 2015.

STATUTORY IMPLICATIONS

12. Regulation 11 of the *Local Government (Functions and General) Regulations 1996 (Regulations)* requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$100,000.
13. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.

14. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council’s decision.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health and Safety <i>There is a risk of vehicle accident due to sub-standard road geometry.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Accept tender and undertake works as budgeted.</i>
People Health and Safety <i>No dual use path to cater for increased pedestrian and cycle activity.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Accept tender and undertake works as budgeted.</i>
Finance <i>Non-compliance with contract or business failure.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>General conditions of contract (forming part of tender) allow for contract termination on the basis of failure to supply goods and services.</i>

FINANCIAL IMPLICATIONS

17. The value of this tender is in excess of \$500,000 and therefore the approval is referred to Council for consideration.
18. Funding for this project has been received from Regional Road Group. Funds have also been allocated in the 2016-17 budget.
19. Total budget for the contract is \$1,355,000 excluding GST. The recommended tenderer is within budget.

LEGAL IMPLICATIONS

20. There are no legal implications related to report.

ENVIRONMENTAL CONSIDERATIONS

21. Some clearing of native vegetation will take place to accommodate the proposed road widening and associated drainage infrastructure.
22. An Environmental Impact Assessment has been undertaken by a City of Albany Reserves Officer. No declared rare fauna were identified within the area of the proposed works.
23. Approval to clear native vegetation has been obtained from the Department of Environment Regulation.

ALTERNATE OPTIONS

24. Nil.

SUMMARY CONCLUSION

25. Tricoast Civil is the preferred tenderer.
26. Tenderer A was deemed to be non-conforming because their tender submission included a number of clarifications which would transfer an unacceptable amount of construction and financial risk to the City.
27. This report recommends that the tender from Tricoast Civil be accepted.

Consulted References	:	<i>Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing Council Policy - Buy Local (Regional Price Preference)</i>
File Number (Name of Ward)	:	<i>C16022 (Kalgan Ward)</i>
Previous Reference	:	<i>Not applicable</i>

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

ED039: CLIPPER ROUND THE WORLD YACHT RACE

18. CLOSURE

There being no further business the Mayor declared the meeting closed at [9:13:12 PM](#)



Dennis W Wellington
MAYOR

4. Rehabilitate disturbed ASS and acid drainage

Areas of disturbed ASS contain a large reservoir of sulfuric acid that will drain into waterways after inundation or heavy rain. Cost effective technologies to rehabilitate these areas need to be developed, tested and proven effective in broad scale situations.

Much of the acid water originating from ASS comes from major floodplain drainage schemes. Rehabilitation of these lands will require substantial investment. Incentives must be introduced to encourage private investment in rehabilitation works. However without the assistance of public funds progress will be slow. Successful management of ASS requires coordinated input across the spectrum of community, industry and governments.

Achievement of the four objectives listed above will result in the following benefits:

- Improved understanding of the problem.
- Prevention of the problem increasing.
- Improved water quality and environmental

- existing agriculture and/or under significant development pressure.
- Informed land owners and developers who are willing to change land management practices such that further disturbance of ASS is avoided or existing problems are treated to minimise acid outflows.
- Informed councils and local communities that support these initiatives with planning development controls appropriate to the risk of disturbing ASS.
- State works departments, Council service departments, excavators and floodplain drainage authorities that are trained in ASS identification and avoidance, and that treat or rehabilitate ASS which are disturbed.
- A coordinated whole-of-government approach to policy and action which fosters industry and community participation and provides clear goals and responsibilities for the relevant authorities.
- Research into improved methods of field and environmental hazard assessment, validation of treatment and rehabilitation technologies, and economic studies into the options of reserving, disturbing or

National Strategy for the Management of Coastal Acid Sulfate Soils

The processes involved are identical to those in acid mine drainage from sulfidic mine dumps. In order to use estuarine flood plain areas for coastal development and agricultural production, flood mitigation and drainage schemes have been constructed. These works intersected ASS which exposed them to air, producing large quantities of acid in the soil profile. Engineered drainage schemes straightened meandering drainage lines, reducing the time taken to export acid water from around 100 days to less than five days. This has resulted in the efficient export of huge quantities of acid into major streams and waterways.

Under traditional management, floodgates may hamper the neutralisation of acid outflows by preventing tidal inflows of buffering estuarine water. They may also promote the storage of acid upstream. In dry times, large floodgates can impound acid water for many months. This acid may be released as a damaging slug in subsequent flood events.

Measurements on the Richmond River in northern New South Wales have revealed that in a major flood event in 1904 over 1 000 tonnes

Agriculture:

- sugar cane,
- dairying,
- tea tree,
- grazing,
- cropping.

Urban development:

- housing,
- resorts,
- marinas/canal estates.

Infrastructure:

- roads,
- railways,
- bridges,
- port facilities,
- flood gates,
- dredging.

Aquaculture:

- prawns,
- oysters,
- fin fish.

Mining:

- sand extraction,
- gravel extraction,
- dredging.

TABLED ADDRESS BY MR FRANK LIVA

The Mayor & Councillors
City of Albany
North Rd
Albany

Re: PD128, 321 Emu Point Dve, Collingwood Park.

Dear Mayor & Councillors,

We would like the attached letter included in the minutes of the Ordinary Council Meeting of 22.11.2106.

It is our response to a public document from the Owner of Lot 4 Emu Point Dve, Collingwood Park.

Regards



Frank Liva
22.11.16



Kelli Liva

TABLED ADDRESS BY MR FRANK LIVA

The Mayor & Councillors
City of Albany
North Rd
Albany

Re: PD 128, 321 Emu Point Dve. Collingwood Park.

Dear Mayor & Councillors,

This is a letter of response to Public Document Annexeure A from the Planning & Development Committee meeting of 2.11.16, submitted by the owner of Lot 4, 315 Emu Point Dve, Collingwood Park. This response is from the owners of Lot 355, 321 Emu Point Dve, Collingwood Park.

Our block is zoned General Agriculture, and there are many other examples within Collingwood Park eg Horse Trainers, both having trucks and large horse floats, an earthmoving business with truck, bobcat, excavator and trailers, commercial nursery, Public golf course, dog grooming who all have machinery and vehicles.

With regards to the fill around Lot 4: Crossover permits were in place at the time of building the crossover. Nos X013369 & X014590 were both granted and have expired. An application for planning consent for proposed outbuilding was applied for. Application No P2150043 File Ref A145789 was approved subject to conditions and the stamped plans show crossover and driveway to proposed shed. That permit is still current. Part of that proposal was for 500mm of fill up to shed pad. The survey plan shows the level at the fence to the rear of Lot 4 is at 1.00. The fill behind that rear boundary start from 1.00 (western side)raising to 1.50 (eastern side), 500mm of fill. The proposed shed height is at 1.75, the centre of Lot 4 is at 1.25, fill of 500mm. This area remains unfinished. The driveway as it stands has >2% cross fall away from Lot 4. This is clearly shown on the survey plan.

Excavations to the north west of Lot 355, known as the dam have been removed from the application and will be filled. Statements on enclosure are irrelevant.

We totally reject the allegation that we have dumped Acid Sulphate Soil (ASS) around Lot 4. The City of Albany, Department of Environment Regulation and the Department of Water have been contacted numerous times and this has never been mentioned in any correspondence. The Department of Environment Regulation, Industry Regulator for Contaminated Sites was contacted by ourselves. There is no recorded cases in this area. We have conducted 15 soil tests for Ph levels on Lot 355, refer to attached plan, to disprove there is any ASS on our block or around Lot 4. A neutral soil reading is 7ph. The readings were all 7.5ph or higher, meaning they were more alkaline. Acid Sulphate Soils have a ph reading of below 4. I have video and photographic reference conducting the soil collection and testing of this.

The 300mm pipe and easement are an approval condition to which we have agreed.

TABLED ADDRESS BY MR FRANK LIVA

We disagree with the unsubstantiated claim that mosquitoes are a major problem on this site. Google Maps shows water from Eyre Park, Lake Seppings and 8 bodies of water (dams, lakes, ponds, waterholes) along Golf Links Rd and Emu Point Dve. There is 4 bodies of water in Wright St as well as the floodway to the rear of Lot 355. Mosquitos are very common but not limited to this site.

The amenity has been addressed in the Planning & Development Committee agenda numbers 19 to 24. We feel the block will be vastly improved with screening and landscaping which we propose to do. The driveway and crossover will be bitumen sealed as part of scope of works. We have already planted some screening plants. The proposed shed will be located to the rear left of the property which is in line with neighbouring properties. It is not near primary roads or streets. Plantings are part of the approval conditions which we have agreed.

There is some unfounded statements contained within Annexure A. We look forward to a decision based on facts.

Regards

Frank & Kelli Liva