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# AGENDA

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Ordinary Meeting of Council

Tuesday 23 June 2020

6.00pm  
Council Chambers

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 June 2020 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

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Andrew Sharpe  
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING  
AGENDA 23/06/2020

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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

Frederickstown Ward

R Stephens

Frederickstown Ward

G Stocks (Deputy Mayor)

Kalgan Ward

M Benson-Lidholm JP

Kalgan Ward

E Doughty

Vancouver Ward

T Sleeman

Vancouver Ward

J Shanhun

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

A/Executive Director Community Services

Meeting Secretary

J Williamson

**Apologies:**

ORDINARY COUNCIL MEETING  
AGENDA 23/06/2020

4. DISCLOSURES OF INTEREST

| Name               | Report Item Number | Nature of Interest   |
|--------------------|--------------------|--|
| Councillor Doughty | CCS256             | <b>Impartiality.</b> The nature of the interest being that Councillor Doughty is the Regional Manager of St John Ambulance which is a supplier to the City of Albany and listed in the List of Accounts for Payment. |

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 26 May 2020, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

**CCS255: FINANCIAL ACTIVITY STATEMENT – APRIL 2020**

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

**RECOMMENDATION**

**CCS255: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Financial Activity Statement for the period ending 30 April 2020 be RECEIVED.**

CCS255: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS255: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 30 April 2020 be RECEIVED.

**COVID-19 IMPACT**

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

**BACKGROUND**

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

**DISCUSSION**

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

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

### STATUTORY IMPLICATIONS

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

### POLICY IMPLICATIONS

8. The City’s 2019/20 Annual Budget provides a set of parameters that guides the City’s financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

### FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 30 April 2020 has been incurred in accordance with the 2019/20 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

|                                   |                      |
|-----------------------------------|----------------------|
| <b>File Number (Name of Ward)</b> | FM.FIR.7 - All Wards |
|-----------------------------------|----------------------|

**CCS256: LIST OF ACCOUNTS FOR PAYMENT – MAY 2020**

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

**RECOMMENDATION**

**CCS256: 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 May 2020 totalling \$5,399,660.07 be RECEIVED.**

CCS256: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS  
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS256: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 May 2020 totalling \$5,399,660.07.

**COVID-19 IMPACT**

- The City is paying creditors as soon as practical, in order to assist the cash flow of those businesses (primarily local businesses) the City transacts with.

**BACKGROUND**

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

**DISCUSSION**

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

| <b>Municipal Fund</b>     |                       |
|---------------------------|-----------------------|
| Trust                     | \$0.00                |
| Credit Cards              | \$3,232.52            |
| Payroll                   | \$1,498,307.07        |
| Cheques                   | \$37,945.28           |
| Electronic Funds Transfer | \$3,860,175.20        |
| <b>TOTAL</b>              | <b>\$5,399,660.07</b> |



As at 15 May 2020, the total outstanding creditors stands at \$469.13 and is made up as follows;

|                          |                 |
|--------------------------|-----------------|
| Current                  | \$469.13        |
| 30 Days                  | \$0.00          |
| 60 Days                  | \$0.00          |
| 90 Days                  | \$0.00          |
| <b>TOTAL</b>             | <b>\$469.13</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 May 2020 has been incurred in accordance with the 2019/2020 budget parameters.

**FINANCIAL IMPLICATIONS**

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

**CONCLUSION**

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

|                                   |   |                      |
|-----------------------------------|---|----------------------|
| <b>File Number (Name of Ward)</b> | : | FM.FIR.2 - All Wards |
|-----------------------------------|---|----------------------|

**CCS257: DELEGATED AUTHORITY REPORTS – APRIL TO MAY 2020**

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

**BACKGROUND:**

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

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

**RECOMMENDATION**

**CCS257: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Delegated Authority Reports 16 April 2020 to 15 May 2020 be RECEIVED.**

CCS257: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR DOUGHTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS257: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 April 2020 to 15 May 2020 be RECEIVED.

**COVID-19 IMPACT**

- COVID-19 has no impact on this report.

**CCS258: RATING SUBSIDY: SPORTING & COMMUNITY ORGANISATION  
RECIPIENT LIST FOR 2019/20**

**Proponent** : City of Albany  
**Attachments** : Rating Subsidy: Sporting & Community Organisations  
Recipient List for 2019/20 financial year.  
**Report Prepared by** : Senior Finance Officer – Rates (G Shephard)  
**Responsible Officer** : Executive Director Corporate & Commercial Services (D Olde)

**RECOMMENDATION**

**CCS258: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Rating Subsidy: Sporting and Community Organisations Recipient List for 2019/20  
be RECEIVED.**

**CCS258: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SLEEMAN  
SECONDED: COUNCILLOR SUTTON**

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

**CARRIED 13-0**

**CCS258: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Rating Subsidy: Sporting and Community Organisations Recipient List for 2019/20 be  
RECEIVED.**

## CCS259: DROUGHT COMMUNITIES PROGRAMME FUNDING OPPORTUNITY

|                              |   |
|------------------------------|---|
| <b>Proponents</b>            | : Australian Government - Department of Infrastructure, Regional Development and Cities (DIRDC) |
| <b>Owner</b>                 | : City of Albany  |
| <b>Attachments</b>           | : Draft Scope of Works ( <b>CONFIDENTIAL</b> )  |
| <b>Report Prepared By</b>    | Manager Public Health and Safety (S Reitsema)<br>Revenue Development Officer (A Lacy)           |
| <b>Responsible Officers:</b> | : Executive Director Corporate & Commercial Services (D Olde)                                   |

### STRATEGIC IMPLICATIONS

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

- **Theme:** Leadership.
- **Objective:** To establish and maintain sound business and governance structures.
- **Community Priority:** Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.

### In Brief:

- The Drought Communities Programme (DCP), for which the City of Albany is eligible and which is coordinated by the Australian Government's Department of Infrastructure, Regional Development and Cities (DIRDC), has been designed to deliver benefits to targeted drought-affected regions of Australia. City staff are seeking Councils endorsement of the proposed scope of works, which has been developed as part of the application for funding in response to identified community needs.

### RECOMMENDATION

#### CCS259: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

**THAT the City's funding application to the Drought Communities Programme be ENDORSED.**

#### CCS259: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN  
SECONDED: COUNCILLOR DOUGHTY

THAT the City's funding application to the Drought Communities Programme be ENDORSED.  
CARRIED 13-0

#### CCS259: RESPONSIBLE OFFICER RECOMMENDATION

THAT the City's funding application to the Drought Communities Programme be ENDORSED.

### COVID-19 IMPACT

- COVID-19 is expected to have very limited impact on the City's ability to deliver this project, however it is noted that matters such as a reduction in staff hours and the possibly reduced availability of various materials from suppliers could have a minor impact on the delivery of the various projects.

## **BACKGROUND**

1. On 28 January 2020, the Australian Government announced that the DCP, which has been designed to deliver benefits to targeted drought-affected regions of Australia, will be extended and made available to an additional 52 Councils around Australia. A total of \$47 million will be provided, with councils of less than 1,000 people eligible for up to \$500,000 and those with a larger population eligible up to \$1 million.
2. 35 West Australian Local Governments, including the City of Albany, have been identified as eligible for the program due to rainfall deficiency data from the Bureau of Meteorology and population and industry data where there is a particular reliance on agriculture.
3. Eligible projects must relate to economic, social and cultural infrastructure, safety and accessibility upgrades, and/or town facility developments and upgrades. Such projects must be expected to lead to local employment, contribute to economic activity of the community/region and/or lead to the retention of business, services and facilities.
4. Further information on the DCP Guidelines is available at:  
[https://www.regional.gov.au/regional/programs/files/DCP\\_Guidelines\\_2018.pdf](https://www.regional.gov.au/regional/programs/files/DCP_Guidelines_2018.pdf)
5. The City has coordinated a group of 10 Local Governments from within our region to work in collaboration to seek synergies in project management, economies of scale and to use the combined intelligence and experience of the group to gain the most effective outcome from the funding and also to leverage other funding opportunities.

## **DISCUSSION**

6. City staff have been in discussion with community groups and Councillors in regards to eligible identified needs. As outlined in the attached draft Scope of Works, funding is proposed for a range of projects including: upgrades to various town halls (toilets, kitchens, power supplies, etc.), installing new and reinstating existing bores for remote water supplies, gravel road re-sheeting and upgrading public toilets.
7. Community groups or facilities such as sporting clubs which have been identified as ineligible will be provided with information and support for alternative funding opportunities such as CSRFF and the upcoming Lotterywest funding for sporting clubs and communities which has not yet opened.
8. Budget estimates include a provisional fund that is anticipated to cover the costs of the development of an Adverse Event Plan and Independent Audit (which are both mandatory requirements for the application), as well 10% set aside for potential cost increases across the range of projects.

## **GOVERNMENT & PUBLIC CONSULTATION**

9. DCP Grant Programme Guidelines have been followed in the preparation of the funding application, with support and advice about project eligibility provided by the DIRDC.

## **STATUTORY IMPLICATIONS**

10. Nil.

## **POLICY IMPLICATIONS**

11. Nil.

**RISK IDENTIFICATION & MITIGATION**

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

| Risk   | Likelihood      | Consequence     | Risk Analysis | Mitigation  |
|--|-----------------|-----------------|---------------|---|
| <i><b>Reputation:</b> application not supported would result in lack of funding opportunities for identified community needs</i> | <i>Unlikely</i> | <i>Moderate</i> | <i>Low</i>    | <i>Support application to gain funding to deliver appropriate projects.</i> |
| <i><b>Opportunity:</b> To gain funding to fund various community projects in response to identified needs.</i>                   |                 |                 |               |   |

**FINANCIAL IMPLICATIONS**

13. Besides project management costs (undertaken by existing staff members), all other costs associated with the planning, development and completion of the proposed projects are covered by the CDP.

**LEGAL IMPLICATIONS**

14. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

15. Minimal clearing of vegetation may be required for the installation and upgrades of water supplies, this will be undertaken with appropriate approvals. Some facility works may require the removal of asbestos containing materials, which will also be completed in compliance with legislative requirements.

**ALTERNATE OPTIONS**

16. Council may:  
 a. Support the application; or  
 b. Not support the application.
17. Given the communities expectation that the City of Albany will seek the available funding, there may be some reputational risk as outlined in point 12 if Council choses to not support the application.

**CONCLUSION**

18. To satisfy the communities expectation that the City of Albany will seek funding for a range of eligible projects, it is recommended that the officer’s recommendation be endorsed.

## DIS212: LAKE MULLOCULLUP - POST GAZETTAL ENVIRONMENTAL MONITORING

|                              |  |
|------------------------------|--|
| <b>Land Description</b>      | : Lake Mullocullup - Reserve 16367 (NR083).  |
| <b>Proponent / Owner</b>     | : City of Albany (Land vested in the care and control of the City of Albany).                |
| <b>Attachment</b>            | : Lake Mullocullup , Reserve 16367, Post-gazettal Environmental Monitoring Report (May 2020) |
| <b>Report Prepared By</b>    | : Reserves Officer (Y Caruso) and Manager City Reserves (J Freeman)                          |
| <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 2030 and Corporate Business Plan 2018 - 2022:

- **Themes:**

- 1 – Leadership.
- 3 – Clean, Green & Sustainable.

- **Objectives:**

- 1.3 - To engage effectively with our community.
- 3.1 - To protect and enhance our natural and built environment in a changing climate.

- **Community Priority:**

- 3.1.2 – Sustainably protect and enhance our iconic coastline and reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves.

### Maps and Diagrams:



Lake Mullocullup – Warriup Road



Signage installed at Lake Mullocullup

**In Brief:**

- Reference is made to Council resolution items DIS035 - August 2017, DIS092 - May 2018 and DIS123 – October 2018.
- The purpose of this report is to update Council on the progress of conditions set by the resolution contained in DIS035.
- Following the gazettal of Lake Mullocullup for water skiing in March 2019, City staff commenced an annual monitoring program as per recommendations in agenda item DIS035 from August 2017.
- Field site assessments and traffic data logging has been undertaken to determine the usage and any requirements for a permit system.
- Environmental monitoring has been undertaken with the assistance from UWA and Albany Bird Group, and has included water quality monitoring, bird surveys and observations of any algal blooms.
- The results of the monitoring program pre and post gazettal indicates no significant increased activity, change or adverse environmental impacts as per the attached report.
- Since the gazettal of the lake by Department of Transport in March 2019, the City has received little feedback from the community, although the Department of Transport has received some complaints regarding jet-ski use on the lake.

**COVID-19 IMPACT**

- No identified implications.

**RECOMMENDATION**

**DIS212: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**1. THAT Council NOTES:**

- a. The Lake Mullocullup post-gazettal Environmental Monitoring Report (April 2020) attached;
- b. The conditions specified in Resolution DIS035 (OCM August 2017) have been completed; and
- c. Ongoing annual environmental and usage monitoring of Lake Mullocullup will continue until June 2021 with a further report provided to Council.

**2. THAT Council RESOLVES not to implement a permit system based on the results of the completed monitoring.**

DIS212: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY  
SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS212: RESPONSIBLE OFFICER RECOMMENDATION

1. THAT Council NOTES:

- a. The Lake Mullocullup post-gazettal Environmental Monitoring Report (April 2020) attached;
- b. The conditions specified in Resolution DIS035 (OCM August 2017) have been completed; and
- c. Ongoing annual environmental and usage monitoring of Lake Mullocullup will continue until June 2021 with a further report provided to Council.

2. THAT Council RESOLVES not to implement a permit system based on the results of the completed monitoring.



**BACKGROUND**

2. On 22 August 2017, item DIS035, Council resolved:

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

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

3. On 22 May 2018, item DIS092, Council noted:

- 1) *The consultant’s report around Noongar Consultation, and*
- 2) *That a further report will be presented to Council pending the outcome of the assessment by the Department of Lands and Heritage in relation to the registration of Aboriginal sites at Lake Mullocullup.*

4. On 23 October 2018, item DIS123, Council Resolved:

*THAT Council, in accordance with the Resolution DIS035, August 2017, NOTE that the conditions specified in Resolution DIS035 have been progressed and officers will notify the Department of Transport to PROCEED with the gazettal process.*

**DISCUSSION**

5. Update on Items from Council determination DIS035 on 22 August 2017:

| ITEM | ACTION  | STATUS  |
|------|---|---|
| 1)   | <i>The City monitor the use of the lake and review the requirement for a permit system twelve (12) months after gazettal</i>                              | Completed as per attached report.   |
| 2)   | <i>That City staff consult with the local Noongar Community and adequately address any concerns raised concerning the use of the lake</i>                 | Completed as per DIS092, 22 May 2018. Interpretative signage installed as per Noongar Consultation Report and attached monitoring report. |
| 3)   | <i>An annual environmental monitoring program be developed by the City. The results of the monitoring shall be reviewed every two (2) years</i>           | Annual environmental monitoring – completed for one year post-gazettal.   |
| 4)   | <i>That Council temporarily permit the use of speed boats (excluding jet skis) pending the Department of Transport gazettal process being undertaken.</i> | Signage installed by Department of Transport notifying ski areas denoted and use of powered motor craft prohibited.                       |

6. The monitoring report attached goes into detail about the monitoring that has been undertaken prior to gazettal to gain baseline data and for the year following gazettal.

7. No increased water skiing activity was observed within the year following gazettal or evidence of any significant impacts on the environmental or cultural values of the lake. Given this, a permit system would not be required to manage use at this time.
8. Increased activity was observed around Christmas time and following harvest, although from information provided from the community, this has been the case for over 20 years.
9. Details of all the monitoring is provided in the attached report.

### GOVERNMENT & PUBLIC CONSULTATION

10. Further Noongar consultation was undertaken to develop interpretative signage for the site.

### STATUTORY IMPLICATIONS

11. Nil

### POLICY IMPLICATIONS

12. Nil

### RISK IDENTIFICATION & MITIGATION

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

| Risk  | Likelihood      | Consequence  | Risk Analysis | Mitigation   |
|---|-----------------|--------------|---------------|--|
| <b>Reputation</b><br><i>Continuation of gazetted water skiing without a permit system may be perceived by the community as not protecting the values.</i> | <i>Possible</i> | <i>Minor</i> | <i>Medium</i> | <i>Continue to undertake monitoring to collect data to ensure significant values are not being impacted.</i> |
| <b>Environment</b><br><i>If monitoring not continued, any impacts to the values may not identified or mitigated.</i>                                      | <i>Possible</i> | <i>Minor</i> | <i>Medium</i> | <i>Continue to undertake monitoring to collect data to ensure significant values are not being impacted.</i> |

### FINANCIAL IMPLICATIONS

14. Annual costs associated with collection for environmental and usage monitoring are as follows:

| Type   | Cost (ex GST) | Budget Allocation                                      |
|--|---------------|--|
| Water quality Monitoring (UWA)               | \$12,000      | Strategic Planning from Reserves<br>Operational Budget |
| Field Site Assessments (undertaken by staff) | \$2,500       |  |
| Avian surveys (Consultant)                   | \$600         |  |
| Shoreline vegetation monitoring (UWA)        | \$3,400       |  |
| TOTAL  | \$18,500      |  |

### LEGAL IMPLICATIONS

15. Nil

### ENVIRONMENTAL CONSIDERATIONS

16. The City of Albany recognises that an inland freshwater wetland body such as Lake Mullocullup has significant environmental value and the importance of protecting it for future generations.

### ALTERNATE OPTIONS

17. Council could choose to implement a permit system.

18. Council could choose not to continue the annual environmental monitoring program.

**CONCLUSION**

19. The results of the usage and environmental monitoring indicates no significant increased activity, change or adverse environmental impacts sustained at Lake Mullocullup since the gazettal allowing recreational speed-boating activities in October 2018.

|                                   |   |
|-----------------------------------|---|
| <b>Consulted References</b>       | <ul style="list-style-type: none"> <li>• <i>Avian Fauna Survey at Mullocullup Nature Reserve (February 2019) by Anne Bondin</i></li> <li>• <i>Lake Mullocullup Water Ski Zone Monitoring Report: Summary of Results from Baseline Monitoring in November 2018 by Justin Benson</i></li> <li>• <i>Lake Mullocullup Water Ski Zone Monitoring Report: Summary of Results from Monitoring in March 2020 by Justin Benson</i></li> <li>• <i>Results of Noongar Community Consultation Regarding Recreational Use at Lake Mullocullup (Warriup Swamp) (February 2018) by Dr Myles B. Mitchell</i></li> </ul> |
| <b>File Number (Name of Ward)</b> | : EM.MON.10 and EM.PLA.34 (Kalgan Ward)   |
| <b>Previous Reference</b>         | : DIS035 – OCM 22/08/2017<br>DIS092 – OCM 22/05/2018<br>DIS123 – OCM 23/10/2018   |

**DIS213: AMENDING ‘TRADING IN PUBLIC PLACES POLICY’**

|                            |  |
|----------------------------|--|
| <b>Land Description</b>    | : City of Albany   |
| <b>Proponent</b>           | : City of Albany   |
| <b>Owner</b>               | : City of Albany   |
| <b>Attachments</b>         | : Draft Trading in Public Places Policy  |
| <b>Report Prepared by</b>  | : Manager Planning and Building Services<br>(J van der Mescht)                 |
| <b>Responsible Officer</b> | : Executive Director Infrastructure, Development and<br>Environment (P Camins) |

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

- The current City of Albany Public Places Policy has been in place since 2009, with minor reviews undertaken in 2010 and 2017.
- A number of trading permits have been issued in accordance with the existing policy.
- There are a number of key matters which are consistently raised regarding this policy which will benefit from clarification and refinement in the form of a revised policy. In February 2020, Council, subject to a number of amendments approved the policy for advertising. The policy was advertised in a local newspaper and on the City's website from 19 March 2020 until 10 April 2020. Existing operators were also directly contacted to ensure that they have had an opportunity to comment.
- No formal comments were received on the draft policy.
- Consultation with members of the public, current operators and additional internal staff members has resulted in proposed minor changes to the advertised version of the policy.
- Council is requested to resolve to finally adopt the policy.

**COVID-19 IMPACT**

- No Identified implications

**RECOMMENDATION**

**DIS213: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Trading in Public Places Policy be ADOPTED.**

DIS213: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS213: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Trading in Public Places Policy be ADOPTED.

**BACKGROUND**

4. The Trading in Public Places Policy is prepared as a Council Policy in accordance with the *Local Government Act 1995*.
5. The Trading in Public Places Policy provides direction to City staff in the processing of enquiries and permit applications for trading in public places under the “*Activities on Thoroughfares and Public Places and Trading Local Law 2011*”. The policy also provides a clear set of controls for operators to trade under.
6. The City of Albany deals with a number of enquiries in relation to, or applications for trading permits each year. These enquiries most often relate to requests for new fixed location trading areas.
7. Staff also from time to time receive comments and / or complaints from formal “brick and mortar” business owners about these traders. These comments or complaints normally relate to breaches of policy provisions or are competition/equity related.
8. The current City of Albany Public Places Policy has been in place since 2009. Minor reviews were completed in 2010 and 2017.
9. The existing policy is proposed to be superseded by a revised *Trading in Public Places Policy*.
10. The revised policy has been prepared with a view of specifically addressing the following:
  - Request for more fixed location sites and opportunities;
  - Concerns or complaints which are consistently raised;
  - Introducing additional fixed location areas; and
  - The policy also improves the operational requirements of other activities in public spaces e.g. alfresco dining.
11. The most pertinent changes to the draft policy include;
  - Providing a number of additional proposed fixed location trader locations at:
    - Nanarup Beach;
    - Lake Weerlara Park;
    - Foundation Park;
    - Goode Beach; and
    - Surfers Beach car park.
  - Allowing mobile food vehicles to stay for a set amount of hours in a location as opposed to having to move on immediately once they have served all the customers in an area. Time limits proposed include being able to stay for:
    - 2 hours if they set up a distance greater 2 km away from the CBD; and
    - 4 hours if they set up in an area greater than 10 km away from the CBD.
12. The policy also proposes to introduce a special permit that can be obtained which will allow mobile food vehicles to trade no closer than 150 m from any shop open for business that generally offers the same type of goods for sale in the following areas:
  - On Stirling Terrace on Friday nights between 10pm and 2am and Saturday nights between 10pm and 12am.

- In the CBD Between the following hours:
  - Saturdays between: 1 pm to dusk and
  - Sundays: All Day during daylight hours.

13. In February 2020, Council approved the policy for advertising subject to a number of amendments.
14. The policy was advertised in one of the local newspapers and on the City’s website from 19 March 2020 until 10 April 2020.
15. Existing operators were also directly contacted to ensure that they had an opportunity to comment.
16. Staff had discussions with the public, current operators and internal staff members about the policy and their associated comments and or concerns during the advertising period.
17. No submissions were received on the policy at the conclusion of the advertising period.

**DISCUSSION**

18. The consultation that officers had with members of the public, current operators and additional internal staff members highlighted a few areas for improvement within the advertised policy.
19. The proposed improvements will provide greater clarity and remove superfluous parts in some clauses.
20. The majority of the proposed changes were made in the section that relates to the Fixed Location Traders and the associated Annexure A. The most pertinent of the changes is in relation to the validity period of the licenses.
21. The current licenses were issued for a fixed term of 5 years in accordance with the previous policy.
22. A change in the policy is proposed that will result in the license periods being different for historic sites and newly introduced sites.
23. In considering the history of the existing sites and the fact that they function well as fixed location sites, a change in the license period for these sites would not be of value.
24. The license period for the three historic sites that are currently in use are therefore proposed to remain the same at 5 years.
25. Given the number of new sites that have not been tested it would be more appropriate to issue new licenses initially on a three month trial basis and eventually on a 1 year basis.
26. The proposed policy also now includes a desirability rating for each site. These ratings are mostly based on attraction and potential passing trade. The desirability rating can be used to determine the site rental fees in a more equitable way.

**GOVERNMENT & PUBLIC CONSULTATION**

| Type of Engagement | Method of Engagement  | Engagement Dates                  | Participation (Number) | Statutory Consultation |
|--------------------|-----------------------|-----------------------------------|------------------------|------------------------|
| Consult            | Newspaper and website | 19 March 2020 until 10 April 2020 | No submissions         | Yes                    |

27. After expiry of the period within which submissions may be made, the City of Albany will be required to:
  - Review the policy in light of any submissions made; and
  - Resolve to adopt the policy with or without modification, or not to proceed with the policy.

**STATUTORY IMPLICATIONS**

28. There are no statutory implications relating to the final approval of the Draft Trading in Public Places Policy.
29. Voting requirement for this item is **SIMPLE MAJORITY**.

**POLICY IMPLICATIONS**

30. The proposed policy aims to refine the existing policy and potentially create additional opportunities for traders.

**RISK IDENTIFICATION & MITIGATION**

31. The following indicates the risk to the City in making a decision to support or not support the Policy:

| <b>Risk</b>   | <b>Likelihood</b> | <b>Consequence</b> | <b>Risk Analysis</b> | <b>Mitigation</b>   |
|---|-------------------|--------------------|----------------------|---|
| <i>Reputation.</i><br><i>Policy position may have an impact on business operations.</i> | <i>Possible</i>   | <i>Minor</i>       | <i>Low</i>           | <i>Provisions within the Policy have been drafted to provide a balanced approach to address competition with the City's existing bricks and mortar businesses and amenity concerns.</i> |
| <i>Opportunity: Increase controls and opportunities for small business.</i>             |                   |                    |                      |   |

**FINANCIAL IMPLICATIONS**

32. The policy clarifies the ability of Council to set fixed location site hire fees annually through the budget process and also to set different fees depending on the location/desirability of the site.

**LEGAL IMPLICATIONS**

33. There are no legal implications relating to the final approval of the Draft Trading in Public Places Policy.

**ENVIRONMENTAL CONSIDERATIONS**

34. There are no environmental implications relating to endorsing the proposed Draft Trading in Public Places Policy for advertising.

**ALTERNATE OPTIONS**

35. Council has the following alternate options in relation to this item, which are:
- To resolve to proceed with the policy without modification;
  - To resolve to proceed with the policy subject to additional modification; and
  - To resolve not to proceed with the policy.

**CONCLUSION**

36. The City's policy has been amended and refined to better address the common issues which arise from informal trading operations and the implementation of the existing policy.
37. The policy has also been further expanded to provide a framework to providing more sites and the ability to trade in the central area when bricks and mortar offerings are closed.
38. Council is now requested to resolve to proceed with the policy.

|                                   |   |  |
|-----------------------------------|---|--|
| <b>Consulted References</b>       | : | 1. <i>Local Government Act 1995</i><br>2. <i>Activities on Thoroughfares</i><br>3. <i>Public Places and Trading Local Law 2011</i> |
| <b>File Number (Name of Ward)</b> | : | CM.STD.7 (All Wards)   |
| <b>Previous Reference</b>         | : | OCM 25/02/2020 - Resolution DIS195   |

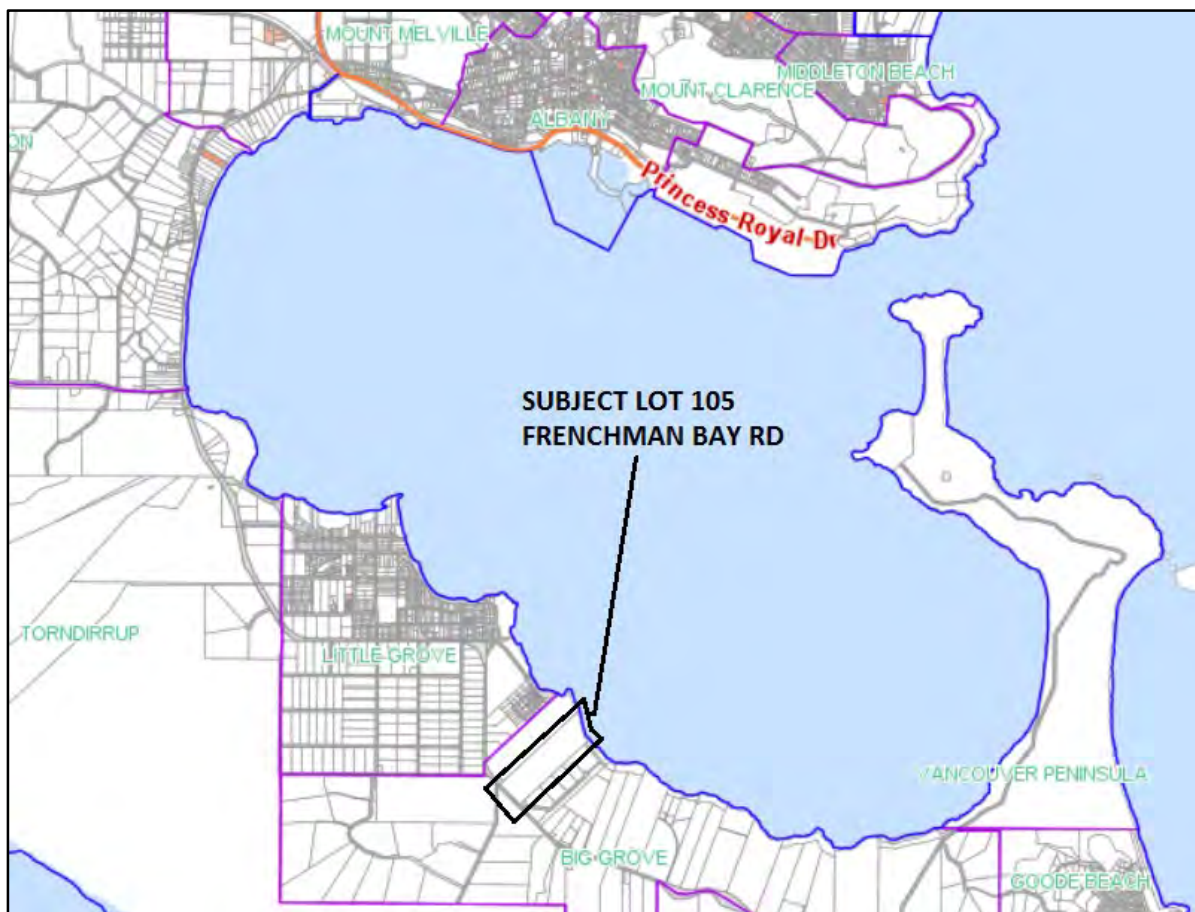
**DIS214: LOCAL PLANNING SCHEME AMENDMENT NO.34 – LOT 105  
FRENCHMAN BAY ROAD, BIG GROVE**

|                             |   |
|-----------------------------|---|
| <b>Land Description</b>     | : Lot 105, Frenchman Bay Road, Big Grove                                    |
| <b>Proponent / Owner</b>    | : ABLE Planning & Project Management  |
| <b>Business Entity Name</b> | : Roman Catholic Bishop of Bunbury  |
| <b>Attachments</b>          | : 1. LAMD34, Part A, Document.<br>2. LAMD34, Part B, Document.              |
| <b>Report Prepared by</b>   | : Senior Planning Officer – Strategic Planning (A Nicoll)                   |
| <b>Responsible Officer</b>  | : Executive Director Infrastructure, Development and Environment (P Camins) |

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed scheme amendment, the Council is obliged to draw conclusion from:
  - a. The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).
3. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy (2019)*. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy (2019)* which shows the subject lot as being suitable for 'Urban Growth'.

**Maps and Diagrams:**





**In Brief:**

- A request has been submitted for Council to adopt Local Planning Scheme Amendment No.34 to rezone Lot 105 Frenchman Bay Road, Big Grove by:
  - Rezoning portion of Lot 105 on Deposited Plan 230421, House 795 Frenchman Bay Road, Big Grove from ‘Public Use’ to ‘Future Urban’.
  - Rezoning portion of Lot 105 on Deposited Plan 230421, House 795 Frenchman Bay Road, Big Grove from ‘Public Use’ to ‘Parks and Recreation; and
  - Amending the Local Planning Scheme map accordingly.
- The subject site is privately owned and is not intended for public use. The long-term intention of the owner of the site has been to develop the lot for residential living. The proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy (2019)*.
- Council is requested to support the Local Planning Scheme amendment for the purposes of advertising.

**COVID-19 IMPACT**

- No identified implications.

**RECOMMENDATION**

**DIS214: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

- 1. ADOPT Amendment No. 34 to amend City of Albany *Local Planning Scheme No. 1* by:**
  - a) Rezoning portion of Lot 105 on Deposited Plan 230421, House 795 Frenchman Bay Road, Big Grove from ‘Public Use’ to ‘Future Urban’.**
  - b) Rezoning portion of Lot 105 on Deposited Plan 230421, House 795 Frenchman Bay Road, Big Grove from ‘Public Use’ to ‘Parks and Recreation; and**
  - c) Amending the Local Planning Scheme map accordingly.**
- 2. NOTE that the amendment is a ‘Standard’ amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:**
  - **The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.**
- 3. ADVERTISE the amendment in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

DIS214: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

**DIS214: RESPONSIBLE OFFICER RECOMMENDATION**

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

1. ADOPT Amendment No. 34 to amend City of Albany *Local Planning Scheme No. 1* by:
  - a) Rezoning portion of Lot 105 on Deposited Plan 230421, House 795 Frenchman Bay Road, Big Grove from 'Public Use' to 'Future Urban'.
  - b) Rezoning portion of Lot 105 on Deposited Plan 230421, House 795 Frenchman Bay Road, Big Grove from 'Public Use' to 'Parks and Recreation; and
  - c) Amending the Local Planning Scheme map accordingly.
2. NOTE that the amendment is a 'Standard' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:
  - o The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.
3. ADVERTISE the amendment in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**BACKGROUND**

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
5. Lot 105 Frenchman Bay Road, Big Grove:
  - a) Is reserved 'Public Use' under *Local Planning Scheme No. 1*;
  - b) Predominantly consists of remnant vegetation of varying condition.
  - c) Is approximately 20ha in area and is approximately 10 km from the Albany City centre via road;
  - d) Is within a Water Source Protection Area; and
  - e) Is located adjacent to the Princess Royal Harbour.
6. On 15 March 2011, the City of Albany Council resolved that it was prepared to consider a future scheme amendment to rezone Lot 105 to 'Future Urban', subject to the following matters being addressed and/or included as part of that formal amendment application:
  - a) Studies on the biodiversity and conservation values of the land being provided;
  - b) The identification of an appropriate foreshore reserve in accordance with the Western Australian Planning Commission Statement of Planning Policy 2.6 (Coastal Planning Policy);
  - c) The protection of the South Coast Water Reserve and the existing well-head on Reserve 931;
  - d) Land required for vegetation protection, water resource protection, foreshore reserve and fauna habitat and corridor protection;
  - e) The inclusion of a Local Water Management Strategy; and
  - f) The addressing of infrastructure provision and servicing requirements and inclusive of any associated buffers and easements.
7. The previous resolution from 2011 in respect to the consideration of a future scheme amendment is non-binding to Council. However, notwithstanding this, the proposal is consistent with the *Albany Local Planning Strategy (2019)* and that the technical studies necessary to consider the amendment have been undertaken.

## DISCUSSION

8. The following reports have been completed to accompany the scheme amendment:
  - a) An Environmental Opportunities and Constraints Analysis showing land suitable for vegetation protection, water resource protection and fauna habitat and corridor protection (Technical Appendix 1 of Amendment Report);
  - b) A Bushfire Management Plan (Appendix 6 of Amendment Report);
  - c) A Local Water Management Strategy (Technical Appendix 2 of Amendment Report);
  - d) An Infrastructure Servicing Report (Technical Appendix 3 of Amendment Report);
  - e) A Coastal Process Allowance assessment (Appendix 11 of Amendment Report).
9. An Opportunities and Constraints Map has been provided (Appendix 5 of Amendment Report) to illustrate potential areas for future protection or development, considerate of the above planning matters.
10. Details of the abovementioned reports are discussed in greater detail below under the relevant headings.

### Environmental Opportunities and Constraints Analysis

11. The Environmental Opportunities and Constraints report analysed flora and fauna at the subject site.
12. The analysis recommends that remnant vegetation is protected within the following areas of the site:
  - a) A water source protection area located on the southern portion of the Lot 105;
  - b) An area adjacent to the Princess Royal Harbour (foreshore area); and
  - c) Corridors across the site to provide connectivity between the foreshore, adjacent lots and a water source protection area.
13. The analysis also identified species of vegetation classified as being within a 'Priority' list. Priority vegetation generally refers to vegetation that may be under imminent threat and therefore should be monitored. The analysis recommended that prior to any clearing of the 'Priority' vegetation, local plant material (seed, cuttings and transplants) should be collected within Lot 105 for propagation and revegetation within the site.
14. Should the Council adopt the Amendment No.34 for advertising, the amendment, including the Environmental Opportunities and Constraints Analysis, will be referred to the Environmental Protection Authority for assessment. The Environmental Protection Authority may refuse the proposal, which involves the clearing of vegetation, or approve the proposal subject to environmental conditions on any future development of the subject land.

### Bushfire

15. The land is within a designated bushfire prone area. Consequently, a Bushfire Management Plan has been prepared in accordance with *State Planning Policy No. 3.7: Planning in Bushfire Prone Areas* and the associated *Guidelines for Planning in Bushfire Prone Areas*.
16. The Bushfire Management Plan states:
  - a) The assessed bushfire risk is considered to be manageable;
  - b) As required for strategic planning proposals, the indicative BAL ratings of BAL-29 or less can be achieved;
  - c) A reticulated water supply is available in the area ;and
  - d) The subject Lot is located adjacent to Frenchman Bay Road, which provides options to travel in different directions in case of a bushfire. A concern may however still be raised about the effectiveness of such a route because the land is part of a Peninsula and Frenchman Bay Road is the only main access route in this area.

17. Should the Council adopt Amendment No.34 for advertising, the Bushfire Management Plan will be referred to the Department of Fire and Emergency Services, for review and comment.

#### Local Water Management Strategy

18. A Local Water Management Strategy has been prepared to support development of Lot 105 Frenchman Bay Road, Big Grove.
19. The Local Water Management Strategy assessed the pre-development environmental characteristics, water use sustainability initiatives and stormwater and groundwater management.
20. Stormwater management for the subject site is proposed to be designed using the following key principles and objectives:
  - a) All lots infiltrate or retain stormwater on-site either through infiltration and/or through the collection of rainwater in tanks;
  - b) All roads will be designed to provide a flood route for events greater than 1-in-1 year ARI and up to 1-in-100 year ARI event;
  - c) Roads incorporate the following treatments depending on the road reserve width and slope of the area in question:
    - Flush kerbing and swales; or
    - Mountable kerbing and collection (side entry) pits.
  - d) POS areas are used for drainage for events where the collection pits cannot retain and infiltrate the entire event (i.e. 1-in-100 year events); and
  - e) Piping and similar infrastructure is to be minimised within the subject site.
21. If the amendment is initiated for advertising, the Local Water Management Strategy will be referred to the Department of Water and Environmental Regulation for review and comment.

#### Infrastructure Servicing

##### Roads

22. Frenchman Bay Road provides access to the localities of Robinson, Little Grove, Big Grove and Goode Beach.
23. The eventual development of the subject land will contribute to an increased use of Frenchmans Bay Road and the intersection of Hanrahan Road / Princess Royal Dr / Frenchman Bay Rd.
24. A Traffic Impact Assessment, which will have to detail the potential impact and the associated upgrade requirements will be required at a future structure planning stage.
25. A future structure plan should also include a plan for contributions/upgrading Frenchman Bay Road and the Hanrahan Road / Princess Royal Drive intersection (if required).

##### Stormwater

Due to the expected sandy nature of soils within the site, good drainage through soak wells within subdivided lots should be available. As Lot 105 forms part of a slope towards the foreshore, stormwater drainage collected in the road reserves will be likely graded naturally towards the foreshore where it will be detained, treated and slowly released into the groundwater system.

##### Sewer

26. A new Little Grove Pump Station will be required that will pump via a pressure main to an existing gravity sewer. This is a headworks item that would need to be scheduled by the Water Corporation once developer intentions were quantified. Should funds not be available when required by development, prefunding may be an option.

### Water

The area is supplied from the Albany Mt Melville Tank to Little Grove. This supply is likely to be inadequate for the development of Lot 105. It is planned to augment supply via additional infrastructure. These works have not yet been scheduled, and will be constructed in stages based on development demand. All reticulation size mains are to be funded by the developer.

### Power

27. There are existing high-voltage (22 kV), three-phase Western Power overhead aerials along the northeast side of Frenchman Bay Road which provide services to surrounding areas from the Albany substation in north McKail. As these aerials are on the same side of Frenchman Bay Road to Lot 105, there may be a requirement to remove and relocate underground if Lot 105 were subdivided.

### Coastal Process Allowance

28. Allowances for coastal processes have been assessed following guidance in the State Coastal Planning Policy No. 2.6 by determining:
  - Allowance for the Current Risk of Storm Erosion;
  - Allowance for Historic Shoreline Movement Trends;
  - Allowance for Erosion Caused by Future Sea Level Rise; and
  - Allowance for Current Risk of Storm Surge Inundation.
29. The total allowance for coastal processes at Lot 105 Frenchmans Bay Road, has been determined at 135m from the Horizontal Setback Datum (HSD). The HSD was defined as the 1m Australian Height Datum contour based on the peak water level of the design storm, and represents the toe of the primary dune rather than the coastal vegetation line.
30. A Foreshore Management Area, in addition to the coastal processes allowance area, is to be determined at the Structure Planning stage.

### Conclusion

31. The proposed scheme amendment is consistent with the strategic direction set in the *Albany Local Planning Strategy (2019)* which shows the subject lot as being suitable for 'Urban Growth'.
32. Positive strategic outcomes of zoning Lot 105 for Future Urban, include:
  - a) Extending services into the Big Grove;
  - b) The dedication of land for environmental protection and to deal with coastal processes; and
  - c) An increased level of bushfire protection.
33. If the land is rezoned, before any subdivision approval may be granted, a structure plan will need to be prepared to guide the future subdivision and development of the land.
34. Ideally, the structure plan should conform to the studies completed at the amendment stage and/or any conditions imposed by the Environmental Protection Authority.

### **GOVERNMENT & PUBLIC CONSULTATION**

35. The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment be adopted by a resolution of Council prior to the proposal being advertised for public comment. Consequently, no consultation has been undertaken at this stage.
36. If Council resolves under regulation 35(1) to adopt an amendment to a local planning scheme, the local government must advertise the amendment.

37. Section 81 of the *Planning and Development Act 2005* requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.

### STATUTORY IMPLICATIONS

38. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
39. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
40. The proposal is considered to be a standard scheme amendment as it is consistent with the City of Albany Local Planning Strategy.
41. Voting requirement for this item is **SIMPLE MAJORITY**.

### POLICY IMPLICATIONS

42. The amendment has been prepared attentive to the following State Planning Policies:
- a) *State Planning Policy No. 2 – Environment and Natural Resources*;
  - b) *State Planning Policy No. 3 – Urban Growth and Settlement*;
  - c) *State Planning Policy No. 2.6 – State Coastal Planning Policy*;
  - d) *State Planning Policy No. 3.7 Planning in Bushfire Prone Areas*;
  - e) *Better Urban Water Management Policy*;
  - f) *Government Sewerage Policy*.
43. Each of the above-mentioned State Planning Policies as they apply to the proposal are discussed in detail below.

#### *State Planning Policy No. 2 – Environment and Natural Resources*

44. State Planning Policy No. 2 – Environment and Natural Resources (SPP 2) broadly defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues.
45. The objectives of the policy are to:
- a) Integrate environment and natural resource management with broader land use planning and decision-making;
  - b) Protect, conserve and enhance the natural environment; and
  - c) Promote and assist in the wise and sustainable use and management of natural resources.
46. The Amendment No.34 conforms to the State Planning Policy No.2 by actively seeking opportunities for improved environmental outcomes including support for development which provides for environmental protection.

#### *State Planning Policy No. 3 – Urban Growth and Settlement*

47. The scheme amendment is broadly consistent with objectives of the *State Planning Policy No. 3 – Urban Growth and Settlement*, including:
- a) Facilitating serviced land in the right location for housing;
  - b) Enabling housing responsive to housing demand and preferences; and
  - c) Recognising the need to restore and enhance as well as protect biodiversity and to minimise development impacts on land and water, and other natural resources that help sustain urban economies and society.

State Planning Policy No.2.6 – State Coastal Planning Policy

48. The Coastal Process Allowance assessment, developed to accompany the Amendment No.34, indicates an area to be set-aside to allow coastal processes to occur. An additional foreshore management area is required between future development and the coastal processes boundary.
49. The assessment to determine coastal processes in accordance with the State Planning Policy 2.6 will be referred to the Department of Transport and the Department of Planning, Lands and Heritage for review.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

50. *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) requires fire hazard to be considered in planning decisions to avoid increasing the risk through inappropriately located or designed land use and development.
51. For more strategic proposals such as a local scheme amendment, SPP 3.7 requires:
  - a) A bushfire attack level (BAL) contour map to determine the indicative acceptable BAL ratings across the subject site;
  - b) The identification of any bushfire hazard issues arising from the relevant assessment;
  - c) Clear demonstration that compliance with the bushfire protection criteria in the guidelines can be achieved in subsequent planning stages.
52. To meet the requirements of SPP 3.7 and the underlying *Guidelines for Planning in Bushfire Prone Areas* (including appendices) a Bushfire Management Plan for the strategic proposal has been prepared for consideration.
53. The Bushfire Management Plan identifies the bushfire hazard issues arising from the assessment, then demonstrate that compliance with the bushfire protection criteria in the guidelines can be achieved in subsequent planning stages. This includes detailed compliance notes regarding Elements 1 (Location) and 2 (Siting and Design of Development), 3 (Vehicle Access) and 4 (Water).
54. The Bushfire Management Plan will be referred to the Department of Fire and Emergency Services for review.

Better Urban Water Management policy

55. A strategic-level Local Water Management Strategy has been prepared to accompany the rezoning request. The Local Water Management Strategy embodies the water sensitive design principles in accordance with the direction of the *Better Urban Water Management* policy.
56. It is proposed that stormwater runoff generated from the development will be dealt with under best practice stormwater management to avoid adverse environmental impacts. The impact of stormwater runoff will be negated by adopting appropriately sized drainage swales and basins with nutrient-stripping measures in the areas of road and drainage reserves and / or easements. This approach to stormwater management will adequately address drainage issues within the study area.
57. The Local Water Management Strategy will be refined at the structure planning stage to include further technical details. Then beyond this, a detailed Urban Water Management Strategy will be required to be prepared as a condition of approval prior to the subdivision construction stage, consistent with policy and the approach taken with other similar projects.
58. The Local Water Management Strategy will be referred to the Department of Water and Environmental Regulation for review.

Government Sewerage Policy

59. Under the provisions of section 6.1 of the Government Sewerage Policy, development of the subject Lot will be required to connect to reticulated sewerage, as it does not meet any exemptions.
60. The cumulative impact of on-site sewage disposal is deemed likely to have a detrimental impact on the water quality of a public drinking water source area, sewage sensitive area or other waterway or wetland. In this respect the mapping associated with the draft Government Sewerage Policy indicates the land as being within 2 kilometres of a selected estuary / inlet, and with that the risks are considered too great to entertain on-site effluent disposal, notwithstanding the proximity of the site to a Water Corporation bore.
61. Absence of reticulated sewerage may prejudice the ability to provide sewerage to Big Grove generally and jeopardise future land development which is supported by existing strategies and plans.
62. The Water Corporation has prepared a long-term strategy map to service Big Grove with reticulated sewerage and has determined the site can be reasonably connected to reticulated sewerage, in consideration of the most practicable servicing option.

**RISK IDENTIFICATION & MITIGATION**

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

| Risk  | Likelihood | Consequence | Risk Analysis | Mitigation   |
|---|------------|-------------|---------------|--|
| <p><b>Reputation</b><br/>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</p> | Possible   | Minor       | Low           | If not supported by the WAPC or Minister, the amendment will not be progressed and the City may be required to make modifications. |
| <p><b>Opportunity:</b> Increase opportunity for servicing, development and conservation of environmentally sensitive areas.</p>           |            |             |               |  |

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

66. The referral of Amendment No.34 to the Environmental Protection Authority will clarify if environmental implications apply.

**ALTERNATE OPTIONS**

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



**CONCLUSION**

68. This scheme amendment proposes to rezone Lot 105 Frenchman Bay Road, Big Grove by:
- a) Rezoning portion of Lot 105 from ‘Public Use’ to ‘Future Urban’;
  - b) Rezoning portion of Lot 105 from ‘Public Use’ to ‘Parks and Recreation’.
69. The proposal, if finally endorsed by the Minister, may provide the opportunity for:
- c) Residential development;
  - d) Protection of a Water Corporation water field (bore) in perpetuity;
  - e) Dedication of land adjacent to the Princess Royal Harbour for environmental protection and foreshore management and to deal with coastal processes.
  - f) Provision of roads, car parks and footpaths to provide access to and enjoyment of the foreshore;
  - g) Protection of habitat land for biodiversity and conservation purposes;
  - h) An extension of services into the Big Grove locality, including reticulated sewerage which will assist in reducing nutrient export into Princess Royal Harbour;
  - i) An increased level of fire protection, through the introduction of asset protection zones, hazard separation zones and fire-fighting hydrants (through the provision of reticulated water);
70. City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy 2019*.
71. Council is requested to adopt the amendment for the purpose of referral to the Environmental Protection Authority, public and agency authorities.

|                                   |   |   |
|-----------------------------------|---|---|
| <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 (2010)</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> | : | LAMD34 (Vancouver Ward)   |
| <b>Previous Reference</b>         | : | OCM 15/03/2011 – Item 1.2   |

**DIS215: PLANNING AND BUILDING REPORTS MAY 2020**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports May 2020  
**Report Prepared By** : Administration Officer – Planning (A James)  
Administration Officer – Development Services (J Corcoran)  
**Responsible Officers:** : Manager Planning and Land Information Services  
(J Van Der Mescht)

**RECOMMENDATION**

**DIS215: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**BFAC012: RECEIVE THE MINUTES OF THE BUSH FIRE ADVISORY COMMITTEE HELD 3 MARCH 2020**

- Attachments** : Confirmed Minutes of the Bush Fire Advisory Committee meeting held 3 March 2020
- Report Prepared By** : Senior Team Leader Records/Council Liaison (J Williamson)
- Responsible Officers:** : 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 establish and maintain sound business and governance structure.  
To provide strong, accountable leadership supported by a skilled and professional workforce
  - **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 our community.

**In Brief:**

- Receive the confirmed minutes of the Bush Fire Advisory Committee meeting held on 3 March 2020

**RECOMMENDATION**

**BFAC012: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the confirmed minutes of the Bush Fire Advisory Committee meeting held on 03 March 2020 be RECEIVED.**

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