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# MINUTES

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**Ordinary Meeting of Council**

**Tuesday 22 September 2020**

6.00pm  
Council Chambers

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



ORDINARY COUNCIL MEETING  
MINUTES 22/09/2020

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**1. DECLARATION OF OPENING**

**6.00PM:** The Mayor declared the meeting open.

**2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

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

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

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

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

Mayor

D Wellington

**Councillors:**

Breaksea Ward

R Hammond

Breaksea Ward

P Terry

Frederickstown Ward

R Stephens

Frederickstown Ward

G Stocks (Deputy Mayor)

Kalgan Ward

E Doughty

West Ward

A Goode JP

West Ward

S Smith

Yakamia Ward

R Sutton

Yakamia Ward

C Thomson

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

D Olde

Executive Director Infrastructure, Development  
& Environment

P Camins

Acting Executive Director Community Services

N Watson

Manager Planning and Building Services

J Van Der Mescht

Meeting Secretary

J Williamson

**Apologies:**

Vancouver Ward

T Sleeman (Leave of Absence)

Kalgan Ward

M Benson-Lidholm JP (Apology)

Vancouver Ward

J Shanhun (Apology)

25 members of the public and 1 media representative were in attendance.

**4. DISCLOSURES OF INTEREST**

Name	Report Item Number	Nature of Interest
Councillor Terry	CCS292	<b>Impartiality.</b> The nature of the interest being that Councillor Terry has been a member of the Princess Royal Sailing Club for many years, but resigned less than 12 months ago. Councillor Terry remained in the Chamber and participated in the discussion and vote for this item.
Chief Executive Officer Mr Andrew Sharpe	CCS291 and CCS292	<b>Impartiality.</b> The nature of the interest being that Mr Sharpe's son is a junior tennis member of Lawley Park Tennis Club. Mr Sharpe remained in the Chamber during the discussion and vote for this item.
Acting Executive Director Community Services Mr Nathan Watson	CCS291 and CCS292	<b>Impartiality.</b> Mr Watson is a former financial member of Emu Point and Merrifield Tennis Clubs, and remains an active player. Mr Watson remained in the Chamber during the discussion and vote for this item.

**5. REPORTS OF MEMBERS**

**6.01pm Councillor Thomson**

Councillor Thomson attended the Tree Planting Ceremony held on the International Day of Peace. The Mayor planted a Gingko tree, which was grown from the seed of a tree which survived the bombing of Hiroshima.

Councillor Thomson also congratulated Cody Hulkes on the wonderful mural on a wall on York Street.

**6.03pm Councillor Smith**

Councillor Smith attended the Town Hall Tour to view the refurbishment works. Councillor Smith also spoke about the visit to the City by WA Academy of Performing Arts to talk about Radio Active, a concert combining the talents of WAAPA students and local school students.

Councillor Smith also attended the US Submariner service and the Cycling Without Age launch.

**6.06pm Councillor Stocks**

Councillor Stocks commented on the positive progress of the Climate Change Statement working in conjunction with the Youth Advisory Council.

Councillor Stocks attended the Harvest Road Launch, and stated that it would bring many positives to the region including employment opportunities.

Councillor Stocks attended the Busselton Cinefest Oz, one of the films he viewed was Rams, which was filmed entirely in the Great Southern region. Councillor Stocks said that the film showcased the region with spectacular shots of the scenery. Councillor Stocks said it was important to develop the City's relationship with Cinefest to bring a similar event to Albany.

**6.10pm Councillor Terry**

Councillor Terry informed Council that the Youth Challenge Park construction was underway, and that he was looking forward to attending the Emu Point Meet and Greet to be held the following day.

Councillor Terry also attended the Long Live You Open Day in collaboration with Cycling Without Age.

**6.12pm Councillor Hammond**

Councillor Hammond thanked City staff for organising the Meet and Greet at Emu Point.

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

**7. PUBLIC QUESTION TIME**

**6.13pm Mr Rudolf Hanich, 45/21 Brooks Garden Boulevard, Lange**

Mr Hanich spoke against the Committee Recommendation for Item DIS229: Local Planning Scheme Amendment No. 36-Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange. Mr Hanich's tabled address is detailed at Appendix A.

**6.17pm Mr Adrian Wait, 112 Clayton Street, Little Grove**

Mr Wait addressed Council regarding his petition to construct a cycle path to the Gap. Mr Wait tabled his petition and this will be formally received by Council at the Ordinary Council Meeting to be held on 27 October 2020. Mr Wait's petition is detailed at Appendix A.

**6.22pm Lynne Cronin, 4 Andrew Way, Lower King on behalf of St Ives**

Ms Cronin spoke against the Committee Recommendation for Item DIS229: Local Planning Scheme Amendment No 36-Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange. Ms Cronin's tabled address is detailed at Appendix A.

**6.25pm Ms Davynka Moss, 86 Rainbows End, Little Grove**

Ms Moss addressed Council in support of the Committee Recommendation for DIS227: Albany Artificial Surf Reef (AASR).

**6.29pm Nick Ayton, 42b Hare Street, Albany**

Mr Ayton addressed Council regarding DIS230: Reconsideration of DIS210-Single House-Oversize Outbuilding-Lot 109, 248 Greatrex Road, King River.

Mr Ayton suggested that Council could choose to support the application for construction of an oversize outbuilding, and that to do so would not create a legal precedent.

**6.32pm Mr John T'Hart, President of Residents Association Inc. (St Ives)**

Mr Hart spoke against the Committee Recommendation for DIS229: Local Planning Scheme Amendment No. 36-Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange. Mr T'Hart's tabled address is detailed at Appendix A.

**6.34pm Mr Tony Harrison, Little Grove**

Mr Harrison addressed Council in support of the Committee Recommendation for DIS227: Albany Artificial Surf Reef (AASR).

**6.39pm Mr Rob Mason, 204 Gull Rock Road, Kalgan-speaking on behalf of the Albany Surf Life Saving Club.**

Mr Mason addressed Council in support of the Committee Recommendation for DIS227: Albany Artificial Surf Reef (AASR).

**6.42pm Mr Angus Spencer, 18 Goss Street Little Grove**

Mr Spencer addressed Council in support of the Committee Recommendation for DIS227: Albany Artificial Surf Reef (AASR).

**6.43pm Mr Jeremy Spencer, 18 Goss Street Little Grove**

Mr Spencer addressed Council in support of the Committee Recommendation for DIS227: Albany Artificial Surf Reef (AASR).

There being no further speakers the Mayor declared Public Question Time closed at 6.44pm.

**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 THOMSON**

**THAT the minutes of the Ordinary Council Meeting held on 25 August 2020, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 10-0**

**11. PRESENTATIONS Nil**

**12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

**CCS286: FINANCIAL ACTIVITY STATEMENT – JULY 2020**

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

**RECOMMENDATION**

**CCS286: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR STEPHENS**

**THAT the Financial Activity Statement for the period ending 31 July 2020 be RECEIVED.  
CARRIED 10-0**

CCS286: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be RECEIVED.

CARRIED 11-0

CCS286: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 July 2020 be RECEIVED.

**COVID-19 IMPACT**

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

**BACKGROUND**

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

**DISCUSSION**

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



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

### STATUTORY IMPLICATIONS

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

### POLICY IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 July 2020 has been incurred in accordance with the 2019/20 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	FM.FIR.7 - All Wards
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**CCS287: LIST OF ACCOUNTS FOR PAYMENT – AUGUST 2020**

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

**RECOMMENDATION**

**CCS287: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH**  
**SECONDED: COUNCILLOR TERRY**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 August 2020 totalling \$5,296,369.33 be RECEIVED.**

**CARRIED 10-0**

**CCS287: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR STEPHENS**  
**SECONDED: COUNCILLOR SHANHUN**

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

**CARRIED 11-0**

**CCS287: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 August 2020 totalling \$5,296,369.33 be RECEIVED.**

**BACKGROUND**

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

**DISCUSSION**

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 August 2020. Please refer to the Attachment to this report.

<b>Municipal Fund</b>	
Trust	\$0.00
Credit Cards	\$6,328.97
Payroll	\$1,952,473.21
Cheques	\$1,481.00
Electronic Funds Transfer	\$3,336,086.15
<b>TOTAL</b>	<b>\$5,296,369.33</b>

As at 15 August 2020, the total outstanding creditors stands at \$268,806.83 and is made up as follows;

Current	\$220,373.01
30 Days	\$46,406.12
60 Days	\$2,027.70
90 Days	\$0.00
<b>TOTAL</b>	<b>\$268,806.83</b>
<b>Cancelled Cheques</b>	<b>Nil</b>

**STATUTORY IMPLICATIONS**

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

**POLICY IMPLICATIONS**

6. Expenditure for the period to 15 August 2020 has been incurred in accordance with the 2019/2020 budget parameters.

**FINANCIAL IMPLICATIONS**

7. Expenditure for the period to 15 August 2020 has been incurred in accordance with the 2019/2020 budget parameters.

**CONCLUSION**

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

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CCS288: DELEGATED AUTHORITY REPORTS – JULY TO AUGUST 2020**

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

**BACKGROUND:**

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

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

**RECOMMENDATION**

**CCS288: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR SMITH**

**THAT the Delegated Authority Reports 16 July 2020 to 15 August 2020 be RECEIVED.**

**CARRIED 10-0**

CCS288: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMPSON  
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 11-0**

CCS288: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 July 2020 to 15 August 2020 be RECEIVED.

**COVID-19 IMPACT**

- COVID-19 has no impact on this report.

**CCS289: VARIATION OF LEASE AND LICENCE – ALBANY LEISURE & AQUATIC CENTRE**

<b>Land Description</b>	: Lot 742 on Deposited Plan 224159 and being all that land comprised in Certificate of Title Volume 1179 Folio 118, at 52 Barker Road, Centennial Park
<b>Owner</b>	: City of Albany
<b>Report Prepared By</b>	: Team Leader Property and Leasing (T Catherall)
<b>Responsible Officers</b>	: Executive Director Corporate and Commercial Services (D Olde)

**CONFIDENTIAL REPORT**

*This report was considered as confidential in accordance with section 5.23(2)(c) and (e, iii) of the Local Government Act 1995, being: (e) a matter that if disclosed, would reveal - (iii) information about the business, professional, commercial or financial affairs of a person.*

**CCS289: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR SMITH**

**THAT the Responsible Officer Recommendation in the confidential version of this report be ADOPTED.**

**CARRIED 10-0**

**CCS289: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR STEPHENS  
SECONDED: COUNCILLOR DOUGHTY**

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

**CARRIED 11-0**

**CCS289: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Responsible Officer Recommendation in the confidential version of this report be ADOPTED.**

**CCS290: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD  
ENDING 31 JULY 2020**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Budget Review for the period ending 31 July 2020
<b>Report Prepared by</b>	: Business Analyst/Management Accountant (D Harrison)
<b>Responsible Officer</b>	: Executive Director Corporate & Commercial Services (D Olde)

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

- Local governments are required to conduct a budget review between 1 January and 31 March each financial year which is a requirement covered by regulation 33A of the Local Government (Financial Management) Regulations 1996. The Department recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.
- This review is for the period ending 31 July 2020 and reports a surplus of \$22,140 Budget inclusive of the proposed Budget Review allocations.

**RECOMMENDATION**

**CCS290: RESOLUTION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**Moved: Councillor Terry  
Seconded: Councillor Smith**

**THAT Council ADOPT the Budget Review for the period ending 31 July 2020.**

**CARRIED 10-0**

**CCS290: COMMITTEE RECOMMENDATION**

**Moved: Councillor Goode  
Seconded: Councillor Sutton**

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

**CARRIED 11-0**

**CCS290: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council ADOPT the Budget Review for the period ending 31 July 2020.**

## BACKGROUND

2. The Department recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.

## DISCUSSION

3. Council adopted the 2020/2021 Budget on 28 July 2020. The total adopted budget of \$108.7M comprised:
  - a. \$37.3M capital works;
  - b. \$ 2.7 M debt reduction; and
  - c. \$68.7 M in operating expenditure.
4. This Budget Review identifies expenditure of \$6,194,394 for general works, variations and new projects.
5. The funding of \$6,194,394 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue, reserve funding and the movement opening funds has been identified in this review to maintain a budget in a surplus position.
6. An adjustment for carry forward works has been made (pages 8 to 14) in the attached copy of the Budget Review for the period ending 31 July 2020 reducing the amount required by \$542,941 to complete 2019/20 projects, listed on pages 50 to 54 of the 2020/2021 Annual Budget.
7. This budget review shows the 2020/2021 budget is in a surplus position of \$22,140 at 30<sup>th</sup> June 2021.
8. A copy of the Budget Review for the period ending 31 July 2020 is attached.
9. Budget adjustments thereafter of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of this review.

## GOVERNMENT & PUBLIC CONSULTATION

10. Department of Local Government guidelines were followed in the preparation of this report.
11. City of Albany Executives, managers and officers with budget responsibility were consulted in the preparation of the Budget Review.

## STATUTORY IMPLICATIONS

12. Under the *Local Government Act 1995*, section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
  - a. is incurred in a financial year before the adoption of the annual budget by the local government
  - b. is authorised in advance by a resolution (absolute majority required) or;
  - c. is authorised in advance by the mayor in an emergency.
13. The voting requirement of Council is **Absolute Majority**.

## POLICY IMPLICATIONS

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

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation &amp; Organisation’s Operations.</b> Non approval of the budget review, may result in significant delays to achieving deliverables.	Unlikely	Moderate	Medium	In the short term the existing Annual Budget would apply and proposed amendments would not apply. Adopt the Budget Review with amendments (as specified by Council).
<b>Opportunity:</b> Provides Council with an additional opportunity to review the City’s current budget position				

**FINANCIAL IMPLICATIONS**

**BUDGET REVIEW FOR THE PERIOD ENDING 31 JULY 2020**

This Review Maintains Council’s Budget in a Surplus Position

<b>GENERAL WORKS/VARIATIONS. (Additional Funds Required)</b>		\$ (6,194,394)
<b>FUNDED BY</b>		
- Reduction in Expenditure	402,832	
- Adjustment in Grant/Contributions Funding	6,164,634	
- Adjustment in Revenue	-	
- Restricted Cash Adjustments	(311,833)	
	<u>6,255,633</u>	
<b>Balance</b>		<u><u>61,239</u></u>
<b>Budgeted Opening Position</b>	4,057,163	
- NB - Adjustments From 2019/20 Financial Year (Pg's 8 - 14)	(111,538)	
	<u>3,945,625</u>	
<b>Actual Opening Position</b>	3,906,526	(39,099)
<b>2020/21 Budgeted Closing Position</b>		<u><u>22,140</u></u>

**LEGAL IMPLICATIONS**

16. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

17. Nil.



**ALTERNATE OPTIONS**

18. For the period ending 31 July 2020, Council may consider to:
- a. Adopt the Budget Review as recommended; or
  - b. Adopt the Budget Review with amendments (as specified by Council)

**SUMMARY CONCLUSION**

19. That the Responsible Officer’s Recommendation to adopt the Budget Review for the period ending 31 July 2020 be supported.

<b>Consulted References</b>	:	Adopted Budget 2020/2021 <a href="#"><u>Local Government Act 1995</u></a>
<b>File Number (Name of Ward)</b>	:	FM.BUG.12
<b>Previous Reference</b>	:	Annual Budget – OCM 28/07/2020 Resolution CCS271

## CCS291: REGIONAL TENNIS CENTRE – SUPPLEMENTARY REPORT

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Supplementary Report Regional Tennis Centre, Site Assessment, Tennis Blueprint 2012, Support Letters, Clubs MOU August 2020, Correspondence LGSTA/Lawley Park/Merrifield Tennis Clubs.
<b>Report Prepared by</b>	: Manager Recreation Services (S Stevens)
<b>Responsible Officer</b>	: Acting Executive Director Community Services (N Watson)

The Chief Executive Officer Mr Andrew Sharpe declared an Impartiality Interest in this item. Mr Sharpe remained in the Chamber during the discussion and vote for this item.

Acting Executive Director Community Services Mr Nathan Watson declared an Impartiality Interest in this item. Mr Watson remained in the Chamber during the discussion and vote for this item.

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the Community Strategic Community Plan or Corporate Business Plan informing plans and strategies:
  - a. **Theme:** Community Health & Participation
  - b. **Strategic Objectives:**
    - To develop and support a healthy inclusive and accessible community; and
    - To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
  - c. **Community Priorities:** Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages; and
    - To maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory.

#### In Brief:

- To update Council on the progress of the Tennis Centre Project and the reworked model.
- Seek Council's endorsement of the project and support to progress the project to the next stages including seeking funding.

### RECOMMENDATION

**CCS291: RESOLUTION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR STOCKS**  
**SECONDED: COUNCILLOR SMITH**

1. **THAT Council ENDORSE the:**
  - a) Reworked project scope in line with the guidelines for a Large Community Tennis Centre with provision of up to 16 courts to provide a facility for the sport;
  - b) Centennial Park Sporting Precinct - Eastern Precinct (CPEP) as the preferred site for the Albany Tennis Centre as selected by the project working group;
  - c) Co-located amalgamated option with seasonal tenants of the Eastern Pavilion at CPEP as the most viable option;
  - d) Proposed facility concept and general layout composition as detailed in the attached supplementary report.
2. **THAT Council AUTHORISE the Chief Executive Officer to progress the project with the following support:**
  - a) City of Albany to seek external funding as the project manager for the development;
  - b) The City of Albany project manages the Tennis Centre Facility development as Council's in-kind contribution to the project.
  - c) That \$100,000 from the Parks and Recreation Grounds Reserve 2020/21 Budget be allocated to the project as Council's financial contribution to the project to assist with leveraging funding.
  - d) Further, this allocation is conditional on successful external funding being obtained.

**CARRIED 10-0**  
**ABSOLUTE MAJORITY**

CCS291: COMMITTEE RECOMMENDATION (AMENDMENT BY COUNCILLOR SMITH)

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR GOODE

1. THAT Council ENDORSE the:
  - a) Reworked project scope in line with the guidelines for a Large Community Tennis Centre with provision of up to 16 courts to provide a facility for the sport;
  - b) Centennial Park Sporting Precinct - Eastern Precinct (CPEP) as the preferred site for the Albany Tennis Centre as selected by the project working group;
  - c) Co-located amalgamated option with seasonal tenants of the Eastern Pavilion at CPEP as the most viable option;
  - d) Proposed facility concept and general layout composition as detailed in the attached supplementary report.
2. THAT Council AUTHORISE the Chief Executive Officer to progress the project with the following support:
  - a) City of Albany to seek external funding as the project manager for the development;
  - b) The City of Albany project manages the Tennis Centre Facility development as Council's in-kind contribution to the project.
  - c) That \$100,000 from the Parks and Recreation Grounds Reserve 2020/21 Budget be allocated to the project as Council's financial contribution to the project to assist with leveraging funding.
  - d) Further, this allocation is conditional on successful external funding being obtained.

CARRIED 11-0

CCS291: AMENDMENT BY COUNCILLOR SMITH

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be AMENDED as follows:

1. That the word "Regional" be removed.
2. A further point be added to read:  
"Further, this allocation is conditional on successful external funding being obtained."

CARRIED 7- 4

**Record of Vote**

Against the Motion: Mayor Wellington and Councillors Sutton, Shanhun and Benson-Lidholm.

Councillor Smith then proposed an amendment to the Responsible Officer Recommendation.

CCS291: RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR GOODE

1. That Council ENDORSE the:
  - a) Reworked project scope in line with the guidelines for a Large Community Tennis Centre with provision up to 16 courts to provide a regional facility for the sport;
  - b) Centennial Park Sporting Precinct - Eastern Precinct (CPEP) as the preferred site for the Albany Regional Tennis Centre as selected by the project working group;
  - c) Co-located amalgamated option with seasonal tenants of the Eastern Pavilion at CPEP as the most viable option;
  - d) Proposed facility concept and general layout composition as detailed in the attached supplementary report.
2. That Council AUTHORISE the Chief Executive Officer to progress the project with the following support:
  - a) City of Albany to seek external funding as the project manager for the development;
  - b) The City of Albany project manages the Tennis Centre Facility development as Council's in-kind contribution to the project.
  - c) That \$100,000 from the Parks and Recreation Grounds Reserve 2020/21 Budget be allocated to the project as Council's financial contribution to the project to assist with leveraging funding.

**BACKGROUND**

2. The City received funding from the Department of Local Government, Sport and Cultural Industries to assess the feasibility of developing a regional tennis centre in Albany as the regional hub. The City also contributed funds to engage a consultant, Dave Lanfear Consulting, to carry out the study.
3. A project working group consisting of tennis clubs (Emu Point Tennis Club, Merrifield Tennis Club, and Lawley Park Tennis Club), the Lower Great Southern Tennis Association, Tennis West, Department of Local Government, Sport and Cultural Industries and City officers was convened to oversee the project.
4. The feasibility study report was presented to Council in March 2020 and City officers were requested to:
  - a. Rework the scope of the project and re-run the model again to achieve a more affordable option that still meets the region's tennis and community needs.
  - b. Review the sites and co-location partners to ensure good fit.
  - c. Review the Feasibility Study Recommendations and update to reflect the new model.
  - d. Develop high level concept plans and costings to assist with future decision making.
5. The original project working group was reconvened to oversee the project and the reworking of the model in line with the four steps above.
6. The Supplementary Report Regional Tennis Centre and Site Assessment attachments details and summarises the process undertaken, further analysis and reviewed recommendations from the reworked model.

### **Reworked Project Scope**

7. To assist with understanding a reduced scope and impacts, the Project Working Group (PWG) reviewed the Tennis 2020 Facility Development and Management Framework for Australian Tennis - Hierarchy of Facilities
8. Using a compare and contrast model, the PWG reviewed the facility hierarchy requirements for a Regional Tennis Centre vs Large Community Tennis Centre vs District Tennis Centre. During this process the DLGSC representative noted the need for planning to accommodate up to 16 courts.
9. A 16-court facility with hot shots courts and full lighting plan would position the facility as the regional centre addressing the gap, the current need and future proof the sport.
10. On review, the basic facility guidelines for a Large Community Tennis Centre with expansion to 16 floodlit courts was assessed as a more suitable model to meet the needs of the Albany and Lower Great Southern Tennis Community whilst still providing opportunity to host competition and cater for growth in the region.

### **Site Review Analysis**

11. Four potential sites were identified for an in-depth site review and assessment by the PWG. The agreed reduced scope enabled two new additional sites at Centennial Park Sporting Precinct to be reviewed that were not included in the initial feasibility study. The four sites identified for assessment are:
  - Collingwood Park Reserve 32341
  - Emu Point Tennis Club
  - Centennial Park Sporting Precinct (CPSP) - Central Precinct
  - Centennial Park Sporting Precinct (CPSP) - Eastern Precinct
12. Based on the assessment scores (Attachment Site Assessment) Centennial Park Sporting Precinct (CPSP) - Eastern Precinct was recommended as the preferred site this time. This site provides space for the required 16 courts and already has many of the desirable Clubhouse and Facility requirements identified in the Tennis 2020 Facility Development and Management Framework for Australian Tennis to meet the revised project scope.
13. Additionally, the project working group noted the following during their assessment:
  - Excellent location with high visibility and accessibility by all forms of transport.
  - Proximity to a high number of schools within a 6km radius.
  - High level of existing infrastructure already in place (parking, kiosk, toilets).
  - Some concerns regarding the impact of the windy conditions. Both Tennis West and the DLGSC advised that this could be addressed through the design mitigation process.

### **Management Model and Co-Location Partners**

14. During both the original Feasibility Study and further analysis it is clear that any development would not be a viable option in its own right and requires a combination of sporting partners working collaboratively to successfully optimise usage of sites and investment.
15. DLGSC regularly provided feedback during the process that future financial support in single sport sites is unlikely to be supported. Complementary seasonal sports can co-exist more effectively within one shared use building given the timing of their sporting seasons.

16. The co-location of a winter tenant (Australian Rules) and summer tenant (Tennis) on the one site at CPEP was assessed as being an optimal partnership and beneficial for the growth and development of both sports.
17. Both Merrifield Tennis Club and Lawley Park Tennis Club have confirmed in-principle support via a Memorandum of Understanding (attached) to relocate and amalgamate the two clubs into one new club – The Albany Tennis Club. This is a significant advancement in the project that demonstrates the club's strong commitment and would result in:
  - Rationalisation of assets/sites – two sites decommissioned including club houses, ablutions etc. into one facility reducing the financial burden on the Albany community.
  - Reduced volunteer burden – amalgamation of two clubs into one would result in one executive workload rather than two.
  - Improved Governance and Management Protocols – One club executive would assist to address the challenges noted in the Feasibility Study associated with two separate clubs maintaining identity and equitable access.
18. Based on the above rationale and strong working relationship between the two clubs, the co-located amalgamated option with seasonal tenants at CPSP-EP is deemed as a viable option without the relocation of Emu Point Tennis Club.

### **Facility Concept Plans and Costing**

19. Project Working Group analysis noted the following facility development composition could be reasonably justified for Tennis:
  - Sports Surface and Lighting - 16 floodlit gel acrylic courts including a main court and 4 hot shot courts utilising the Book a Court online court booking and payment platform.
  - Facility Storage and Administration - Storage, administration, viewing/meeting space with external shaded area.
20. The facility requirements listed above could be adequately augmented into the existing infrastructure at the site providing modest affordable facilities for coaching, club business, tournament and local competition administration, storage and viewing.
21. A high level concept plan and costings prepared for the Centennial Park Sporting Precinct - Eastern Precinct (Document 3) indicate development costs of approximately \$4.8 million. The initial Feasibility Study Collingwood Park Option B was estimated at approximately \$21 million. The new proposal at \$4.8 million is a significant reduction in scale, scope and investment to the proposed development and concepts at Collingwood Park.

### **FUNDING OPPORTUNITIES**

22. The reworked model is reliant upon achieving a suitable level of external funding. There are a number of viable funding opportunities available to both local government and clubs for regionally-focussed tennis developments including the Department of Local Government Sport and Cultural Industries (33.3%), Tennis Australia (15%) and Federal grant programs.
23. DLGSC has indicated support and eligibility for the project through the CSRFF program. DLGSC has advised that the application would need to be submitted by the City of Albany and applicants are eligible for one third of the total costs. DLGSC considers both financial and in-kind contributions to the project.
24. The DLGSCI Annual/Forward Grant Round (September 2020) is for more complex projects that require a planning period of between one and three years. DLGSCI application process provides consideration that there may be multiple funding agencies contributing to a project and the application can be submitted with unconfirmed funding.

25. Once the project has been approved the applicant has 3 years from that date in which to secure the full funding and complete the project. Including election commitments, the State Government's contribution to a sporting infrastructure project is capped at a total of 66.6% (two thirds of the total costs).
26. Tennis Australia has indicated support and eligibility for the project through the National Court Rebate program. Applicants are eligible for up to 15% of the total court costs or a maximum of \$200,000. The Tennis Australia funding program opens February 2021.
27. Federal funding programs such as Sport Australia (grants of up to \$500,000) and the Building Better Regions Funds (financial contributions are capped at \$10 million with a 50% co-contribution) also offer opportunity.
28. Additionally, there are a number of other local grant opportunities that the project working group will investigate including the Bendigo Bank to support the project.
29. To attract funding through the DLGSCI, CSRFF process and other grant bodies, projects require comprehensive research and planning. Applications must include Feasibility Study, Business Case Planning, Management Plan, Life Cycle Cost Analysis, Projected Income and Expenditure Statements (3 years), Asset Replacement Management Fund, Concept Planning and Construction Cost Estimates and confirmation of each party's financial commitment.
30. Should Council choose to proceed, these supporting documents and processes require completion to assist with successful funding applications, project delivery and future management.

#### **GOVERNMENT & PUBLIC CONSULTATION**

31. Consultation was conducted with the following state bodies - Department of Local Government, Sport and Cultural Industries (Dept.) and Tennis West. These agencies held a position on the Project Working Group and provided regular input into the report.
32. Consultation was conducted with the following regional and local bodies - Emu Point Tennis Club, Merrifield Tennis Club, Lawley Park Tennis Club and the Lower Great Southern Tennis Association. These sporting bodies held a position on the Project Working Group and provided regular input into the report. At least 6 meetings were held during the process of preparing the report.
33. The Southern Districts Junior Football Association (SDJFA) have been consulted as a potential co-tenant to the Eastern Pavilion.
34. No public consultation has been conducted in preparing this study or report.

#### **STATUTORY IMPLICATIONS**

35. Nil

#### **POLICY IMPLICATIONS**

36. The project is noted in the Great Southern Regional Sport and Recreation Plan as a Key Facility Investment for the City of Albany and the region under the Facility Development Priorities 6.1.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<b>Financial</b> <i>Lack of available finance.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<ul style="list-style-type: none"> <li>• Continue with the recommendation and next phase of planning in accordance with state and federal government advice.</li> <li>• Development of a funding strategy</li> <li>• Commitment of clubs through the signing of a joint MOU demonstrating financial commitment and a commitment to work together to achieve a desired aim of co-location.</li> </ul>
<b>Financial and Reputational</b> <i>Failure to secure a workable solution may result in the condition of the tennis club’s existing amenities deteriorating to an unsafe condition and the demise of the sport.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<ul style="list-style-type: none"> <li>• Continue to work diligently through the process following state and federal government advice.</li> <li>• Support clubs in the ongoing development of their sport, membership base and financial management through SSA and City of Albany club support programs.</li> <li>• Work with Clubs and community partners to seek alternate temporary solutions to host the sport whilst planning continues.</li> </ul>
<i>Risk of other clubs not supporting relocation/co-location and shared use.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<ul style="list-style-type: none"> <li>• Develop an MOU to agree terms of potential move and agreed mechanism to continue to develop the project. DONE</li> <li>• Future financial plan and commitment of City to co-location opportunities only.</li> </ul>
<i>Viability of the sport(s) is not proven under a co-located model</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<ul style="list-style-type: none"> <li>• Development of a business case etc. in accordance with state and federal government advice.</li> <li>• Ongoing support for club business plan and operational planning through the SSA and City of Albany Club Development Team</li> </ul>
<i>Current State Government commitments and priorities for the development of co-located infrastructure changes (a combination of sports working collaboratively is more favourably considered)</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<ul style="list-style-type: none"> <li>• Integration of the project as a priority within the City’s Strategic Community Plan, Corporate Plan and Long Term Financial Plan.</li> <li>• Principles of co-location and joint working between clubs established within a MOU</li> <li>• Ensure bi-partisan political support for the project through local lobbying of state elected members and potential candidates.</li> </ul>

**FINANCIAL IMPLICATIONS**

38. The Parks and Recreation Grounds Reserve Fund has been established to assist with the development of parks and recreation grounds. There is currently \$536,000 available in the reserve.

39. The total projected costs estimate for the proposed project is \$4.8 million.

40. The requested total from the Parks and Recreation Grounds Reserve Fund is \$100,000 as the City of Albany’s financial contribution to assist with commencing leveraging of external funds for the project.

41. In addition to the financial contribution, the City of Albany will act as the lead agency for the project development and provide project management support as its In-kind Contribution.



42. Proposed Funding Model and Financial Contributions (unconfirmed):

Project	State Election & CSRFF	Federal Funding Election & Funding Programs	Clubs	SSA/NSA Tennis West & Tennis Australia	City of Albany	TOTAL
<b>Albany Tennis Centre</b>	\$2,000,000	\$2,250,000	\$100,000	\$200,000	\$250,000 (\$100,000 cash, \$150,000 In-kind PM)	\$4,800,000

**LEGAL IMPLICATIONS**

43. Not applicable to this report.

**ENVIRONMENTAL CONSIDERATIONS**

44. Not applicable to this report.

**ALTERNATE OPTIONS**

45. Council has a number of alternate options including:

- a) Formally accept the Regional Tennis Feasibility Study and the Supplementary Report, and terminate the project.
- b) Do not accept the report and terminate the project.

**SUMMARY CONCLUSION**

46. The reworked Regional Tennis Centre Feasibility Study for the City of Albany has been completed. The study clearly justifies the need for and provides evidence that the existing facilities are inadequate and will not meet the future demands of the population. The proposal has been scaled to meet the needs of the community clubs, position itself as the regional tennis facility and still deliver opportunities to host tournaments and competitions of significance.

47. As part of the reworked model a review of the sites to support future expansion and co-location partners was completed and Centennial Park Sporting Precinct – Eastern Precinct was identified as the preferred site.

48. Concept plans and cost estimates value the project at \$4.8 million. The new proposal is a significant reduction in scale, scope and investment to the proposed development and concepts at Collingwood Park.

49. There are a number of viable funding options including potential election commitments to make a viable and worthy project.

50. City of Albany staff are seeking Council endorsement to proceed with the next steps of business planning and commence leveraging external funding to progress the project.

<b>Consulted References</b>	:	Not applicable to this report.
<b>File Number (Name of Ward)</b>	:	(All Wards) CP.PLA.14
<b>Previous Reference</b>	:	N/A

**CCS292: COMMUNITY SPORTING AND RECREATION FACILITIES FUND  
2020/2021 ANNUAL AND FORWARD PLANNING GRANT ROUND  
APPLICATIONS**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Princess Royal Sailing Club, Albany Community Tennis Centre (City of Albany, Lower Great Southern Tennis Association, Merrifield and Lawley Park Tennis Clubs) and Railways Football & Sporting Club - Project Assessment Sheets; Policy for Community Sport and Recreation Facilities Small Grant Funding Policy; Princess Royal Sailing Club Letter of Request for Funding.
<b>Report Prepared By</b>	: Manager Recreation Services (S Stevens)
<b>Responsible Officers:</b>	: Acting Executive Director Community Services (N Watson)

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

The Chief Executive Officer declared an Impartiality Interest in this item. Mr Sharpe remained in the Chamber during the discussion and vote for this item.

The Acting Executive Director Community Services Mr Nathan Watson declared an Impartiality Interest in this item. Mr Watson remained in the Chamber during the discussion and vote for this item.

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Community Strategic Plan or Corporate Business Plan informing plans or strategies:
  - a. **Theme:** Community Health & Participation
  - b. **Strategic Objectives:**
    - To develop and support a healthy inclusive and accessible community; and
    - To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
  - c. **Community Priorities:** Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages; and
    - To maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory.

**In Brief:**

- To seek Council endorsement of the priority ranking for the submitted Community Sport and Recreation Facility Fund (CSRFF) Annual and Forward Planning Grant funding round.
- To seek Council's support to provide funding assistance in line with the Council Policy: Community Sports & Recreation Facilities Small Grants Funding to the Princess Royal Sailing Club – Facilities Project upon return of successful CSRFF Annual grant application.

**RECOMMENDATION**

**CCS292: RESOLUTION 1**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STEPHENS**  
**SECONDED: COUNCILLOR DOUGHTY**

That Council RANK the three CSRFF applications in the following order for the CSRFF Annual and Forward Planning grant application 2020/21 Funding Round:

1. City of Albany (with the Lower Great Southern Tennis Association, Merrifield and Lawley Park Tennis Clubs) – Albany Tennis Centre (Ranked one of three)
2. Princess Royal Sailing Club – Female Friendly Ablutions and Change Room Improvement (Ranked two of three)
3. Railways Football & Sporting Club – Facility Enhancement Project (Ranked three of three)

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Thomson

**CCS292: RESOLUTION 2**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR THOMSON**  
**SECONDED: COUNCILLOR DOUGHTY**

That Council APPROVE a total of \$ 50,000 (exc. GST) from the 2020/2021 budget to:

- Princess Royal Sailing Club - \$50,000.
- This funding will still be allocated even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and
- The City of Albany funding amount does not exceed a total of \$50,000 (exc. GST).

**CARRIED 10-0**

**CCS292: COMMITTEE RECOMMENDATION 1**

**MOVED: COUNCILLOR BENSON-LIDHOLM**  
**SECONDED: COUNCILLOR GOODE**

That Council RANK the three CSRFF applications in the following order for the CSRFF Annual and Forward Planning grant application 2020/21 Funding Round:

1. City of Albany (with the Lower Great Southern Tennis Association, Merrifield and Lawley Park Tennis Clubs) – Albany Tennis Centre (Ranked one of three)
2. Princess Royal Sailing Club – Female Friendly Ablutions and Change Room Improvement (Ranked two of three)
3. Railways Football & Sporting Club – Facility Enhancement Project (Ranked three of three)

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Thomson

CCS292: AMENDMENT BY COUNCILLOR BENSON-LIDHOLM (RESPONSIBLE OFFICER RECOMMENDATION 1)

MOVED: COUNCILLOR BENSON-LIDHOLM  
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation 1 be AMENDED as follows:

1. That the word “Regional” be removed.

CARRIED 9-1

**Record of Vote**

Against the Motion: Councillor Thomson

**Councillor Reason for the Amendment:**

The amendment to the Responsible Officer Recommendation removing the word “regional” will provide consistency when referring to the Albany Tennis Centre.”

Councillor Benson-Lidholm proposed an amendment to the Responsible Officer Recommendation.

CCS292: RESPONSIBLE OFFICER RECOMMENDATION 1

MOVED: COUNCILLOR BENSON LIDHOLM  
SECONDED: COUNCILLOR GOODE

That Council RANK the three CSRFF applications in the following order for the CSRFF Annual and Forward Planning grant application 2020/21 Funding Round:

1. City of Albany (with the Lower Great Southern Tennis Association, Merrifield and Lawley Park Tennis Clubs) – Albany Regional Tennis Centre (Ranked one of three)
2. Princess Royal Sailing Club – Female Friendly Ablutions and Change Room Improvement (Ranked two of three)
3. Railways Football & Sporting Club – Facility Enhancement Project (Ranked three of three)

CCS292: COMMITTEE RECOMMENDATION 2

MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS292: RESPONSIBLE OFFICER RECOMMENDATION 2

That Council APPROVE a total of \$ 50,000 (exc. GST) from the 2020/2021 budget to:

- Princess Royal Sailing Club - \$50,000.
- This funding will still be allocated even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and
- The City of Albany funding amount does not exceed a total of \$50,000 (exc. GST).

**BACKGROUND**

2. The Community Sport and Recreation Facilities Fund (CSRFF) administered by the Department of Local Government, Sport and Cultural Industries (DLGSCI) has three rounds of available funds including:

- Small Grant Funding Round (Winter)
- Annual and Forward Planning Funding Round
- Small Grant Funding Round (Summer)

3. The CSRFF program is a state-wide \$12 million program. All three rounds are promoted by the State and Regional Sporting Associations and State and Local Government extensively via distribution to club networks, social and print media. Across the state the program is often oversubscribed and clubs may need to re-apply on a number of occasions to be successful. This is particularly true when a project is assessed as a low priority by DLGSCI.
4. The CSRFF Annual and Forward Planning Grants Round targets community sport projects where the financial value of the total project is over \$300,000 and can be claimed up to three financial years following the date of approval. Under CSRFF guidelines it is not a requirement for the applicant to have secured funding at time of approval. The applicant has 3 years to secure funding and complete the project.
5. Applicants must be either a local government authority or a not-for-profit sport or community organisation incorporated under the WA Associations Incorporation Act 1987.
6. Clubs and local government authority must demonstrate equitable access to the facility by the public on a short term and casual basis.
7. The land on which the facility is to be developed must be one of the following:
  - Crown reserve
  - Land owned by a public authority
  - Municipal property
  - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.
8. The Local Government has an opportunity to assess all relevant applications and to rank applications in priority order for the municipality.
9. Whilst there is no obligation for Local Government to contribute to the community sporting projects local government is viewed as a key funding partner in supporting improved community sporting amenities.
10. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation application form calls for applications to be initially submitted to the Local Government within which the project proposal is located.
11. An element of the assessment process involves Council consideration and priority ranking of applications received. The applications are then submitted to the Department of Local Government, Sport and Cultural Industries – Sport and Recreation on behalf of the applicants prior to September 11, 2020.
12. The Council Policy: Community Sports and Recreation Facilities Small Grants Funding has been developed to assist with the equitable distribution of funds for the small grant round. Larger projects similar to the Annual and Forward Planning grants usually fall within the annual budget process. For the purpose of this council item the principles from the council policy have been applied to assessing each application and if applicable request for funding.
13. Once the assessment process from Local Government Authorities are complete all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the Department of Local Government, Sport and Cultural Industries – Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

## DISCUSSION

14. The grant guidelines require Council to provide a ranking for the projects.
15. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation provides guidance for Local Government Authorities to assess each submission. This assessment uses the following criteria and a project rating of satisfactory/unsatisfactory or not relevant:
- Project justification
  - Planned approach
  - Community input
  - Management planning
  - Access and opportunity
  - Design
  - Financial viability
  - Coordination
  - Potential to increase physical activity
  - Sustainability
- With overall project rating, being:
- Well planned and needed by municipality
  - Well planned and needed by applicant
  - Needed by municipality, more planning required
  - Needed by applicant, more planning required
  - Idea has merit, more planning work needed
  - Not recommended
16. Project ranking takes into consideration the strength of the application, participation numbers, and ability to increase physical activity and potential impact as well as the consultation with the Department of Local Government, Sport and Cultural Industries – Sport and Recreation and the applicant.
17. In general, City staff prioritise projects based on the following order:
- Priority 1. Sporting Surfaces;
  - Priority 2. Sports Lighting;
  - Priority 3. Storage/Changerooms/Toilets; and
  - Priority 4. Supporting Social Amenities.
18. Projects that are directly related to the delivery of the sport (surface or grounds) or will increase participation (lighting) are usually ranked higher over those that support the sporting environment.
19. The City of Albany has received three (1) Annual and (2) Forward Planning grant applications this round. The following additional information is provided about the project and funding application:

**City of Albany with Merrifield and Lawley Park Tennis Clubs, and the Lower Great Southern Tennis Association (LGSTA)**

**Project: Albany Tennis Centre**

20. The funding application is a Forward Planning grant application to construct the Albany Tennis Centre at the Centennial Park Sporting Precinct – Eastern Precinct (CPSP-EP). Crown Reserve managed by the City of Albany. The facility proposal includes:
  - Sports Surface and Lighting - 16 floodlit gel acrylic courts including a main court and 4 hot shot courts utilizing the Book a Court online court booking and payment platform.
  - Facility Storage and Administration - Storage, administration, viewing/meeting space with external shaded area.
  - Augmented into the existing infrastructure (kiosk, ablutions and parking) at the site providing modest affordable facilities for coaching, club business, tournament and local competition administration, storage and viewing.
21. The Albany Tennis Centre will be based on the facility guidelines for a Large Community Tennis Centre, as the Working Group agreed this would provide for a regional centre that met current needs and future proofs the sport.
22. Merrifield and Lawley Park Tennis Clubs have confirmed in Principle with the LGSTA to support the re-location and amalgamation of their clubs.
23. The clubs have a combined membership of 470 throughout the LGSTA (53% male and 47% female). There are 185 members between Lawley Park and Merrifield clubs, and 297 members in Albany with a member to court ratio 14:1. Junior coaching is provided to 250 children in Albany.
24. The Lawley Park Tennis Club is located on crown reserve and the club hold a lease agreement with the City of Albany. The Merrifield Tennis Club is on private property that is owned by the Uniting Church. Both facilities are in poor condition and are at the end of their life.
25. Project Cost: \$4.8 million. The project is well planned (Business Case and Feasibility Study) and needed by the region.
26. The project is noted in the Great Southern Regional Sport and Recreation Plan as a Key Facility Investment for the City of Albany and the region under the Facility Development Priorities 6.1.
27. Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager has indicated that the project meets the criteria and would be supported at a regional level.
28. The Albany Tennis Centre would be co-located with Albany & Districts Junior Football Association to maximise use of existing facilities within the Centennial Park Sporting Precinct – Eastern Precinct, such as the Eastern Pavilion and parking.
29. The priority given to this project ranked at 1.

**Princess Royal Sailing Club**

**Project: Female Friendly Ablutions and Change Room Improvement**

30. The funding application is an Annual Planning grant application to upgrade the existing ablution facilities. The improvements will include increasing female facility provision, offer direct access from the clubrooms / function area and provide access for people with disability.
31. The Princess Royal Sailing Club is situated on the foreshore of Princess Royal Harbour, on Chipana Drive in Little Grove and is the only Sailing Club within the City of Albany.
32. The club has a membership of 320 with a mix of ages and genders participating. Current financial statements: Total of \$70,000.00 as per bank statement.
33. The project is well planned and needed by the applicant. The application, installation and project will be managed by the Princess Royal Sailing Club.
34. Princess Royal Sailing Club is on crown land and the club has a lease agreement with the City of Albany.
35. Project Cost: \$417,000.00.
36. Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager has indicated that the project meets the criteria and would be supported at a regional level.
37. The priority given to this project ranked at 2.

**Railways Football & Sporting Club**

**Project: Facility Enhancement Project**

38. The funding application is a Forward Planning grant application to upgrade existing ablution and clubhouse facilities. The facility improvements will include increasing female facility provision, offer direct access from the clubrooms / function area and provide access for people with disability.
39. The Railways Football & Sporting Club is situated on Lockyer Avenue, Centennial Park Precinct within the City of Albany. The club has a membership of 275 with a mix of ages and genders participating.
40. Current financial statements: Total of \$157,308.00 as per bank statement.
41. Railways Football & Sporting Club is on crown land managed by the City of Albany. The club has a lease agreement with the City of Albany. The City of Albany recently approved an extension to the site lease to accommodate the project.
42. Project Cost: \$2,075,592. The project is well planned (Business Case and Feasibility Study) and needed by the applicant.
43. Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager has indicated that the project meets the criteria and would be supported at a regional level.
44. The priority given to this project ranked as 3.



45. The below ranking recommendation has been provided based on the applicant meeting the required criteria and its overall project ranking.

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	City of Albany (with the LGSTA, Merrifield and Lawley Park Tennis Clubs)	Albany Tennis Centre	Well planned and needed by region. This project meets the criteria for the Community Sports and Recreation Facilities Policy and CSRFF Guidelines. The project was ranked as the highest priority as the current provision is lacking and need has been well established through the feasibility study. The project is identified as a strategic priority for the region in the GS Sport and Recreation Strategic Plan. The facility will include new playing gel-acrylic surfaces, floodlights to allow further participation, modest storage, admin and clubhouse facilities at a new co-located central location.
2	Princess Royal Sailing Club (PRSC)	Female Friendly Ablutions and Change Room Improvement	Well planned and needed by applicant. This project meets the criteria for the Community Sports and Recreation Facilities Policy and CSRFF Guidelines. The project includes upgrades to Storage, Change room and Toilets. The PRSC is the only sailing club in Albany providing club sailing facilities.
3	Railways Football & Sporting Club	Facility Enhancement Project	Well planned and needed by applicant. This project meets the criteria for the Community Sports and Recreation Facilities Policy and CSRFF Guidelines. The project includes upgrades to Female Facilities, Disability Access and Clubhouse.

46. A completed Officers Project Assessment Sheet for the project application is attached.

- City of Albany (with the LGSTA, Merrifield and Lawley Park Tennis Clubs)
- Princess Royal Sailing Club
- Railways Football & Sporting Club

#### GOVERNMENT & PUBLIC CONSULTATION

47. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation Regional Manager for the Great Southern has been consulted with by the City of Albany (July 2020).

48. The City of Albany has consulted (July 2020) with the clubs benefiting from these Community Sporting projects.

#### STATUTORY IMPLICATIONS

49. There is no statutory requirement.

50. Council Officers assess each project and make a recommendation for the ranking of projects based on the Department of Local Government, Sport and Cultural Industries criteria and strategic overview.

51. Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.

52. It should be noted that the Department of Local Government, Sport and Cultural Industries – Sport and Recreation will make the final decision on funding allocation.

**POLICY IMPLICATIONS**

53. Whilst this is the annual and forward grant round, the Community Sports and Recreation Facilities Small Grant Funding Policy principles have been applied in the assessment and recommendations.
54. The Great Southern Regional Sport and Recreation Plan (2018) has been applied in the ranking and assessment of these projects. The Tennis Centre is identified in the plan as the priority project for Albany and key project for the region.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<b>Reputation &amp; Community Property</b> <i>Failure to secure required funding may result in the condition of the amenities deteriorating to an unsafe condition</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Council can choose to support the funding application, or work with City officers and the Club to source alternate funding streams.</i>
<b>People Health &amp; Safety</b> <i>Failure to secure required funding may result in the condition of the amenities deteriorating to an unsafe condition</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council may choose to support the funding application, or work with City officers to source other funding streams.</i>
<b>Reputation &amp; Financial</b> <i>Failure to distribute the Council’s Financial Support in an equitable and sustainable manner may result in community dissatisfaction or projects not going ahead.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council may choose to support the officer’s recommendation, or work with City officers to deliver an equitable allocation of funding.</i>

**FINANCIAL IMPLICATIONS**

56. The City allocated a total of \$75,000.00 Capital Seed Funding for Sporting Clubs in the 2020/2021 financial year to assist in the development and maintenance of community sporting infrastructure as determined through the CSRFF funding process.
- a. \$52,073.70 has been carried forward from the 2019/2020 Budget.
  - b. A total of \$111,447.70 is currently available in the Capital Seed Fund.
57. The Capital Seed Reserve Fund has been established to assist with leveraging State Government funds for sporting clubs. Funds from unsuccessful grant applications are returned to the Capital Seed Reserve Fund to be reused for other grant applications.
58. The total projected costs for the proposed projects is \$7,287,592
59. The requested total from the City of Albany Capital Seed Fund is \$50,000.
60. The next CSRFF Annual/Forward Grant Round is due September 2021. The next CSRFF Small Grant round is due March 2021.

61. The following table provides the project budget detail and requests for financial support from the Princess Royal Sailing Club and the Railways Football and Sporting Club applications received:

Project	Total project cost (ex GST)	Applicant contribution (ex GST)	CSRFF Grant (ex GST)	Request for Council Financial Support (ex GST)	Request from other Financial Support (ex GST)
Princess Royal Sailing Club	\$417,000	\$89,000	\$139,000	\$50,000	\$139,000
Railways Football and Sporting Club	\$2,075,592	\$691,864	\$618,155	\$ Nil	\$765,573
<b>TOTAL</b>	<b>\$2,492,592</b>	<b>\$780,864</b>	<b>\$757,155</b>	<b>\$ 50,000.00</b>	<b>\$904,573</b>

*\*Please refer to the City of Albany – Albany Community Tennis Centre Council Item CCS291 –for the Albany Community Tennis Centre proposed project budget and funding model including City of Albany contribution.*

62. The Princess Royal Sailing Club application draws down on the current capital seed fund. If the application is successful there will be \$61,447.70 remaining for the next annual and small grant rounds.

63. If the application is unsuccessful, the applicants can reapply in the next round.

#### LEGAL IMPLICATIONS

64. Nil

#### ENVIRONMENTAL CONSIDERATIONS

65. There are no environmental impacts associated with the project.

#### ALTERNATE OPTIONS

66. Council may choose not to provide funding assistance for these projects.

67. Council may choose to provide more or less funding assistance to these projects.

#### CONCLUSION

68. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation provides local government with an opportunity to assess received applications and to rank applications in priority order for the municipality.

69. All three projects meet the criteria provided by the Department of Local Government, Sport and Cultural Industries – Sport and Recreation. Council is required to endorse the officers ranking. City officers have ranked applications in the following order:

1. City of Albany (with LGSTA, Merrifield and Lawley Park Tennis Clubs) – Albany Tennis Centre
2. Princess Royal Sailing Club – Female Friendly Ablutions and Change Room Improvement
3. Railways Football and Sporting Club – Facility Enhancement Project

70. Council may consider capping its financial contribution or sourcing alternate means to meet budget allocations.

71. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation requires a response from the City of Albany on the priority ranking order and financial contributions by 11<sup>th</sup> September 2020.

<b>Consulted References</b>	:	Nil.
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	N/A

**CCS293: NOMINATION TO SOUTH COAST ALLIANCE INC.**

**Proponent / Owner** : City of Albany  
**Report Prepared By** : Senior Team Leader Records/Council Liaison (J Williamson)  
**Responsible Officers:** : Chief Executive Officer (A Sharpe)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** Leadership.
  - **Objective:** To establish and maintain sound business and governance structures.
  - **Community Priority:**
    - Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.
    - Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflects the level of associated risk and is adequately explained to the community.

**In Brief:**

- Councillor Stephens has formally tendered her resignation as a representative on the South Coast Alliance Inc.
- Nominations are called for to fill this vacant position.

**RECOMMENDATION**

**CCS293: RESOLUTION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR DOUGHTY**

**THAT in accordance with clause 3.5 of the City of Albany Standing Orders Local Law 2014 (As Amended) Report Item CCS293: Nomination to South Coast Alliance Inc. be ACCEPTED for consideration by Council as an urgent item.**

**CARRIED 10-0**  
**ABSOLUTE MAJORITY**

**Reason:**

Councillor Stephens' resignation was received after the distribution of the agenda for this meeting. It is requested that Council accept this item for consideration to appoint a member to the Alliance.

**CCS293: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT nominations be called to fill the vacancy on the South Coast Alliance Inc. at the Ordinary Council Meeting to be held on 27 October 2020 as the two nominations received from Councillor Thomson and Councillor Terry resulted in a tied vote.**

## BACKGROUND

2. At the Ordinary Council Meeting held on 31 October 2017, Councillor Stephens nominated for, and was appointed to, the South Coast Alliance Inc.
3. Councillor Stephens formally tendered her resignation from the South Coast Alliance Inc. on 17 September 2020.
4. In accordance with section 5.11(1)(d) of the *Local Government Act 1995*, a person's membership of a Committee is valid until the next local government election.
5. At the Ordinary Council Meeting held on 29 October 2019, Council were advised that appointments to the South Coast Alliance Inc. made at the OCM held on 31 October 2017 would continue.
6. Further advice to Council stated that there may changes to the number of local government representatives for the Alliance, and that a further report would be provided to Council regarding this matter in due course.

## DISCUSSION

7. The Alliance is comprised of representatives from the City of Albany, Shire of Denmark, Shire of Jerramungup and Shire of Plantagenet. The Alliance promotes collaborative development in the region, and advocates for economic development, tourism and resource efficiency.
8. Representation from the City of Albany is comprised of the Mayor and two elected members.
9. Current members are Mayor Wellington, Councillor Stephens and Councillor Stocks.

## GOVERNMENT & PUBLIC CONSULTATION

10. N/A

## STATUTORY IMPLICATIONS

11. In accordance with s5.11(1)(d) of the *Local Government Act 1995*, a person's membership of a committee continues until the next ordinary local government election.
12. Appointment to committees is by **Absolute Majority** in accordance with s5.10 of the Act.

## POLICY IMPLICATIONS

13. N/A

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Business Operation</b>  <b>Risk:</b> No nominations are received and a member is not appointed to the South Coast Alliance Inc. to fill the current vacancy.</p>	Unlikely	Moderate	Medium	The Mayor and Councillor Stocks will continue to represent the City on the South Coast Alliance Inc. Nominations may be called for at the next Ordinary Council Meeting.

## FINANCIAL IMPLICATIONS

15. A budget line exists for the cost of administering committees, including representation on external committees.
16. Together with the other three South Coast Alliance Inc. Local Government members, the City makes a direct financial contribution towards the operational costs of the entity.

**LEGAL IMPLICATIONS**

17. N/A

**ENVIRONMENTAL CONSIDERATIONS**

18. N/A

<b>Consulted References</b>	:	• <i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 31/10/2017 CCS067 OCM 29/10/2019 CCS185

**DIS219: ADOPTION OF THE CITY OF ALBANY LOCAL HERITAGE SURVEY AND THE HERITAGE LIST**

<b>Land Description</b>	: Multiple properties throughout the City of Albany Municipal Area
<b>Proponent / Owner</b>	: Multiple owners
<b>Business Entity Name</b>	: N/A
<b>Report Prepared By</b>	: Senior Planning Officer (C Simpson)
<b>Responsible Officers:</b>	: Executive Director Infrastructure and Environment (P Camins)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed Policy, the Council is obliged to draw conclusions from its adopted *Albany Local Planning Strategy 2019* and *Community Strategic Plan – Albany 2030*.
3. The Albany Community Strategic Plan – Albany 2030 recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

**In Brief:**

- The Local Heritage Survey (previously referred to as the Municipal Heritage Inventory) was last reviewed and updated in 2000. The current review commenced in 2010 and is now required to be finalised in order to allow preparation of the City Heritage List.
- Both documents have now been advertised. The majority of submissions received supported the heritage listing of their property or included additional/correct information.
- It is recommended that Council adopt both the Local Heritage Survey and Heritage List.

**RECOMMENDATION**

**DIS219: RESOLUTION (ALTERNATE OFFICER RECOMMENDATION)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR STEPHENS**

**THAT this report be DEFERRED and re-presented to the DIS Committee Meeting to be held on 13 October 2020 for discussion, and then to the Ordinary Council Meeting to be held on 27 October 2020.**

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Thomson

**Officer Comment (Manager Planning and Building Services):**

The current condition assessments of 18b Finlay Street and 1207 Nanarup Road have been undertaken. A delay in access to these two properties has further delayed the preparation of an updated report.

In order to allow appropriate consideration of this matter, staff recommend that this report be presented to the DIS Committee Meeting on 13 October 2020 to allow discussion, and then for a decision of Council at the Ordinary Council Meeting to be held on 27 October 2020.



DIS219: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR DOUGHTY

THAT this report be DEFERRED and re-presented to the Ordinary Council Meeting to be held on 22 September 2020.

CARRIED 12-1

**Record of Vote**

Against the Motion: Councillor Thomson

DIS219: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR SHANHUN

THAT this report be DEFERRED and re-presented to the Ordinary Council Meeting to be held on 22 September 2020.

CARRIED 8-1

**Record of Vote**

Against the Motion: Councillor Thomson

**Reason:**

The deferral of this report is to allow further review of the proposed listing of properties at 18b Finlay Street and 1207 Nanarup Road, taking into consideration their current condition.

DIS219: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. ADOPT the City of Albany Local Heritage Survey subject to modifications as set out in the Schedule of Submissions.
2. ADOPT the Heritage List subject to modifications as set out in the Schedule of Submissions.
3. INFORM the Heritage Council of the City's decision to adopt the Local Heritage Survey and Heritage List.
4. AUTHORISE the Chief Executive Officer to WAIVE the fees for Development Applications, where these applications are solely required because a property is on the Heritage List.

**BACKGROUND**

4. The City of Albany Municipal Heritage Inventory (MHI) was last reviewed in December 2000 and represented a combination of the 1994 Heritage Inventories of the Town and Shire following the 1998 amalgamation. A review thereof commenced in 2010.
5. At the OCM of June 2017, Council endorsed the Heritage List procedure, which guided the selection of places for inclusion on the Heritage List from the Heritage Survey review process. The Local Heritage Survey informs the preparation of the Heritage List.
6. Council adopted the current Local Heritage Survey at the April 2018 OCM.
7. Both the Local Heritage Survey and Heritage List was publicly advertised for a period of 4 weeks in March/April 2020. Nineteen submissions were received of which the vast majority are in support of heritage listing of their places or provide additional/correct information.

**DISCUSSION**

8. The Local Heritage Survey is prepared under the *Heritage Act 2018* and in accordance with the *Guidelines for Local Heritage Surveys* (July 2019) by the Heritage Council.
  - a. Local Heritage Surveys are compiled to ‘tell the stories’ of their districts – it provides an understanding of the history and development of the local government area, identify the key themes and storylines that have shaped it and the places that reflect or encapsulate this. It is in essence a stock-take of a community’s heritage places. Inclusion in the Local Heritage Survey is an acknowledgement of a place’s heritage value.
  - b. Owners are free to develop their properties in accordance with the normal planning requirements which apply to all properties in the City.
  - c. There are 327 places on the Local Heritage Survey of which 54 are new places that has been added through the review process.
9. The deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* require that local government establish and maintain a heritage list of places assessed as having cultural heritage significance.
10. The Local Heritage Survey is the first point of identification of heritage places and is used, amongst other functions, to inform the preparation of a heritage list. The threshold for inclusion in the Heritage List are based on the City’s adopted procedure (OCM June 2017). The procedure allowed for consistency and transparency for the inclusion of places on the Heritage List.
  - a. The current Heritage List was inherited from Town Planning Scheme 1A (former Town of Albany Scheme). There is only one (1) place included from the former Shire area. The ‘Schedule of Places of Heritage Value’ under Town Planning Scheme 1A was recognised as a starting point for the required heritage list.
  - b. Of the 327 places on the Local Heritage Survey, 275 places have met the threshold for inclusion in the Heritage List as set out under the Heritage List Procedure. Inclusion in the Heritage List is based on an assessment of cultural heritage significance as follows:

Level of significance	Category	Description	Heritage List status
Exceptional significance	1	Essential to the heritage of the locality. Rare or outstanding example.	All placed included in the heritage list.
Considerable significance	2	Very important to the heritage of the locality. Show a high degree of integrity/authenticity.	All places included in the heritage list.
Some/moderate significance	3	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the place.	Places may be included in the heritage list.
Little significance	4	Has elements or values worth noting for historical interest but otherwise makes little contribution.	Below the threshold for inclusion in the heritage list.

11. The Heritage survey and list are subject to statutory requirements for advertising, the process which was followed will be discussed further below.
12. It is considered that the implementation of the Heritage List and survey will put in place a framework of cataloguing and protecting the heritage places within the City of Albany.

**GOVERNMENT & PUBLIC CONSULTATION**

13. Under the *Heritage Act 2018*, local governments are required to prepare a Heritage Survey. Consultation requirements with landowners are set out under the *Guidelines for Local Heritage Surveys* released by the Heritage Council in July 2019.

14. The deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, local government is required to write to each owner with a description of the place and the reasons for the proposed entry and invite to make a submission on the proposal. The City is also required to carry out any other consultation considered appropriate.
15. The Heritage Survey and Heritage List was on public advertising for a period of 4 weeks from 9 March to 3 April 2020. Public notices were placed in local newspapers and letters were sent to each landowner which included the relevant place record form and a detailed information sheet with frequently asked questions (Community Update April 2020 attached).
16. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Inform – Heritage Survey Consult – Heritage List	Mail Out Public Notice in Newspaper Interviews	9 March – 3 April 2020	Written submissions = 24 Interviews held = 14	Yes

17. The majority of submissions received supported the heritage listing of their property or included additional/correct information.
18. Six submissions objected to heritage listing of their property and it is recommended that five remain on the Heritage List predominately due to their level of significance having met the threshold for inclusion (i.e. of considerable or exceptional heritage value) or because the place is located in a street where all places are heritage listed. This ensures that proposed alterations or redevelopment is in sympathy with the heritage streetscape.
19. Heritage Listing does not preclude substantial alterations or demolition of a place. The requirement that a development application be submitted allows the City to assess the proposal on its merits and where approved, condition that an archival record be prepared.
20. An archival record is made of a heritage place as way of contributing to our understanding and appreciation of our heritage.
21. They record for the future place details such as:
  - the location;
  - historical drawings or photographs;
  - a history of the place;
  - current drawings and photos;
  - internal details such as layout, significant interior details; and
  - a bibliography.
22. The City does not promote the demolition of heritage places.

**STATUTORY IMPLICATIONS**

23. Inclusion of a place on a Heritage List means that the City will receive applications for developments that would otherwise be exempt from the requirement for development approval under the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This includes applications for internal building works, single dwellings, ancillary buildings, and outbuildings and other external structures.
24. The inclusion of a place on the Heritage List gives the place recognition and protection under the City’s Local Planning Scheme. The City will give due regard to the heritage significance of the listed place when determining a related development application. Proposals that respect and retain the heritage values of the place are likely to be encouraged and may, where appropriate, be required.

25. Importantly, the inclusion of a place on a Heritage List does not limit the ability of an applicant to propose any works, nor does it limit the ability of the City to determine an application in the manner it considers most appropriate.

**POLICY IMPLICATIONS**

26. There are no policy implication relating to the adoption of the Local Heritage Survey and Heritage List.
27. The heritage list and survey can be used to further inform the preparation of heritage precinct plans or place planning policies in respect to heritage matters.

**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
<p><b>Community, Organisational Operations and Reputation</b> Inclusion on the Heritage Survey may attract objections from property owners or members of the public or other public authorities.</p>	Possible	Moderate	Medium	<p>The selection and assessment criteria is an established process. The City’s assessment has been carried out in accordance with the State guidelines.</p> <p>Continue dialogue with affected parties as required.</p>
<p><b>Opportunity:</b> provide a framework for the long term protection of heritage places within the City of Albany.</p>				

**FINANCIAL IMPLICATIONS**

29. Inclusion of a place on a Heritage List means that the City will receive applications for developments that would otherwise be exempt from the requirement for development approval under the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
30. Given the additional cost implication to owners of places on the Heritage List, and as an incentive to preserve the heritage thereof, it is recommended that Council waive the cost of application fees for proposal that would have otherwise not required a planning application.

**LEGAL IMPLICATIONS**

31. There are no legal implication directly relating to this item.

**ENVIRONMENTAL CONSIDERATIONS**

32. Many places on the Heritage List are parks and gardens (for example, Alison Hartman Gardens, Balston Gardens and RSL Memorial Gardens), trees (for example, the Oak trees on Drew Street and the Peruvian Pepper Tree on Grey Street), lakes (for example, Lake Seppings) and places of Aboriginal significance (for example, Kalgan River fish traps and Scarred Tree at Oyster Harbour). Heritage Listing recognise the heritage significance of these places and add an additional layer of statutory protection.

**ALTERNATE OPTIONS**

33. Council may consider alternate option in relation to the item, such as resolving:
- a. To adopt the Local Heritage Survey subject to modifications;
  - b. To adopt the Heritage List subject to additional modifications;
  - c. To not waive application fees for planning applications in relation to Heritage Listed buildings.

**CONCLUSION**

34. The Local Heritage Survey recognise the heritage value of places that showcase the development of Albany since settlement. There are no statutory planning implications imposed.
35. The Local Heritage Survey is the basis from which the Heritage List is prepared. Places of exceptional and considerable heritage value are included on the Heritage List. Places of some/moderate heritage value may also be included where it is located on a street where all places are included on the Heritage List in order to guide future development and protect the heritage values within the streetscape. Places on the Heritage List are afforded statutory planning protection under the deemed provisions of the *Planning and Development (Local Planning Schemes Regulations 2015)*.
36. The Local Heritage Survey and Heritage List are important tools to honour Albany heritage and protect places of heritage value for future generations to enjoy.
37. The Heritage Survey and Heritage List was publicly advertised for a period of 4 weeks from 9 March to 3 April 2020.
38. The majority of submissions received supported the heritage listing of their property or included additional/correct information.
39. It is recommended that Council adopt both the Local Heritage Survey and Heritage List.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Heritage Act 2018</i></li> <li>• <i>Guidelines for Local Heritage Surveys</i> (July 2019)</li> <li>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	All
<b>Previous Reference</b>	:	DIS031 – June 2017 OCM DIS088 – April 2018 OCM

## DIS227: ALBANY ARTIFICIAL SURF REEF (AASR)

<b>Land Description</b>	: Middleton Beach, Albany
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: N/A
<b>Attachments</b>	: <a href="#">Albany Artificial Surf Reef - Detailed Design Package (Commercial in Confidence)</a> <a href="#">Albany Artificial Surf Reef - Revised Business Case (Commercial in Confidence)</a>
<b>Report Prepared By</b>	: Manager Major Projects (A. McEwan)
<b>Responsible Officers:</b>	: Executive Director Infrastructure & Environment (P. Camins)

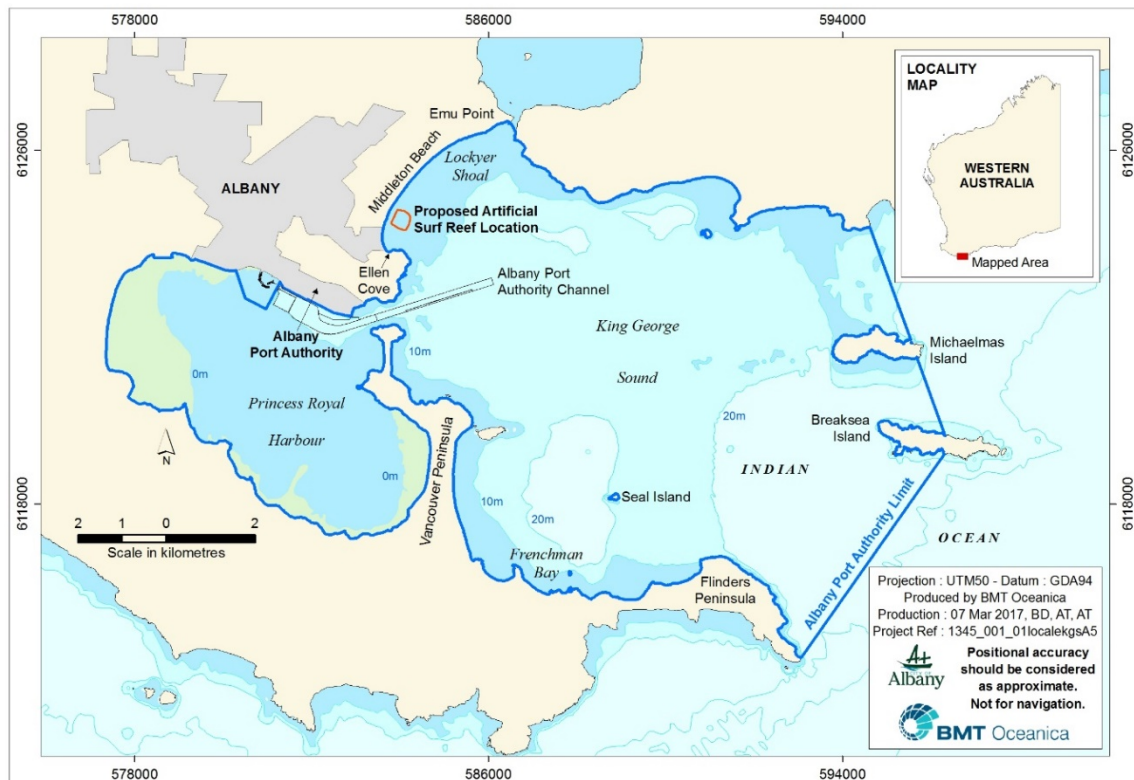
### CONFIDENTIAL ATTACHMENT

*It was recommended that if discussion was 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

- This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - Theme:** Community Health and Participation.
  - Objective:** To develop and support a healthy inclusive and accessible community
  - Community Priority:** Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages.

### Maps and Diagrams:



**In Brief:**

- The City of Albany commissioned detailed design for the Albany Artificial Surf Reef (AASR) as externally funded by Department of Primary Industries and Regional Development (DPIRD)
- Detailed designs have been completed and Council is requested to endorse the design outcome (as presented to the Elected Members briefing on 18 August 2020).
- The City of Albany commissioned a revision to the Business Case for the AASR based on the detailed design outcome, and as a condition of DPIRD funding and requested viability assessment for the pledged \$4.5m implementation funding.
- Council is requested to review the Albany Artificial Surfing Reef Business Case (as presented to the Elected Members briefing on 18 August 2020).
- Council support is sought for funding advocacy to continue for the implementation of the Albany Artificial Surf Reef.
- Council support is sought to implement the project should suitable external funding sources become available.

**COVID-19 IMPACT**

- Potential to stimulate economic growth locally and in the region.

**RECOMMENDATION**

**DIS227: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS**  
**SECONDED: COUNCILLOR DOUGHTY**

**THAT Council:**

1. **RECEIVE** the Albany Artificial Surf Reef revised Business Case.
2. **ADOPT** the Albany Artificial Surf Reef Detailed Design Report.
3. **ENDORSE** the CEO to seek external funding support for the Albany Artificial Surf Reef project.
4. **NOTE** that should suitable external funding sources for the implementation phase become available for the Albany Artificial Surf Reef, this will be the subject of a future report to Council.

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Goode

**DIS227: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR STOCKS**  
**SCONDED: COUNCILLOR BENSON-LIDHOLM**

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

**CARRIED 9-2**

**Record of Vote**

Against the Motion: Councillors Goode and Shanhun

**DIS227: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

1. RECEIVE the Albany Artificial Surf Reef revised Business Case.
2. ADOPT the Albany Artificial Surf Reef Detailed Design Report.
3. ENDORSE the CEO to seek external funding support for the Albany Artificial Surf Reef project.
4. NOTE that should suitable external funding sources for the implementation phase become available for the Albany Artificial Surf Reef, this will be the subject of a future report to Council.

**BACKGROUND**

2. The Albany community have been advocating for an Artificial Surf Reef for nearly two decades. Prior to City involvement, a series of comprehensive reports were undertaken by advocacy groups in relation to the creation of an artificial surf reef in Albany.
3. A Steering Group was established by the City who commissioned an updated Feasibility Study for an Artificial Surf Reef at Middleton Beach. The study was completed in July 2015 by Royal Haskoning DHV (RHDHV) with the primary objective being 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.”
4. 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. The combination of the factors mean that a lot of the variability encountered with previous artificial surf reef locations are eliminated.
5. The AASR Business Case prepared by local professionals Keston Technologies and received by Council in November 2016 concluded that the development of an artificial surf reef at Middleton Beach would be a viable investment.
6. The WA State Government through the Department of Primary Industries and Regional Development pledged \$5 million toward the construction of the AASR, agreeing to an early release of \$500k to commence the detailed design process and business case revision. The pledged \$4.5 million was subject to the viability of the investment pending the outcome of detailed design.
7. The City appointed Bluecoast Consulting Engineers in November 2019 to complete a detailed design to determine exact requirements for the project’s implementation and refine budget requirements.
8. The information received as a result of this commission is an invaluable resource for any future coastal adaption and protection works outside of this specific project and is not considered sacrificial as it provides a detailed study and analysis of our local coastal conditions.
9. A Project Steering Group has been established since 12 February 2015 with the membership evolving and expanding to accommodate the relative project phases. Upon the commencement of the detailed design phase, both a Working Group and Steering Group were established.
10. The Project Working Group’s purpose is advisory in nature and membership principally includes representatives of the City of Albany, surfing community, key stakeholder groups, local business, environment and education sectors (and is representative of the initial Steering Group established in 2015).
11. The Project Steering Group is a City of Albany and Authority governance group whose purpose is to provide strategic project oversight and direction for the planning and implementation of the project and membership principally includes representatives of the City of Albany and government agencies.



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 City appointed the local Wave Energy Research Centre to undertake peer review of the detailed design contract deliverables.
14. The Department of Transport have been acting in a peer review capacity to assess the detailed design contract deliverables.
15. The detailed design 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.
16. In summary the detailed design outcome concluded that:
  - a. The proposed AASR consists of a submerged rock reef structure, the design of which has resulted from an iterative process involving thorough numerical, physical and conceptual modelling
  - b. All aspects of the AASR design were considered in modelling, including its location, footprint and shape.
  - c. The location has been optimised based on existing seabed variability, user accessibility, shoreline response, wave climate and local ecology.
  - d. The shape has been optimised to improve wave breaking characteristics, promote user safety, minimise coastal impacts and reduce construction costs.
  - e. The design provides a 'left-hander' surfing wave, situated 150m north of the 'Surfers Beach' car park and approximately 140m offshore. The reef measures 165m long and varies in width up to 110m. At its shallowest point, the crest of the AASR will be 1m below average water level to maximise wave breaking whilst also ensuring adequate user safety.
  - f. The design provides surfing rides of up to 100m during average conditions with surfable waves expected for 41 per cent of the year over the AASR with further increase in surfing opportunities inshore of the structure.
  - g. The target cost estimate to deliver the project has been estimated to be \$9.5 million.
  - h. Based on the multiple lines of evidence approach, a clear picture of the project's predicted performance has been obtained and evaluated against Key Performance Indicators. With surfing amenity given the highest priority, the other key success factors examined relate to shoreline impact, environment, cost and safety. Modelling suggests that the design satisfies all key performance indicators, with capital cost expected to be refined during a competitive tender process.
  - i. The structure is designed to be low maintenance (with physical modelling tests simulating storm event conditions to prove structure stability and performance) with maintenance requirements associated with inspection and monitoring.
17. The City of Albany re-appointed Keston Technologies to undertake the revision to the business case following the completion of detailed design to determine if the project remained a viable investment.

18. In summary, the revised Business Case concluded that the development of the AASR at Middleton Beach would remain 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 \$19.4m (Benefit Cost Ratio of 3.25), 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. The effects of interstate and international visitation are ignored in the base case to consider ongoing Covid-19 impacts. The worst case scenario model maintains a BCR above 1.
  - d. Job creation would be significant. There will be benefit from both the construction phase and the operational phase, with the project expected to create 31 FTE direct jobs in the construction industry and 130 FTE jobs in the economy as a whole, during the construction phase, and an estimated 54.5 sustainable, long-term FTE jobs in the region, based on the additional direct tourism spend.
  - e. 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.g. Surfing WA junior events.
  - f. The implementation of the AASR would provide a significant tourism drawcard in Albany's Autumn and 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. The AASR has a strong potential to become the centrepiece of a city boasting quality surf, accommodation (new hotel), surf related shops, galleries, etc., as well as links to the world-renowned heritage listed 'Snake Run' skate park, mountain bike and cycling trails which all come together to create a complete Adventure Tourism package
  - i. A general uplift in visitation would be expected and an increase in length of stay.
  - 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.
19. The Environmental Protection Authority (EPA) resolved the proposal would not require formal assessment under the Environmental Protection Act 1986. The City received a Notice of Decision Not to Access the Proposal – based on a 'worst case scenario' footprint with the detailed design outcome remaining within this envelope.

20. Should the project be implemented, additional approvals will be required at that time including:
  - a. Referral to Department of Transport and endorsement by Department of Water and Regulation for a licence under the Water Ways Conservation Act.
  - b. Seabed lease from Southern Ports Authority. Potential no boating exclusion zones through Department of Transport.
  - c. Notice to Department of Fisheries and navigational safety.
  - d. Neither a development application nor building licence is required.
21. In August 2020 an educative film articulating the design story was released for community engagement purposes (given COVID-19 restrictions), accompanied by a community survey.
22. The community survey does not close until 14 September. The results of this survey will be provided in a briefing note prior to the OCM on 22 September.
23. Council resolution is sought to continue advocating for suitable external funding to implement the project.

#### GOVERNMENT & PUBLIC CONSULTATION

24. **Government:** The Great Southern Development Commission (GSDC) has been engaged and involved in initial development of the Business Case, as per its membership on the Steering Group.
25. **Government:** The City has undertaken consultation and engagement with key government stakeholders (Department of Transport & Southern Ports Authority and Department of Water & Environmental Regulation) during the detailed design phase.
26. **Government:** The Steering Group has representation from the Department of Transport, Department of Water and Environmental Regulation, Southern Ports Authority, GSCORE, GSDC, Wave Energy Research Centre and Department of Primary Industries and Regional Development.
27. **Government:** The Department of Primary Industries and Regional Development briefed in regular reporting as funding body and as a member of Steering Group.
28. **Government:** Department of Fisheries was briefed on the project scope during the Feasibility Phase.
29. **City of Albany:** The project groups include representation from across the City of Albany including the Major Projects Team, Community Services, Infrastructure, Development, Environment & Planning. The Groups are led by the Manager of Major Projects.
30. **Key Community Groups:** The Working Group has representation from key community user groups including the Albany Surf Life Saving Club, Middleton Beach Group, Surfing WA, Albany Boardriders, local education, and environmental sectors.
31. **Broader Community:** The City of Albany has undertaken a number of broad community engagement activities including public submission period (survey) during the Feasibility and Detailed Design Phase, accompanied by an educative community film released through social media. (Planned events were cancelled due to COVID-19).

32. Mediums used to conduct Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)
Inform	Social Media Film	August 2020 release	<b>Youtube viewings – TBA 14TH SEPTEMBER</b>
Consult	Survey	August/September 2020	<b>TBA 14TH SEPTEMBER</b>
Consult	Regular meetings of Project Working and Steering Groups  Emailed updates provided between meeting dates.	12 February 2015 31 March 2015 20 May 2015 28 May 2015 16 June 2015 23 June 2015 18 February 2016 25 August 2016 11 October 2016 9 October 2019 14 January 2020 19 August 2020	+40 across both groups and through various project phases.
Inform	The Albany Show – stand	November 2016 November 2019	Not recorded
Inform	Community Update and Posters - City of Albany website	Monthly May to August 2020	Not recorded
Consult	Survey	February 2015	732

**STATUTORY IMPLICATIONS**

33. The voting requirement of Council is **SIMPLE MAJORITY**.

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation</b>  <i>Risk: If the viable Business Case and detailed design are not supported, funding advocacy will not progress. Relationship with DPIRD may be negatively impacted (as financial contributors for detailed design investigations)</i>	Possible	Major	High	<i>Design and Business Case results have been favourable.  City officers will resubmit for further discussion addressing concerns raised.</i>
<b>Reputation</b>  <i>Risk: The outcomes raise community expectations that the artificial surf reef will be implemented. (If not supported and currently not fully funded)</i>	Likely	Major	High	<i>Develop media and Communication Strategy to manage community expectations around funding and implementation.</i>
<b>Opportunity: An economic enabler, to make Albany and the region a more liveable City to live, work and visit.</b>				

### **FINANCIAL IMPLICATIONS**

36. The detailed design and business case were completed within the agreed budget allocation from Department of Primary Industries and Regional Development of \$500,000.
37. A funding acquittal is required to be undertaken prior to the 30<sup>th</sup> September 2020 project completion date.
38. No City cash funds were expended during this phase of works (detailed design). The City provided in-kind project management services.
39. Any funding advocacy will request external funding is made available in full for the implementation of the AASR.

### **LEGAL IMPLICATIONS**

40. There are no legal implications related to the detailed design and business case.
41. Any legal implications for the AASR's implementation will be addressed as part of the approvals process if funding is secured and approved for its implementation.

### **ENVIRONMENTAL CONSIDERATIONS**

42. There are no direct environmental considerations related to these reports.
43. Any environmental considerations will be considered should the project be implemented. Ongoing data collection and approvals process are outlined and addressed in the Operational and Environmental Management Plan and Environmental Impact Statement.
44. Detailed design outcomes revealed:
  - a. Shoreline impact & amenity - The coastal response post-construction is expected to fall within the erosion and accretion triggers when interpreted in the context of the final design location of the AASR (as outlined in the Operational and Environmental Management Plan).
  - b. Shoreline impact & amenity - Useable beach widths along Middleton Beach are expected to be increased compared to pre-project levels. This exceeds the target for the beach amenity key performance indicator which was for beach widths to be maintained.
45. The three design key performance indicators associated with the environmental impacts due to the introduction of an artificial surf reef were:
  - a. Minimise environmental impact during construction phase.
  - b. Minimise environmental impact during operational phase.
  - c. Increase in abundance and diversity of marine life in the local area of the AASR.
46. The metrics for each of these key performance indicators cannot be realised at the design stage, however assurances would be made during the construction and operational phases (through monitoring) via the Operational and Environmental Management Plan and the Construction Environmental Management Plan to ensure they are adhered to or realised.

### **ALTERNATE OPTIONS**

47. Council may choose not to support the AASR detailed design outcome and revised business case.
48. Failure to support the project will result in the project not progressing further, and forfeit of the pledged \$4.5million from the Department of Primary Industries and Regional Development.

**CONCLUSION**

49. The community response so far has revealed overwhelming support for the project.
50. Detailed designs completed are in line with previously sought approvals.
51. The Business Case concluded that the implementation of an AASR 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.
52. Support of the AASR 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.
53. A Council commitment to fund implementation of an AASR at Middleton Beach is not being sought. External funding opportunities would be pursued for this.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• Commercial-in-Confidence: Albany Artificial Surf Reef Detailed Design Report</li> <li>• Commercial-in-Confidence: Albany Artificial Surf Reef Revised Business Case</li> </ul>
<b>File Number (Name of Ward)</b>	:	EM.PLA.28 (Breaksea Ward)
<b>Previous Reference</b>	:	<ul style="list-style-type: none"> <li>• Strategic Briefing Presentation dated 18/08/2020</li> <li>• Strategic Briefing Presentation dated 19/11/2019</li> <li>• Project Briefing Note dated 19/11/2019</li> <li>• Strategic Briefing Presentation dated 27/09/2018</li> <li>• Project Briefing Note dated 27/09/2018</li> <li>• Project Briefing Note dated 15/08/2017</li> <li>• OCM 09/11/2016 Resolution WS117</li> <li>• OCM 22/03/2016 Resolution WS101</li> <li>• 2016/2017 City Adopted Budget</li> <li>• Strategic Briefing Presentation dated 23/06/2015</li> <li>• Strategic Briefing Presentation dated 18/10/2016</li> </ul>

**DIS228: DISPOSAL OF A PORTION OF RESERVE 37325 TO ADJOINING LANDOWNER & DEDICATION OF A FURTHER PORTION AS PUBLIC ROAD RESERVE**

<b>Land Description</b>	: Lot 7487 South Coast Highway
<b>Proponent / Owner</b>	: State of Western Australia
<b>Adjoining Owner</b>	PA Boyd
<b>Attachments</b>	: Main Roads Lands Dealing Plan 2060-118.
<b>Report Prepared By</b>	: Lands Officer (A Veld)
<b>Responsible Officers:</b>	: Executive Director Infrastructure Development & Environment (P Camins)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** Leadership.
  - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce.
  - **Community Priority:** Provider positive leadership that delivers community outcomes and gains a reputation for doing what is good for Albany and the surrounding region.
  - **Theme:** A Connected & Safe Built Environment.
  - **Objective:** To advocate, plan for and build friendly and connected communities.
  - **Community Priority:** Improve connectedness and traffic flows via a well-designed and safe transport and pathway network that connects people and services and encourages pedestrians and cyclists.

**Maps and Diagrams:**



**In Brief:**

- Council is requested to consider the disposal of a portion of Reserve 37325, which is a Public Recreation reserve vested in the City of Albany, to the adjoining owner at Lot 7 No 413 Link Road.
- Main Roads requires a section of Lot 7 No 413 Link Road for the Albany Ring Road project and property access to Link Road will no longer be available.
- Disposal of portion of Reserve 37325 to the landowner of this property will allow access to their land from South Coast Highway.
- Main Roads also requires an additional section of Reserve 37325 for upgrading the intersection of Link Road with South Coast Highway and resolving the road alignment over the information bay on South Coast Highway.

**RECOMMENDATION**

**DIS228: RESOLUTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR TERRY**

**SECONDED: COUNCILLOR STEPHENS**

**THAT Council:**

1. **AGREES** to revoke the management order for Reserve 37325 held by the City of Albany pursuant to section 50 of the *Land Administration Act 1997*, over section marked Area A, B & C on Main Roads Lands Dealing Plan 2060-118;
2. **REQUESTS** that, pursuant to sections 51 and 87 of the *Land Administration Act 1997*, the Minister for Lands cancel portion of Reserve 37325 and dispose of the land, to the adjoining landowner under the provisions of the Government Land Policy – Section 20A Public Recreation Reserves:
3. **ACKNOWLEDGES** this land is to be disposed of to the adjoining landowner at Lot 7 No 413 Link Road on the condition that the land is amalgamated with their current title;
4. **REQUESTS** that, pursuant to sections 56 of the *Land Administration Act 1997*, the Minister for Lands cancel portion of Reserve 37325 and dedicate the land as public road marked Area A on Main Roads Lands Dealing Plan 2060-118;
5. **ACKNOWLEDGES** Main Roads will be responsible for all land costs associated with the section 20A disposal and road dedication of portions of Reserve 37325;
6. **DELEGATES** authority to the Chief Executive Officer, subject to no objections being received during the required public consultation period, to forward this request to the Minister for Lands, for all dealings on this matter to be finalised in conjunction with the Department of Planning Lands & Heritage, Main Roads and the owners of Lot 7 No 413 Link Road.
7. **SUPPORTS** the use of Delegation 2020:036 to address all further request by Main Roads to seek Council concurrence to action requests to the Minister for Lands to dedicate land as road and indemnify the Minister against any claims for compensation as required under section 56 of the *Land Administration Act 1997*.

**CARRIED 10-0**



DIS228: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE  
SECONDED: COUNCILLOR THOMSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS228: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. AGREES to revoke the management order for Reserve 37325 held by the City of Albany pursuant to section 50 of the Land Administration Act 1997, over section marked Area A, B & C on Main Roads Lands Dealing Plan 2060-118;
2. REQUESTS that, pursuant to sections 51 and 87 of the *Land Administration Act 1997*, the Minister for Lands cancel portion of Reserve 37325 and dispose of the land, to the adjoining landowner under the provisions of the Government Land Policy – Section 20A Public Recreation Reserves:
3. ACKNOWLEDGES this land is to be disposed of to the adjoining landowner at Lot 7 No 413 Link Road on the condition that the land is amalgamated with their current title;
4. REQUESTS that, pursuant to sections 56 of the *Land Administration Act 1997*, the Minister for Lands cancel portion of Reserve 37325 and dedicate the land as public road marked Area A on Main Roads Lands Dealing Plan 2060-118;
5. ACKNOWLEDGES Main Roads will be responsible for all land costs associated with the section 20A disposal and road dedication of portions of Reserve 37325;
6. DELEGATES authority to the Chief Executive Officer, subject to no objections being received during the required public consultation period, to forward this request to the Minister for Lands, for all dealings on this matter to be finalised in conjunction with the Department of Planning Lands & Heritage, Main Roads and the owners of Lot 7 No 413 Link Road.
7. SUPPORTS the use of Delegation 2020:036 to address all further request by Main Roads to seek Council concurrence to action requests to the Minister for Lands to dedicate land as road and indemnify the Minister against any claims for compensation as required under section 56 of the Land Administration Act 1997.

**BACKGROUND**

2. As part of Stage 3A of the Albany Ring Road project, Main Roads is acquiring/excising private freehold land along the eastern border of Link Road, between Albany Highway and South Coast Highway.
3. Properties along this section of road will also no longer have direct access to Link Road. This includes Lot 7 No.413 Link Road.
4. Main Roads also requires an additional section of Reserve 37325 for upgrading the intersection of Link Road with South Coast Highway and resolving the road alignment over the information bay on South Coast Highway

**DISCUSSION**

5. Alternative access arrangements have been resolved for properties between Albany Highway and South Coast Highway, affected by the Albany Ring Road project except for Lot 7 No.413 Link Road.
6. Lot 7 No 413 Link Road will no longer have direct access to Link Road and an alternative access to a constructed public road needs to be facilitated.
7. In order to maintain access to a constructed public road (South Coast Highway), Main Roads have proposed excising a portion of Reserve 37325 for amalgamation with this property.
8. Public Recreation reserve (Reserve 37325) adjoins Lot 7 No.413. This reserve is currently underutilised and is not currently or likely to provide a community recreational benefit.
9. As the City of Albany has a Management Order over this Reserve, Council is being requested to consider a proposal to excise portion of R37325 for disposal to the adjoining landowner.
10. Land acquired by Main Roads WA will be dedicated as road reserve for the Albany Ring Road.
11. Although the City of Albany Staff has delegated authority (delegation 2020:036) to dedicate a portion of Reserve 37325 as public road, without Council resolution.
12. Given the variety of matters that needs to be considered, it is more appropriate to include the road dedication request into this report as well.
13. The Main Roads proposal is a practical solution and will also regularise the use over information bay.
14. Given the location of Reserve 37325, Excising portions of this reserve is unlikely to a have detrimental impact on public recreation space provision.

**GOVERNMENT & PUBLIC CONSULTATION**

15. It is a requirement under the Department of Planning Lands & Heritage provisions of the Government Land Policy – Section 20A Public Recreation Reserves, to advertise any proposed changes to Reserves created under section 152 of the Planning and Development Act 2005 or formerly section 20A of the now repealed Town Planning & Development Act 1928.
16. Community Engagement (proposed)

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Inform	Public Notice	1 October – 6 November 2020		yes
Inform	Onsite signage	1 October – 6 November 2020		yes

**STATUTORY IMPLICATIONS**

17. Section 50 of the Land Administration Act 1997 allows the Minister for Lands to revoke a management order for a Crown Reserve where the management body agrees that it should be revoked. The City of Albany is the management body for the subject Reserve.
18. Section 51 of the Land Administration Act 1997 allows the Minister for Lands to cancel a Reserve.
19. Section 87 of the Land Administration Act 1997 allows the Minister for Lands to sell Crown land to the owner of adjoining land.

20. Section 56 of the Land Administration Act 1997 allows a local government to request the Minister for Lands to dedicate land that is reserved or acquired for use by the public, as a public road.
21. Section 152 of the *Planning and Development Act 2005* (previously 20A of the *Town Planning and Development Act 1928*) states that on a plan of subdivision, any land shown on a diagram or plan as being reserved for a public purpose shall be vested in the Crown without the payment of any fee or the need to transfer that land.
22. Voting requirement for this item is **SIMPLE MAJORITY**.

**POLICY IMPLICATIONS**

23. There are no policy implications in relation to this matter.

**RISK IDENTIFICATION & MITIGATION**

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Reputation</b>  <b>Risk:</b> <i>There is a risk that by not assisting with resolving property access and additional road dedication matters, the City will not meet State Government or community expectations for the Albany Ring Road project.</i></p>	Likely	Moderate	High	<p><i>If the proposed Reserve excision is not supported, Main Roads can redesign the road or undertake further compulsory acquisition actions.</i></p> <p><i>This will cause further delays and cost.</i></p>
<p><b>Opportunity:</b> <i>Consistent message to State Government and community that the City supports large infrastructure projects like the Albany Ring Road.</i>  <i>Overall cost saving on the Ring Road Project.</i></p>				

**FINANCIAL IMPLICATIONS**

24. There are no financial implications in relation to this matter.

**LEGAL IMPLICATIONS**

25. There are no legal implications in relation to this matter.

**ENVIRONMENTAL CONSIDERATIONS**

26. There are no environmental implications in relation to this matter.

**ALTERNATE OPTIONS**

27. Council may:
  - a. Not support the officer recommendations to excise of portions of Reserve 37325 for amalgamation with Lot 7 No. 143 Link Road and dedication as public road;
  - b. Support the officer recommendations with modifications.

**CONCLUSION**

28. The Main Roads proposal is a practical solution and will also regularise the use over the information bay.
29. Given the location of Reserve 37325, Excising portions of this reserve is unlikely to have detrimental impact on public recreation space provision.
30. Council is requested to adopt the Officer’s recommendation in order to assist Main Roads WA with facilitating access to Lot 7 No. 143.

<b>Consulted References</b>	:	<i>Land Administration Act 1997</i>
<b>File Number (Name of Ward)</b>	:	RD.PLA.3 (Vancouver)
<b>Previous Reference</b>	:	Nil

**DIS229: LOCAL PLANNING SCHEME AMENDMENT NO.36 –  
LOTS 201, 202 AND 203 CHESTER PASS ROAD AND LOT 1004  
VIASTRA DRIVE, LANGE.**

<b>Land Description</b>	: Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange.
<b>Business Entity Name</b>	: Enanby Pty Ltd and Cloudy Beach Investment Company Pty Ltd.(Neil Crawford McGregor)
<b>Attachments</b>	: LAMD36 Amendment Document.
<b>Report Prepared by</b>	: Senior Planning Officer – Strategic Planning (A Nicoll).
<b>Responsible Officer</b>	: Executive Director Infrastructure, Development and Environment (P Camins).

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* and its *Community Strategic Plan – Albany 2030*. The amendment complies with strategic planning for the following reasons:
  - a) The *Albany Local Planning Strategy 2019* promotes urban consolidation by making better use of existing zoned land and infrastructure through urban renewal.
  - b) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

**Maps and Diagrams:**



**In Brief:**

- Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange are zoned 'Special Use 23'. Within this 'Special Use' zone, there are specified land uses, which may be considered for approval.
- The landholder has expressed a need to amend the specified land uses and zoning, to better reflect market demand.
- The City received a Scheme Amendment application, proposing the following;
  - a) Delete the Special Uses of 'Aged Persons' and 'Nursing Home';
  - b) Add the Special Uses of Child Care Premises, Community Purpose, Recreation-Private and Veterinary Centre;
  - c) Rezone a portion of the subject land from "Special Use (SU23)" to "Highway Commercial".
- The proposed scheme changes are justified in the context of the Local Planning Strategy 2019, which seeks to promote urban consolidation and diversify and consolidate activity centres. The subject Lots are located adjacent to the 'Brooks Garden' activity centre.
- Council is requested to adopt the amendment, for the purpose of public advertising.

**COVID-19 IMPACT**

- No identified implications.

**RECOMMENDATION**

**DIS229: PROCEDURAL MOTION BY COUNCILLOR STOCKS  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR GOODE**

**THAT this matter be DEFERRED for a period of two months to allow further consultation and discussion, and be re-presented for consideration by Council at the Ordinary Council Meeting to be held on 24 November 2020.**

**CARRIED 10-0**

**DIS229: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

1. THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35(2) and r.37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:
  - a) **ADOPT AND ADVERTISE** Standard Amendment No. 36 to amend City of Albany *Local Planning Scheme No. 1* by:
    - (i) In Schedule 4 Special Use Zones, for Special Use Zone No.23 (SU23), delete the Special Uses of "Aged Persons' Village" and "Nursing Home".
    - (ii) In Schedule 4 for SU23, add the Special Uses of:
      - Child Care Premises
      - Community Purpose
      - Recreation-Private
      - Veterinary Centre
    - (iii) In Schedule 4 for SU23, modify the "Conditions" column by:
      - Adding "as a 'D' use" after "Local Government" in Condition 1.
      - Replacing "Structure Plan and/or Local Development Plan and Design Guidelines" with "Local Development Plan" in Condition 1.

- Replacing “Design Guidelines” with “Local Development Plan” in Condition 2.

- (iv) Rezone a portion of Lot 1004 Viastra Drive, Lange from “Special Use (SU23)” to “Highway Commercial”.

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 Local Planning Strategy.
  - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
  - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
2. Refer the amendment to the Environmental Protection Authority to determine if formal environmental assessment is required.
3. Advertise the amendment for a period not less than 42 days.

DIS229: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-1

**Record of Vote**

Against the Motion: Councillor Thomson

DIS229: RESPONSIBLE OFFICERS RECOMMENDATION

1. THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35(2) and r.37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

- a) ADOPT AND ADVERTISE Standard Amendment No. 36 to amend City of Albany *Local Planning Scheme No. 1* by:

- (i) In Schedule 4 Special Use Zones, for Special Use Zone No.23 (SU23), delete the Special Uses of “Aged Persons’ Village” and “Nursing Home”.

- (ii) In Schedule 4 for SU23, add the Special Uses of:

- Child Care Premises
- Community Purpose
- Recreation-Private
- Veterinary Centre

- (iii) In Schedule 4 for SU23, modify the “Conditions” column by:

- Adding “as a ‘D’ use” after “Local Government” in Condition 1.
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- Replacing “Design Guidelines” with “Local Development Plan” in Condition 2.

- (iv) Rezone a portion of Lot 1004 Viastra Drive, Lange from “Special Use (SU23)” to “Highway Commercial”.

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 Local Planning Strategy.

- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
  - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
2. Refer the amendment to the Environmental Protection Authority to determine if formal environmental assessment is required.
  3. Advertise the amendment for a period not less than 42 days.

### **BACKGROUND**

3. In 1999, the ‘Catalina Central Planning Framework’ was adopted, to identify the subject land for a ‘Health Precinct’.
4. As per the ‘Catalina Central Planning Framework’, the following design principles apply:
  - a) Access to the subject land is limited to Viastra Drive;
  - b) The design of any development, is to address Chester Pass Road; and
  - c) A landscape buffer is to be developed adjacent to Chester Pass Road.
5. In 2017, the land was rezoned from ‘General Agriculture’ to ‘Special Use 23’, to enable a range of medical type uses, including aged persons village, consulting room, hospital, medical centre, nursing home and pharmacy.
6. All development within the Special Use Zone No.23 is to accord with a Local Development Plan and is to arrange access via Viastra Drive.
7. The landholder believes there is no market interest for the current uses set out in Special Use Zone No.23 and is therefore requesting to identify a new zone (Highway Commercial) for a portion of the site and additional land uses for a portion of the site zoned Special Use.

### **DISCUSSION**

8. The subject land is located in the locality of Lange, adjacent to the ‘Brooks Garden’ activity centre and 4 kilometres north of the Albany town centre. The site is currently vacant and surrounded by Chester Pass Road, Mercer Road, Viastra Drive, a Harvey Norman development and an aged persons development.
9. The Amendment proposes to keep a portion of the site under the “Special Use (SU23)” zone and to rezone the remaining portion to “Highway Commercial”.
10. For the portion remaining SU23, the Amendment proposes to delete the existing uses of ‘Aged Persons Village’ and ‘Nursing Home’ and to extend the range of uses, to include:
  - a) Child Care Premises;
  - b) Community Purpose;
  - c) Recreation-Private; and
  - d) Veterinary Centre.
11. Removing the opportunity for ‘Aged Persons Village’ and ‘Nursing Home’ is thought to negate any potential land use conflict between accommodating aged persons and commercial activity.
12. The proposal to change the zoning for a portion of the site and to extend the range of uses for the SU23 portion, is expected to increase market opportunity.
13. Staff recommend that Council adopt (for advertising) the proposed amendment, which complies with the strategic direction endorsed by the Local Planning Strategy 2019.

**GOVERNMENT & PUBLIC CONSULTATION**

14. The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment be prepared/adopted by a resolution of Council prior to the proposal being advertised for public comment (42 day advertising period). Consequently, no formal consultation has been undertaken at this stage.
15. If a local government resolves under regulation 35(1) to prepare/adopt an amendment to a local planning scheme, the local government must advertise the amendment.
16. Section 81 of the Act requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Statutory Consultation.	Mail out to agencies and adjoining landowners and advertised in Paper and on Website.	42 day advertising period to occur as soon as practicable after notice from EPA is received.		In accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .

**STATUTORY IMPLICATIONS**

17. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
18. Division 2, Regulation 38 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. Voting requirement for this item is **SIMPLE MAJORITY**.

**POLICY IMPLICATIONS**

20. The following State Planning Policies are relevant to the assessment of this amendment;
  - a) State Planning Strategy 2050 - The Amendment is consistent with the Strategy given it promotes commercial, community and associated development within an activity centre.
  - b) State Planning Policy No. 3 (2006) - The Amendment is consistent with SPP3 given it provides opportunities for employment and business activity and an infill site which forms part of an activity centre.
  - c) State Planning Policy 5.4 - With appropriate attenuation measures, future development at the subject Lot should be able to comply with the provisions of State Planning Policy 5.4.



## 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
<b>Reputation</b> <i>The proposal may attract objections from members of the public – Aged Persons Village (Viastra Drive).</i>	Possible	Moderate	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>
<i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	Possible	Moderate	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>
<b>Opportunity:</b> <i>To support urban consolidation by making better use of existing zoned land and infrastructure through land use permissibility.</i>				

## FINANCIAL IMPLICATIONS

22. There are no financial implications relating to the proposal to amend the *Local Planning Scheme No.1*.

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

24. The referral of Amendment No.36 to the Environmental Protection Authority will clarify if any environmental implications apply.

## ALTERNATE OPTIONS

25. Council may consider not adopting the amendment to the local planning scheme.

## CONCLUSION

26. The Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange are zoned 'Special Use 23'. Within this 'Special Use' zone, there are specified land uses, which may be considered for approval. The landholder has expressed a need to amend the zoning of the subject land and to allow for additional land uses, to better reflect market demand.
27. The proposed scheme changes are justified in the context of the Local Planning Strategy 2019, which seeks to promote urban consolidation and diversify and consolidate activity centres.
28. Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2019)</i> 3. <i>State Planning Strategy 2050</i> 4. <i>State Planning Policy No. 3 (2006)</i> 5. <i>State Planning Policy 5.4</i>
<b>File Number (Name of Ward)</b>	:	LAMD36 (Yakamia Ward)
<b>Previous Reference</b>	:	Nil

**DIS230: RECONSIDERATION OF DIS210 - SINGLE HOUSE –  
OVERSIZE OUTBUILDING – LOT 109, 248 GREATREX ROAD, KING  
RIVER**

<b>Land Description</b>	: Lot 109, 248 Greatrex Road, King River WA 6330
<b>Proponent</b>	: DR & ME Palmer
<b>Business Entity Name</b>	: NIL
<b>Attachments</b>	: 1. Copy of Supplementary Justification
<b>Supplementary Information &amp; Councillor Workstation</b>	: Previous consideration by Council DIS 210
<b>Report Prepared By</b>	: Senior Planning and Development Compliance Officer - (T Wenbourne)
<b>Responsible Officers:</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed development application, Council is obliged to draw conclusion from its adopted *Community Strategic Plan – Albany 2030*.
  - a) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).
3. The item relates to the following Strategic Objectives of the Albany Local Planning Strategy (ALPS):
  - a) *Plan for the sustainable supply of land for rural living purposes and maximise land use efficiency within existing rural living areas.*

**Maps and Diagrams: Lot 109, 248 Greatrex Road, King River**



**In Brief:**

- At the May 2020 Ordinary Council Meeting, Council resolved to refuse an application for an oversize outbuilding at 248 Greatrex Road.
- The applicant subsequently sought review of that decision with the State Administrative Tribunal (SAT).
- In orders dated 6 August 2020, the SAT required Council to reconsider its decision in respect to the Oversize Outbuilding at 248 Greatrex Road.
- In compliance with the orders of the SAT, the proponent has provided the City with additional information in support of the application. This additional information provides the proponent's justification on why the oversize outbuilding should be approved. It also includes an offer to:
  - Reduce the height of the shed to conform with the policy,
  - Use Colorbond colours that complement the existing shed,
  - Relocate the shed closer to the eastern boundary to be further setback from the driveway view corridor, and,
  - Plant additional trees and shrubs to assist screening.
- Having objectively considered the additional information, and the requirement to reconsider the proposal, staff remain of the view that the proposed oversize outbuilding does not satisfy the principles of orderly and proper planning. Staff can find no cogent reason or justification of why, in the particular circumstances of the proposal, such a significant variation to the maximum floor space area for outbuildings on the site should be allowed.
- Staff recommend that Council reaffirms its decision to refuse the application.

**COVID-19 IMPACT**

- No identified implications.

**RECOMMENDATION**

**DIS230: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOUGHTY  
SECONDED: COUNCILLOR TERRY**

**THAT Council resolves to REAFFIRM its decision to refuse development approval, for Single House – Oversize Outbuilding at Lot 109, 248 Greatrex Road, King River, for the following reasons:**

- 1. The proposal does not satisfy the following matters to be considered as identified in Schedule 2, Part 9, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, namely;**
  - (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;**
  - (b) the requirements of orderly and proper planning;**
  - (g) any local planning policy for the Scheme area;**
  - (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;**
  - (n) the amenity of the locality including the following –**
    - (ii) the character of the locality;**
- 2. The proposal does not comply with the objectives of the Rural Residential Zone, of Local Planning Scheme No.1.**

**CARRIED 8-2**

**Record of Vote**

Against the Motion: Councillors Sutton and Goode

DIS230: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-1

**Record of Vote**

Against the Motion: Councillor Sutton

DIS230: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to REAFFIRM its decision to refuse development approval, for Single House – Oversize Outbuilding at Lot 109, 248 Greatrex Road, King River, for the following reasons:

1. The proposal does not satisfy the following matters to be considered as identified in Schedule 2, Part 9, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, namely;
  - (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
  - (b) the requirements of orderly and proper planning;
  - (g) any local planning policy for the Scheme area;
  - (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
  - (n) the amenity of the locality including the following –
    - (ii) the character of the locality;
2. The proposal does not comply with the objectives of the Rural Residential Zone, of Local Planning Scheme No.1.

**BACKGROUND**

4. The proposal was previously refused at the May 2020 OCM.
5. In orders dated 6 August 2020, the State Administrative Tribunal invited the City of Albany to reconsider its decision at the September OCM. The applicant was given the opportunity to provide additional justification and to consider any revisions of the proposal.
6. The proponent submitted their additional justification to the City on 14 August 2020.
7. The proponent has offered the following revisions:
  - Reduce the height of the shed to conform with the policy,
  - Use Colorbond colours that complement the existing shed,
  - Relocate the shed closer to the eastern boundary to be further setback from the driveway view corridor, and,
  - Plant additional trees and shrubs to assist screening.
8. The original proposal was advertised for public comment. The revisions offered by the proponent are not considered significant to require re-advertising of the proposal.

9. Council is now requested to consider the merits of the application in light of the additional justification and revisions and to determine whether or not to alter the previous resolution to refuse the development application.

### **DISCUSSION**

10. The proposal is fundamentally the same development as that considered by Council in May. The assessment of the physical development proposed and its impacts were comprehensively covered in that previous report. The only matters to be discussed now are in relation to the additional information provided by the proponent in support of their application.
11. In the additional information provided, the proponent attempts to explain and justify their storage needs as being legitimate. However, the number and nature of the listed items are not considered standard domestic items and possessions. These are better described as exceptional and having exceptional storage needs does not legitimise the requested storage in a domestic and residential setting.
12. The revisions offered by the proponent do little to alleviate the concerns this proposal presents and it essentially remains the same. The floor area of the proposed outbuilding coupled with the existing outbuilding would total 376.8m<sup>2</sup>, when the maximum under the City's planning policy for this size lot within this zone is 200m<sup>2</sup>. This proposal represents a significant departure from the policy and none of the justification offered by the proponent is sufficient to overcome the planning concerns detailed when Council previously considered this matter.
13. Given the reasoning applied in the above paragraphs, after considering the matter against the statutory framework, including the discretion afforded when applying Local Planning Policies, officers are of the view that the proposal does not represent proper and orderly planning and Council should re-affirm its previous decision to refuse the proposed development.

### **GOVERNMENT & PUBLIC CONSULTATION**

14. No additional consultation or advertising has been undertaken over and above the letters sent to adjoining owners when the original proposal was lodged with the City.

### **STATUTORY IMPLICATIONS**

15. The subject land is zoned Rural Residential Area 17 under LPS 1.
16. The objectives listed under clause 3.2.17 of LPS for the Rural Residential Zone, are:
- a) *Create small rural land holdings for residents who wish to enjoy a residential lifestyle within a rural landscape and environment; and*
  - b) *Provide for residential and limited incidental land uses which:*
    - (i) *Are compatible with the preservation and protection of environmentally sensitive areas such as remnant vegetation and groundwater protection areas;*
    - (ii) *Do not visually detract from the landscape and the visual amenity of the locality;*
    - (iii) *Allow for uses and developments that are fit for purpose and minimise any on-site or off-site impacts such as soil erosion, nutrient loss, drainage and potential land use conflicts; and*
    - (iv) *Are located in close proximity to existing urban areas and can enjoy appropriate urban servicing to the lots including rubbish disposal, reticulated water, community facilities and fire infrastructure.*
17. Voting requirement for this item is **SIMPLE MAJORITY**.

**POLICY IMPLICATIONS**

18. The proposal is subject to assessment against the City of Albany *Non-Habitable Structures* Local Planning Policy.
19. Local Planning Policies are guidelines used to assist the local government in making decisions under the Local Planning Scheme. Although Local Planning Policies are not part of the Local Planning Scheme, they must be consistent with, and cannot vary, the intent of the Local Planning Scheme provisions. In considering an application for Development Approval, the local government must have due regard to a Local Planning Policy as required under Schedule 2, Part 9, clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015.
20. For the reasons outlined in the May Council report on this matter, staff consider the proposal fails to meet the provisions and objectives of the Policy and that using discretion to approve the application would not represent proper and orderly planning. The additional information provided by the proponent in support of their application does not alter this view.

**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
<p><b>Operational and Reputation.</b> If the application were to be approved it would create an undesirable precedent for future applications, and prejudice the City in being able to apply the policy consistently. It would also generate unacceptable impacts on the amenity on the area.</p>	Possible	Moderate	Medium	The application has been assessed against the relevant statutory framework. The reasons provided do not adequately demonstrate a variation to the Policy. Not supporting the development would continue to uphold the City’s position on the application of the Policy.

**FINANCIAL IMPLICATIONS**

22. Should Council follow the officer recommendation and re-affirm its previous decision to refuse development approval, the Review of the decision at the State Administrative Tribunal will proceed to a full hearing. The State Administrative Tribunal hearing will require targeted staff time and resourcing, but this is covered within existing budget line allocations.
23. Accordingly, there are no financial implications directly relating to this item.

**LEGAL IMPLICATIONS**

24. The proponent is exercising their right to seek a review of the Council’s decision conferred by the *Planning and Development Act 2005*. The City of Albany will be required to defend the decision at a State Administrative Tribunal hearing.

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

26. Council has the following alternate options in relation to this item, which are:
  - To resolve to approve the proposal subject to conditions; or
  - To re-affirm the previous decision to refuse the proposal subject to additional or modified reasons.

**CONCLUSION**

27. As part of the State Administrative Tribunal process, the proponent has taken the opportunity to provide the City with additional justification in support of their proposal. As a result, and in compliance with the orders of the State Administrative Tribunal, this proposed development has come back to Council to reconsider its previous decision to refuse development approval.
28. The additional supporting information has been considered objectively. The officer recommendation to reaffirm the previous refusal is made with a sound basis for doing so, and is grounded in the principles of orderly and proper planning.
29. If the exercise of discretion on a local planning policy is to be an orderly one, the planning principles identified as relevant to an application should not be lightly departed from without the demonstration of a sound basis for doing so.
30. The original and additional justification received from the proponent does not adequately demonstrate such a significant departure from the Policy should be supported. In addition to this, it is considered that a development of this scale does not comply with the objectives of the Rural Residential zone.
31. Supporting this application would erode the ability for the City to apply policy fairly and with equity. The policy sets out a very generous outbuilding size, and the proposal does not provide any solid reasoning or justification to depart from this. If approved, it would be difficult to provide reasoning as to why this proposal was supported and others not. It would also likely encourage larger outbuildings on properties throughout the municipality, and could be used to set an undesirable precedent for future applications.
32. After carefully considering the proposal and for the reasons set out above, staff are not satisfied the objectives and development criteria of the policy are met. As a matter of orderly and proper planning, staff can find no cogent reason why, in the particular circumstances of the subject proposal, such a significant variation to the cumulative maximum outbuilding size should be allowed or approved.
33. It is therefore recommended that Council reaffirms its previous decision to refuse the proposed development, in accordance with the reasons provided.

<b>Consulted References</b>	:	1. Local Planning Scheme No. 1 2. Albany Local Planning Strategy 2019 3. Planning and Development (Local Planning Schemes) Regulations 2015 4. City of Albany Local Planning Policy - <i>Non-Habitable Structures</i>
<b>File Number (Name of Ward)</b>	:	A181513 Yakamia Ward
<b>Previous Reference</b>	:	DIS 210 OCM May 2020

**DIS231: PLANNING AND BUILDING REPORTS AUGUST 2020**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports August 2020  
**Report Prepared By** : Business Support Officer – J Cobbold  
**Responsible Officers:** : Manager Planning and Building (J Van Der Mescht)

**RECOMMENDATION**

**DIS231: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: Councillor Thomson**  
**Seconded: Councillor Terry**

**THAT Council NOTE the Planning and Building Reports for August 2020.**

**CARRIED 10-0**



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

CCS293: NOMINATION TO THE SOUTH COAST ALLIANCE INC.

**15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil**

**16. REPORTS OF CITY OFFICERS Nil**

**17. MEETING CLOSED TO PUBLIC**

CCS289: VARIATION OF LEASE AND LICENCE-ALBANY LEISURE AND AQUATIC CENTRE

**18. CLOSURE**

There being no further business the Mayor declared the meeting closed at **7.21PM**



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Dennis W Wellington  
**MAYOR**

## **TABLED ADDRESS BY MS L CRONIN**

St Ives Retirement Living have prepared this submission letter to detail our objection to the proposed Local Planning Scheme Amendment NO. 36 Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange.

We note the amendment will change the current zoned land 'Special Use 23' to 'Highway Commercial'.

St Ives Retirement Living has been providing retirement lifestyle accommodation for West Australians for over 30 years. St Ives Albany Retirement Village at Lot 1000 Mercer Road, Lange sits directly opposite of the Lots subject to the proposed amendment. The Retirement Village was constructed over 6 years, from 2009 to 2015, and across 2 stages. There are currently 49 homes and clubhouse constructed with another 114 homes to be constructed on the site in the future. The current development is now home to 70 residents with an average age of 75 years. The fully developed village will house over 200 retired residents.

### **Safety**

There is concern the proposed change to the current zoned land will result in safety issues for St Ives residents in the event Viastra Drive is utilised as an entry and exit point for any future commercial development. Increased traffic flow will likely increase the risks of accidents and incidents involving pedestrians and vehicles. There appears to be no consideration the impact a commercial development would have on traffic management in the local area and specifically around the immediate vicinity of the St Ives Albany retirement village. There is a bus stop on Viastra Drive which is used by our residents, so residents and other pedestrians will be regularly walking along Viastra Drive to access this service.

Furthermore, residents at St Ives Albany have experienced increased traffic flows because of the Bunnings development at Lot 1001. A future 'highway commercial' development directly adjacent to St Ives Albany Village in addition to the Bunnings development significantly increases the safety risk to our residents

### **Resident and Environmental Impacts**

Our Residents have chosen to call St Ives Albany Village home for numerous reasons. Outstanding residential location, premium amenities, and the benefit of quiet enjoyment of their homes and communal areas. Many residents completed their due diligence prior to purchasing and were assured by the City of Albany that 'special use' zoning of Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange would remain in place. It is disappointing for residents and St Ives that the amendment to change the zoning is now being seriously considered.

### **Impact on St Ives Albany Village**

St Ives primary concern is the safety and well-being of our residents and their ongoing enjoyment of retirement in St Ives Albany village. The impact on day to day business and activities because of the Bunnings development will be further compounded if the City of Albany accept the proposed zoning amendment. The proposed amendment does not appear to demonstrate any consideration for the residents of St Ives Albany Village. Our residents are agitated and concerned that commercial considerations are promoted ahead of the interests of residents, the impact on their lifestyle and the future value of their properties.

**TABLED ADDRESS BY MS L CRONIN**

Unlike most of the Albany population, our residents are primarily at home during the day as they no longer work. Their home is a place of rest and relaxation for them. The introduction of another commercial business(s) that could be noisy during working hours will have a far greater impact on our residents than they would on the general population, who would likely be out of their home during business hours.

There appears to be four (4) subdivided blocks in the proposed amendment which may result in arrivals and departures to four (4) separate businesses. The potential for considerable increased traffic noise is highly likely and particularly impactful for residents who have units backing onto Viastra Drive.

St Ives would like the opportunity to meet with City of Albany representatives to further discuss our concerns with the proposed amendment.

**TABLED ADDRESS BY MR R HANICH**

Address to: The Mayor and Elected Members Albany City Council meeting Tuesday 22nd September 2020 By: Rudi Hanich, Unit 45/21 Brooks Garden Boulevard LANGE WA 6330 (St Ives Retirement Village).

1. Good evening Mayor and Councillors. As residents of St Ives Retirement Village, I am speaking to the Agenda Item - DIS229. We strongly OBJECT to the proposed LOCAL PLANNING SCHEME AMENDMENT NO. 36 - LOTS 201, 202 AND 203 CHESTER PASS ROAD AND LOT 1004 VIASTRA DRIVE, LANGE.
2. My wife and I purchased a home within St Ives Retirement Village some 18 months ago. Our property backs onto Viastra Drive. Our living area, alfresco and master bedroom are located at the rear of the house and are only a few metres from Viastra Drive.
3. This Village was established approximately 11 years ago on the land bordering Viastra Drive, Brooks Garden Boulevard and Mercer Road, Lange.
4. Prior to buying our home we were assured on at least two occasions by Council officers that these lots in question were zoned "Special Use" which would be in keeping with the retirement village opposite. We were also assured that Viasta Drive would not become a major through road.
5. Well, Viastra Drive is most definitely already a busy through road. Disappointingly we were not advised of the proposed Bunnings development prior to the purchase of our home and have already been negatively impacted during its construction with excessive noise, truck movements and general disruption. This will definitely increase once the store opens, with Council officers estimating an increase of 400 vehicles per day using Viastra Drive as a direct consequence of the Bunnings development. Traffic and general noise will increase further if this proposed rezoning is granted and will cause us even more stress and significantly alter the ambience of the home we purchased to live in our senior years. In addition, considering the average age of about 82 years for these residents more traffic (commercial and private) will create a greater risk to residents' safety when entering or exiting St Ives Retirement Village.
6. We understand that the current zoning was determined in 2017 with the developers clearly aware of the zoning requirements. Obviously their request to rezone the land now to "Highway Commercial" is purely for commercial profit and does not include consideration of the broader social, safety, environmental and financial implications for us and other residents of the established Retirement Village directly opposite. Given the due diligence we undertook prior to purchasing our home and the assurances given by Council officers we could not have possibly anticipated a potential change in zoning from "Special Use", nor the impact of the Bunnings Development.
7. We are not in any way anti-development, however, on this occasion, we fervently hope that Councillors will take into consideration the negative impact these proposed commercial developments will have on us. As ratepayers we believe the Council has a duty of care to continue to act in the best interests of the residents within the already established retirement village of St Ives and implore you to seriously consider our objections to this proposal because we will have to live with the consequences and impact of your decisions for the remainder of our lives here at St Ives.
8. I request a copy of our objections be tabled and included as a matter of public record in the meeting minutes.

**TABLED ADDRESS BY MR JOHN T'HART**

To City of Albany Council

I have just been made aware that the rezoning of the area west of the St Ives village is being proposed to change it from Aged Care to Highway commercial. This does not seem in keeping with an area so close the St Ives retirement village.

Residents are mainly home during the day unlike a normal suburban area where residents would be out at work or school. The zoning of highway commercial could allow for a business that is noisy during working hours and would cause a further increase in traffic along Viastra Drive. The construction of Bunnings has already made significant changes to local traffic and this will only increase once it is open.

I do not endorse this change in zoning and would like to make by objection as President of the Residents Committee. Due to the short notice of this information I have not had an opportunity to discuss this with the resident body, so these comments are my person comments on the matter.

John T'Hart  
President of Residents Association Incorporated