



---

# MINUTES

---

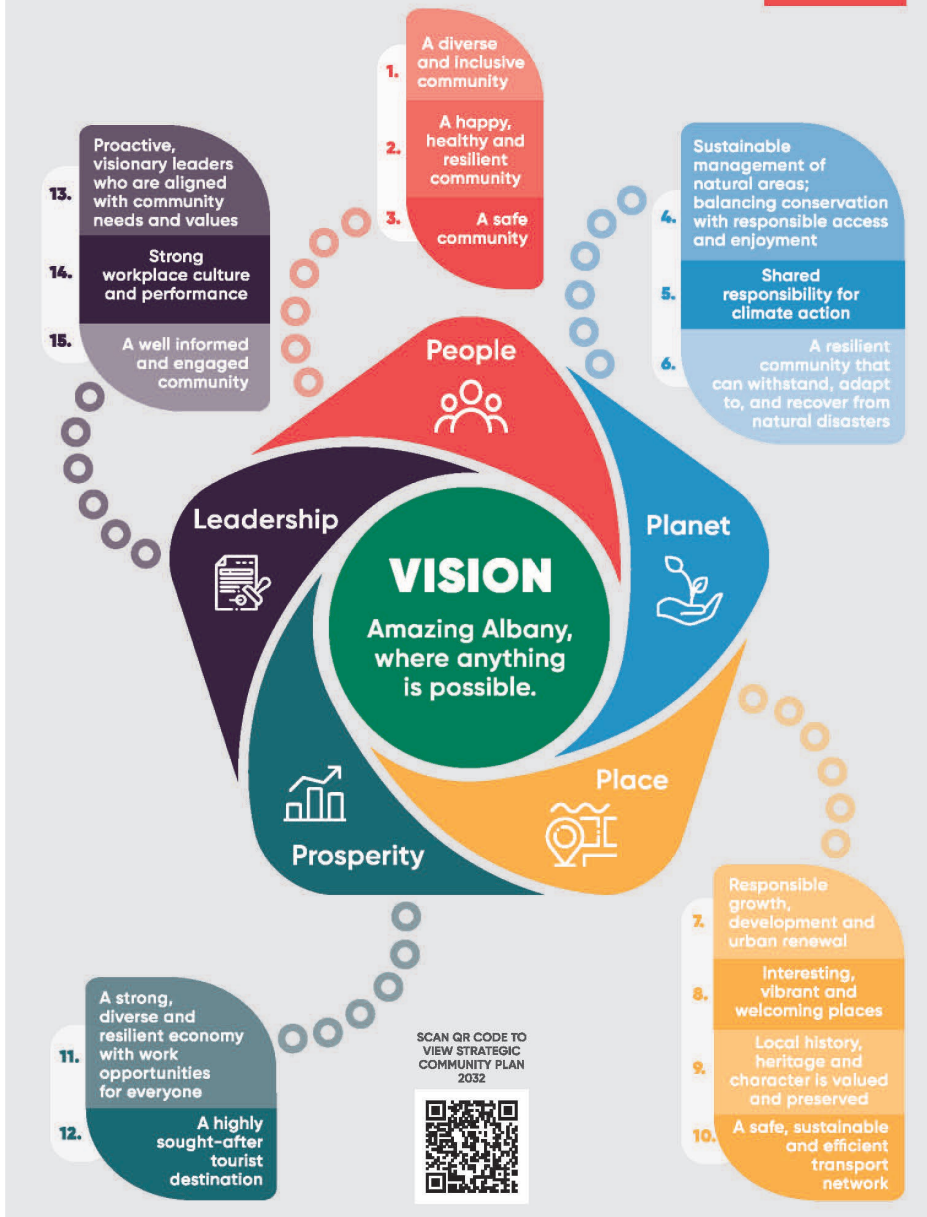
**Ordinary Meeting of Council**

**Tuesday 23 November 2021**

6.00pm  
**Council Chambers**



**STRATEGIC COMMUNITY PLAN 2032**



ORDINARY COUNCIL MEETING  
MINUTES – 23/11/2021

**TABLE OF CONTENTS**

Item	Details	Pg#
1.	<b>DECLARATION OF OPENING</b>	3
2.	<b>PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS</b>	3
3.	<b>RECORD OF APOLOGIES AND LEAVE OF ABSENCE</b>	3
4.	<b>DISCLOSURES OF INTEREST</b>	4
5.	<b>REPORTS OF MEMBERS</b>	4
6.	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b>	6
7.	<b>PUBLIC QUESTION TIME</b>	7
8.	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	7
9.	<b>PETITIONS AND DEPUTATIONS</b>	7
10.	<b>CONFIRMATION OF MINUTES</b>	7
11.	<b>PRESENTATIONS</b>	7
12.	<b>UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS</b>	7
13.	<b>MINUTES AND RECOMMENDATIONS OF COMMITTEES</b>	
<b>CCS</b>	<b>Corporate and Community Services Committee</b>	
CCS389	FINANCIAL ACTIVITY STATEMENT-SEPTEMBER 2021	8
CCS390	LIST OF ACCOUNTS FOR PAYMENT-OCTOBER 2021	11
CCS391	DELEGATED AUTHORITY REPORTS	14
CCS392	NATIONAL ANZAC CENTRE-Q1 2021-22 REPORT	15
CCS393	ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD ENDING 30 SEPTEMBER 2021	19
<b>DIS</b>	<b>Development and Infrastructure Services Committee</b>	
DIS285	DRAFT LOCAL PLANNING SCHEME NO. 2 AND RESOLUTION TO PROCEED TO ADVERTISE	23
DIS286	C21012-DESIGN, SUPPLY AND INSTALLATION OF ROOFTOP SOLAR PHOTOVOLTAIC (PV) SYSTEMS	40
DIS287	C21013-DRUMMOND STREET RECONSTRUCTION	44
DIS288	BUILDING AND PLANNING REPORTS OCTOBER 2021	48
14.	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL</b>	49
15.	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil</b>	49
16.	<b>REPORTS OF CITY OFFICERS Nil</b>	49
17.	<b>MEETING CLOSED TO PUBLIC</b>	49
18.	<b>CLOSURE</b>	49

**1. DECLARATION OF OPENING**

The Mayor declared the meeting open at 6.00pm.

**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

P Terry

Breaksea Ward

A Cruse

Frederickstown Ward

G Stocks

Frederickstown Ward

M Traill

Kalgan Ward

M Benson-Lidholm JP

Kalgan Ward

T Brough

Vancouver Ward

J Shanhun

Vancouver Ward

D Baesjou

West Ward

S Smith

West Ward

A Goode JP

Yakamia Ward

C Thomson

Yakamia Ward

R Sutton

**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:** Nil.

Two members of the media and two members of the public were in attendance.

#### 4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Baesjou	DIS285	<b>Impartiality.</b> The nature of the interest being that Councillor Baesjou is currently a director of Ayton Baesjou Planning. Councillor Baesjou's directorship is to be relinquished and is proposed to cease by 01 December 2021. After this time, Councillor Baesjou will have no further interest, financial or otherwise, in Ayton Baesjou Planning. This report is recommending that the advertising of LPS 2 commence. Any further consideration of LPS 2 will commence after Councillor Baesjou has resigned her directorship. Councillor Baesjou remained in the Chamber and participated in the discussion and vote for this item.

#### 5. REPORTS OF MEMBERS

##### 6.01pm Councillor Sutton

##### Summary of key points:

Councillor Sutton attended the 2021 Albany Agricultural Show. Councillor Sutton said that it was wonderful to see so many people enjoying the show, and thanked City staff who manned the City's displays.

Councillor Sutton also attended the Sunday Hill Climb held as part of the Albany Vintage and Classic Motorcycle Weekend. Councillor Sutton said that there was a huge crowd at the event, and that he had spoken with a group of 30 vintage motorcycle enthusiasts from Bunbury, with very positive feedback that within the motorsport community Albany is leading the way.

Councillor Sutton also suggested that the City should consider reintroducing traditional building inspections, with qualified and experienced staff to provide regulatory oversight on construction sites to ensure compliance. Councillor Sutton expressed concern that the current housing boom could lead to shortcuts in building practices, and the current mode of self-regulation was not sufficient, given the current shortage of building materials.

##### 6.03pm Councillor Smith

##### Summary of key points:

Councillor Smith attended the closing ceremony of the Long Live You Pilot Program. The Long Live You Program was a two year trial program supported by the City of Albany, Department of Local Government, Sport and Cultural Industries and Sport Australia's Move It Aus Grants Program. Councillor Smith said that over 97 participants increased their physical activity by participating in the program, with over 42,000 work-outs completed during the two year trial. The Long Live You program will continue, given the success of the pilot program. Councillor Smith recommended that elected members watch the documentary about the program.

Councillor Smith also represented the City of Albany at the WA Tourism awards, where the National Anzac Centre received Silver. Councillor Smith said a new category, the COVID-19 Judge's Choice Award, was awarded to Pan Pacific Perth for the way it used the skills of its staff to help those in need during a business downturn, housing and supporting Perth homeless.

Councillor Smith also commented on the North Albany Clontarf Academy End of Year Awards held to celebrate to achievements of the Academy in 2021. Councillor Smith said that the Clontarf Academy was an important organisation, and commended them for the very effective youth engagement opportunities it offers, to improve the education, discipline, life skills, self-esteem and employment prospects of young Aboriginal and Torres Strait Islander men.

Councillor Smith also attended her first Waste Management Working Group as a member, and said that it will be interesting to see the outcomes of the Reusable Nappy Rebate trial, which will commencing on 22 November 2021.

### **6.07pm Councillor Baesjou**

#### **Summary of key points:**

Councillor Baesjou attended the Charge of Beersheba Memorial Service, the Nurses Memorial Service and the Remembrance Day Service where Councillor Baesjou laid a wreath. Councillor Baesjou said that it was an honour to attend these services which are of great significance to Albany and all of Australia, and a credit to the RSL.

Councillor Baesjou also attended the following events:

- Albany Business Centre Open Day. The Albany Business Centre is a wonderful initiative which fosters new and innovative businesses.
- Communications and Engagement Working Group.
- Albany Central Probus Club as guest speaker.
- Stidwell Trail Working Group site visit. Councillor Baesjou said it is a very worthwhile project and she looks forward to the outcome of the Consultant's report.
- AICD – The Boards role in Workforce Culture.
- Albany Show. Councillor Baesjou said that she had received many positive comments from members of the public regarding the work Council was doing for the community.

### **6.10pm Councillor Shanhun**

#### **Summary of key points:**

Councillor Shanhun attended the North Albany Clontarf Academy End of Year Awards representing the Mayor. Councillor Shanhun said the key note address by Gerard Neesham, CEO of the Clontarf Foundation, was very stirring. Councillor Shanhun said that the Academy provides a vital service to local indigenous youth, and it was fantastic that most of the Academy participants were in part time work.

Councillor Shanhun also attended Elected Member Professional Development sessions with David Price, which he found very useful. Councillor Shanhun also commented on the Citizenship Ceremonies he has attended recently, and said that conferees are very passionate about becoming Australian citizens.

### **6.12pm Councillor Benson-Lidholm**

#### **Summary of key points:**

Councillor Benson-Lidholm attended a meeting of the Lower King and Bayonet Head Association, and passed on community concerns about emergency access and exit from Bayonet Head, with only one road in and one road out, particularly in the event of a bush fire.

### **6.13pm Councillor Brough**

#### **Summary of key points:**

Councillor Brough attended the Living Waters Church Spring into Christmas Fair, and enjoyed the enthusiasm showed by children keen to try out the fire fighting hoses on the Volunteer Bush Fire Brigade appliances.

Councillor Brough said that the funds raising at the Fair were in support of Shalom House and the Albany Women's Refuge.

Councillor Brough attended the Albany RSL Armistice Day Dinner at Motel Le Grande, and said that the key note address was about Australia's geopolitical position.

### **6.15pm Councillor Stocks**

#### **Summary of key points:**

Councillor Stocks expressed concern that Albany Health Campus, completed in 2013, may no longer be fit for purpose. As a replacement for the Albany Regional Hospital, there was no provision for an increase in beds. The population of Albany in 2013 was 33,000, in 2021 it is expected to be around 42,000.

Councillor Stocks said that strong lobbying of government is vital to increase the capacity of the Albany Health Campus to a level which is able to provide appropriate health care to the community, not just of Albany but the wider region. Plans have been presented to the State government to expand the Albany Health Campus, and now needed strong advocacy to secure funding to allow the expansion to proceed as a matter of urgency.

Councillor Stocks also praised the closing event for the pilot of the Long Live You program. Councillor Stocks also attended Remembrance Day, and the Hospice Fund Raising Dinner, which raised \$40,000 for the Hospice.

**6.20pm Councillor Traill**  
**Summary of key points:**

Councillor Traill said that he was very pleased to be able to attend the WA Tourism Awards, particularly as the Nation Anzac Centre received a Silver Tourism Award. Councillor Traill said that it is important that the Federal government recognise that the NAC is a National icon in Military History, and that it must receive appropriate funding.

Councillor Traill praised the recent Carrolup Briefing and the Exhibition of the amazing artwork created by the Aboriginal Child Artists of Carrolup displayed at the Albany Town Hall. Councillor Traill thanked the Town Hall staff for their work in curating these significant artworks, which are a unique historical collection of profound cultural significance.

**6.22pm Councillor Terry**  
**Summary of key points:**

Councillor Terry thanked Mayor Wellington for his leadership in initiating the City's involvement in the Compassionate Communities movement, with the development of the Compassionate Albany Charter, a collaboration between the City of Albany and WA Primary Health Alliance. The City of Albany won the Outstanding Local Government Authority Supporting a Compassionate Community Approach Award for 2021.

Councillor Terry was very pleased that \$40,000 was raised for the Albany Community Hospice at the fundraising events held over the weekend.

Councillor Terry also attended 'Albany's Place in the Blue Economy' held at Retravision Stadium on 16 November 2021. Councillor Terry said that the reality of wave energy is 10 to 15 years away, but he looked forward to the results of a multimodal experimental model offshore from Whaleworld.

Councillor Terry also commented on the success of the Long Live You program and congratulated staff who delivered the program.

**6.25pm Councillor Cruse**  
**Summary of key points:**

Councillor Cruse also attended the Lower King and Bayonet Head Association meeting. Residents asked thoughtful questions, including the topic of emergency access and exit from Bayonet Head in the event of an emergency such as a bush fire.

Councillor Cruse also accompanied the judges for Keep Albany Beautiful as they inspected the finalist's gardens in one of the award categories. Councillor Cruse said that the Keep Australia Beautiful Albany Committee spend hours and hours during the judging process, driving many kilometres looking at gardens, and thanked them, and residents, for their efforts in making Albany beautiful.

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

**7. PUBLIC QUESTION TIME**

In accordance with City of Albany Standing Orders Local Law 2014 (as amended):

- 5) *The Presiding Member may decide that a public question shall not be responded to where—*  
*(a) the same or similar question was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;*  
*(b) the member of the public asks a question or makes a statement that is offensive, unlawful or defamatory in nature, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.*

**6.28pm Mr Barry Panizza, 688 Lower Denmark Road, Cuthbert**

**Summary of key points:**

Mr Panizza addressed Council in support of the Committee Recommendation for DIS285: Draft Local Planning Scheme No. 2 and Resolution to Proceed to Advertise. Mr Panizza said that the Rural Enterprise zone would give residents the opportunity to live in a lifestyle area and run a business.

There being no further speakers the Mayor declared Public Question Time closed at **6.30pm**.

**8. APPLICATIONS FOR LEAVE OF ABSENCE Nil**

**9. PETITIONS AND DEPUTATIONS Nil**

**10. CONFIRMATION OF MINUTES**

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

**MOVED: COUNCILLOR GOODE**  
**SECONDED: COUNCILLOR CRUSE**

**THAT the minutes of the Ordinary Council Meeting held on 26 October 2021, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 13-0**

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

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

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

**CARRIED 13-0**

**11. PRESENTATIONS Nil**

**12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil**



**CCS389: FINANCIAL ACTIVITY STATEMENT – SEPTEMBER 2021**

**Proponent / Owner** : City of Albany  
**Attachments** : Financial Activity Statement - September 2021  
**Report Prepared By** : Manager Finance (S Van Nierop)  
**Authorising Officer:** : Executive Director Corporate & Commercial Services (D Olde)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Leadership.
  - **Outcome:** Strong workplace culture and performance.

**IN BRIEF**

- Under the Local Government Financial Management Regulations, a local government is to prepare on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany's Statement of Financial Activity for the period ending 30 September 2021 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.

**RECOMMENDATION**

**CCS389: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR CRUSE**

**THAT the Financial Activity Statement for the period ending 30 September 2021 be RECEIVED.**

**CARRIED 13-0**

CCS389: AUTHORISING OFFICER RECOMMENDATION

THAT the Authorising Officer Recommendation be ADOPTED.

**CARRIED 13-0**

CCS389: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 30 September 2021 be RECEIVED.

**DISCUSSION**

2. 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.
3. In order to fulfil statutory reporting obligations, the Financial Activity Statement prepared provides a snapshot of the City's year to date financial performance. The report provides:
  - (a) Statement of Financial Activity by Nature or Type;
  - (b) Explanation of material variances to year to date budget;
  - (c) Net Current Funding Position;
  - (d) Investment Portfolio Snapshot;
  - (e) Receivables; and
  - (f) Capital Acquisitions.

4. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS367, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2021/2022.
5. The Statement of Financial Activity may be subject to year-end adjustments and has not been audited by the appointed auditor.
6. It is noted 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:
  - 34(1) 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.
  - 34(2) 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.
  - 34(3) 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.
  - 34(4) 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.
  - 34(5) 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**

8. The City's 2021/22 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

**FINANCIAL IMPLICATIONS**

10. Expenditure for the period ending 30 September 2021 has been incurred in accordance with the 2021/22 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

**LEGAL IMPLICATIONS**

12. Nil

**ENVIRONMENTAL CONSIDERATIONS**

13. Nil

**ALTERNATE OPTIONS**

14. Nil

**CONCLUSION**

15. The Authorising Officer's recommendation be adopted
16. It is requested that any questions on specific payments are submitted to the Executive Director Corporate & Commercial 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>Consulted References</b>	:	<i>Local Government (Financial Management) Regulations 1996</i>
<b>File Number (Name of Ward)</b>	:	FM.FIR.7 - All Wards

**CCS390: LIST OF ACCOUNTS FOR PAYMENT – OCTOBER 2021**

**Business Entity Name** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared By** : Manager Finance (S Van Nierop)  
**Authorising Officer:** : 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:
  - **Pillar:** Leadership.
  - **Outcome:** Strong workplace culture and performance.

**IN BRIEF**

2. 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.

**RECOMMENDATION**

**CCS390: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR SHANHUN**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 October 2021 totalling \$6,777,644.78 be RECEIVED.**

**CARRIED 13-0**

**CCS390: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR THOMSON**  
**SECONDED: COUNCILLOR TRAILL**

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

**CARRIED 13-0**

**CCS390: AUTHORISING OFFICER RECOMMENDATION**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 October 2021 totalling \$6,777,644.78 be RECEIVED.**

**DISCUSSION**

3. The table below summarises the payments drawn from the municipal fund for the period ending 15 October 2021. Please refer to the Attachment to this report.

<b>Municipal Fund</b>	
Trust	\$0.00
Credit Cards	\$17,509.00
Payroll	\$1,640,416.27
Cheques	\$14,778.64
Electronic Funds Transfer	\$5,104,940.87
<b>TOTAL</b>	<b><u>\$6,777,644.78</u></b>

The table below summaries the total outstanding creditors as at 15 October 2021.

Current	\$84,555.58
30 Days	\$75,305.29
60 Days	\$7,188.44
90 Days	-\$22,124.88
<b>TOTAL</b>	<b><u>\$144,924.43</u></b>
<b>Cancelled Cheques</b>	<b>Nil</b>

**STATUTORY IMPLICATIONS**

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

**POLICY IMPLICATIONS**

7. Expenditure for the period to 15 October 2021 has been incurred in accordance with the 2021/2022 budget parameters.

**FINANCIAL IMPLICATIONS**

8. Expenditure for the period to 15 October 2021 has been incurred in accordance with the 2021/2022 budget parameters.

**LEGAL IMPLICATIONS**

9. Nil

**ENVIRONMENTAL CONSIDERATIONS**

10. Nil

**ALTERNATE OPTIONS**

11. Nil

**CONCLUSION**

12. That the list of accounts have been authorised for payment under delegated authority.
13. 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>Consulted References</b>	:	<i>Local Government (Financial Management) Regulations 1996</i>
<b>File Number (Name of Ward)</b>	:	FM.FIR.2 – All Wards

**CCS391: DELEGATED AUTHORITY REPORTS – SEPTEMBER 2021 TO OCTOBER 2021**

**Proponent / Owner** : City of Albany  
**Attachments** : Executed Document and Common Seal Report.  
**Report Prepared By** : Personal Assistant to the ED Corporate & Commercial Services (H Bell)  
**Authorising Officer:** : Chief Executive Officer (A Sharpe)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Leadership.
  - **Outcome:** A well informed and engaged community.

**RECOMMENDATION**

**CCS391: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR BROUGH**

**THAT the Delegated Authority Reports 16 September 2021 to 15 October 2021 be RECEIVED.**

**CARRIED 13-0**

CCS391: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BROUGH  
SECONDED: COUNCILLOR BAESJOU

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS391: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 September 2021 to 15 October 2021 be RECEIVED.

**BACKGROUND**

2. 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

**CCS392 NATIONAL ANZAC CENTRE – Q1 2021-22 REPORT**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: National Anzac Centre (NAC) – Quarter 1 (Q1) 2021/22 Operational Report
<b>Report Prepared By</b>	: Manager Facilities (L Stone)
<b>Authorising Officer:</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 2032 or Corporate Business Plan informing plans or strategies:
  - a. **Pillar:** Prosperity.
  - b. **Outcomes:** A highly sought-after tourist destination.
  - c. **Objectives:** Create a competitive and sustainable tourism offer.

**In Brief:**

- To provide Council with update on Q1 2021/22 performance of the NAC.

**RECOMMENDATION**

**CCS392: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR TRAILL**

**THAT the NAC Operational Report for Q1 2021/22 be RECEIVED.**

**CARRIED 13-0**

CCS392: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL  
SECONDED: COUNCILLOR CRUSE

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS392: AUTHORISING OFFICER RECOMMENDATION

THAT the NAC Operational Report for Q1 2021/22 be RECEIVED.

**BACKGROUND**

1. The NAC is the City of Albany's most significant tourism asset.
2. The NAC represents a \$10.6 million dollar investment from the Federal and State Government with an additional \$1.5 million invested by Wesfarmers for the construction of the Convoy Walk and Lookout.
3. 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.
4. The City established an independent NAC Advisory Group during the 2016/17 financial year to meet quarterly and assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards.



5. The NAC Advisory Group agreed in November 2018 that the group would meet twice a year. The next meeting is scheduled for November 2021.
6. 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.
7. 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**

8. Q4 2020/21 achieved overall total visitation numbers of 425,919 visitors to the NAC since opening in November 2014. This equates to an average annual visitation of 61,578 visitors per year.
9. NAC Visitation of 10,748 is the lowest Q1 since opening, with same period in 2015/16 recording 14,024.
10. July NAC visitation numbers of 4,150 are in line with all previous years for school holiday patterns.
11. Total visitation for Q1 2021/22 decreased by 1,437 visitors compared to the same period in 2020/21.
12. The visitation in Q1 2021/22 from the Great Southern Region totalled 585 people, equating to 6.5% of Western Australia's overall visitation of 8,925. (3.5% decrease from previous quarter).
13. The total visitation in Q1 2021/22 originated from Western Australia (85%) and interstate (15%).
14. Visitors from other States and Territories consisted of 24% from VIC, 22% from NSW, 22% from QLD, 19% from SA, followed by TAS 9%, ACT and NT all on 1-3%.
15. Tasmania visitation of 152 (9% of overall visitation) is the highest since opening.
16. Revenue generated in Q1 2021/22 by the NAC was \$4,304 less compared to the previous Q4 quarter in 2020/21.
17. The Forts Store revenue of \$94,673 saw a minor decrease of \$2,732 compared to the same Q1 period in 2020/21.
18. As at the end of Q1 2021/22, 6,019 households hold memberships to the NAC League of Local Legends program, an increase of 708 from the previous quarter.
19. The free-entry membership promotion for residents from the Great Southern region runs until the 30 June 2022.
20. Rats of Tobruk, a World War II exhibition on display at the Princess Royal Fortress, attracted interstate virtual visitation from the Australian Governor-General of the Commonwealth of Australia.
21. His Excellency General the Honourable David Hurley AC DSC (Rtd) and Her Excellency Mrs Hurley virtually toured the exhibit 16 September along with two Rats of Tobruk Western Australian members and four local descendants.

**GOVERNMENT & PUBLIC CONSULTATION**

22. Not Applicable.

**STATUTORY IMPLICATIONS**

23. Not Applicable.

**POLICY IMPLICATIONS**

24. Not Applicable.

**RISK IDENTIFICATION & MITIGATION**

25. Nil.

**RISK IDENTIFICATION & MITIGATION**

26. Nil.

**FINANCIAL IMPLICATIONS**

27. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as at 30 September 2021.

28. Full year operating expenditure budget includes:

- a. \$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>FY2021/22 Budget</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>YTD Variance</b>
Operating Income	\$875,000	\$218,664	\$175,103	<b>\$(43,561)</b>
Operating Expenditure	\$(558,163)	\$(136,602)	\$(101,444)	<b>\$35,158</b>
<b>Net Operating Income/(Expense) before Indirect Costs</b>	<b>\$316,837</b>	<b>\$82,062</b>	<b>\$73,659</b>	<b>\$(8,403)</b>
Indirect Expenses	\$(231,492)	\$(56,094)	\$(41,423)	<b>\$14,671</b>
<b>Net Operating Income/(Expense)</b>	<b>\$85,345</b>	<b>\$25,969</b>	<b>\$32,236</b>	<b>\$6,268</b>
Capital Expense	\$(375,286)	0	0	0
<b>Total</b>	<b>\$(289,941)</b>	<b>\$25,969</b>	<b>\$32,236</b>	<b>\$6,268</b>

**LEGAL IMPLICATIONS**

29. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

30. Nil.

### ALTERNATE OPTIONS

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

### CONCLUSION

32. Overall, Q1 2021/22 has shown lower visitation to the NAC, but this is in line with previous years and remains consistent with the trend for Q1 to be the 'low season'. Q1 visitation has primarily been from West Australian visitors.
33. The assumption remains that visitation from within our State is higher due to ongoing State border closures/restrictions, and the success of the League of Local Legends program membership promotion to all Great Southern residents.
34. Group bookings for bus tours are increasing for 2022 and enquiries are being received from interstate companies.
35. Great Southern visitation to the NAC was 6.5% of overall WA visitation during the July – September period in Q1 2021/22.
36. This is lower than the previous quarter (Q4 of 2020/21) but reflects the slower visitation period, however, remains significantly higher than the average 1% of overall WA visitation prior to the League of Local Legends free-entry membership promotion.
37. Interest in the Princess Royal Fortress and exhibitions was lower than previous Q1 periods during Q1, with 673 people taking part in Princess Royal Fortress Tours. The three new indoor exhibits throughout the Princess Royal Fortress have all been of interest to our visitors. Low season and wet weather has anecdotally reduced participation in the outdoor tours.
38. Overall Q1 generated lower figures in the NAC and Fort Store sales, which could be attributed to the effects of the pandemic on interstate and international visitation. The Forts Store September revenue increased by \$9,010 compared to the same time in 2020/21.

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

**CCS393: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD  
ENDING 30 SEPTEMBER 2021**

<b>Proponent</b>	:	City of Albany
<b>Attachments</b>	:	Budget Review for the period ending 30 September 2021
<b>Report Prepared by</b>	:	Business Analyst/Management Accountant (D Harrison)
<b>Authorising Officer</b>	:	Executive Director Corporate & Commercial Services (D Olde)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Leadership.
  - **Outcome:** Strong workplace culture and performance.

**In Brief:**

- Local governments are required to conduct a budget review between 1 January and 31 March each financial year in accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996. The Department recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.
- This review is for the period ending 30 September 2021, and therefore is outside the requirements of regulation 33A of the Local Government (Financial Management) Regulations 1996. A further budget review is required to satisfy this regulatory obligation.
- This budget review achieves a Balanced Budget inclusive of the proposed Budget Review allocations.

**RECOMMENDATION**

**CCS393: RESOLUTION 1  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR BROUGH  
SECONDED: COUNCILLOR TERRY**

**THAT the Budget Review for the period ending 30 September 2021 be ADOPTED.**

**CARRIED 13-0  
ABSOLUTE MAJORITY**

**CCS393: ADDENDUM**

Officers have identified an error in the Authorising Officer Recommendation 2 provided to the CCS Committee Meeting on 09/11/2021.

The Minimum Fee for disposal of offal should be \$120.00 per tonne (pro rata) with a minimum charge of \$10.00.

An Amended Authorising Officer Recommendation reflecting this change has been prepared and is detailed below.

**CCS393: RESOLUTION (AMENDED AUTHORISING OFFICER RECOMMENDATION 2)  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR BROUGH  
SECONDED: COUNCILLOR THOMSON**

**THAT the Following Fees & Charges Amendments be ADOPTED:**

**Effective from 13<sup>th</sup> December 2021**

- 1. Commercial waste (containing green waste material) – Minimum Fee \$30.00**
- 2. Car Tyres – Minimum Fee \$8.00**
- 3. Truck Tyres – Minimum Fee \$15.00**
- 4. Tractor Tyres – Minimum Fee \$25.00**
- 5. Mattresses and Base Fee \$20.00**
- 6. Offal – \$120.00 per tonne (pro rata) with a minimum charge of \$10.00**
- 7. Delete duplicate item - General Waste (Containing cardboard and /or green waste) - Minimum fee \$20 (Previously Contaminated Cardboard).**

**CARRIED 13-0  
ABSOLUTE MAJORITY**

**CCS393: COMMITTEE RECOMMENDATION 2  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT the Following Fees & Charges Amendments be ADOPTED:**

**Effective from 13<sup>th</sup> December 2021**

- 1. Commercial waste (containing green waste material) – Minimum Fee \$30.00**
- 2. Car Tyres – Minimum Fee \$8.00**
- 3. Truck Tyres – Minimum Fee \$15.00**
- 4. Tractor Tyres – Minimum Fee \$25.00**
- 5. Mattresses and Base Fee \$20.00**
- 6. Offal – Minimum Fee \$120.00**
- 7. Delete duplicate item - General Waste (Containing cardboard and /or green waste) - Minimum fee \$20 (Previously Contaminated Cardboard).**

**CCS393: COMMITTEE RECOMMENDATION 1**

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

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

**CARRIED 13-0**

**CCS393: AUTHORISING OFFICER RECOMMENDATION 1**

**THAT the Budget Review for the period ending 30 September 2021 be ADOPTED.**

**CCS393: COMMITTEE RECOMMENDATION 2**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR STOCKS**

**THAT the Authorising Officer Recommendation be ADOPATED.**

**CARRIED 13-0**

CCS393: AUTHORISING OFFICER RECOMMENDATION 2

THAT the Following Fees & Charges Amendments be ADOPTED:

Effective from 13<sup>th</sup> December 2021

1. Commercial waste (containing green waste material) – Minimum Fee \$30.00
2. Car Tyres – Minimum Fee \$8.00
3. Truck Tyres – Minimum Fee \$15.00
4. Tractor Tyres – Minimum Fee \$25.00
5. Mattresses and Base Fee \$20.00
6. Offal – Minimum Fee \$120.00
7. Delete duplicate item - General Waste (Containing cardboard and /or green waste) - Minimum fee \$20 (Previously Contaminated Cardboard).

**BACKGROUND**

2. Local Governments are required to conduct a budget review between 1 January and 31 March each financial in accordance with regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

**DISCUSSION**

3. Council adopted the 2021/2022 Budget on 27 July 2021. The total adopted budget of \$125.5M comprised of:
  - a. \$47.4M capital works;
  - b. \$ 2.6M debt reduction; and
  - c. \$75.5M in operating expenditure.
4. This Budget Review identifies additional expenditure of \$6,951,370 for general works, variations and new projects.
5. The funding of \$6,951,370 (inclusive of reduction in expenditures, adjustment of grant funding, additional revenue and reserve funding) has been identified in this review to maintain a balanced position for the 2021/2022 financial year.
6. A copy of the Budget Review for the period ending 30 September 2021 is attached.
7. Budget adjustments thereafter of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of this review.

**GOVERNMENT & PUBLIC CONSULTATION**

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

**STATUTORY IMPLICATIONS**

10. Under the *Local Government Act 1995*, section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
  - a. is incurred in a financial year before the adoption of the annual budget by the local government
  - b. is authorised in advance by a resolution (absolute majority required) or;
  - c. is authorised in advance by the mayor in an emergency.
11. If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of 7 days and (a) its intention to do so; and (b) the date from which it is proposed the fees or charges will be imposed.

12. The voting requirement of Council is **Absolute Majority**.

**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 & Opportunity Management Framework.

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

**FINANCIAL IMPLICATIONS**

15. Please refer to the attachment: Budget Review for the period ending 30 September 2021.

**LEGAL IMPLICATIONS**

16. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

17. Nil.

**ALTERNATE OPTIONS**

18. For the period ending 30 September 2021, Council may consider to:
- a. Adopt the Budget Review & the amendment of Fees and Charges as recommended; or
  - b. Adopt the Budget Review and/or the amendment of Fees and Charges with amendments (as specified by Council)

**SUMMARY CONCLUSION**

19. That the Responsible Officer’s Recommendation to adopt the Budget Review for the period ending 30 September 2021 & the amendment of Fees and Charges be supported.

<b>Consulted References</b>		<ul style="list-style-type: none"> <li>• Adopted Budget 2021/2022</li> <li>• Local Government Act 1995</li> </ul>
<b>File Number (Name of Ward)</b>	:	FM.BUG.12
<b>Previous Reference</b>	:	Adopted Budget 2021/2022 – OCM 27/7/2021 Resolution CCS367

**DIS285: DRAFT LOCAL PLANNING SCHEME NO. 2 AND  
RESOLUTION TO PROCEED TO ADVERTISE**

<b>Land Description</b>	:	City of Albany
<b>Proponent / Owner</b>	:	City of Albany
<b>Attachments</b>	:	1. Flowchart for the preparation of a new local planning scheme. 2. Local Planning Scheme No.2 – Text 3. Local Planning Scheme No.2 – Maps 4. Draft Engagement Strategy 5. Summary of changes between LPS1 & LPS2 with Model Provisions
<b>Supplementary Information &amp; Councillor Workstation</b>	:	1. Link to online Scheme Map 2. Documentation for Lancaster Road rezoning request to Rural Enterprise zone 3. WAPC's Position Statement: Special Residential Zone
<b>Report Prepared By</b>	:	Senior Planning Officer – Strategic Planning (A Nicoll)
<b>Authorising Officers:</b>	:	Executive Director Infrastructure, Development and Environment (P Camins)

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

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Place
  - **Outcome:**
    - Responsible growth, development and urban renewal.
    - Interesting, vibrant and welcoming places.
    - Local history, heritage and character is valued and preserved.
    - A safe, sustainable and efficient transport network.
  - **Pillar:** Planet
  - **Outcome:**
    - Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.
    - A resilient community that can withstand, adapt to, and recover from natural disasters.
  - **Pillar:** Prosperity
  - **Outcome:**
    - A strong, diverse and resilient economy with work opportunities for everyone.
    - A highly sought-after tourist destination.
  - **Pillar:** Leadership
  - **Outcome:** Grow awareness, understanding and engagement in City projects, activities and decisions.
2. The Albany Local Planning Strategy 2019 is the local planning strategy that sets out the long-term planning directions for the Scheme area. This report aligns with the implementation of the strategic objectives and actions identified under the City of Albany *Local Planning Strategy 2019* (the Planning Strategy).



**In Brief:**

- The purpose of this report is for Council to consider proceeding to advertise draft Local Planning Scheme No. 2 (LPS2), without modification, in accordance with the Planning Regulations.
- Draft LPS2 has been prepared in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (the Planning Regulations).
- Draft LPS2 seeks to:
  - Ensure consistency with the state planning framework (including reflecting any recent changes to the Planning Regulations, state planning policies, guidelines and state policy direction);
  - Implement the aims and strategic direction of the City's Local Planning Strategy 2019;
  - Ensure other supporting components of the local planning framework are consistent and up to date, including existing local planning policies, local structure plans and local development plans.
- Once finalised, draft LPS2 will replace existing Local Planning Scheme No. 1 (LPS1).

**RECOMMENDATION**

**DIS285:RESOLUTION 1**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH**

**SECONDED: COUNCILLOR BAESJOU**

**THAT Council RESOLVE to:**

1. **AGREE** to the requested modification to draft Local Planning Scheme No. 2 to change the zoning of Lot 156 (No. 322) Lancaster Road and Lot 155 (No. 34) Reddale Road, McKail from Rural (General Agriculture under Local Planning Scheme No. 1) to Rural Enterprise zone, with no further modifications to the proposed LPS2 provisions.
2. **ADVISE** the applicant/owner of the Council decision accordingly.

**CARRIED 13-0**

**DIS285: RESOLUTION 2  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH  
SECONDED: COUNCILLOR BAESJOU**

**THAT Council RESOLVE to:**

- 1. Pursuant to Section 72 of the *Planning and Development Act 2005* and Regulation 21(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEED TO ADVERTISE the draft City of Albany Local Planning Scheme No. 2 (LPS2) included in Attachment 2 & 3, with the following modification:
  - a) Change the zoning of Lot 156 (No. 322) Lancaster Road and Lot 155 (No. 34) Reddale Road, McKail from Rural (General Agriculture under Local Planning Scheme No. 1) to Rural Enterprise zone.****
- 2. In accordance with the requirements of Regulation 21 and 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to:
  - a) Refer LPS2 to the Environmental Protection Authority to consider if LPS2 needs to be assessed pursuant to Section 48A of the *Environmental Protection Act 1986*.**
  - b) Provide two copies of LPS2 to the Commission, and seek the Commission's advice on LPS2 and if it considers that any modification to the document is required prior to advertising.**
  - c) Make modifications to LPS2 to the satisfaction of the Environmental Protection Authority and/or Commission prior to commencement of advertising.  
and**
  - d) Provide public notice of LPS2 and ensure arrangements are in place for LPS2 to be made available for inspection by the public for a period of not less than 90 days.****

**CARRIED 13-0**

**DIS285: COMMITTEE RECOMMENDATION 1 (ALTERNATE MOTION BY MAYOR WELLINGTON)**

**MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR SMITH**

**THAT Council RESOLVE to:**

- 1. AGREE to the requested modification to draft Local Planning Scheme No. 2 to change the zoning of Lot 156 (No. 322) Lancaster Road and Lot 155 (No. 34) Reddale Road, McKail from Rural (General Agriculture under Local Planning Scheme No. 1) to Rural Enterprise zone, with no further modifications to the proposed LPS2 provisions.**
- 2. ADVISE the applicant/owner of the Council decision accordingly.**

**CARRIED 13-0**

**Reason for Alternate Motions by Mayor Wellington:**

The Rural Enterprise zone is also known as composite lots or rural home business, and allows for both a home and a rural business and/or industrial land use on a single lot that is generally between 1 and 4 hectares. As Albany continues to grow, the Rural Enterprise zoning will encourage small business owners to establish a home and business on the same property. The Mayor reiterated that:

- the enterprise use is the predominant use with the dwelling, ancillary and;
- lots less than one hectare would not be considered in the zone.

DIS285: COMMITTEE RECOMMENDATION 2 (ALTERNATE MOTION BY MAYOR WELLINGTON)

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR TERRY

THAT Council RESOLVE to:

1. Pursuant to Section 72 of the *Planning and Development Act 2005* and Regulation 21(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEED TO ADVERTISE the draft City of Albany Local Planning Scheme No. 2 (LPS2) included in Attachment 2 & 3, with the following modification:
  - a) Change the zoning of Lot 156 (No. 322) Lancaster Road and Lot 155 (No. 34) Reddale Road, McKail from Rural (General Agriculture under Local Planning Scheme No. 1) to Rural Enterprise zone.
2. In accordance with the requirements of Regulation 21 and 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to:
  - a) Refer LPS2 to the Environmental Protection Authority to consider if LPS2 needs to be assessed pursuant to Section 48A of the *Environmental Protection Act 1986*.
  - b) Provide two copies of LPS2 to the Commission, and seek the Commission's advice on LPS2 and if it considers that any modification to the document is required prior to advertising.
  - c) Make modifications to LPS2 to the satisfaction of the Environmental Protection Authority and/or Commission prior to commencement of advertising.

And

  - d) Provide public notice of LPS2 and ensure arrangements are in place for LPS2 to be made available for inspection by the public for a period of not less than 90 days.

CARRIED 13-0

DIS285: AUTHORISING OFFICER RECOMMENDATION 1

THAT Council RESOLVE to:

1. NOT incorporate the requested modification to draft Local Planning Scheme No. 2 to rezone Lot 156 (No. 322) Lancaster Road and Lot 155 (No. 34) Reddale Road, McKail from General Agriculture to Rural Enterprise zone, for the following reasons:
  - a) The proposal in its current form is inconsistent with the strategic direction of the Planning Strategy, does not provide sufficient rationale or justification for the inconsistency to the Strategy, and does not satisfactorily address or incorporate the minimum requirements outlined under the State Planning Policy and associated Guidelines for subdivision and/or development in the Rural Enterprise zone for the subject site.
  - b) Further strategic work is required to consider the broader application of the Rural Enterprise zone across the municipality. This work could be considered as part of a minor review to the City's Local Planning Strategy 2019, to run parallel with delivery of the Local Planning Scheme No. 2. A minor review of the Planning Strategy is the appropriate avenue for the local government to consider the broader strategic application and appropriate locations for the zone. Recommendations from the minor review can then be incorporated in to Local Planning Scheme No. 2, either following closure of advertising or as a scheme amendment following gazettal.
2. ADVISE the proponent of its decision and reasons to NOT INITIATE the requested modification to draft Local Planning Scheme No. 2 to rezone Lot 156 (No. 322) Lancaster Road and Lot 155 (No. 34) Reddale Road, McKail from General Agriculture to Rural Enterprise zone.

DIS285: AUTHORISING OFFICER RECOMMENDATION 2

THAT Council RESOLVE to:

1. Pursuant to Section 72 of the *Planning and Development Act 2005* and Regulation 21(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEED TO ADVERTISE the draft City of Albany Local Planning Scheme No. 2 (LPS2) included in Attachment 2 & 3 without modification.
2. In accordance with the requirements of Regulation 21 and 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to:
  - a) Refer LPS2 to the Environmental Protection Authority to consider if LPS2 needs to be assessed pursuant to Section 48A of the *Environmental Protection Act 1986*.
  - b) Provide two copies of LPS2 to the Commission, and seek the Commission's advice on LPS2 and if it considers that any modification to the document is required prior to advertising.
  - c) Make modifications to LPS2 to the satisfaction of the Environmental Protection Authority and/or Commission prior to commencement of advertising.  
and
  - d) Provide public notice of LPS2 and ensure arrangements are in place for LPS2 to be made available for inspection by the public for a period of not less than 90 days.

**BACKGROUND**

3. The City's current LPS1 was originally gazetted in 2014 and was prepared in alignment with the strategic direction set out under the now superseded Local Planning Strategy 2010. Amendments to LPS1 have been implemented since its gazettal in 2014, including significant changes that were required following gazettal of the Planning Regulations in 2015.
4. The Planning Regulations require local governments to regularly review their local planning strategies and local planning schemes.
5. In early 2019, the City commenced a review of LPS1 and following the outcomes of the review, Council resolved in November 2019 to recommend to the Western Australian Planning Commission (WAPC) that LPS1 be repealed, and a new scheme prepared.
6. In August 2020, the WAPC agreed with the City's recommendation to repeal the current scheme and prepare a new scheme in its place.
7. Local planning schemes are required to implement the strategic direction and aims set out under a Planning Strategy. Draft LPS2 ensures this alignment between the strategic and statutory aspects of the City's local planning framework, as well to the state planning framework.
8. The gazettal of the Planning Regulations in 2015 introduced standardised requirements for state and local planning frameworks across WA, including requirements for local governments to follow in delivering their responsibilities within their respective local planning frameworks, specifically:
  - Through implementing the requirements of the 'Deemed Provisions' (Schedule 2). The Deemed Provisions contain standardised processes for state and local planning frameworks, and specifically for local governments for the processing of development applications, specific development exemptions and the processes for the preparation of various local planning framework documents (such as structure plans and local development plans).
  - In preparing local planning schemes in accordance with the 'Model Provisions' (Schedule 1), a standardised pro-forma template all local governments are required to follow.

9. The WAPC endorsed the City's current Planning Strategy in late 2019. The Planning Strategy had been prepared in accordance with the Planning Regulations and superseded the previous *Local Planning Strategy 2010*. The Planning Strategy defines the policy direction of the City for the next 10-15 years, with its primary aims being:
- To direct the delivery of future residential and commercial growth through consolidation of existing urban areas, to improve efficiency and maximise the potential of existing developed land, and conserve and protect places and areas of Aboriginal and historic heritage significance.
  - To protect existing agricultural land from urban expansion and facilitate the growth of sustainable rural villages to support agricultural and hinterland communities.
  - Deliver a more compact liveable city, providing a diversity of housing types, where residents live close to local shops, community facilities, services and employment, with easy access to public and active transport options.

## **DISCUSSION**

10. The process for the preparation, advertising, modification and approval of a local planning scheme is set out in the Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015. See Attachment 1 for a simplified flowchart for the preparation of a new local planning scheme.
11. By implementing the Model Provisions of the Planning Regulations, the format and layout of draft LPS2 looks substantially different to LPS1.
12. Draft LSP2 involves the following changes to ensure alignment with strategic direction and legislative requirements:
- Implementation of the Model Provisions, including:
    - Introduction of predominantly new standardised land use zones and reserve classifications
    - Introduction of some new land use classifications (also known as land use definitions)
    - Deletion or amendments to some existing land use classifications
    - Introduction of additional uses for some reserve areas
    - Introduction of new Special Control Areas and modifications to existing Special Control Areas
  - The inclusion of:
    - Rezoning and new development requirements to align with strategic direction, such as the conversion of some of the existing areas of 'Light Industry' zone to the new 'Mixed Use' zone on the fringe of Albany's central business district in Centennial Park
    - Changes to land use zoning and development requirements to address state policy direction, such as the discontinuing of the 'Special Residential' zone. 'Special Residential' zone areas are now classified as 'Residential'. A density code and provisions apply to manage lot size and development characteristic of individual areas that were zoned 'Special Residential'
    - Additional supplementary approval exemptions to those contained under the Deemed Provisions, for specific works and land uses
    - Modifications to existing additional use and restricted use provisions and Special Use zone areas
    - Consolidated provisions from relevant existing local planning into the scheme, where required by the Planning Regulations and recent changes to state planning policies

- Local structure plan and local development plan maps and associated provisions
  - Proposed modifications to current state planning policies to address specific local considerations.
13. Refer to Attachment 5 of this report for a summary of changes to the land use zones and land use classifications between LPS1 and LPS2.
14. More detail is provided below as a rationale for any significant zoning or classification of land.

### **Implementation of the Planning Strategy**

#### *Urban Consolidation*

15. The Planning Strategy identifies opportunities to guide urban consolidation within central Albany, increase residential density and housing types, and support a mixture of land uses adjacent to inner city employment and recreational and community facilities.
16. The inner city locality of Centennial Park, which is approximately 186ha in area and has a combination of various lot sizes, vacant underutilised land, and pre-existing mixed land uses, presents an opportunity to create a mixed use inner city community in close proximity to key recreational opportunities, CBD retail and cultural opportunities and services.
17. Draft LPS2 identifies rezoning of some areas within Centennial Park 'Light Industry' to the new 'Mixed Use' zone. This would allow for:
- A more diverse range of land uses and density;
  - Better utilise available land;
  - Enhance the attractiveness of the area; and
  - Reduce the need for people to travel by car.
18. Draft LPS2 contains provisions to manage the potential for any land use conflict between existing intensive (industrial) and sensitive (residential) land uses. For example, prior to the issue of development approval for an application involving residential accommodation in the Mixed Use zone, a developer may-be required to:
- Provide a legal mechanism to notify the owner, their heirs and successors in title, of the possible loss of amenity from adjoining land uses;
  - Undertake a land use, acoustic and traffic analysis; and
  - Design the residential building and provide a site layout responsive to the analysis.

#### *Tourism Zone*

19. Some actions from the Planning Strategy have been implemented through LPS2 provisions, although the action under the Planning Strategy originally required a different output.
20. An action identified in the Planning Strategy required the City to develop a Tourism Planning Strategy.
21. Initial scoping and background work for a Tourism Planning Strategy was undertaken in 2020 through a consultant, following direction by DPLH for the City to initiate the action.
22. However, following completion of the scoping work, changes to policy positions from DPLH and the progress in developing LPS2, DPLH indicated that the outcomes of the scoping work and implementing the strategic aim of the action could be addressed via provisions under draft LPS2, rather than developing a separate Tourism Planning Strategy.

23. Following this, in accordance with the Model Provisions and informed by the scoping and background documentation, draft LPS2 contains the following:
- Introduction of the new Tourism land use zone, that consolidates former LPS1 zones Hotel/motel and Caravan and Camping zones
  - Discontinuance of the Tourist Residential zone from LPS1, conversion of this zone to either Tourism zone if applicable to a specific tourism development site, or to Residential zone.
  - Introduction of new land use classifications and update of the Zoning Table to reflect the introduction of new land use zones, land use classifications and informed by the scoping and background work.
24. For areas where Tourist Residential zone have been converted to Tourist zone or Residential, the following changes are proposed to the converted Tourist Residential zone:
- Tourist accommodation development incentive provisions no longer applicable:
    - Dual density coding provisions and dual code provisions from under LPS1 discontinued
    - Middleton Beach and Barry Court sites that are proposed to be converted from Tourist Residential to Residential zone higher density code to be deleted
    - Existing tourist accommodation sites that have been built to higher density coding, will become non-conforming uses and not be able to intensify further.
  - Tourist zone sites will have no density coding applied, provisions to allow for performance based assessments.
25. Holiday house, holiday accommodation and other tourist accommodation land uses are determined by permissibility designated for each zone under the Zoning Table. Future holiday accommodation developments (grouped dwellings or multiple dwelling developments) will be assessed against the designated base coding.
26. A Local Planning Policy addressing Tourist Accommodation more generally is being prepared to be implemented following endorsement of LPS2.

*Rural Enterprise Zone*

27. A new zone 'Rural Enterprise' is to be introduced to draft LPS2, in accordance with the Model Provisions. The Rural Enterprise zone allows for Rural Living style lots, but with the emphasis on predominant use to operate light industrial uses, with an ancillary residential dwelling on one lot.
28. The zone provides economic development opportunities that support small businesses or tradespeople who want the flexibility to live on site and operate their low scale light industrial business, within proximity to urban/rural townsites areas.
29. The objectives and designated land uses permitted within the Rural Enterprise zone will enable sole operators or small-scale businesses to undertake light-industry related land uses such as microbreweries, small scale welding or carpentry businesses.
30. The Rural Enterprise zone could be utilised as:
- An alternative zone suitable for users that are seeking to operate small scale light industry home based businesses on larger size lots, whereas other current Rural Living zones (Rural Residential or Rural Small Holding) are not necessarily designed to support home based small scale light industrial uses.
  - The Rural Enterprise zone provides an alternative zone for this type of development to be located elsewhere in appropriate locations, reducing potential land use conflicts within other existing Rural Living zones, and ensuring the amenity of the other Rural Living zones can be maintained.

- A 'transitional' zone, for example to provide infill development opportunities of land directly adjacent to the inner side of the Albany Ring Road and land zoned for urban residential development.
31. Lot size, layout and operational elements of development in the zone would be required to be in accordance with the State Planning Policy and Guidelines.
  32. General considerations and provisions, including minimum site area and development requirements for the Rural Enterprise zone are set out under relevant State Planning Policy and associated Guidelines. Considerations and provisions related to:
    - Minimum site areas are to be between one to four hectares.
    - Design outcomes of development within the zone needs to achieve reasonable separation between residential and business activities and address amenity (within the site and with adjoining sites within and adjacent to the zone), but based on the understanding that the zone objectives are to provide opportunities for larger scale industrial based structures (large sheds) to support
    - Residents of the zone would need to accept a degree of nuisance from business operations, however development provisions for the zone would also need to carefully consider design and operational aspects to ensure a level of amenity is provided and maintained.
  33. The Rural Enterprise zone was introduced after the strategic work of the Planning Strategy had been substantially progressed, and therefore the Strategy is currently silent on the broader strategic application of this zone.
  34. Furthermore, direction outlined under the Planning Strategy specifically restricts further rezoning of existing agricultural zoned land to Rural Living, in order to ensure existing agricultural land is protected, to restrict urban sprawl and also promote urban infill and consolidation of existing urban zoned land.
  35. Therefore, draft LPS2 only identifies a number of sites at Bakers Junction adjoining the Local Centre zone, to be rezoned to Rural Enterprise zone from General Agriculture.
  36. The proposed rezoning of these sites is due to the existing smaller lot sizes, the legacy of previous development and current land uses operating on these sites (light industrial/rural based light industry with existing residential in direct proximity), and their location directly adjacent to major arterial roads and the existing Local Centre zone.
  37. In order to continue progressing LPS2, the application of the zone elsewhere to Bakers Junction has not been considered at this stage.
  38. Further strategic work is required to consider the broader strategic application of the zone to identify other appropriate locations for the zone across the municipality.
  39. City staff recommend that the most appropriate avenue for this work to be delivered would be as part of a minor review to the Planning Strategy, following significant progression in delivering LPS2.
  40. The strategic work would involve consideration of the specific objectives and intended desired outcomes for the Rural Enterprise zone and the subsequent implications that inform identification of suitable locations for the zone such as:
    - Potential impacts on residential amenity, including on residential uses permitted within the zone and on existing and proposed residential development and sensitive uses adjoining the zone.
    - Access requirements for the zone, including the preference for sites with direct access to major transport routes, the type of vehicles and increase in traffic volumes expected servicing the zone, the impact of these aspects on the existing network and the amenity of adjoining residential development, and.



- Environmental considerations (noise, odour, dust) and potential impacts on amenity to adjoining urban zoned land.
41. The City received documentation in October 2021 for a proposal to rezone land between Lancaster Road and Reddale Road from General Agriculture to Rural Enterprise.
  42. The proposal was submitted as a request for Council to be included in draft LPS2, prior to advertising. City staff acknowledge that the proposed rezoning has some planning merit, including the site's location on the inner side of the Albany Ring Road.
  43. However, in its current form the proposal is inconsistent with the strategic direction of the Planning Strategy, does not provide sufficient rationale or justification for the variation sought to the Strategy, and also does not meet the minimum requirements of the SPP and the Guidelines in the provisions proposed for the zone.
  44. Council have the opportunity to include the application for rezoning of this portion of land to Rural Enterprise zone in draft LPS2.
  45. However, it should be noted that by accepting the subject application in its current form, potentially creates a risk in delaying the delivery of draft LPS2, as the broader strategic implications in considering the Rural Enterprise zone across the municipality have not been adequately considered at this time.
  46. Subsequently, City staff have not included the proposed rezoning of the subject sites on Lancaster Road in draft LPS2 for advertising. Future strategic work to consider the application of the Rural Enterprise zone across the municipality would commence following substantial progression of delivering draft LPS2.

#### **Implementation of revised state policy direction**

##### *Discontinuing the 'Special Residential' zone*

47. The 'Special Residential' zone was originally created for the LPS1 to allow for lots of a size which offered a spacious lifestyle at densities lower than traditional 'quarter acre' residential lots, but higher than those found in the 'Rural Residential' zone (one to four hectares). Typically, special residential lots in Albany range in size from 2,000m<sup>2</sup> to 5000m<sup>2</sup>.
48. The WAPC indicated in a recently published 'Position Statement: Special Residential (May 2021)' that, as local planning schemes are reviewed, land currently zoned special residential will be required to be identified as an alternative zone, such as Residential, with an appropriate code of R2, R2.5 or R5.
49. Following the release of the Position Statement, the City raised its concerns with DPLH regional office regarding the change in policy direction and lack of prior engagement with affected local governments on the matter.
50. The City also raised its concerns with the Western Australian Local Government Association (WALGA) at the time, requesting coordination of a response from the City and other affected local governments.
51. In the interim, in response to the change in policy direction, the City has developed draft site specific provisions under LPS2 to ensure future development within these areas maintains the desired amenity outcomes and also addresses unique development constraints applicable for each site.
52. The draft provisions are consistent with the requirements of the Model Provisions, however sign off by the WAPC is still required.
53. As at the time of writing this report, WALGA advised the City that DPLH were in the process of preparing alternative avenues to the new policy measure, but no timeframe had been given on the expected release of these.

**Consolidation of Local Planning Policy Provisions**

54. Changes to the Planning Regulations in February 2021 and to the R-Codes Volume 1 in July 2021 identify changes to the purpose of local planning policies and their relationship with provisions in a local planning scheme.
55. The Planning Regulations and direction from DPLH outlines that provisions contained under LPPs are given 'due regard'.
56. The primary purpose of LPPs are to provide parameters for the exercise of discretion to development provisions contained under a local planning scheme or relevant 'design principles' of the R-Codes.
57. Other purposes for LPPs are to provide guidance for developments to meet specific design outcomes (for example through design guidelines) identified for an area or for a type of development.
58. The Planning Regulations state that specific requirements of the R-Codes that do not have the ability to be varied by an LPP require further WAPC approval.
59. Direction from DPLH also indicates that the preference in local governments obtaining approval from the WAPC is via provisions in a local planning scheme, to provide the provisions greater statutory weight than available through an LPP.
60. Refer to Attachment 5 of this report for a summary of the provisions consolidated from existing adopted LPPs into draft LPS2.
61. To manage the scope and ensure the timely delivery of draft LPS2, the majority of LPP provisions have been inserted directly into draft LPS2, without substantial review. Some modifications have been made where required following recent updates to state planning policy or following recent events.
62. It was considered that a formal review of all current LPPs was not warranted at this stage of the project, with a wholesale review of the remaining LPPs to be undertaken as draft LPS2 progresses.
63. The review would be informed by the consolidation of relevant policy provisions into draft LPS2, and submissions received during advertising. It is estimated that a wholesale review of the LPPs would be completed, with a suite of revised LPPs presented as draft LPS2 enters the final approval stage.
64. Following the above, examples of provisions to be consolidated from existing LPP provisions into draft LPS include:
  - Non-habitable Structures Policy
  - Flood prone areas

*Non-Habitable Structures Policy*

65. The City's Non-Habitable Structures Policy includes provisions that vary specific requirements of the R-Codes, and specifically for Outbuildings (as defined where located in the Residential zone).
66. The current provisions of the policy expands on the requirements of the R-Codes to enable larger scale Outbuildings (through increased maximum permitted floor area, wall and building height) than permitted under the R-Codes.
67. Under the policy, the parameters for allowable limits on the area and height requirements are based on the applicable land use zone. Performance criteria is also contained in the policy where an application seeks further discretion.
68. Under the R-Codes, Outbuildings provisions for maximum permitted floor area are not able to be varied by an LPP and require further approval by the WAPC.

69. To provide easier navigation of the local planning framework, the entire suite of provisions relating to Outbuildings and Non-habitable structures (as they're defined if not located within the Residential zone and not subject to the R-Codes) contained under the LPP are proposed to be consolidated under draft LPS2 with associated land use zones and general development requirement provisions.
70. To address preliminary comment from Elected Members, additional performance criteria has also been proposed in draft LPS2 to provide additional guidance on the extent of discretion that can be sought for 'Outbuildings' in the Residential zone (where modifying the provisions of the R-Codes), and for 'Non-habitable structures' in remaining applicable land use zones.
71. The provisions for Outbuildings in the Residential zone, including the additional performance criteria are contained under Part 4 clause 26 (5), of the LPS2 Scheme Text.
72. The specific provisions for Non-habitable structures are contained under the applicable land use zone in Table 12 of Schedule of Schedule 5, with the additional performance criteria contained under Table 13 of Schedule 6 (Refer Attachment 2).

#### *Flood Prone Areas*

73. Following the above, an example of provisions currently in LPPs that require greater statutory weight relate to requirements for subdivision and development in flood prone areas.
74. To address recent significant weather events and ensure the provisions within the local planning framework adequately address matters relating to obvious risk, current policy requirements for development in areas subject to coastal inundation and/or flooding have been consolidated into draft LPS2, through the creation of new Special Control Areas.
75. Under the Model Provisions, provisions within a Special Control Area target a single issue or related set of issues, that relate to overlapping zone and/or local reserve boundaries.
76. Provisions under Special Control Areas guide future subdivision and potential intensification of land, and are created to ensure that future development is designed to mitigate identified site specific ongoing risk and/or nuisance factors.
77. Provisions guide site layout, and ensure that development is constructed to minimum appropriate standards.
78. Provisions currently contained under the Development in Flood Prone Areas policy requiring habitable buildings in areas that are subject to coastal inundation and flooding being constructed to minimum floor levels above Australian Height Datum (AHD), have been inserted as Special Control Areas under draft LPS2.
79. This approach was recommended by DPLH, to ensure these provisions have greater statutory weight and are in line with the Model Provisions and state policy direction.

#### **Areas Local Structure Plan and Local Development Plan**

80. Local structure plans and local development plans are tools used in the planning framework to guide site specific zoning, future subdivision and development requirements and are given 'due regard' when considering subdivision and development.
81. The Planning Regulations set out the process for local governments to prepare these documents.
82. To provide greater statutory weight to specific provisions of local structure plans and local development plans the Model Provisions provide mechanisms to insert specific provisions from these documents into a local planning scheme, to provide these provisions statutory weight.

83. In accordance with the Planning Regulations, local structure plans and local development plans have a duration of 10 years from its commencement date, unless revoked prior to expiry. Furthermore, all existing approved local structure plans in effect at the time of commencement of the Regulations (19 October 2021) will expire after 10 years (i.e. 2025).
84. An applicant or the local government (on behalf of land owners) may apply to the WAPC to extend the approval period of a structure plan. An application for an extension to the approval period is to be made prior to the expiration of the structure plan.
85. Following the above, draft LPS2 incorporates provisions from some of the local structure plans into the scheme text to:
  - Address and mitigate changes to state policy direction, including the discontinuance and conversion of Special Residential zone to Residential).
  - Ensure future development responds to site specific development constraints, with the provisions given statutory weight.
  - Incorporate the provisions from existing local structure plans that were in effect at commencement of the Planning Regulations, as part of a strategic approach, prior to their expiry in 2025.
86. To ensure draft LPS2 is progressed, this work was specifically undertaken for the Special Residential areas to be rezoned Residential. Existing local structure plans in effect for these areas (formerly known as subdivision guide plans) will also remain. However it was identified that there was a risk of the statutory weight of these provisions being lost, following the zoning conversion.
87. The zoning conversion and requirement for draft LPS2 to follow the Model Provisions, resulted in the provisions for Special Residential zoned areas in their current form under LPS1 being deleted.
88. As outlined above, a solution has been identified to ensure the provisions retain their statutory weight and ensure the desired outcomes and amenity of those areas can still be achieved.
89. The solution involves reinstating the provisions in LPS2 under relevant clauses and tables in accordance with the Model Provisions, and preparation of associated maps for each individual area, that spatially identifies the specific constraints and development requirements.
90. A formal review of the remaining local structure plan and local development plans expiring by 2025 will be undertaken as a separate project, following finalisation of LPS2.

## **GOVERNMENT & PUBLIC CONSULTATION**

### **Summary**

91. The resolution includes a section to forward copies of the draft Scheme to the Commission for certification to advertise the documents, and a section to refer draft LPS2 to the EPA to consider if it requires assessment.
92. Subject to favourable advice from the EPA and the Commission, the City can proceed to advertise draft LPS2 in accordance with the Planning Regulations.
93. Following closure of advertising, and the consideration of all public and agency submissions, draft LPS2 will be referred back to Council to resolve to either support draft LPS2 with or without modifications, or not support draft LPS2.

**Following Council's resolution**

94. Pursuant to r. 21 of the Planning Regulations, if the local government resolves to proceed to advertise a draft local planning scheme, the local government must, before advertising the scheme, submit two copies of the draft local planning scheme document to the WAPC.
95. The documents must be submitted within 21 days of the local government resolution or such longer period as the WAPC allows.
96. The WAPC must, within 90 days or such longer period as the Minister or an authorised person allows, of receiving the documents submitted, examine the documents and advise the local government if the WAPC considers that any modification to the documents is required before the draft local planning scheme is advertised.

**Following WAPC & EPA approval to advertise**

97. Pursuant to r. 22 of the Planning Regulations, the local government must advertise the draft local planning scheme for public inspection as follows:
  - a) Publish in accordance with r. 76A:
    - the notice; and
    - the draft local planning scheme
  - b) Give a copy of the notice to each public authority that the local government considers is likely to be affected by the draft local planning scheme
  - c) Advertise the draft local planning scheme as directed by the WAPC and in any other way the local government considers appropriate.
  - d) The period for making submissions on a draft local planning scheme is:
    - the period of 90 days after the day on which the notice is first published; or
    - a longer period approved by the WAPC.
98. In addition to the above minimum advertising requirements, City staff have developed a draft Stakeholder and Community Engagement Plan in accordance with the City's *Community Engagement Policy* (refer Attachment 4).
99. The draft Engagement Plan identifies opportunities for engagement to be undertaken during in the advertising phase of the project, in addition to the minimum requirements set out under the Planning Regulations.
100. The draft Strategy sets out the purpose of the engagement activity, and identifies relevant communications, materials, messages, timing and actions required to successfully communicate and engage with stakeholders and the community on the project.
101. The purpose of the engagement is to inform stakeholders and the community about the changes that are introduced with draft LPS2 and to provide an opportunity for the City to answer questions and address concerns.

**Consideration of submissions**

102. Pursuant to r. 25 of the Planning Regulations, the local government must consider all submissions on a draft local planning scheme lodged with the local government within 120 days after the end of the submission period for the draft scheme.

### **STATUTORY IMPLICATIONS**

103. A local planning scheme comes into force in a similar manner to an Act of Parliament. A local planning scheme, and amendments thereto, must therefore receive the consent of the Minister for Planning before it becomes a legal document. Once a scheme is gazetted, it sets up a statutory framework for the development of the Municipality and becomes the primary tool to guide private sector investment.
104. Part 6, Division 1 of the Planning Regulations requires that in each fifth year following the date a scheme was last published in the Government Gazette, the Local Government is to:
105. Prepare a report of a review of its local planning scheme;
  - Approve the report by resolution; and
  - Provide the approved report to the Commission.
106. The above actions have been completed. The local government and the WAPC have agreed on a 'Report of Review', which recommends repealing the current scheme and preparing a new scheme in its place.
107. The process to prepare a local planning scheme is out in accordance with the planning legislation and regulations, as outlined above.

### **POLICY IMPLICATIONS**

108. There are no policy implications relating to the proposal to introduce a new local planning scheme.
109. As outlined above, provisions from a number of local planning policies are proposed to be consolidated into draft LPS2, in accordance with state direction and recent changes to the Planning Regulations.
110. As outlined above, a formal review of all current LPPs was not warranted at this stage of the project, with a wholesale review of the remaining LPPs with provisions not being consolidated into draft LPS2 to be undertaken as draft LPS2 progresses.
111. A formal review of LPPs would be informed by the outcomes of draft LPS2 and submissions received during advertising. A wholesale review of the LPPs would be completed, with a suite of revised LPPs presented as draft LPS2 enters the final approval stage.
112. In accordance with Part 5, s.77A of the *Planning and Development Act 2005*, the Minister may, on the recommendation of the Commission, order a local government to prepare and submit for the approval of the Minister an amendment to a local planning scheme for the purpose of rendering the local planning scheme consistent with a specified State planning policy.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Business Operation, Reputation &amp; Financial.</b> <i>Not updating the City's Local Planning Scheme to conform with City Strategy and State Regulation may result in decision making that is not in line with community and state expectations.</i>	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Staff to review and address any areas of concern prior to reconsideration and adoption by Council.</i>
<b>Reputation</b> : <i>Public concern about being affected by zoning changes (i.e.) Injurious affection</i>				<i>No additional reservations of private land is being proposed</i>  <i>Comprehensive Consultation plan to be implemented outlining opportunities for landowners to identify if they may be affected by proposed changes to their land.</i>
<b>Opportunity:</b> <i>Consistency and orderly, proper planning.</i>				

## FINANCIAL IMPLICATIONS

114. The proposal is within Planning Budget.

## LEGAL IMPLICATIONS

115. The proposed scheme has been developed to minimise the potential for any legal implications, including claims for injurious affection.

116. A landholder may make a claim for compensation for injurious affection for land that is reserved in a scheme or subject to a special control. A claim for compensation for injurious affection can be made if:

- a) Private Sale – the landholder sells the property on the open market at a reduced price (due to the effect of the reservation or special control); or
- b) Refused development – the City has either refused a development application over the property or approved it subject to conditions that are unacceptable to the applicant.

## ENVIRONMENTAL CONSIDERATIONS

117. Pursuant to section 81 of the *Planning and Development Act 2005*, the local government is not to advertise that local planning scheme or amendment until:

- a) The local government has referred the proposed local planning scheme or amendment to the EPA by giving to the EPA:
  - written notice of that resolution; and
  - such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the local planning scheme or amendment.

**ALTERNATE OPTIONS**

118. In accordance with the Planning Regulations, Council may:

- Resolves to proceed to advertise draft Local Planning Scheme No. 2 **with modifications**; or
- Resolves **not** to proceed to advertise draft Local Planning Scheme No. 2.

**CONCLUSION**

119. This report represents the midway point for the LPS2 project as defined by phases outlined in planning legislation and regulations. Draft LPS2 seeks to ensure that appropriate planning controls exist for land use and development within the municipality of Albany, in accordance with strategic intent and state regulatory standards.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Planning Scheme No.1.</i></li> <li>• <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i></li> <li>• <i>Local Planning Strategy 2019.</i></li> <li>• <i>City of Albany Strategic Community Plan.</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	DB.PLA.8
<b>Previous Reference</b>	:	DIS184 26/11/2019 DIS268 24/08/2021 DIS271 24/08/2021



**DIS286: C21012 – DESIGN, SUPPLY AND INSTALLATION OF ROOFTOP SOLAR PHOTOVOLTAIC (PV) SYSTEMS**

<b>Land Description</b>	: Albany Leisure and Aquatic Centre, Harry Riggs Airport and the Albany City Library
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: <b>Commercial in Confidence - Confidential Briefing Note under separate cover</b>
<b>Report Prepared By</b>	: Building Infrastructure Officer (A Glendinning)
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development & Environment (P Camins)

**CONFIDENTIAL ATTACHMENT**

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

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Planet
  - **Outcome:** Shared responsibility for climate action.

**In Brief:**

- In December 2020 (DIS242), Council received the *Renewable Energy Installation on City Facilities* Business Case and adopted the Annual Budget to implement phase 1 of the solar panel program in July 2021.
- Following a competitive tender process, Council approval is sought to award the tender for the Contract C21012 – Design, supply and install rooftop Solar PV Systems
- The contract is for the installation of solar panels to 3 city owned locations:
  1. Albany Leisure and Aquatic Centre
  2. Albany City Library
  3. Albany (Harry Riggs) Regional Airport

**RECOMMENDATION**

**DIS286: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: Councillor Terry**  
**Seconded: Councillor Stocks**

**THAT Council AWARD Contract C21012 – DESIGN, SUPPLY AND INSTALLATION OF ROOFTOP SOLAR PV SYSTEMS to Perdaman Advanced Energy as recommended by the evaluation panel, and detailed in the Confidential Briefing Note attached to this report.**

**CARRIED 13-0**

DIS286: COMMITTEE RECOMMENDATION

Moved: Councillor Stocks  
Seconded: Councillor Trill

THAT the Authorising Officer Recommendation be ADOPTED.

**CARRIED 13-0**

**DIS286: AUTHORISING OFFICER RECOMMENDATION**

THAT Council AWARD Contract C21012 – DESIGN, SUPPLY AND INSTALLATION OF ROOFTOP SOLAR PV SYSTEMS to the tenderer recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

**BACKGROUND**

2. Council has declared its intention to reduce its power station generated power usage by adopting a Solar Powered alternative.
3. In the Annual Budget, Council adopted the recommendations for 2021/2022 of the *Renewable Energy Installation on City Facilities Business Case*, which includes installing solar panels on these three buildings in this financial year.
4. Tenders were called for C21012 Design, supply and install rooftop solar PV systems.

**DISCUSSION**

5. The tender was advertised, issued to 23 interested companies and a total of 7 tender responses were received by close of tenders on Wednesday 20 October 2021.

**Evaluation of Tenders**

6. The tender panel evaluated tenders using the weighted criteria methodology across six (6) areas, shown in Table 1.

**Table 1 – Evaluation Criteria**

Criteria	% Weighting
Cost	30%
Relevant Experience	20%
Key Personnel Skills and Experience	20%
Tenderer's Resources	10%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
<b>Total</b>	<b>100%</b>

7. The following Table 2 summaries the tenders and the overall evaluation scores applicable.

**Table 2 – Summary of Tender Submissions**

Tenderer	Weighted Score
Tenderer A	731.56
Tenderer B	718.36
Tenderer C	669.05
Tenderer D	634.88
Tenderer E	531.88
Tenderer F	423.45
Tenderer G	375.71

8. Perdaman Advanced Energy ranked highest with the highest total weighted score.
9. From the evaluation scoring, clarification and financial check process, Perdaman Advanced Energy is the preferred tender.
10. It is recommended that their tender be accepted and the contract awarded.

**GOVERNMENT & PUBLIC CONSULTATION**

11. A request for tenders was published in the West Australian on Wednesday 29 September 2021 and the Albany Weekender on Thursday 30 September 2021. It was also displayed on the City notice board. The closing time and date of tender was 2pm Wednesday 20 October 2021.

**STATUTORY IMPLICATIONS**

12. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or expected to be, worth more than \$250,000.
13. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
14. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council’s decision.
15. Voting Requirement: **Simple Majority**

**POLICY IMPLICATIONS**

16. The City of Albany Purchasing Policy (Tenders and Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Service Delivery Interruption</b> <i>Risk: Interruption to power supply at individual locations on certain days.</i>	<i>Likely</i>	<i>Moderate</i>	<i>Low</i>	<i>Power disruption at mutually agreed times.</i>
<b>Community</b> <i>Risk: Non-compliance with contract or business failure resulting in delays</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Low</i>	<i>General conditions of contract allow for contract termination.</i>
<b>People Health and Safety</b> <i>Risk: Public health with contractors working overhead</i>	<i>Low</i>	<i>High</i>	<i>Low</i>	<i>Only Tenders for companies with specific site safety plans considered.</i>
<b>Opportunity:</b> <i>To dramatically reduce the load and consequent expense to supplying station-generated power to City buildings while reducing the City of Albany’s carbon emissions.</i>				

**FINANCIAL IMPLICATIONS**

18. The cost (weighted 30%) was calculated by fixed price submissions.
19. The costs for the works are within budget. Further information is provided in the Confidential Briefing Note.

**LEGAL IMPLICATIONS**

20. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

21. Perdaman Advanced Energy has an environmental policy in place.

**ALTERNATE OPTIONS**

22. The options are:
  - a. Council may elect to accept the recommended tender; or
  - b. Not approve any tender.

**CONCLUSION**

23. It is recommended, based on the evaluation scoring, clarification and financial check processes that the tender be awarded to Perdaman Advanced Energy.

<p><b>Consulted References</b></p>	<p>:</p> <ul style="list-style-type: none"> <li>• <i>City of Albany Strategic Community Plan 2032</i></li> <li>• <i>City of Albany Climate Change Action Declaration 2021.</i></li> <li>• <i>City of Albany Carbon Footprint Reduction Strategy.</i></li> <li>• <i>City of Albany Carbon Footprint Reduction Strategy Action Plan 2014-15.</i></li> <li>• <i>City of Albany Environmental Policy.</i></li> </ul>
<p><b>File Number (Name of Ward)</b></p>	<p>: C21012 (Frederickstown, Yakamia and Kalgan Wards)</p>
<p><b>Previous Reference</b></p>	<p>:</p> <p>DIS242 - Renewable Energy Installation On City Facilities - Dec 2020          CCS367 - 2021-22 Budget Adoption - July 2021          Previous contracts awarded under delegation.          Previous works includes the Albany Day-care and the North Road offices.</p>

**DIS287: C21013 – DRUMMOND STREET RECONSTRUCTION**

<b>Land Description</b>	: Drummond Street, Lockyer, Albany.
<b>Proponent / Owner</b>	: City of Albany.
<b>Business Entity Name</b>	: City of Albany.
<b>Attachments</b>	: <b>Commercial in Confidence - Confidential Briefing Note under separate cover.</b>
<b>Report Prepared By</b>	: Team Leader Civil Infrastructure (R Cations)
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development & Environment (P Camins)

**CONFIDENTIAL ATTACHMENT**

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

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Place.
  - **Outcome:** A safe, sustainable and efficient transport network.

**In Brief:**

- Tender award for the reconstruction of Drummond Street (SLK 0.00 – 0.36) from Parker Street to Banks Street.
- Three (3) complying tenders were received, with WCP Civil being the recommended contractor.
- Construction is scheduled to commence in December 2021 with completion in early March 2022.

**RECOMMENDATION**

**DIS287: RESOLUTION 1**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR BROUGH**  
**SECONDED: COUNCILLOR SMITH**

**THAT Council APPROVE the budget increase for Job Number 0666 (Drummond Street) from \$681,782 (subject to previous budget review item included in CCS393) to \$781,782 by transferring \$100,000 from Job Number 8239 (Marbelup Road North SLK 2.83 – 7.8).**

**CARRIED 13-0**  
**ABSOLUTE MAJORITY**

**DIS287: RESOLUTION 2**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council AWARD Contract C21013 – DRUMMOND STREET RECONSTRUCTION – PARKER STREET TO BANKS STREET to WCP Civil as recommended by the evaluation panel in the Confidential Briefing Note attached to this report.**

**CARRIED 13-0**

DIS287: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR SHANHUN  
SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS287: COMMITTEE RECOMMENDATION 2

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS287: AUTHORISING OFFICER RECOMMENDATION 1

THAT Council APPROVE the budget increase for Job Number 0666 (Drummond Street) from \$681,782 (subject to previous budget review item included in CCS393) to \$781,782 by transferring \$100,000 from Job Number 8239 (Marbelup Road North SLK 2.83 – 7.8).

DIS287: AUTHORISING OFFICER RECOMMENDATION 2

THAT Council AWARD Contract C21013 – DRUMMOND STREET RECONSTRUCTION – PARKER STREET TO BANKS STREET to the tenderer recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

**BACKGROUND**

2. Drummond Street is a local road that connects Parker Street to Banks Street in the suburb of Lockyer.
3. The road also provides access to Parklands School and Pre-School.
4. The proposed work involves the renewal of the existing drainage, road pavement, road surfacing and footpaths. All of the concrete kerbing will be replaced and parking areas for both the school and pre-school will be upgraded and re-marked.
5. Design and specification documentation was prepared by City of Albany to the stage of 'Issued for Tender'.
6. The tender was open from 29 September to 27 October 2021.

**DISCUSSION**

7. A total of nine (9) tender documents were issued by City of Albany.
8. Three (3) complete tender documents were submitted on or before the stipulated closing date and time.

9. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below:

Criteria	% Weighting
Cost	45%
Relevant Experience	25%
Demonstrated Understanding	25%
Corporate Social Responsibility	5%
<b>Total</b>	<b>100%</b>

10. The following table summarises the tenderers and their weighted scores:

Tenderer	Weighted Score
Tenderer A	641.46
Tenderer B	503.38
Tenderer C	473.49

#### GOVERNMENT & PUBLIC CONSULTATION

11. All relevant Government departments including the Department of Indigenous Affairs and SWALSC have been consulted on the project.
12. A request for tenders was published in the West Australian on Wednesday 29 September 2021 and the Great Southern Weekender on Thursday 30 September 2021.

#### STATUTORY IMPLICATIONS

13. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.
14. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
15. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.
16. Voting Requirement: **Absolute Majority (Recommendation 1), Simple Majority (Recommendation 2)**

#### POLICY IMPLICATIONS

17. Councils Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>People Health and Safety</b> <i>A pedestrian accident occurs due to poor geometry and road condition.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Continue upgrading road, parking and school access as funding is available.</i>
<b>Finance</b> <i>Non-compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Standard general conditions of contract protect the City by allowing for contract termination on the basis of failure to supply goods and services.</i>

**FINANCIAL IMPLICATIONS**

19. The value of this tender is in excess of \$500,000 and therefore approval is referred to Council for consideration.
20. More detailed information regarding the financial implications are contained in the Confidential Briefing Note.
21. An additional request of \$100,000 is being requested.
22. It is proposed that the additional budget required is transferred from the Marbelup Road North project. The Marbelup Road North project was brought forward in our 10 year program to meet developer aspirations, however is subject to developer contributions that have not yet been received. The project also looks likely to require land acquisition and a Clearing Permit that will both take time to achieve. Considering these factors will mean that it is likely that the works will be rescheduled for 22/23 or 23/24.

**LEGAL IMPLICATIONS**

23. There are no legal implications associated with this item.

**ENVIRONMENTAL CONSIDERATIONS**

24. No clearing of vegetation is proposed as part of this project.

**ALTERNATE OPTIONS**

25. The options are:
- a. Council may elect to accept the recommended tender; or
  - b. Not approve any tender.

**CONCLUSION**

26. It is recommended, based on the evaluation scoring, clarification and financial check processes that the tender be awarded to WCP Civil.
27. In order to award the tender an increase in budget of \$100,000 is required.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• Local Government (Functions and General) Regulations 1995</li> <li>• Council Policy – Purchasing</li> <li>• Council Policy – Buy Local (Regional Price Preference)</li> </ul>
<b>File Number (Name of Ward)</b>	:	C21013 (Vancouver Ward)
<b>Previous Reference</b>	:	N/A



**DIS288: PLANNING AND BUILDING REPORTS OCTOBER 2021**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports October 2021  
**Report Prepared By** : Technical Support Officer (A James)  
**Authorising Officer:** : Manager Planning and Building Services  
(J Van Der Mescht)

**RECOMMENDATION**

**DIS288: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council NOTE the Planning and Building Reports for October 2021.**

**CARRIED 13-0**

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

There being no further business the Mayor declared the meeting closed at **6.48PM**.



---

Dennis W Wellington  
**MAYOR**