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# AGENDA

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Ordinary Meeting of Council

Tuesday 23 February 2021

6.00pm  
Council Chambers

ORDINARY COUNCIL MEETING  
AGENDA 23/02/2021  
CITY OF ALBANY  
COMMUNITY STRATEGIC PLAN (ALBANY 2023)



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 23 February 2021 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe  
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING  
AGENDA 23/02/2021

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

**Councillors:**

Breaksea Ward

R Hammond

Breaksea Ward

P Terry

Kalgan Ward

E Doughty

Kalgan Ward

M Benson-Lidholm JP

Vancouver Ward

J Shanhun

Vancouver Ward

T Sleeman

West Ward

A Goode JP

West Ward

S Smith

Yakamia Ward

R Sutton

Yakamia Ward

C Thomson

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

D Olde

Executive Director Infrastructure, Development  
& Environment

P Camins

Executive Director Community Services

N Watson

Manager Planning and Building Services

J Van Der Mescht

Meeting Secretary

J Williamson

**Apologies:**

Frederickstown Ward

R Stephens (Leave of Absence)

Frederickstown Ward

G Stocks (Leave of Absence)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Sleeman	CCS323	<b>Impartiality.</b> The nature of the interest being that Councillor Sleeman is the Manager of the Albany Regional Volunteer Service, who have a service agreement with the City of Albany.
Councillor Benson-Lidholm	DIS245	<b>Impartiality.</b> The nature of the interest being that Councillor Benson-Lidholm's brother is a member of the Albany Street Machine Association and has been appointed as a member of the Albany Motorplex Working Group.
Councillor Thomson	DIS245	<b>Impartiality and Financial.</b> The nature of the interest being that Councillor Thomson has potential financial and impartiality interests due to his employment with the Commonwealth government, which administers the Building Better Regions Fund for which the proponent of the proposed Motorplex that is the subject of this report will be an applicant.

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 15 December 2020, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Special Council Meeting held on 11 November 2020, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Special Council Meeting held on 21 December 2020, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Special Council Meeting held on 10 February 2021, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil
12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

**CCS320: FINANCIAL ACTIVITY STATEMENT – DECEMBER 2020**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Financial Activity Statement – December 2020
<b>Report Prepared by</b>	: Manager Finance (S Van Nierop)
<b>Responsible Officer</b>	: Executive Director Corporate & Commercial Services (D Olde)

**RECOMMENDATION**

**CCS320: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SMPLE MAJORITY**

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

**CCS320: COMMITTEE RECOMMENDATION**

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

**CCS320: RESPONSIBLE OFFICER RECOMMENDATION**

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

**COVID-19 IMPACT**

1. 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**

2. The Statement of Financial Activity for the period ending 31 December 2020 has been prepared and is attached.
3. 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**

4. 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.
5. 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.
6. 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.
7. 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

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

## POLICY IMPLICATIONS

9. The City's 2020/21 Annual Budget provides a set of parameters that guides the City's financial practices.
10. 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

11. Expenditure for the period ending 31 December 2020 has been incurred in accordance with the 2020/21 proposed budget parameters.
12. 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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**CCS321: LIST OF ACCOUNTS FOR PAYMENT – DECEMBER 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**

**CCS321: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 December 2020 totalling \$6,477,936.75 be RECEIVED.**

**CCS321: COMMITTEE RECOMMENDATION**

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR THOMSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

**CCS321: RESPONSIBLE OFFICER RECOMMENDATION**

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 December 2020 totalling \$6,477,936.75 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 December 2020. Please refer to the Attachment to this report.

<b>Municipal Fund</b>	
Trust	\$0.00
Credit Cards	\$10,123.67
Payroll	\$1,495,552.39
Cheques	\$29,003.95
Electronic Funds Transfer	\$4,943,256.74
<b>TOTAL</b>	<b>\$6,477,936.75</b>

As at 15 December 2020, the total outstanding creditors stands at \$297,102.18 and is made up as follows;

Current	\$106,679.94
30 Days	\$179,823.97
60 Days	\$10,956.10
90 Days	-\$366.83
<b>TOTAL</b>	<b><u>\$297,102.18</u></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 December 2020 has been incurred in accordance with the 2020/2021 budget parameters.

### FINANCIAL IMPLICATIONS

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

### CONCLUSION

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

<b>File Number (Name of Ward)</b>	<b>:</b>	FM.FIR.2 - All Wards
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**CCS322: LIST OF ACCOUNTS FOR PAYMENT – JANUARY 2021**

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

**RECOMMENDATION**

**CCS322: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 January 2021 totalling \$7,104,376.22 be RECEIVED.**

**CCS322: COMMITTEE RECOMMENDATION**

MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

**CCS322: RESPONSIBLE OFFICER RECOMMENDATION**

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 January 2021 totalling \$7,104,376.22 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 January 2021. Please refer to the Attachment to this report.

<b>Municipal Fund</b>	
Trust	\$0.00
Credit Cards	\$12,094.15
Payroll	\$2,361,652.25
Cheques	\$2,841.61
Electronic Funds Transfer	\$4,727,788.21
<b>TOTAL</b>	<b><u>\$7,104,376.22</u></b>

As at 31 December 2020, the total outstanding creditors stands at \$135,543.87 and is made up as follows;

Current	\$138,284.91
30 Days	-\$2,240.98
60 Days	\$0.00
90 Days	-\$500.06
<b>TOTAL</b>	<b>\$135,543.87</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 January 2021 has been incurred in accordance with the 2020/2021 budget parameters.

### FINANCIAL IMPLICATIONS

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

### CONCLUSION

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

<b>File Number (Name of Ward)</b>	<b>:</b>	FM.FIR.2 - All Wards
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**CCS323: DELEGATED AUTHORITY REPORTS – NOVEMBER 2020 to JANUARY 2021**

<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**

**CCS323: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Delegated Authority Reports 16 November 2020 to 15 January 2021 be RECEIVED.**

**CCS323: COMMITTEE RECOMMENDATION**

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

**CCS323: RESPONSIBLE OFFICER RECOMMENDATION**

THAT the Delegated Authority Reports 16 November 2020 to 15 January 2021 be RECEIVED.

**COVID-19 IMPACT**

- COVID-19 has no impact on this report.

**CCS324: QUARTERLY REPORT – TENDERS AWARDED – OCTOBER TO  
DECEMBER 2020**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Quarterly Report – Tenders Awarded – October to December 2020
<b>Report Prepared by</b>	: Senior Procurement Officer (H Hutchinson)
<b>Responsible Officer</b>	: Executive Director Corporate & Commercial Services (D Olde)

**RECOMMENDATION**

**CCS324: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Quarterly Report – Tenders Awarded – October to December 2020 be RECEIVED.**

**CCS324: COMMITTEE RECOMMENDATION**

MOVED: COUNCILLOR SMITH  
SECONDED: COUNCILLOR THOMSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

**CCS324: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Quarterly Report – Tenders Awarded – October to December 2020 be RECEIVED.**

## CCS325: NATIONAL ANZAC CENTRE – Q2 2020-21 REPORT

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: National Anzac Centre (NAC) – Quarter 2 (Q2) 2020/21 Operational Report
<b>Report Prepared By</b>	: Manager Facilities (L Stone)
<b>Responsible Officer(s)</b>	: Executive Director Community Services (N Watson)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies
  - **Key Theme:** Smart Prosperous and Growing.
  - **Strategic Objectives:** To strengthen our region's economic base; and
    - To develop and promote Albany as a unique and sought after destination.
  - **Community Priorities:** Strengthen our economy by supporting business innovation and diversity; and
    - Promote the Albany region as a sought after and iconic tourism destination.

#### In Brief:

- To provide Council with update on Q2 2020-21 performance of the NAC.

### RECOMMENDATION

#### CCS325: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

**THAT the NAC Operational Report for Q2 2020-21 be RECEIVED.**

#### CCS325: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM  
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

#### CCS325: RESPONSIBLE OFFICER RECOMMENDATION

THAT the NAC Operational Report for Q2 2020-21 be RECEIVED.

### BACKGROUND

2. The NAC is the City of Albany's most significant tourism asset.
3. The NAC represents a \$10.6 million investment from the Federal and State Government with an additional \$1.5 million invested by Wesfarmers for the construction of the Convoy Walk and Lookout.
4. The City of Albany manages this national museum and understands the importance of generating economic outcomes for the region using the NAC and the Albany Heritage Park (AHP) assets to encourage increased visitation and extended stays to the region.

5. The City established an independent NAC Advisory Group during the 2016/17 financial year to assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards. The NAC Advisory Group has been meeting quarterly since convening.
6. It was agreed in November 2018 that the NAC Advisory Group would now meet twice a year. The next meeting is planned for April 2021.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of the NAC and the AHP and has established a reserve on the understanding that any surplus funds be reinvested and used to leverage additional grant funding to improve the asset.
8. This report template is reviewed regularly to ensure that the Community & Corporate Services Committee and the NAC Advisory Group receive all relevant information to assess its performance.

## **DISCUSSION**

9. Q2 2020/21 achieved overall total visitation numbers of 383,534 visitors to the NAC since opening in November 2014. This equates to an average annual visitation of 62,194 visitors per year.
10. Total visitation for Q2 2020/21 decreased by only 126 visitors compared to the same period in 2019/20.
11. The visitation in Q2 2020/21 from the Great Southern Region totalled 373 people, equating to 3% of Western Australia's overall visitation of 13,434.
12. The total visitation in Q2 2020/21 originated from Western Australia (98%) and interstate (2%).
13. Visitors from other States and Territories consisted of 40% from QLD, 22% from VIC, 18% from NSW, 9% from SA, followed by TAS, ACT and NT all with similar figures between 1-4%.
14. Revenue generated in Q2 2020/21 by the NAC was \$5,610 less compared to the same period in 2019/20. The Forts Store revenue of \$112,719 saw a decrease of \$13,670 compared to the same period in 2019/20.
15. Fort Store revenue for Dec of \$35,592 was a minor decrease of \$1,194 from the previous year.
16. November and December NAC ticket sales are higher compared to the same time in the previous two years 18/19 & 19/20.
17. As at the end of Q2 2020/21, 2,916 households hold memberships to the NAC League of Local Legends program.
18. In Q2 2020/21, further progression was achieved of phase one of the NAC Refresh. The Viewing Hall was completed with interpretation, photographic panels, Convoy table and showcase. Annex room carpentry works were completed and awaiting exhibition content, while the theatre space is now complete and screening the '100 Stories' film.
19. In Q2 2020/21, the National Anzac Centre re-opened 7 days from 26<sup>th</sup> Dec 2020 following a temporary reduction in opening hours due to the impact of Covid.

## **GOVERNMENT & PUBLIC CONSULTATION**

20. Not Applicable.



**STATUTORY IMPLICATIONS**

21. Not Applicable.

**POLICY IMPLICATIONS**

22. Not Applicable.

**RISK IDENTIFICATION & MITIGATION**

23. Nil.

**FINANCIAL IMPLICATIONS**

24. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as at December 31, 2020.

- a. Full year operating expenditure budget includes:
- i. \$199,000 of costs from accounts that are “shared” across the AHP. A total of \$774,000 of budgeted costs reported under the AHP have been deemed to be a shared cost, across the four reporting areas under the AHP (NAC, Retail, Forts, and AHP Precinct). For the purpose of presenting a standalone view of the NAC, managers have used their best judgement to notionally allocate the \$774,000 across the four areas. Significant shared expenses attributed to the NAC include shared employee costs (\$77,000 of the \$199,000), marketing, ground maintenance, internal service delivery, security, electricity, and insurance.

<b>National ANZAC Centre</b>	<b>FY20/21 Budget</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>YTD Variance</b>
Operating Income	\$805,500	\$395,500	\$476,640	\$81,140
Operating Expenditure	\$(529,001)	\$(254,167)	\$(171,841)	\$82,326
<b>Net Operating Income/(Expense) before Indirect Costs</b>	<b>\$276,499</b>	<b>\$141,333</b>	<b>\$304,799</b>	<b>\$163,466</b>
Indirect Expenses	\$(199,077)	\$(99,688)	\$(84,096)	\$15,593
<b>Net Operating Income/(Expense)</b>	<b>\$77,422</b>	<b>\$41,645</b>	<b>\$220,703</b>	<b>\$179,059</b>
Capital Expense	\$(492,882)	\$(186,384)	\$(112,822)	\$73,562
<b>Total</b>	<b>\$(415,460)</b>	<b>\$(144,739)</b>	<b>\$107,881</b>	<b>\$252,621</b>

**LEGAL IMPLICATIONS**

25. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

26. Nil.

**ALTERNATE OPTIONS**

27. The Committee can request further development and refinement of the quarterly reporting tool including both content and frequency of reporting.

**SUMMARY CONCLUSION**

28. Overall Q2 2020/21 has shown a strong hold in numbers visiting the NAC, this is pleasing after the unknown impact COVID may have. Q2 has shown the highest numbers for Nov-Dec since 18/19 same period, yet very similar to previous years. The assumption being visitation from within our state is higher due to state border closures/restrictions.
29. Great Southern visitation to the NAC has increased from what has been a steady 1% of overall WA visitation in the past, to 3% during Oct - Dec period. This increase would anecdotally be due to travel restrictions and Great Southern residents exploring their own backyards.
30. Interest in the Princess Royal Fortress and exhibitions has only increased during Q2 due to volunteer services recommencing late September, with 116 people take part in Princess Royal Fortress Tours during Q2. The opening of the newly renovated Barracks Building and return of the volunteer services has been embraced by visitors favourably since 26<sup>th</sup> September.
31. Overall Q2 generated high figures of attendance in the NAC and Fort Store sales. Visitation and figures for the full period Oct - Dec remain relatively in-line with all previous years. December visitation alone of 4,974 is the highest December since 2017.

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

## AR087: COMPLIANCE AUDIT RETURN (CAR) - 2020

<b>Business Entity Name</b>	: City of Albany
<b>Attachments</b>	: Albany – Compliance Audit Return 2020
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson)
<b>Responsible Officers:</b>	: Chief Executive Officer (A Sharpe)

### STRATEGIC IMPLICATIONS

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

### COVID-19 IMPACT

- Nil.

### In Brief:

- Receive and critique the Compliance Audit Return (CAR) Report – 2020

### RECOMMENDATION

#### AR087: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

**THAT a Certified Copy of the Compliance Audit Return (CAR) for the period 1 January 2020 to 31 December 2020 be ENDORSED by Council and any additional information explaining or quantifying the compliance audit is to be submitted to the Department before 31 March 2021.**

#### AR087: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY  
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 4-0

#### AR087: RESPONSIBLE OFFICER RECOMMENDATION

THAT a Certified Copy of the Compliance Audit Return (CAR) for the period 1 January 2020 to 31 December 2020 be ENDORSED by Council and any additional information explaining or quantifying the compliance audit is to be submitted to the Department before 31 March 2021.

### BACKGROUND

2. Local governments are required by legislation to complete a statutory compliance return (Compliance Audit Return or CAR) annually and have the return adopted by Council.
3. The return is a checklist of a local government's compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered "high risk."
4. The Audit Committee is required to review the results of the annual CAR prior to presentation to Council for endorsement.

5. To complete the process, the CAR is signed by the Mayor and the CEO and submitted to the Department.

**DISCUSSION**

6. Additional information explaining and quantifying the compliance review is detailed in the attachment.

**GOVERNMENT & PUBLIC CONSULTATION**

7. Guidance has been communicated by the Department of Local Government, Sport & Cultural Industries via government circulars and guidelines.

**STATUTORY IMPLICATIONS**

8. **Compliance audits by local governments:** Prescribed actions are detailed at Regulation 14 of the *Local Government (Audit) Regulations 1996*.
9. An adopted return is required to be submitted to the Department by 31 March 2021.

**POLICY IMPLICATIONS**

10. Nil.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Legal &amp; Compliance:</b> The CAR not endorsed by Council.	Unlikely	Minor	Low	CAR re-presented once concerns are adequately addressed and submitted to the Dept. prior to the 31 March 2021.
<b>Opportunity:</b> Facilitates Audit & Risk Committee critique.				

**FINANCIAL IMPLICATIONS**

12. Nil.

**LEGAL IMPLICATIONS**

13. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

14. Nil.

**ALTERNATE OPTIONS**

15. Nil.

**CONCLUSION**

16. Nil.

Consulted References	:	<ul style="list-style-type: none"><li>Local Government Act 1995</li><li>Local Government (Audit) Regulations 1996</li><li>Department Circulars</li></ul>
File Number (Name of Ward)	:	(All Wards)
Previous References	:	<ul style="list-style-type: none"><li>OCM 25/02/2020 Resolution AR072.</li></ul>

**AR088: INTERNAL AUDIT – ACTION PLAN – PROGRESS REPORT**

**Business Entity Name** : City of Albany  
**Attachment** : Internal Audit Action Plan – Progress Report  
**Report Prepared By** : Manager Finance (S van Nierop)  
**Responsible Officers:** : Executive Director Corporate & Commercial Services (D Olde)

**CONFIDENTIAL REPORT**

*This matter will be discussed under Confidential Cover, in accordance with s5.23(f) of the Local Government Act 1995; being: A matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law*

**COVID-19 IMPACT**

- This report outlines where the City can improve. COVID-19 may impact the desired timeframe to implement the actions detailed in the Internal Audit Action Plan.

**STRATEGIC IMPLICATIONS**

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

**RECOMMENDATION**

**AR088: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Internal Audit Action Plan – Progress Report be RECEIVED.**

**AR088: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR TERRY  
SECONDED: COUNCILLOR GOODE**

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

**CARRIED 4-0**

**AR088: COMMITTEE RECOMMENDATION**

**THAT the Internal Audit Action Plan – Progress Report be RECEIVED.**

**BACKGROUND**

2. Internal auditing is an important element of our governance structure. It gives Council and the Executive Management Team independent assurance that a robust internal control structure is in place and our outputs are operating effectively, efficiently and lawfully.
3. At the Audit & Risk Committee meeting held on 2 June 2020, the three internal audit reports prepared by AMD Chartered Accountants (“AMD”) and inclusive of City of Albany management comments, were considered.

4. The three internal audit reports covered the following four audit modules:
  - a. Project, Tender & Contract Management;
  - b. Insurance Management;
  - c. Financial Management Systems Review; and
  - d. General Financial Controls.
5. The Committee made the following recommendation:

*THAT the Audit and Risk Committee:*

  1. *RECEIVE the three internal audit reports.*
  2. *NOTE that the management comments will be refined to include ED summaries and defined actions.*
  3. *REQUEST that City Officers provide a quarterly update to the Audit and Risk Committee tracking against the defined actions of the internal audit reports.*

## DISCUSSION

6. As requested by the Audit and Risk Committee at point three of the recommendation, City staff have prepared an Internal Audit Action Plan outlining the progress of the agreed upon recommendations in the Internal Audit reports prepared by AMD.
7. The commentary included with the report has been reviewed by the City's Executive Management Team.
8. The next internal audit programs will commence as follows:
9. Week beginning – 1 February 2021:
  - a. Risk Management; and
  - b. Fraud Control Review.
10. Week beginning – 22 February 2021:
  - a. IT Systems Review; and
  - b. Policy & Procedure Maintenance.
11. Further audit modules will be completed in 2022, the modules selected for audit will be at the discretion of the Audit & Risk Committee, planned to be decided upon early in the FY21/22 year.

## GOVERNMENT & PUBLIC CONSULTATION

12. No government or public consultation was required in preparing this report.

## STATUTORY IMPLICATIONS

13. The Local Government Amendment (Auditing) Regulations 2017 states, in part:

*Regulation 16. Functions of audit committee: An audit committee has the following functions –*

  - (a) to guide and assist the local government in carrying out –*
    - (i) its functions under Part 6 of the Act; and*
    - (ii) its functions relating to other audits and other matters related to financial management.*

*Regulation 17. CEO to review certain systems and procedures:*

  - (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –*
    - (a) risk management; and*
    - (b) internal control; and*
    - (c) legislative compliance.*
  - (2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
  - (3) The CEO is to report to the audit committee the results of that review.*

**POLICY IMPLICATIONS**

14. There are no direct policy implications related to this report; however, findings of the internal audit may require the formulation of new and/or amended policy positions and associated guidelines and procedures.

**RISK IDENTIFICATION & MITIGATION**

15. Not applicable, information only report.

**FINANCIAL, LEGAL IMPLICATIONS & ENVIRONMENTAL CONSIDERATIONS**

16. Nil

**ALTERNATE OPTIONS**

17. Nil

**CONCLUSION**

18. That the Responsible Officer Recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• <i>Local Government Amendment (Auditing) Act 2017</i></li><li>• <i>Auditor General Act 2006</i></li></ul>
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	<ul style="list-style-type: none"><li>• Audit &amp; Risk Committee - 02/06/2020 - Report AR077</li><li>• Audit &amp; Risk Committee - 04/08/2020 - Report AR079</li><li>• Audit &amp; Risk Committee - 18/11/2020 - Report AR084</li></ul>

## AR089: REVIEW OF DELEGATIONS & AUTHORISATIONS REGISTER

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Delegations & Authorisations Register 2020/2021 (v12.4)
<b>Report Prepared by</b>	: Manager Governance & Risk (S Jamieson)
<b>Responsible Officer(s)</b>	: Chief Executive Officer (A Sharpe)

### STRATEGIC IMPLICATIONS

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

### COVID-19 IMPACT

- Nil.

### In Brief:

- Council review and approve the Register of Delegations & Authorisations (v12.4) and the Specific COVID-19 delegated authority (v1.6).

### RECOMMENDATION

#### AR089: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

#### THAT:

1. The reviewed and amended Register of Delegations & Authorisations, consisting of the following updated elements:
  - Main document (document control, forward, contents);
  - Attachment A: Delegations Designated and Authorised Positions Register;
  - Attachment B: Local Law Designated and Authorised Positions Register;
  - Attachment C: Council Policy Positions Register; and
  - Attachment D: Statutory Delegations to Local Government from External Agencies.

be ADOPTED.

2. The current COVID-19 Delegations detailed in the report, which expired on 31 December 2020, be extended till the 30 June 2021.

#### AR089: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE  
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 4-0



**AR089: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT:**

- (1) The reviewed and amended Register of Delegations & Authorisations, consisting of the following updated elements:
- Main document (document control, forward, contents);
  - Attachment A: Delegations Designated and Authorised Positions Register;
  - Attachment B: Local Law Designated and Authorised Positions Register;
  - Attachment C: Council Policy Positions Register; and
  - Attachment D: Statutory Delegations to Local Government from External Agencies.
- be ADOPTED.
- (2) The current COVID-19 Delegations detailed in the report, which expired on 31 December 2020, be extended till the 30 June 2021.

**BACKGROUND**

2. The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation.
3. Without delegated authority, most decisions of the City would need to be made by Council at its ordinary meetings. Having appropriate delegations in place allow day to day decisions to be made by the Chief Executive Officer, who in turn can sub-delegate these to other staff if appropriate.
4. The Act requires local government to keep a register of its delegations and review this register once every financial year.
5. The last review was adopted by Council on 25 February 2020 and a review is now due.

**DISCUSSION**

6. The COVID-19 Delegated Authority, listed as follows, expired on the 31 December 2020:

**DELEGATION CCS237– COVID-19 DELEGATED AUTHORITY (25/03/2020)**

**Delegated Authority:**

THAT the Chief Executive Officer and the Executive Director Corporate & Commercial Services are delegated until **31 December 2020** the authority to DEFER, DISCOUNT, and/or SUSPEND fees, charges, including licensing and leasing fees in accordance with the *Local Government Act 1995* and City of Albany administrative guidelines.

**Conditions applicable to delegation:**

City guideline for each application:

- Will be assessed on a case by case basis, for each application.
- This does not extend to writing off debt owed.
- Council is to be provided with a list of all delegations enacted.
- Interest on unpaid debt be waived.
- This position is to be reviewed at the end of the calendar year (31 December 2020).

**Rates Financial Hardship Policy Position:**

- This policy outlines the process required for applying and processing financial hardship applications from ratepayers.

**Reporting requirement:** Report to file and Council.

7. Proposed amendments are detailed in the document control section of the attached registers.

8. The reviewed and amended Register of Delegations & Authorisations, consisting of the following elements, has been prepared for your review and re-approval:
  - Main document (document control, forward, contents);
  - Attachment A: Delegations Designated and Authorised Positions Register;
  - Attachment B: Local Law Designated and Authorised Positions Register;
  - Attachment C: Council Policy Positions Register; and
  - Attachment D: Statutory Delegations to Local Government from External Agencies.
9. Council Policies and their associated delegation(s) are listed at attachment C to the Delegations Register.
10. Council may choose to identify and prioritise specific:
  - Delegations; or
  - Council Policy Positions for separate review.

## GOVERNMENT & PUBLIC CONSULTATION

11. The Executive Management Team and relevant staff have been provided with an opportunity to review their respective delegations.

## STATUTORY IMPLICATIONS

### Legislative powers for delegations in local government

12. The *Local Government Act 1995* (the Act) has been framed in a way that determines whether powers and duties can be delegated or not. If the term 'council' is used, then it is the council itself which must carry out that function.
13. If the term 'local government' is used then it may be possible to use delegation, subject to any other express powers against delegation or the desirability in using 'acting through' where it may be a better way of carrying out the power or duty.
14. It is a requirement of section 5.18 of the Act, that Council review the delegations at least once every financial year.
15. Voting requirement: **Absolute Majority**.

## POLICY IMPLICATIONS

16. Nil

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Legal &amp; Compliance. Non-compliance with the City's statutory requirement to review the delegations every financial year.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Review and bring back to Council for adoption prior to 31 March 2021.</i>

## FINANCIAL IMPLICATIONS

18. Nil.

### **LEGAL IMPLICATIONS**

19. In September 2020 the WA Government extended the emergency period under WA's *Commercial Tenancy (COVID-19 Response) Act 2020* & WA's *Residential Tenancies (COVID-19 Response) Act 2020* from 26 September 2020 to 28 March 2021.
20. This means existing laws, including the moratorium on evictions, freeze on rent increases and rent relief will continue to apply until 28 March 2021, only to those tenants who are able to demonstrate ongoing financial hardship as a result of the pandemic.
21. It is anticipated that this moratorium will be extended.

### **ENVIRONMENTAL CONSIDERATIONS**

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

### **SUMMARY CONCLUSION**

23. That the reviewed registers received for review.

Consulted References	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• Local Government: <a href="#">Operational Guidelines Number 17</a> – January 2007</li><li>• <a href="#">Delegations (dlgsc.wa.gov.au)</a></li></ul>
File Number (Name of Ward)	:	PE.AUT.1 (All Wards)
Previous Reference	:	OCM February 2020 Resolution AR071

## DIS244: LAND DISPOSAL LOT 7333 PRINCESS AVENUE, TORNDIRRU

<b>Land Description</b>	: Lot 7333 Princess Avenue, Torndirrup
<b>Proponent / Owner</b>	: City of Albany & Haynes Robinson on behalf of J & PA La Bianca
<b>Report Prepared By</b>	: Lands Officer (A.Veld)
<b>Responsible Officers:</b>	: Executive Director Development, Infrastructure and Environment (P Camins)

### STRATEGIC IMPLICATIONS

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

### Maps and Diagrams:



### In Brief:

- Council is requested to consider the disposal of Lot 7333 (Ex Reserve 33476 for Public Recreation previously vested with the City of Albany) to the adjoining owner at Lot 24 No 11 Princess Avenue. The Department of Planning Lands & Heritage undertook divesting of Reserve status on the condition the land would be amalgamated with the adjoining land. Any proceeds from the sale would go into Trust for reallocation into improving and maintaining recreation facilities within the area.

**RECOMMENDATION**

**DIS244: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RESOLVES to dispose of Lot 7333 Princess Avenue to the adjoining landowners on the condition that this land is amalgamated into Lot 24 Princess Avenue.**

**DIS244: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR THOMSON**

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

**CARRIED 10-0**

**DIS244: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RESOLVES to dispose of Lot 7333 Princess Avenue to the adjoining landowners on the condition that this land is amalgamated into Lot 24 Princess Avenue.**

**BACKGROUND**

2. The City received an enquiry from the owner of Lot 24 No 11 Princess Avenue, Torndirrup in July 2012. This landowner had discovered that part of the land contained within the fence line of their property was not in their ownership. They had been actively using this land area as part of their residential garden and advised that they were not aware that it was a Crown Reserve
3. A report was presented to Council on 20 August 2013 and it was resolved to revoke the Management Order over Reserve 33476 (amongst other actions) so that the subject lot could be divested to the City of Albany for sale to the adjoining landowners.
4. Public consultation with regards to divesting of Reserve 33476 was undertaken in September 2013 with no objections received.
5. On 22 October 2013 the City applied to the Department of Planning Lands & to undertake the relevant actions. This was finalised in March 2020 with the Department of Planning Lands & Heritage transferring Lot 7333 in freehold to the City of Albany for sale to the landowner of Lot 24.

**DISCUSSION**

6. An independent valuation of the land was undertaken in February 2020 and delivered an estimate of \$70,000. This was in line with a previous valuation of \$68,000 undertaken in April 2013 which the landowner agreed to in principle. Both valuations were on the basis that the subject land be amalgamated with the adjoining Lot 24 Princess Avenue as opposed to being sold as an independent freehold lot.
7. The landowner of Lot 24 Princess Avenue gave their preliminary agreement to the purchase of Lot 7333 for the amount of \$70,000 on 11 November 2020.
8. As Lot 7333 is currently in freehold to the City of Albany is a requirement of section 3.58(3) of the *Local Government Act 1995* that the City of Albany advertise its intent to dispose of this land.
9. The proposed disposal was advertised on 19 November, for 2 weeks, as required, with two submissions being received.

## GOVERNMENT & PUBLIC CONSULTATION

10. As required under section 3.58(3) of the *Local Government Act 1995* the City of Albany advertised its intent to dispose of lot 7333 to the adjoining landowners of Lot 24 Princess Avenue.
11. Public Submissions

PUBLIC SUBMISSIONS		
Proposal details: Disposal of Lot 7333 to adjoining landowner		
No.	Public summary of submissions	Officer Comment
1.	OBJECTION Questioning the availability of similar lots of this size in close proximity to the water in Albany at this price. Questioning whether the price was determined by an independent valuer.	Objection noted
2.	OTHER Would like to make an offer over the price listed in the public notice.	Interest noted

## STATUTORY IMPLICATIONS

12. Under the current Local Planning Scheme No 1, Lot 7333 has maintained a zoning of Parks and Recreation, which was consistent with the previous tenure as Crown Reserve 33476. As part of the Scheme Review 2021, it is recommended that this lot be rezoned for Residential purposes.

## POLICY IMPLICATIONS

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

## 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
<b><i>Business Operation, Reputation &amp; Financial.</i></b>  <b><i>Risk:</i></b> Under-valuation of the land.  Continued unauthorised use of a City Reserve	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Independent valuation has been obtained prior to public advertising.</i>  <i>Amalgamation of the lots will align with lot sizes in the area and is not inconsistent with the State Government's Sewerage Policy,</i>  <i>Formalise the sale of reserve to adjoining land owners.</i>

## FINANCIAL IMPLICATIONS

15. Legal costs associated with the sale of Lot 7333 have been allocated from the Lands budget.
16. Funds from the sale of this land will be placed in Trust and reserved for the provision of, or enhancement of, public open space.

## LEGAL IMPLICATIONS

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

## **ENVIRONMENTAL CONSIDERATIONS**

18. Should the lot be sold and not amalgamated with an adjoining property an additional effluent disposal system will have to be provided to service the lot. This is contrary to the objectives of the Government Sewerage Policy 2019 and likely to have a marginal impact on the environment i.e. additional effluent systems in close proximity to the harbour.

## **ALTERNATE OPTIONS**

- a. Pursue the disposal of Lot 7333 by other means, as directed under 3.58(2) of the *Local Government Act 1995*; or
- b. Retain Lot 7333 and ensure that the adjoining landowner ceases using this land for private purposes.

## **CONCLUSION**

19. At the request of the adjoining landowner and after further investigation, the City has proceeded with actions required to allow the owners of Lot 24 No 11 Princess Avenue to purchase Lot 7333 for amalgamation into their property.
20. This involved requesting the Department of Planning Lands and Heritage to remove the Reserve vesting and transfer Lot 7333 in freehold to the City of Albany. This process has taken 8 years to finalise.
21. The City advertised the disposal and two submissions were received, one of which objected to the sale price.
22. Council is now requested to resolve on the final disposal of this land to the adjoining landowners of Lot 24 Princess Avenue or otherwise.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	PR.ACQ.1 (Vancouver)
<b>Previous Reference</b>	:	OCM 20/04/2013

**DIS245: LOCAL PLANNING SCHEME AMENDMENT NO.35 – LOT  
5780 DOWN ROAD SOUTH, DROME**

<b>Land Description</b>	: Lot 5780 Down Road South, Drome
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: City of Albany
<b>Attachments</b>	: 1. Scheme Amendment Report 2. Appendices to Scheme Amendment Report 3. Agency Comments 4. Guide to Management of Noise 5. Schedule of Submissions and Recommendations 6. Amendment Provisions – Proposed Final
<b>Report Prepared by</b>	: Senior Planning Officer – Strategic Planning (A Nicoll)
<b>Responsible Officer</b>	: Executive Director Infrastructure, Development and Environment, Planning (P Camins)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. This item relates to the following elements of the City of Albany *Strategic Community Plan 2030*:  
**Theme:** Smart, Prosperous and Growing  
**Objective:** To strengthen and grow our region's economic base  
**Community Priority:** Work with business and other stakeholders to attract investment, diversify the economy, create jobs and support small business growth.  
**Theme:** A connected and safe built environment.  
**Objective:** To develop vibrant neighbourhoods which retain local character and heritage.  
**Community Priority:** Develop and implement a contemporary Local Planning Strategy that reflects our identity and supports economic growth.
3. When exercising its discretion in relation to planning matters, the pertinent strategic document is the City of Albany *Local Planning Strategy 2019* (the Planning Strategy).



**Maps and Diagrams:** Lot 5780 Down Road South, Drome



**In Brief:**

- In 2019, Council resolved to adopt and advertise Scheme Amendment No.35 to Local Planning Scheme No.1 (LPS1).
- Scheme Amendment No. 35 proposes to rezone Lot 5780, Down Road South, Drome, from the 'Priority Agriculture' zone to the 'Special Use' (SU26) zone to enable motorsport activities.
- The proposed scheme amendment is considered a 'complex' scheme amendment in accordance with Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations 2015) for the following reasons:
  - It is not consistent with the endorsed local planning strategy for the scheme;
  - It is of a scale and nature that may have an impact on the amenity of the locality and environs; and
  - It may result in some environmental or social impacts on land within the Scheme area.
- In 2019, the Environmental Protection Authority (EPA), following receipt of the initial proposal, advised that the potential noise levels, associated with the proposed motor-sporting activities, would exceed assigned levels at nearby houses.
- Consequently, Council resolved at its meeting in July 2020 not to proceed with the initial Scheme Amendment No.35 (dated 2019), in order to mitigate the initial concerns raised by the EPA. Instead, Council resolved to prepare and advertise a new Scheme Amendment No.35, that incorporated modifications that sought to:
  - Limit the types of motor sporting activities; and
  - Introduce noise mitigation measures.

- The revised Scheme Amendment No. 35 (the subject of this report) was referred to the EPA in 2020 for comment. The EPA determined that the proposal was not significant to warrant a formal environmental assessment.
- Scheme Amendment No. 35 was advertised for public comment in accordance with s. 38 of the Planning Regulations 2015.
- A total of 59 submissions were received in relation to the proposal, 37 submissions were received in support of the proposal and 22 submissions were received in objection. An additional 333 signatures were received in support of the proposal via a multi-signed letter.
- Comments in support of the proposal related to:
  - The identified need for a multi-use motorsports facility in the region
  - Positive benefits of the facility for the community
- Comments in objection to the proposal related to the potential for impact to the environment and neighbouring landholders via bushfire, groundwater, noise, odour, dust and visual amenity.
- Scheme Amendment No. 35 includes provisions to ensure the appropriate management of operations to limit impact to neighbouring landholders and the environment.
- The proposed amendment incorporates further modifications to the revised proposal initiated by Council in July 2020, in order to address additional matters raised during public advertising and consultation with state agencies and utility providers.
- It is recommended that Council resolve to support the proposed scheme amendment, subject to modifications and forward the amendment to the Western Australian Planning Commission with the request for the Minister for Planning to grant final consent.

## RECOMMENDATION

### DIS245: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

**THAT Council, pursuant to Part 5 of the *Planning and Development Act 2005*, resolves to:**

**1. SUPPORT, with modifications, Scheme Amendment No. 35 to the City of Albany *Local Planning Scheme No. 1* as follows:**

**(i) Rezone Lot 5780, Down Road South, Drome, from 'Priority Agriculture' to 'Special Use' SU26;**

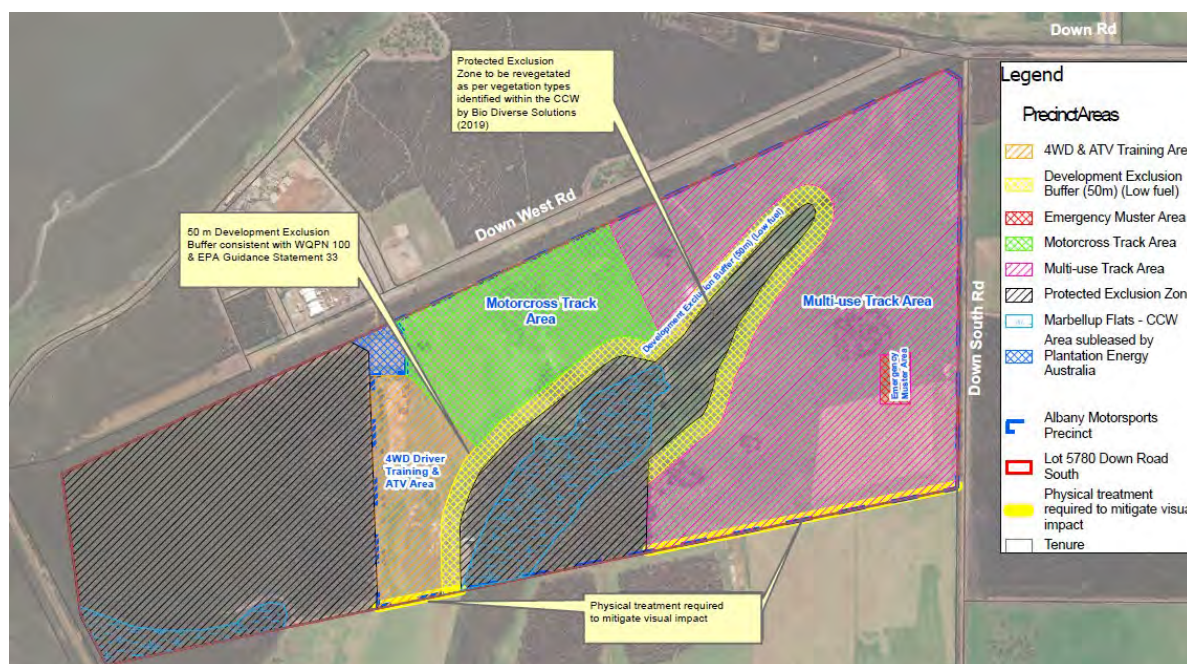
**(ii) Amending Schedule 4 – Special Use Zones – by introducing Special Use SU26 as follows:**

No.	Description of Land	Special Use	Conditions
SU26	Lot 5780 Down Road South, Drome	Recreation – private (motorsport based)  Club premises	1. All development requires the development approval of the local government. 2. Council may consider uses that are incidental to the Special Uses listed. 3. Applications for development approval shall be advertised in

			(motorsport based)	<p>accordance with clause 64 of the Deemed Provisions.</p> <p>4. All use and development is to be in accordance with the Albany Motorsport Park Precinct Plan and approved management plans.</p> <p>5. Any application for development approval for the site shall be accompanied by management plans to address environmental aspects, including:</p> <ul style="list-style-type: none"> <li>a) A Noise Management Plan for construction and operation of the site, and which includes but is not limited to: <ul style="list-style-type: none"> <li>(i) Limitations on hours of operation as follows: <ul style="list-style-type: none"> <li>• Sundays: 9am - 6pm;</li> <li>• Monday – Saturday: 8am – 6pm.</li> </ul> </li> <li>(ii) Events not occurring on both the multi-use track and the motocross track at the same time;</li> <li>(iii) Frequent/ongoing Monitoring and reporting on noise emissions; and</li> <li>(iv) Provide notification of events to stakeholders / landholders.</li> </ul> </li> <li>b) A Water Management Plan for construction and operation of the site.</li> <li>c) A Hydrocarbon Management Plan for operation of the site.</li> <li>d) A Waste Management Plan for construction and operation of the site.</li> <li>e) A Dust Management Plan for construction and operation of the site.</li> <li>f) An Acid Sulfate Soils (ASS) Management Plan to manage the risk from ASS during construction and operation of the site.</li> <li>g) A Protected Exclusion Zone Management Plan for construction and operation of the site, addressing management responsibilities (e.g. fencing of Protection Exclusion Zone), revegetation, and vegetation condition and wetland water quality monitoring.</li> <li>h) A Decommissioning Plan for operation of the site that</li> </ul>
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				<p>identifies actions for rehabilitation, if or when motorsports cease to operate at the Lot 5780.</p> <p>i) A Construction Management Plan.</p> <p>6. Any application for development approval for the site shall be accompanied by a visual impact assessment to determine the appropriate physical treatments to mitigate visual impact to Lot 5781 Down Road South, Drome.</p> <p>7. Development shall be in accordance with an approved Bushfire Management Plan that has been implemented to the satisfaction of the Local Government and Department of Planning, Lands and Heritage.</p> <p>8. Any application for development approval for the site shall be accompanied by a Traffic and Parking Management Plan for construction and operation of the site, including consideration of peak parking and traffic management during larger and special events (i.e. events attracting greater than 500 attendees).</p>
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(iii) Adding the Albany Motorsport Park Precinct Plan to Schedule 4 (SU26) as follows:



(iv) Amending the Scheme Map accordingly.

- Note the submissions received as detailed in the Schedule of Submissions and Recommendations.



3. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.
4. Notify the applicant and submitters of Council's decision.

DIS245: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 8-1

**Record of Vote:**

Against the Motion: Councillor Benson-Lidholm

DIS245: RESPONSIBLE OFFICERS RECOMMENDATION

THAT Council, pursuant to Part 5 of the *Planning and Development Act 2005*, resolves to:

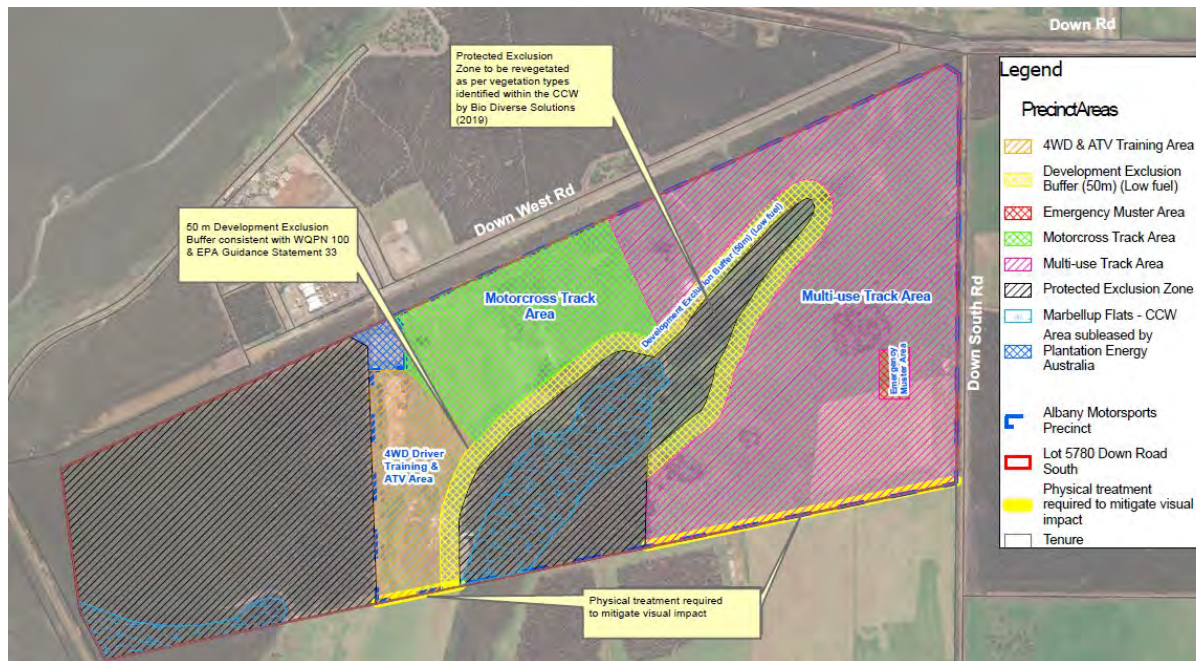
1. SUPPORT, with modifications, Scheme Amendment No. 35 to the City of Albany *Local Planning Scheme No. 1* as follows:
  - (i) Rezone Lot 5780, Down Road South, Drome, from 'Priority Agriculture' to 'Special Use' SU26;
  - (ii) Amending Schedule 4 – Special Use Zones – by introducing Special Use SU26 as follows:

No.	Description of Land	Special Use	Conditions
SU26	Lot 5780 Down Road South, Drome	Recreation – private (motorsport based)  Club premises (motorsport based)	9. All development requires the development approval of the local government. 10. Council may consider uses that are incidental to the Special Uses listed. 11. Applications for development approval shall be advertised in accordance with clause 64 of the Deemed Provisions. 12. All use and development is to be in accordance with the Albany Motorsport Park Precinct Plan and approved management plans. 13. Any application for development approval for the site shall be accompanied by management plans to address environmental aspects, including: <ol style="list-style-type: none"> <li>j) A Noise Management Plan for construction and operation of the site, and which includes but is not limited to:               <ol style="list-style-type: none"> <li>(v) Limitations on hours of operation as follows:                   <ul style="list-style-type: none"> <li>• Sundays: 9am - 6pm;</li> <li>• Monday – Saturday: 8am – 6pm.</li> </ul> </li> <li>(vi) Events not occurring on both the multi-use track and the</li> </ol> </li> </ol>

				<p>motocross track at the same time;</p> <p>(vii) Frequent/ongoing Monitoring and reporting on noise emissions; and</p> <p>(viii) Provide notification of events to stakeholders / landholders.</p> <p>k) A Water Management Plan for construction and operation of the site.</p> <p>l) A Hydrocarbon Management Plan for operation of the site.</p> <p>m) A Waste Management Plan for construction and operation of the site.</p> <p>n) A Dust Management Plan for construction and operation of the site.</p> <p>o) An Acid Sulfate Soils (ASS) Management Plan to manage the risk from ASS during construction and operation of the site.</p> <p>p) A Protected Exclusion Zone Management Plan for construction and operation of the site, addressing management responsibilities (e.g. fencing of Protection Exclusion Zone), revegetation, and vegetation condition and wetland water quality monitoring.</p> <p>q) A Decommissioning Plan for operation of the site that identifies actions for rehabilitation, if or when motorsports cease to operate at the Lot 5780.</p> <p>r) A Construction Management Plan.</p> <p>14. Any application for development approval for the site shall be accompanied by a visual impact assessment to determine the appropriate physical treatments to mitigate visual impact to Lot 5781 Down Road South, Drome.</p> <p>15. Development shall be in accordance with an approved Bushfire Management Plan that has been implemented to the satisfaction of the Local Government and Department of Planning, Lands and Heritage.</p> <p>16. Any application for development approval for the site shall be accompanied by a Traffic and Parking Management Plan for construction and operation of the site, including consideration of peak parking and traffic management during larger and special</p>
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events (i.e. events attracting greater than 500 attendees).

(iii) Adding the Albany Motorsport Park Precinct Plan to Schedule 4 (SU26) as follows:



(v) Amending the Scheme Map accordingly.

2. Note the submissions received as detailed in the Schedule of Submissions and Recommendations.
3. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.
4. Notify the applicant and submitters of Council's decision.

## BACKGROUND

4. In June 2019, Council resolved to prepare Scheme Amendment No. 35 to enable motorsports activities at Lot 5780, Down Road South, Drome, by rezoning Lot 5780, Down Road South, Drome, from 'Priority Agriculture' to 'Special Use' (SU26) to enable motorsport activities.
5. The scheme amendment was initially referred to the EPA to determine environmental acceptability. The EPA commented that the proposal significantly exceeded assigned noise levels at four residential houses located in the locality.
6. Subsequently, at its meeting in July 2020, the City resolved not to proceed with the initial amendment, and instead considered a revised Scheme Amendment No. 35 (the subject of this report), that incorporated modifications to reduce noise emissions.
7. The modifications as part of the revised Scheme Amendment No. 35 include:
  - Limitations on hours of operation as follows:
    - Sundays: 9am - 6pm;
    - Monday – Saturday: 8am – 6pm.
  - Events not occurring on both the multi-use track and the motocross track at the same time.
  - Frequent/ongoing monitoring and reporting on noise emissions; and
  - Provide notification of events to stakeholders / landholders.

8. The recommended conditions proposed under Schedule 4 (SU26) contain requirements to address the matters identified above, including:
  - All development requiring approval from the local government;
  - Applications for development approval being required to be advertised in accordance with clause 64 of the Deemed Provisions;
  - Applications for development approval to be accompanied by a visual impact assessment;
  - All use and development to be in accordance with the Albany Motorsport Park Precinct Plan and approved management plans, that include:
    - A Noise Management Plan;
    - A Waste Management Plan;
    - A Hydrocarbon Management Plan;
    - Dust Management Plan;
    - Protected Exclusion Zone Management Plan;
    - Decommissioning Plan;
    - Construction Management Plan;
    - Bushfire Management Plan;
    - Traffic and Parking Management Plan.
9. The revised scheme amendment was formally referred back to the EPA. The EPA determined that the proposal was not significant to warrant a formal environmental assessment.
10. Scheme Amendment No. 35 was advertised for public comment in accordance with s. 38 of the Planning Regulations 2015. Advertising was undertaken via direct mail out to surrounding landowners within a 5km radius, a sign on site, newspaper advertisement and a notice posted on the City's website.
11. In addition to public advertising and formal referral to the EPA, Scheme Amendment No. 35 was also referred to relevant state agencies and utility providers for consideration.

## DISCUSSION

12. Scheme Amendment No.35 proposes to rezone Lot 5780, Down Road South, Drome, from the 'Priority Agriculture' to 'Special Use' (SU26), to enable motorsport activities.
13. A total of 59 submissions were received in relation to the proposal, 37 submissions were received in support of the proposal and 22 submissions were received in objection. An additional 333 signatures were received in support of the proposal via a multi-signatured letter.
14. Comments in support of the proposal included:
  - The proposal creates a safe, dedicated and governed area for motorsports.
  - The proposal enables family orientated community events that utilise the services of many volunteers associated with each club or organisation.
  - There is currently nowhere for our youth to ride in the Albany area in a controlled environment.
  - This development will be great for the local economy, there is a lot of pre-existing interest in motorsport in Albany so makes sense to create a purpose built venue.
15. Comments in objection to the proposal included:
  - The proposal is not in-keeping with the City's *Local Planning Strategy 2019* and vision for tourism in the region.
  - Natural degradation of the land will occur as parts are bull-dozed and sealed with cement and bitumen.
  - The subject land is excellent food producing land.



- There are many types of oil, chemical and petrol pollutants that will be emitted from the vehicles and will enter the water catchment system.
  - The risk of a bushfire is likely to increase with increased activity.
  - Noise, dust and odour pollution will undoubtedly be an issue to local residents, livestock and flora and fauna.
  - The visual amenity of the area will be substantially modified.
  - Haulage trucks will intermingle with visitors to the motorsport complex and pose a safety risk for families.
16. The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies and has taken into consideration agency and public comments received as a result of advertising and consultation.
17. The following matters have been identified as key considerations for the determination of this application and are discussed in detail below:
- Identified need for a dedicated motorsport facility
  - *Local Planning Strategy 2019* and tourism initiatives
  - Priority Agriculture land
  - Flora and fauna
  - Contamination of groundwater
  - Bushfire Management
  - Noise, odour and dust
  - Visual amenity
  - Traffic impact

**Need for a dedicated motorsport facility**

18. In Albany and the surrounding areas, motorsport is known to be popular, with several well organised clubs, a national-level venue for speedway, a state-level venue for go-karts and widely recognised events such as the Albany Classic, Show 'n Shine and Race Wars.
19. Participation in motorsports is a popular recreational activity for many Australians.
20. Australian motor sport generates billions of dollars in direct industry output and thousands of jobs.
21. Submissions received in support of the proposal outlined that:
- A dedicated and governed area for motor sporting activities is greatly needed for the Albany region; and
  - Some motorsport disciplines, particularly motocross, lack suitable facilities in the region.

**Local Planning Strategy 2019 and tourism**

22. Concerns were raised during advertising that the proposal is not in keeping with the intent of the City's *Local Planning Strategy 2019* and tourism initiatives, which seek to protect natural attributes and agriculture integrity.
23. It is noted that Scheme Amendment No. 35 is inconsistent with the City's *Local Planning Strategy 2019* in this regard. Scheme Amendment No. 35 is therefore considered to be a 'complex' amendment in accordance with the Planning Regulations 2015.

24. The scheme amendment report (attached) outlines justification that environmental attributes and agricultural integrity will not be impacted by the proposal. The amendment report confirms that:
- The subject land represents just 0.23% of the total Priority Agriculture zoned land in the City of Albany and therefore no significant effect will occur on agricultural land protection objectives of the region; and
  - The proposal to develop the land for motorsport facilities is to occur in accordance with an Environmental Management Plan, which is to ensure development occur such that environmental factors (e.g. groundwater and flora and fauna) are not impacted.

**Priority Agriculture land**

25. Concerns were raised during advertising that quality food producing land in close proximity to Albany would be lost as a result of the proposed zoning/land-use change.
26. The potential removal of the subject land from the City's Priority Agriculture zone is considered to have no significant effect on Scheme objectives in relation to the protection agricultural land. A land capability study commissioned by the City in 2019, (attached - Scheme Amendment Report – Appendix I) outlined the following:
- 90% of the site has 'fair' to 'low' capability for grazing;
  - 80% of the site has 'fair to 'low' capability for perennial horticulture; and
  - Approximately 40% of the site is constrained due to remnant vegetation.

**Flora and fauna**

27. Concerns were raised during advertising of the proposal in relation to the impact of the motorsport proposal development on flora and fauna. The concerns also raised that the documents provided were absent from detailing any specifics in relation to fauna or flora.
28. The Department of Biodiversity, Conservation and Attractions (DBCA) outlined in their feedback (dated 19 March 2019) on the Flora and Fauna report that the report presented a comprehensive assessment of the flora and fauna values associated with the subject site. DBCA noted that the proposed development was unlikely to impact native vegetation, however in regards to fauna aspects, DBCA recommended that further investigation should be undertaken where any areas of possum habitat was likely to be impacted.
29. The EPA determined that the proposal was not significant to warrant a formal environmental assessment.
30. As recommended by the Department of Water and Environmental Regulation (DWER), a requirement for the fencing of a 'Protection Exclusion Zone' is supported to prevent public access. It is recommended that the scheme amendment condition No.4(g), is modified as follows:

*5(g) Protected Exclusion Zone Management Plan addressing management responsibilities (e.g. fencing of Protection Exclusion Zone), revegetation, and vegetation condition and wetland water quality monitoring.*

### **Contamination of groundwater**

31. Concerns were raised that the subject site is located within a Priority 2 Public Drinking Water Source Area (PDSWA) and that motor sporting activities may contaminate the groundwater.

In 2018, the Minister for Water had previously provided formal advice to the City, stating that while a motorsport facility is incompatible with a Priority 2 PDSWA,

*“...there are measures that can be put in place to protect water quality should the City proceed to approve the development”.*

32. The scheme amendment report includes a Local Water Management Strategy, which has utilised groundwater information collected from the site to develop a satisfactory hydrogeological conceptual model. The Strategy discusses the connectivity between surface water and groundwater and pathways for contamination. DWER in their response indicated their general support of the actions identified in the Strategy to manage stormwater from vehicle maintenance areas with oil water separators, and the use of bunding and other measures to minimise the impact of fuel and oil spills. DWER's comments are subject to the identified actions and requirements being addressed and implemented in accordance with an approved Environmental Management Plan.
33. Provisions recommended as part of Scheme Amendment No. 35 require the preparation of an Environmental Management Plan, to address matters associated with groundwater, including:
- Water management during construction and operation of the site;
  - Hydrocarbon management during operation of the site;
  - Waste management for construction and operation of the site; and
  - Acid Sulfate Soils management.

### **Bushfire management**

34. A Bushfire Management Plan (BMP) and an Emergency Evacuation Plan (EEP), have been developed to identify measures to mitigate impact to property and life associated with development at the subject Lot 5780 for motorsports.
35. The EEP recommends contingencies such as early closure of the site, off-site evacuation and as a last resort, refuge on site in a suitable building or open space.
36. The BMP recommends the development of secondary emergency access, east through cleared farmland areas, from Down Road South to Albany Highway. The City has received in-principle landholder and Department of Planning, Lands and Heritage support to designate and develop emergency access to the east.
37. Contrary to the BMP, the Department of Fire and Emergency Services (DFES) has recommended the development of a public road, west to Marbelup Road, to provide an alternative escape route in the instance of a bushfire.
38. The recommendation from DFES for the development of a public road west of the site as an alternative escape route is noted. Although not impossible, development of an alternative escape road to the west is considered unsustainable from an environmental standpoint as an extensive amount of remnant vegetation would need to be cleared.
39. It is therefore recommended that the proposal to develop an escape route to the east be supported and that the proposed condition 6 of Scheme Amendment No. 35 modified as follows:

*Development shall be in accordance with an approved Bushfire Management Plan that has been implemented to the satisfaction of the Local Government and Department of Planning, Lands and Heritage.*

**Noise, dust and odour**

40. Concerns were raised during advertising that noise, dust and odour created by motorsports will have a negative impact on the current tranquillity of the area and is contrary to the City's Climate Change Action Declaration, which seeks to reduce gas emissions.
41. Proposed conditions for the Special Use zone (SU26) as part of Scheme Amendment No. 35 recommend the development of noise and dust management plans to limit impact to neighbouring livestock, flora and fauna and sensitive premises.
42. Noise and odour impacts are to be limited through management of the types of activities and hours of operation. Proposed limitations on activities include:
  - a) Hours of operation is limited to the following:
    - Sundays: 9am - 6pm;
    - Monday – Saturday: 8am – 6pm.
  - b) Events not occurring on both the multi-use track and the motocross track at the same time.
43. A Noise Management Plan required to be prepared will consider aspects such as:
  - Scheduled race meetings and practice sessions; and
  - Review of racing activities in response to noise complaint. If complaints are made during a racing activity the occupier will consider reviewing racing activities to reduce noise where practicable for the remainder of that event.
44. A Dust Management Plan is to consider aspects such as:
  - Details of management measures to minimise dust during construction and operation (e.g. use of water truck);
  - Ongoing monitoring;
  - Complaint response procedures.
45. It is acknowledged that the proposed motorsport facility conflicts with commitments to reduce greenhouse gas emissions outlined under the City's Climate Change Action Declaration.
46. However, it is noted that there is a balance required, whereby the City also has a duty of care to its community to reduce identified risks to public safety. The City has identified the proposed motorsport facility as an opportunity to create a regulated environment for motorsports activities, in order to reduce unregulated motorsports activities occurring in the locality and therefore reduce the risk to public safety.
47. Reducing the environmental impact from motorsports activities is a significant challenge facing the industry more broadly. It is argued that an industry led response would be the most effective in identifying opportunities to reduce emissions and other environmental impacts from the facility. The City encourages the use of alternative technologies and clean fuels to gain the highest performance with the lowest environmental impact. Opportunities from recent technological advancements for the facility to consider in its operations include:
  - Replacing combustible engines with electric ones
  - Establishing a racing category for electric motors
  - Using an alternative fuel for combustible engines
  - Limiting the number of events
  - Reuse of resources (e.g. tyres)

**Visual amenity**

48. Concerns were raised during advertising of the proposal that development of the subject site will degrade the natural features of the area.
49. These concerns are noted, however it is considered that the development of the site is in keeping with the industrial development (wood chip mill and pellet plant) located on the other side of the Down Road.
50. In order to reduce any visual impact to neighbouring agriculture properties, provisions proposed as part of the scheme amendment require the planting of vegetation along the southern farming boundary of the subject site.
51. It is also noted that vegetation screens already exist on the other site boundaries.

**Traffic impact**

52. Concerns were raised during advertising that the mixture of heavy haulage trucks and vehicles associated with motorsport events will create a traffic hazard.
53. A traffic investigation study was undertaken as part of the site technical feasibility study undertaken as part of preliminary investigations for the proposed facility. Outcomes from the feasibility study are incorporated into the Scheme Amendment Report and associated Appendices (attached). Recommendations from the traffic investigation study, as outlined in the Scheme Amendment report inform the proposed provisions and development requirements contained under Schedule 4 Special Use (SU26).
54. The provisions proposed as part of the scheme amendment require the preparation and implementation of a Traffic and Parking Management Plan (TPMP). The TPMP is to include considerations such as peak parking and traffic management during larger and special events.
55. Other recommendations identified from the traffic investigation study that are to be implemented as part of a TPMP include the requirement for the construction of a left turn access lane to minimise the impacts on large trucks using Down Road.

**GOVERNMENT & PUBLIC CONSULTATION**

56. Scheme Amendment No.35 was advertised in accordance with the requirements of the Planning Regulations 2015.
57. In addition to the public consultation, the proposal was also referred to the following state agencies and utility providers:
  - DFES
  - Albany Department of Transport
  - Tourism WA
  - Southern Port – Albany Port
  - Public Transport Authority of WA
  - Department of Mines, Industry Regulation and Safety
  - Department of Health
  - ARC Infrastructure
  - Water Corporation
  - Telstra
  - ATCO Gas
  - DevelopmentWA
  - Department of Local Government, Sport and Cultural Industries
  - Department of Jobs, Tourism, Science and Innovation
  - Department of Biodiversity Conservation and Attractions - South Coast Region
  - Main Roads WA - Great Southern Region
  - Albany Department of Primary Industries and Regional Development
  - Western Power
  - Department of Planning, Lands & Heritage (DPLH) - Aboriginal Heritage Operations
  - DWER - South Coast Region

58. Responses were received from the following agencies and providers, and discussed in detail above:
- Tourism WA
  - DPLH - Aboriginal Heritage Operations
  - ATCO Gas
  - Main Roads WA
  - Department of Mines, Industry, Regulation and Safety
  - DWER
  - DFES
  - DevelopmentWA
59. A 'Schedule of Submissions and Recommendations' has been developed to summarise and respond to issues identified during the public advertising and agency consultation process. A copy of each submission is also available (see attachments).
60. Modifications to the proposed scheme amendment are recommended as a result of the consultation process.

### STATUTORY IMPLICATIONS

61. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
62. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.
63. Regulation 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a complex amendment, with or without modification.
64. Voting requirement for this item is **Simple Majority**.

### POLICY IMPLICATIONS

65. The following State Planning Policies are relevant to the assessment of this amendment:
- *State Planning Policy No. 2 – Environment and Natural Resources*
  - *State Planning Policy No. 2.5 – Rural Planning*
  - *State Planning Policy No.2.7 – Public Drinking Water Source*
  - *State Planning Policy No.2.9 – Water Resources*
  - *State Planning Policy 3.7 Planning in Bushfire Prone Areas*
  - *State Planning Policy 4.1 State Industrial Interface*
  - *Government Sewerage Policy 2019*

**RISK IDENTIFICATION & MITIGATION**

66. 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 or other public authorities.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Conditions are applied to the approval to mitigate concerns.</i>
<i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Options for alternate use of the land would be prepared for consideration by Council.</i>
<b>Opportunity:</b> <i>To establish a long term site for motor sport in the Great Southern Region and in particular establish a permanent home for motor cross activities in the short term.</i>				

**FINANCIAL IMPLICATIONS**

67. It is noted that the Albany Motorsports Park Project was a 2017 State Election promise with \$5.75 million allocated to the project.
68. The City has been supportive of the project and purchased the current proposed site with the view of recovering part funding from the State Government once the land is rezoned and a development approval obtained.
69. Should the scheme amendment and development not proceed, options for use of the land would be presented to for consideration by Council.

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

71. The EPA determined that the proposal is not significant to warrant a formal environmental assessment.
72. The scheme amendment proposal has accounted for various environmental matters, including groundwater, hydrocarbon, visual amenity, waste, dust, noise and acid sulfate soils.

**ALTERNATE OPTIONS**

73. Council may consider alternate options in relation to this item, such as:
- a) To resolve to support the scheme amendment with additional modification(s); or
  - b) To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

**CONCLUSION**

74. This scheme amendment proposes to rezone Lot 5780 Down Road South from the 'Priority Agriculture' to 'Special Use' (SU26).
75. Ultimately, the scheme amendment is designed to enable motorsports activities occurring at the subject land. Provisions are proposed to limit impact to the environment and neighbouring landholders.

76. Some motorsport disciplines, particularly motocross, lack suitable facilities in the region. A dedicated area for motor sporting activities is greatly needed for the Albany region and is expected to contribute to the economy of small business and tourism industries.
77. It is recommended that Council resolve to SUPPORT Scheme Amendment No. 35 to Local Planning Scheme No. 1, with modifications.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No. 1</i></li> <li>2. <i>Albany Local Planning Strategy (2019)</i></li> <li>3. <i>State Planning Policy No. 2 – Environment and Natural Resources</i></li> <li>4. <i>State Planning Policy No. 3 – Urban Growth and Settlement</i></li> <li>5. <i>State Planning Policy No.2.6 – State Coastal Planning Policy</i></li> <li>6. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i></li> <li>7. <i>Better Urban Water Management Policy</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	LAMD35 (Kalgan Ward)
<b>Previous Reference</b>	:	<p>OCM 25/6/2019 - DIS164</p> <p>OCM 28/7/2020 – DIS221</p>



**DIS246: COMMUNITY WASTE PROGRESS REPORT – QUARTER 2**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Community Waste Resource Strategy 2019-2026 Progress Report (Quarter 2)
<b>Report Prepared By</b>	: Manager, Engineering & Sustainability (R March)
<b>Responsible Officers:</b>	: Executive Director Development, Infrastructure and Environment (P Camins)

**RECOMMENDATION**

**DIS246: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Community Waste Resource Strategy 2019-2026 Progress Report (Quarter 2) be NOTED.**

**DIS246: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR SUTTON**

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

**CARRIED 10-0**

**DIS246: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Community Waste Resource Strategy 2019-2026 Progress Report (Quarter 2) be NOTED.**

## DIS247: IMPLEMENTATION OF THE RECYCLE RIGHT APP AS A REPLACEMENT FOR THE ALBANY APP

**Business Entity Name** : City of Albany  
**Report Prepared By** : Manager Waste & Sustainability (R. March)  
Manager IT (A. Catterall)  
**Responsible Officers:** : 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:** Clean, Green & Sustainable.
  - **Objective:** To identify and deliver improvements in sustainability within the City and wider community
  - **Community Priority:** Integrate and promote effective sustainability through resource conservation, management and education to continuously improve environmental outcomes.  
Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

### In Brief:

- The City of Albany App for Waste Services no longer provides a good user experience, and the supporting technology is considered to be obsolete.
- A replacement for the app is required in order to provide a cost effective solution which can be used by residents.

### RECOMMENDATION

#### DIS247: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

**THAT Council ENDORSE the replacement of the current City of Albany App with the Recycle Right App for Waste Services only.**

#### DIS247: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

#### DIS247: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Responsible Officer Recommendation to replace the current City of Albany App for Waste Services be replaced by the proposed Recycle Right App be ENDORSED.

## BACKGROUND

2. In 2016 the City developed a custom mobile app (Albany App), for mobile devices. In addition to providing information on bin days for residents, the App provided links to:
  - The City's 'Report it' function and other City pages
  - A-Z Recycle Guide; and
  - Information on Fossicker's Tip Shop, Waste Centres and Bulk Waste Collection.
3. The Albany App is outdated and requires replacement.

## DISCUSSION

4. The Albany App is written in a legacy programming language that is no longer supported. The City has received feedback from users of the app that it is not user friendly, in part due to the outdated database of properties.
5. Due to the database structure of the Albany App, significant resourcing is required to restructure it to cope with the waste service changes with the introduction of FOGO.
6. Southern Metropolitan Regional Council (SMRC) has developed a website and app called Recycle Right, which currently has 35 WA metropolitan and regional local governments subscribed.
7. SMRC is able to offer the City of Albany an Agreement to subscribe to the app and use branding and material from the Recycle Right Program.
8. The underlying objective of this program is to use consistent messages to encourage and assist residents across WA to recycle, reduce their waste and buy recycled products.
9. The intention is that this app would replace the bin day, A-Z look up and waste facility information functions of the current Albany App which would be retired.

## GOVERNMENT & PUBLIC CONSULTATION

10. The use of the Recycle Right app has been discussed internally at the Information and Communication Technology (ICT) steering committee.
11. If endorsed by Elected Members an information campaign will be rolled out as part of the communication and education for the FOGO project, allowing residents to transition to the new app.

## STATUTORY IMPLICATIONS

12. None.

## POLICY IMPLICATIONS

13. IT Cloud Services Policy - Low Cloud Risk Assessment (Only IT Manager Approval required).

## 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
<b>Risk:</b> The new app does not provide a good user experience.	Unlikely	Medium	Moderate	Ensure that the Recycle Right App is a suitable replacement for the Albany App.
<b>Opportunity:</b> To provide residents with easy access to information for bin days, waste facilities and recycling centres.				

## **FINANCIAL IMPLICATIONS**

15. There are no significant costs associated with the current Albany App. An indicative costing to replace the current Albany App with a new user friendly custom replacement would be \$30,000 to \$50,000.
16. A subscription to the Recycle Right App is \$4,500 per annum or for a part year there is a six-month pro-rata fee of \$2,225.
17. The SMRC would offer a Tier Two membership to the City of Albany, which is for Local Governments who are not a member of a Regional Council or are a non-metro LGA.
18. The annual membership for the Recycle Right App is based on total population and includes a seat on the Recycle Right Reference Group without voting rights.
19. The annual membership includes access to:
  - Recycle Right Logo and brand;
  - Recycle Right Website and app;
  - Recycle Right branded promotional material (printing at our cost);
  - Education material and resources (printing at our cost);
  - Library of stock images;
  - Videos produced for the purpose of Recycle Right activities; and
  - Ancillary services including:
    - Access to the Recycle Right Communication Team (design officer, waste education officer and communications manager)
    - Access to 'member' discounted graphic design services
    - Dedicated tours of the SMRC Regional Resource Recovery Centre (RRRC) – two per year.

## **LEGAL IMPLICATIONS**

20. The City would be required to enter into a formal agreement with the SRMC.
21. The agreement is renewed annually, subject to payment of an annual fee, and can be terminated by SMRC with six months' written notice or immediately if the fee is not paid within 30 days of the annual fee renewal date.
22. The City can cease payment of the annual fee at any time and any unspent funds contributed by the City will remain with the Licensor.

## **ENVIRONMENTAL CONSIDERATIONS**

23. The Recycle Right app will provide residents with a user friendly app that informs them of bin days, which waste goes in which bins and what can be recycled. This will assist in the reduction of waste sent to landfill.

## **ALTERNATE OPTIONS**

24. Continued use of the current app was considered but was discounted as it is very difficult to update the data that supports the app. The app is no longer fit for purpose without significant resourcing, and even then an upgrade may not guarantee a better user experience.
25. A custom app developed for the City would have a significant up front cost, and unknown ongoing costs.

## **CONCLUSION**

26. The Albany app is used by residents to find their bin collection day information.
27. The Albany app is obsolete and is very difficult to keep up to date.
28. With the introduction of FOGO there will be some substantial changes to the bin collection day information that will be difficult to update using the Albany app which could lead to reputational loss and confusion and frustration for residents.

29. SMRC has developed an app used by other Local Government Agencies. This app is off the shelf, can be customised to suit the City of Albany and uses WALGA's consistent communication for waste.
30. The Recycle Right app will not only provide information on bin day but can provide other waste information and educational messages for residents.

<b>Consulted References</b>	:	Not applicable
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	Not applicable

## DIS248: UPDATE ON WASTE MANAGEMENT

<b>Business Entity Name</b>	: City of Albany
<b>Attachments</b>	: City of Albany Waste Plan – Parts 1, 2 & 3
<b>Report Prepared By</b>	: Manager, Waste & Sustainability (R. March)
<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:** Clean, Green & Sustainable.
  - **Objective:** To identify and deliver improvements in sustainability within the City and wider community
  - **Community Priority:** Integrate and promote effective sustainability through resource conservation, management and education to continuously improve environmental outcomes.  
Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

#### In Brief:

- Department of Water and Environmental Regulation (DWER) requires the City of Albany to provide a Waste Plan that is endorsed by Council.
- Waste Plans will cover 5+ years and be reported on annually from the 2021-22 financial year.
- The Plan has previously been reviewed by Elected Members at the September 2020 Strategic Workshop.
- Part 1 and Part 2 have been reviewed by DWER. Minor amendments have been incorporated.

### RECOMMENDATION

#### DIS248: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

**THAT the City of Albany Waste Plan be ADOPTED.**

#### DIS248: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM  
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

#### DIS248: RESPONSIBLE OFFICER RECOMMENDATION

THAT the City of Albany Waste Plan be ADOPTED.

## BACKGROUND

2. Currently, Local Governments report to the Department of Water and Environmental Regulation (DWER) via the annual Waste Census. However, from 1 July 2021, the reporting system will change to Waste Plans. This requirement comes under Section 40(4) of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act).
3. The Waste Plan will outline how waste services provided by the City of Albany will be managed to achieve consistency with the State Government's *Waste Avoidance and Resource Recovery Strategy 2030*.
4. The State's Waste Strategy's vision is that Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.
5. Aligning waste services through a Waste Plan which is consistent with the State's Waste Strategy provides a mechanism for Local Governments to contribute to, and achieve the targets and objectives of the Waste Strategy.
6. The objectives of WA's Waste Strategy are to:

AVOID	Generate less waste.
RECOVER	Recover more value and resources from waste.
PROTECT	Protect the environment by managing waste responsibly. The focus is on: <ul style="list-style-type: none"> <li>• Littering and illegal dumping,</li> <li>• Adoption of better practice at all waste facilities, and</li> <li>• Reducing the proportion of waste generated which is disposed to landfill.</li> </ul>

7. The waste hierarchy and circular economy are central to the Waste Strategy, and waste management activities included in Waste Plans should be consistent with these principles.
  - The waste hierarchy ranks waste management options in order of their general environmental desirability.
  - A circular economy complements the waste hierarchy by aiming to keep materials and energy circulating in the economy for as long as possible.
8. Waste Plans will cover 5+ years and be reported on annually from the 2021-22 financial year. DWER is developing an online reporting system for this purpose.
9. The Waste Plan consists of three parts and needs to meet the minimum requirements specified in the Self-Assessment checklist:
  - Part 1 – Services and Performance
  - Part 2 – Implementation Plan
  - Part 3 – Self-Assessment Checklist
10. Waste Plans fit within Local Government integrated planning and reporting as an issue-specific informing strategy, and they should be included in Elected Member consultation processes for the Corporate Business Plan, annual budget and informing strategies.

## DISCUSSION

11. The City of Albany is included in the phase 1 rollout of Waste Plans for Local Governments and Regional Councils in Perth, Peel and some major regional centres.
12. The Waste Plan will inform and be informed by the City of Albany's Strategic Community Plan and Corporate Business Plan under the *Local Government Act 1995* and will align with the Community Waste Resource Strategy 2019-26.

13. DWER require that the Waste Plan must be endorsed by Council by 31 March 2021 with the first annual report on the implementation of the Waste Plan for the 2021-22 financial year being due on 1 October 2022.

## GOVERNMENT & PUBLIC CONSULTATION

14. Extensive public consultation was undertaken as part of the development of the City of Albany's Community Waste Resource Strategy
15. The Waste Plan Part 1 and Part 2 have been reviewed with the Elected Members at the Waste Management Working Group meeting held on 9 July 2020. At this meeting, six (6) key projects from the City of Albany's Community Waste Resource Strategy were chosen to be included in the Waste Plan. These items were chosen as key deliverables for the City that will be reported to DWER as part of the Waste Plan annual review. The other items in the Community Waste Resource Strategy will be included in the City of Albany Implementation Plan and will be delivered in parallel to these other key items.
16. In September 2020 the Waste Plan was presented and endorsed by Elected Members at the Strategic Workshop held 15 September 2020.
17. Late October 2020 the Waste Plan was issued to DWER for feedback.
18. Only minor comments were made by DWER and these comments have been included in Parts one and two of the attachments included in this item.

## STATUTORY IMPLICATIONS

19. The endorsement and reporting of the Waste Plan is a mandatory requirement by DWER.

## POLICY IMPLICATIONS

20. Section 40(4) of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act).
21. State Government's *Waste Avoidance and Resource Recovery Strategy 2030*.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b><i>Business Operation, Reputation &amp; Financial.</i></b>  <b><i>Risk:</i></b> <i>There is a risk of prosecution resulting in financial cost and loss of reputation if the Waste Plan is not endorsed by Council in the required timeframes.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Waste Plan was presented to Elected Members at the September Strategic Workshop.</i>  <i>DWER modifications are only minor and have been incorporated in to the Waste Plan</i>  <i>Waste Plan to be endorsed by Elected Members.</i>
<b><i>Opportunity:</i></b> <i>Leveraging grant funding when available for projects included in the Waste Plan.</i>				

## FINANCIAL IMPLICATIONS

23. There are no financial implications as the projects being reported are currently in the Long Term Financial Plan. However, there may be opportunity to leverage funding on projects included in the Waste Plan.

## LEGAL IMPLICATIONS

24. It is a mandatory requirement for the City to have an endorsed Waste Plan.



**ENVIRONMENTAL CONSIDERATIONS**

25. The projects chosen will help the City of Albany move towards the State's Waste Strategy to reduce

**ALTERNATE OPTIONS**

26. All projects in the City of Albany's Community Waste Resource Strategy were considered.

**CONCLUSION**

<b>Consulted References</b>	:	Not applicable
<b>File Number (Name of Ward)</b>	:	All wards
<b>Previous Reference</b>	:	Not applicable

**DIS249: PLANNING AND BUILDING REPORTS DECEMBER 2020 AND  
JANUARY 2021**

<b>Proponent / Owner</b>	: City of Albany.
<b>Attachments</b>	: Planning and Building Reports December 2020 and January 2021
<b>Report Prepared By</b>	: Business Support Officer – J Cobbold
<b>Responsible Officers:</b>	: Manager Planning and Land Information Services (J Van Der Mescht)

**RECOMMENDATION**

**DIS249: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Planning and Building Reports for December 2020 and January 2021 be  
NOTED.**

**LEMC024: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY  
MANAGEMENT COMMITTEE – 17 SEPTEMBER 2020**

<b>Attachments</b>	: Confirmed Minutes of the LEMC Meeting held 17/09/2020
<b>Report Prepared By</b>	: Personal Assistant to Executive Director Corporate & Commercial Services (H Bell)
<b>Responsible Officers:</b>	: Executive Director Corporate and Commercial Services (D Olde)

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

- Receive the minutes of the Local Emergency Management Committee meeting held on 17 September 2020.

**RECOMMENDATION**

**LEMC024: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 17 September 2020 be RECEIVED.**

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