



MINUTES

Ordinary Meeting of Council

Tuesday 23 October 2018

6.00pm

City of Albany Council Chambers

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



ORDINARY COUNCIL MEETING
MINUTES 23/10/2018

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1. DECLARATION OF OPENING

6.00pm: The Mayor declared the meeting open.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor	D Wellington
Councillors:	
Breaksea Ward	R Hammond
Breaksea Ward	P Terry
Frederickstown Ward	G Stocks (Deputy Mayor)
Frederickstown Ward	R Stephens
Kalgan Ward	B Hollingworth
Kalgan Ward	E Doughty
Vancouver Ward	T Sleeman (6.14PM)
West Ward	S Smith
West Ward	A Goode JP
Yakamia Ward	A Moir
Yakamia Ward	R Sutton
Staff:	
Chief Executive Officer	A Sharpe
Executive Director Corporate Services	M Cole
Executive Director Development Services	P Camins
Executive Director Infrastructure & Environment	M Thomson
Executive Director Community Services	S Kay
Meeting Secretary	J Williamson
Apologies:	
Vancouver Ward	J Shanhun (Leave of Absence)

There were three media representatives and approximately 250 members of the public in attendance.

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Sutton	DIS122	Impartiality. The nature of the interest being that Councillor Sutton is a member of the Committee for the Great Southern Motorplex Group. Councillor Sutton remained in the Chamber and participated in the discussion and vote for this item.

5. REPORTS OF MEMBERS

6.01pm Councillor Terry

Summary of key points:

- Visited Tasmania to view and research mountain bike trails.
- Stated that the City must investigate available funding streams to continue development of more local trails.

6.05pm Councillor Stocks

Summary of key points:

- Expressed concern over plans to allow an increase to the length of road trains transporting grain in the area, particularly in light of the fact that most road train routes are also used by tourists and there are significant safety issues concerning road suitability, construction and maintenance.

6.07pm Councillor Smith

Summary of key points:

- The number of visitors to the Field of Light installation are testimony to the significance of the Anzac commemorations.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

6.08pm Mr John O'Dea, Yakamia

Summary of key points:

- Unhappy that despite his requests, no work has been undertaken on the Hudson Road intersection with Chester Pass Road. The CEO gave a commitment at the meeting that he would meet on site with Mr O'Dea to discuss his concerns.
- Commented on the number of small business closures in Albany.

6.13pm Mr Theo Newhouse, Chairman of the Great Southern Motorplex Group

Summary of key points:

- Urged Council to support the purchase of land for the development of a Motor Sports Complex on Down Road South.
- Important to the region, and would lead to economic benefit for the community.

6.17pm Mr Matt Pearce, President Albany Motorcycle Club

Summary of key points:

- Addressed Council in support of DIS122: Proposed Land Purchase-Lot 5780 Down Road South, Drome - Albany Motor Sports Park.

6.20pm Mr Don Dufty, 6 Lunar Rise, McKail

Summary of key points:

- Spoke in support of DIS122: Proposed Land Purchase-Lot 5780 Down Road South, Drome.
- Congratulated Councillor Sutton for his support and advocacy for the Motor Sports Complex, and Councillor Hammond for his involvement in the De-Fib project.

6.24pm Mr Scott Collins,

Summary of key points:

- Addressed Council in support of DIS122: Proposed Land Purchase-Lot 5780 Down Road South, Drome-Albany Motor Sports Complex.

6.27pm Mr Chris Metcalf, Pfeiffer Road, Manypeaks

Summary of key points:

- Spoke in support of DIS123: Lake Mullocullup Recreational Use, and the gazettal of of Lake Mullocullup for water skiing.

6.31pm Mr Richard Metcalf, Pfeiffer Road, Manypeaks

Summary of key points:

- Spoke in support of DIS123: Lake Mullocullup Recreational Use, and the gazettal of Lake Mullocullup for water skiing.

6.34pm Mr Bob van den Berg, Warrenup Place, Warrenup

Summary of key points:

- Spoke against DIS123: Lake Mullocullup Recreational Use, and opposed the gazettal of Lake Mullocullup for water skiing.

6.38pm Mr John Hassell – no address given

Summary of key points:

- Spoke in opposition to DIS123: Lake Mullocullup Recreational Use, and opposed to the gazettal of Lake Mullocullup for water skiing.

6.39pm Mr Jeremy Walker, 40546 South Coast Highway, Green Range

Summary of key points:

- Spoke in support of DIS123: Lake Mullocullup Recreational Use, and in support of the gazettal of Lake Mullocullup for water skiing.

6.44pm Ms Lara Norman, on behalf of Albany Community Environment Centre

Summary of key points:

- Spoke in opposition to DIS123: Lake Mullocullup Recreational Use, and opposed to the gazettal of Lake Mullocullup for water skiing.

There being no further speakers, the Mayor Declared Public Question Time closed at 6.48pm.

8. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MOIR

THAT Councillor Stocks be GRANTED Leave of Absence for the period 24 October 2018 to 12 November 2018 inclusive.

CARRIED 12-0

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR MOIR

THAT the minutes of the Ordinary Council Meeting held on 25 September 2018, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 12-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

DIS093: Recommend Adoption of Local Structure Plan No. 10- Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley. This report has been deferred for three months at the request of the applicant.

CCS089: FINANCIAL ACTIVITY STATEMENT – AUGUST 2018

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

6.48pm Councillor Sleeman left the Chamber.

RECOMMENDATION

CCS089: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR SMITH

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 August 2018.

CARRIED 11-0

CCS089: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS089: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 August 2018.

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 August 2018 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

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

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

8. The City's 2017/18 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 August 2018 has been incurred in accordance with the 2017/18 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.7 - All Wards
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6.49pm Councillor Sleeman returned to the Chamber.

CCS090: LIST OF ACCOUNTS FOR PAYMENT – SEPTEMBER 2018

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Financial Accountant (S Van Nierop)
Responsible Officers: : Executive Director Corporate Services (M Cole)

RECOMMENDATION

CCS090: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY
MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR HOLLINGWORTH

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 September 2018 totalling \$6,721,470.47.

CARRIED 12-0

CCS090: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
 SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS090: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 September 2018 totalling \$6,721,470.47.

BACKGROUND

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

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 September 2018. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$10,000.00
Credit Cards	\$28,604.68
Payroll	\$2,248,713.08
Cheques	\$63,109.15
Electronic Funds Transfer	\$4,371,043.56
TOTAL	\$6,721,470.47

As at 15 September 2018, the total outstanding creditors, stands at \$1,465,349.05 and made up as follows:-

Current	\$534,456.00
30 Days	\$752,962.25
60 Days	\$4,326.84
90 Days	\$173,603.96
TOTAL	\$1,465,349.05
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

6. Expenditure for the period to 15 September 2018 has been incurred in accordance with the 2018/2019 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 September 2018 has been incurred in accordance with the 2018/2019 budget parameters.

CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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**CCS091: DELEGATED AUTHORITY REPORTS – AUGUST TO
SEPTEMBER 2018**

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

RECOMMENDATION

**CCS091: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MOIR**

THAT Council RECEIVE the Delegated Authority Reports 16 August 2018 to 15 September 2018.

CARRIED 12-0

CCS091: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR STEPHENS**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS091: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports 16 August 2018 to 15 September 2018.

**CCS092: PROPOSED NEW LICENCE – ST JOHN AMBULANCE
WESTERN AUSTRALIA LTD – PORTION RESERVE 28228, WELLSTEAD**

Land Description	: Portion of Crown Reserve 28228 Lot 45 on Deposited Plan 221173, the subject of Certificate of Title Volume LR3120 Folio 887, Wellstead
Proponents	: St John Ambulance Western Australia Ltd
Owner	: Crown (City of Albany under Management Order)
Report Prepared By	: Team Leader Property and Leasing (T Catherall)
Responsible Officers:	: Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme: 1.** Leadership.
 - **Objective: 1.1** To establish and maintain sound business and governance structures.
 - **Community Priority: 1.1.2** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

Maps and Diagrams:



In Brief:

- Council is requested to consider a new licence for St John Ambulance Western Australia Ltd (St Johns) over portion of Crown Reserve 28228 Wellstead for the purpose of First Aid and Ambulance Services.
- St Johns currently collocate in the City's Wellstead Volunteer Bush Fire Brigade shed, on Crown Reserve 43220 located on the outskirts of the Wellstead town site.
- In 2017 the City secured funding from DFES through the Local Government Grant Scheme to construct a new fire shed with amenities.
- At this time the City and St Johns took the opportunity to partner and deliver a new shared emergency services facility for both parties.
- Land currently leased by the City to the Wellstead Progress Association was identified as the preferred location for the new purpose built facility. As such the Association has surrendered a portion of their lease area to facilitate the facility.
- The licence will be over the whole facility and land area with nominated areas applicable to each user and shared common areas.
- The construction project will be managed by the City; with both St Johns and the City having secured funding for the works estimated to cost around \$285,000.
- It is recommended that the proposed licence to St John Ambulance be approved.

RECOMMENDATION

CCS092: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOUGHTY

SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council APPROVE a new licence to St John Ambulance Western Australia Ltd over Portion Lot 45 Windsor Road, Wellstead, on portion of Reserve 28228 subject to:

- a) Licence being conditional on the approval of a Development Application by the City of Albany as local planning authority.**
- b) Licence purpose being for "First Aid and Ambulance Services and in accordance with the Management Order over the land".**
- c) Licence area being approximately 3272m² with nominated areas within the building applicable to each user and shared common areas.**
- d) Licence rent \$10 plus GST per annum.**
- e) Licence term being 21 years to commence as soon as practicable.**
- f) Licence special condition to document the mechanism for payment of the St Johns contribution of \$150,000 towards the development of the emergency services facility.**
- g) All utility costs being shared equally between the two users, St John Ambulance and Wellstead Volunteers Bush Fire Brigade.**
- h) All costs associated with the preparation, execution and completion of the licence documentation being payable by the City of Albany.**
- i) Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent being obtained.**
- j) Licence being consistent with Council Policy – Property Management (Leases and Licences).**

CARRIED 12-0

CCS092: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS092: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE a new licence to St John Ambulance Western Australia Ltd over Portion Lot 45 Windsor Road, Wellstead, on portion of Reserve 28228 subject to:

- a) Licence being conditional on the approval of a Development Application by the City of Albany as local planning authority.
- b) Licence purpose being for “First Aid and Ambulance Services and in accordance with the Management Order over the land”.
- c) Licence area being approximately 3272m² with nominated areas within the building applicable to each user and shared common areas.
- d) Licence rent \$10 plus GST per annum.
- e) Licence term being 21 years to commence as soon as practicable.
- f) Licence special condition to document the mechanism for payment of the St Johns contribution of \$150,000 towards the development of the emergency services facility.
- g) All utility costs being shared equally between the two users, St John Ambulance and Wellstead Volunteers Bush Fire Brigade.
- h) All costs associated with the preparation, execution and completion of the licence documentation being payable by the City of Albany.
- i) Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent being obtained.
- j) Licence being consistent with Council Policy – Property Management (Leases and Licences).

BACKGROUND

2. Crown Reserve 28228 at Wellstead is under Management Order H642108 issued to the City of Albany with the power to lease and licence for the purpose of “Recreation and Bore Site” for any term not exceeding 21 years subject to the consent of the Minister for Planning, Lands and Heritage.
3. The Wellstead Progress Association Inc. hold a lease with the City over the whole of Reserve 28228 until June 2023.
4. St Johns currently collocate in the City’s Wellstead Volunteer Bush Fire Brigade shed, on Crown Reserve 43220 located on the outskirts of the Wellstead town site.
5. The Wellstead Volunteer Bush Fire Brigade, through the City, applied to DFES for Local Government Grants Scheme (LGGs) funds to build a new fire station to accommodate new fire equipment which could not be accommodated within the current 20 year old shed.
6. At December 2017 OCM Council accepted the grant funding of \$135,000 offered by LGGs for building a new fire station at Wellstead.

7. St Johns approached the City with a view to considering co-habitation of the new facility and developing the new building as an emergency services facility for both parties. It is noted that some members of the Wellstead community are volunteers of both these emergency services agencies.
8. The Wellstead Ambulance service is provided as a sub branch of the Jerramungup St John Ambulance Sub Centre. St Johns have committed to contribute funding of \$150,000 towards the establishment of the new shared facility.
9. Land currently leased by the Wellstead Progress Association from the City was identified as the preferred location for the new facility. As such the Association has surrendered a portion of their lease area to facilitate the new building.
10. The City has requested the Department of Planning, Lands and Heritage approve an amendment to the Management Order over Reserve 28228 to include “Emergency Services Facility”. The Department has supported the amendment and the City is waiting on formal notification.
11. The licence will be over the whole facility and land area with nominated areas applicable to each user and shared common areas.
12. The construction project will be managed by the City; using both St Johns contribution of \$150,000 and the City’s funding of \$135,000 to complete the facility estimated to cost around \$285,000.

DISCUSSION

13. The new proposed emergency facility will be a larger building than the current shed, and will accommodate the Wellstead Fire Brigade’s new fire equipment and truck. The new building will have specific areas for storage, with dedicated communications, meeting and training room and will include kitchen facilities.
14. The new facility will benefit both the emergency service providers offering improved up to date facilities and resources with spacious rooms. It is believed the move to the new location and premises will offer a higher profile and presence within the Wellstead community for these volunteer agencies.
15. The table below summarises the essential terms of the proposed licence:

ITEM	DETAILS
Licensee	St John Ambulance Western Australia Ltd
Land/Licence Area	Portion of Crown Reserve 28228 Lot 45 on Deposited Plan 221173, Certificate of Title Volume LR3120 Folio 887, Wellstead, being an area of approximately 3272m ²
Land Ownership	Crown (City of Albany under Management Order)
Permitted Use	First Aid and Ambulance Services in accordance with the Management Order over the reserve
Term of Licence	Licence term of 21 years, to commence as soon as practicable

Rent	\$10 plus GST pa
Outgoings	Licensee responsible for all applicable outgoings
Utilities	Shared equally with City
Building Ownership	City of Albany
Maintenance	<p>City responsible for structural maintenance, electrical wiring, planned and programmed maintenance and annual services of the City's asset.</p> <p>City and St Johns responsible for reactive maintenance of own areas with common areas shared equally.</p> <p>City and St Johns responsible for own damage.</p>
Special Condition	Mechanism to document St Johns contribution of \$150,000 towards the emergency services facility

16. St Johns have agreed in principle with the above position, subject to Council and Departments of Planning, Lands and Heritage approval.
17. The remaining terms of the licence agreement will align with the City's Property Management (Leases and Licences) Policy.
18. It is recommended that St Johns and the City prepare a Memorandum of Understanding or similar document to address shared use matters.

GOVERNMENT & PUBLIC CONSULTATION

19. Section 18 of the *Land Administration Act 1997* states that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land without the prior approval in writing of the Minister for Planning, Lands and Heritage.
20. As this is Crown land, under Management Order held by the City, the Minister's consent will be sought.
21. Section 3.58 of the *Local Government Act 1995* provides the requirements for the disposal of property, including leased/licensed land and buildings.
22. Section 30 of the *Local Government (Functions & General) Regulations 1996* defines the dispositions to which the advertising requirements of Section 3.58 of the Act do not apply. Section 30 (2)(b)(i) states that Section 3.58 of the Act is exempt if:
 - (b) *The land is disposed of to a body, whether incorporated or not –*
 - (i) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
23. St John Ambulance Western Australia Ltd is a registered charitable organisation with the Australia Charities and Not-for-Profits Commission and therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

- 24. The Department of Planning, Lands and Heritage will be consulted, as it is a requirement of Section 18 of the *Land Administration Act 1997* that the Minister’s consent is obtained.
- 25. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property including leased/licensed land and buildings. For the purposes of the section, a licence of property is considered to be disposal.

POLICY IMPLICATIONS

- 26. Council adopted a revised Property Management (Leases and Licences) Policy July 2017.
- 27. The policy aims to ensure that all requests for leases and licences will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
- 28. The recommendation is consistent with the Policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: licence not approved.	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction. The City’s standard licence will be the formal document
Reputation: licence not approved – restrictions to the most efficient provision of emergency services to this area	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction
Opportunity: Demonstrate the City’s commitment to emergency services agencies and the importance of volunteer members.				
Opportunity: To provide support to the Wellstead community and surrounding areas through the development of the new emergency services facility.				
Opportunity: Security of tenure for St Johns				

FINANCIAL IMPLICATIONS

- 30. All costs associated with the development, execution and completion of the licence documentation will be met by the City in support of the shared emergency services facility.
- 31. The cost of the project will be met City funding through LGGS of \$135,000 and St Johns contribution of \$150,000.

LEGAL IMPLICATIONS

- 32. The Deed will be prepared by City’s lawyers with enforceable terms and conditions.

ENVIRONMENTAL CONSIDERATIONS

- 33. There are no environmental implications relevant to this item.

ALTERNATE OPTIONS

- 34. Council may:
 - a. Approve the new licence request; or
 - b. Decline the new licence request.

35. Should Council decline the licence, an alternate area may be sought by St Johns to establish a new facility to continue providing services to the community.
36. In addition the proposed facility for use by the Wellstead Volunteer Fire Brigade may need to be reassessed in terms of funding the project as LGGS funding may be at risk due to timing constraints.

CONCLUSION

37. St John Ambulance and the City have partnered to deliver a new shared emergency services facility at Wellstead on Crown Reserve 28228 for both St Johns and the Wellstead Volunteer Bush Fire Brigade use.
38. Development of the facility will be managed by the City; using a contribution from St Johns of \$150,000 and Local Government Grant Scheme funding of \$135,000.
39. A licence to St Johns is required to document the occupancy arrangement and meet the requirements of the Department of Planning, Lands and Heritage as on Crown land.
40. It is recommended that the proposed new licence be supported.

Consulted References	:	<ul style="list-style-type: none"> • Council Policy – Property Management (Leases and Licences) • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	PRO434, A65147 (Kalgan Ward)
Previous Reference	:	OCM 19.12.2017 Item DIS070

**CCS093: VARIATION OF LEASE – IMPERIAL GROUP PTY LTD –
GARRISON RESTAURANT**

Land Description	: Reserve 38226 and being Portion of Lot 555 on deposited Plan 75417 comprised in Certificate of Crown Land Title Volume LR3164 Folio 426
Proponent	: Imperial Group Pty Ltd (ACN 152 740 728) Director: John Saville-Wright
Owner	: Crown (City of Albany under Management Order)
Report Prepared by	: Executive Director Coporate Services (M Cole)
Responsible Officer	: Executive Director Corporate Services (M Cole)

CONFIDENTIAL REPORT

This Report was considered behind closed doors in accordance with section 5.23 (2)(e) of the Local Government Act 1995, being a matter that if disclosed, would reveal information that has a commercial value to a person.

7.48PM

**RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR SLEEMAN**

THAT the meeting be closed to members of the public in accordance with 4.1 of the City of Albany Standing Orders Local Law 2014 (as Amended), to discuss the following confidential reports:

**CCS093: Variation of Lease-Imperial Group Pty Ltd-Garrison Restaurant
CCS098: Regional Destination Marketing Organisation
DIS122: Proposed Land Purchase-Lot 5780 Down Road South, Drome-Albany Motor Sports Park**

CARRIED 12-0

8.16PM

**RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR HOLLINGWORTH**

THAT the meeting be re-opened to members of the public.

CARRIED 12-0

**CCS093: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR HOLLINGWORTH**

THAT Council resolve to SUPPORT the Confidential Recommendation contained within Confidential Report CCS093:Variation of Lease-Imperial Group Pty Ltd-Garrison Restaurant.

CARRIED 12-0

Officer Comment (Chief Executive Officer):

The reason for the Officers recommendation not being supported is because a current lease has been approved and granted to the Imperial Group Pty Ltd - Garrisons Restaurant.

CCS093: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR HAMMOND

1. THAT Council NOT SUPPORT the Responsible Officer Recommendation for
CCS093: VARIATION OF LEASE – IMPERIAL GROUP PTY LTD – GARRISON
RESTAURANT.
2. A further report is to be presented for consideration by Council at the October 2018 Ordinary
Council Meeting in accordance with the Confidential Committee Recommendation.

CARRIED 11-0

CCS094: GREAT SOUTHERN SPORT AND RECREATION PLAN

Proponent / Owner	: City of Albany
Attachments	: 1. Great Southern Regional Sport and Recreation Plan 2. Great Southern Regional Sport and Recreation Plan Executive Summary 3. Great Southern Regional Sport and Recreation Plan – Supporting Appendices
Report Prepared By	: Manager Sport and Recreation (S Stevens)
Responsible Officers:	: Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Community Health & Participation
 - **Objective:** To create interesting places, spaces and events that reflect our community's identity, diversity and heritage
 - **Community Priority:** Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory

In Brief:

- Funding from State and Local Government (2015/16) was secured to advance the development of the Great Southern Sport and Recreation Plan (GSSRP).
- David Lanfear Consulting was appointed (May 2017) to deliver the Great Southern Sport and Recreation Plan.
- Great Southern Sport and Recreation Plan was tabled at the Great Southern Recreation Advisory Group meeting (August 23, 2018).
- The eleven local governments that constitute the Great Southern region received the Great Southern Sport and Recreation Plan.
- To seek Council's receipt of the Great Southern Regional Sport and Recreation Plan
- To seek Council's support to partner with the Department of Local Government, Sport and Cultural Industries (DLGSC) in a shared community engagement strategy for the release of the plan for public review and comment for a four-week period scheduled for November 2018.

RECOMMENDATION

CCS094: RESOLUTION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR STOCKS

THAT Council RECEIVE the Great Southern Regional Sport and Recreation Plan.

CARRIED 12-0

CCS094: RESOLUTION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SMITH

H
THAT Council SUPPORT the release of the Great Southern Regional Sport and Recreation Plan for community engagement for a period of one month in a partnered approach with the Department of Local Government, Sport and Cultural Industries.

CARRIED 12-0

CCS094: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR STEPHENS

THAT Responsible Officer Recommendation 1 be ADOPTED.

CARRIED 11-0

CCS094: RESPONSIBLE OFFICER RECOMMENDATION 1

THAT Council RECEIVE the Great Southern Regional Sport and Recreation Plan.

CCS094: COMMITTEE RECOMMENDATION 2

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR SMITH

THAT Responsible Officer Recommendation 2 be ADOPTED.

CARRIED 11-0

CCS094: RESPONSIBLE OFFICER RECOMMENDATION 2

THAT Council SUPPORT the release of the Great Southern Regional Sport and Recreation Plan for community engagement for a period of one month in a partnered approach with the Department of Local Government, Sport and Cultural Industries.

BACKGROUND

2. The of Local Government, Sport and Cultural Industries works collaboratively with local governments across the State with the aim of enhancing the life style and well-being of Western Australians. This collaborative approach was adopted to successfully deliver the Bunbury Wellington Regional Facilities study. The success of this strategy has been the department's ability to work with local governments to demonstrate the value of working collaboratively to secure funding for future facility provision across the region.
3. The Great Southern Regional Sport and Recreation Plan was undertaken to identify the condition and utilisation of current facilities in addition to identifying the future facility and services needs across the region. The Plan contemplates the future population growth and community needs over a 20-year planning horizon. This timeframe aligns with higher order planning documents such as the State Planning Strategy and the Great Southern Regional Investment Blueprint.
4. Each of the local governments have provided funding towards the cost of developing the Great Southern Regional Sport and Recreation Plan and the project steering committee includes representatives of several of the participant local governments. David Lanfear Consulting was appointed in May 2017 to deliver the plan.

5. In delivering the Great Southern Regional Sport and Recreation Plan, the consultant was required to investigate, and present findings and key issues as follows:
- In conjunction with each local government, provide an audit to confirm the location and current condition of sport and recreation facilities.
 - Review the use, functionality, and standard of each facility, including capacity to support competition and training.
 - Determine the future sporting requirements of each facility through to 2036, including the requirements of sport on a regional basis and quantify the provision gap based on this timeframe.
 - Investigate opportunities and constraints associated with the staging of facility development over this timeframe.
 - Identify the opportunities and constraints relating to the acquisition of land for proposed future sporting and recreation developments.
 - Make recommendations on the appropriate method of implementation of the key findings of the strategy.
6. The Great Southern Regional Sport and Recreation Plan includes an overview of the value of sport and recreation to communities across the Great Southern Region including its value in supporting current and emerging health and well-being trends impacting the community.

DISCUSSION

7. Each of the local governments across the great southern region has various strategic objectives based on location and corporate objectives. It was revealed through this project there are geographic alignments based on communities of interest and economic and social objectives.
8. Discussions with all the participating local governments have indicated a strong sense of collaboration and a commitment to align across the region to maximise the opportunity to attain future facility development and resources for services.
9. Recognising that communities evolve over time, it is intended that the Great Southern Regional Sport and Recreation Plan will be an iterative document to ensure continuous improvement and responsive to community's needs. Continual review and revision of strategic planning documents is an important component of the strategic planning process. To ensure the successful implementation of the Great Southern Regional Sport and Recreation Plan, it's expected that policy makers and planners will maintain an ongoing dialogue with all stakeholders, to ensure their needs and objectives are being considered.
10. At the recent Great Southern Recreation Advisory Group regional meeting (August 2018) the group accepted the Great Southern Regional Sport and Recreation Plan for Local Government Council endorsement and to commence community review process.
11. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation has requested each local government to coordinate the community review process (including Councils review) for a period of one month, returning comments back to the Department by November 30 2018.

GOVERNMENT & PUBLIC CONSULTATION

12. The Department of Local Government, Sport and Cultural Industries engaged consultant Dave Lanfear Consulting to prepare the plan.
13. Dave Lanfear Consulting has undertaken consultation with a range of stakeholders including State Sporting Associations, Local Government Recreation Teams, other State Departments Officers and Great Southern Regional Sporting Boards to develop the regional plan.
14. The proposed public review and comment period proposed will allow each local government to refer the Great Southern Regional Sport and Recreation Plan back to their community for a final review.

15. The DLGSC will circulate the Great Southern Regional Sport and Recreation Plan to relevant State Government agencies and State Sporting Associations (SSAs) as part of its obligations as per the partnered community engagement strategy.
16. A four-week community and stakeholder review and comment period is scheduled for November 2018.
17. Local government will collate feedback from their respective communities and the DLGSC will collate State Government stakeholder and SSAs feedback. This information will be referred to the Great Southern Recreation Advisory Group for consideration.

STATUTORY IMPLICATIONS

18. There is no statutory requirement.
19. As part of the community review process the Council has the opportunity to provide feedback and further recommendations to assist with developing the plan.

POLICY IMPLICATIONS

20. The Community Sports and Recreation Facilities Small Grant Funding Policy and the Recreation Planning Strategy adopted in 2008 formed part of the review and engagement process.
21. The Great Southern Regional Sport and Recreation Plan will inform the local City of Albany Sport and Recreation Futures Plan.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>People Health & Safety Failure to plan and secure required funding may result in the condition of the amenities deteriorating to an unsafe condition</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council can choose to support the plan, or work with City officers to review and amend.</i>
<i>Reputation & Financial Failure to participate may result in community dissatisfaction or projects not going ahead resulting in missed economic and social opportunities.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council can choose to support the plan, or work with City officers to review and amend.</i>

FINANCIAL IMPLICATIONS

23. Financial considerations are limited to any print advertising the City of Albany might consider in promoting public review and feedback from their respective communities. These decisions will be made within the current operational budgets.
24. No additional budget is requested.

LEGAL IMPLICATIONS

25. Nil

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

27. Council can choose not to accept the plan.
28. Council can choose not to partner with the Department for community engagement.

CONCLUSION

29. Throughout the development of the Great Southern Regional Sport and Recreation Plan, the region has demonstrated its recognition that sport and recreation is an integral part of creating a liveable region with thriving communities.
30. This planning process is now at a junction whereby each member local government within the Great Southern region has been requested to receive the Great Southern Regional Sport and Recreation Plan.
31. Support is also requested to continue the collaborative approach in the form of a partnered community engagement strategy. This will facilitate a community and stakeholder public review and comment testing and acceptance of the Great Southern Regional Sport and Recreation Plan.
32. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation requires a response from the City of Albany on acceptance by October 31, 2018.

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

CCS095: GREAT SOUTHERN OUTDOOR RECREATION STRATEGY

Proponent / Owner : City of Albany
Attachments : Great Southern Outdoor Recreation Strategy 2018-2021
Report Prepared By : Manager Recreation Services (S Stevens)
Responsible Officers: : Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Community Health & Participation
 - **Objective:** To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
 - **Community Priority:** Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory

In Brief:

- The Department of Local Government, Sport and Cultural Industries (DLGSC) encourages all regions to develop outdoor recreation strategies that will support the state-level Outdoor Recreation Framework.
- In the Great Southern, the Great Southern Centre for Outdoor Recreation Excellence (GSCORE) undertook to produce the Great Southern Outdoor Recreation Strategy (GSORS).
- The eleven local governments that constitute the Great Southern region requested to receive the GSORS.
- Support is requested to assist DLGSC and GSCORE with a partnered community engagement strategy for the release of the plan for public review and comment for a four-week period scheduled for November 2018.
- To seek Council's receipt of the Great Southern Outdoor Recreation Strategy.
- To seek Council's support to partner with the Department of Local Government, Sport and Cultural Industries (DLGSC) in a shared community engagement strategy for the release of the plan for public review and comment for a four-week period scheduled for November 2018.

RECOMMENDATION

CCS095: RESOLUTION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR STEPHENS

THAT Council RECEIVE the Great Southern Outdoor Recreation Strategy.

CARRIED 12-0

CCS095: RESOLUTION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MOIR

SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council SUPPORT the release of the Great Southern Outdoor Recreation Strategy for community engagement for a period of one month in a partnered approach with the Department of Local Government, Sport and Cultural Industries.

CARRIED 12-0

CCS095: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MOIR

THAT Responsible Officer Recommendation 2 be ADOPTED.

CARRIED 11-0

CCS095: RESPONSIBLE OFFICER RECOMMENDATION 1

THAT Council RECEIVE the Great Southern Outdoor Recreation Strategy.

CCS095: COMMITTEE RECOMMENDATION 2

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SUTTON

THAT Responsible Officer Recommendation 2 be ADOPTED.

CARRIED 11-0

CCS095: RESPONSIBLE OFFICER RECOMMENDATION 2

That Council SUPPORT the release of the Great Southern Outdoor Recreation Strategy for community engagement for a period of one month in a partnered approach with the Department of Local Government, Sport and Cultural Industries.

BACKGROUND

2. GSCORE works collaboratively with local governments across the region with the aim of supporting the growth and development of the outdoor recreation sector.
3. The purpose of the GSORS is to encourage collaboration to improve the provision of outdoor infrastructure and increase levels of participation in outdoor recreation activities. The Strategy delivers an integrated, whole-of-region approach to outdoor recreation across the Great Southern over a three-year period. It will enable stakeholders to plan, develop, manage and promote outdoor recreation in the Great Southern into the future.
4. The objectives of the Strategy are to:
 - Establish strong partnerships that will guide infrastructure development and management.
 - Build and manage world-class trails and facilities.
 - Promote the Great Southern as an adventure tourism destination.
 - Build capacity and capability amongst outdoor recreation providers.
 - Ensure all people have more opportunities to participate in outdoor recreation.
5. Successful implementation of this Strategy will result in a strong and connected outdoor recreation system that helps make residents healthier, stimulates economic growth and jobs, encourages environmental stewardship, and contributes to all residents and visitors enjoying lives enriched through their participation in high quality, diverse, safe outdoor recreational pursuits.

DISCUSSION

6. Each of the local governments across the Great Southern region has various strategic objectives based on location and corporate objectives. It was revealed through this project there are geographic alignments based on communities of interest and economic and social objectives.
7. Discussions with all the participating local governments have revealed a strong sense of collaboration and a commitment to align across the region to maximise the opportunity to attain future trails development and resources for other forms of outdoor recreation infrastructure. At the recent Great Southern Recreation Advisory Group regional meeting (August 2018) the group accepted the Great Southern Outdoor Recreation Strategy for Local Government Council endorsement and to commence community review process.

GOVERNMENT & PUBLIC CONSULTATION

8. Consultation was undertaken by GSCORE as evidenced in the documentation provided. The proposed public review and comment period proposed will allow each local government to refer the GSORS back to community for a final review.
9. A four-week community and stakeholder review and comment period is scheduled for November 2018.
10. Local government will collate feedback from their respective communities. This information will be referred to the GSRAG for consideration.

STATUTORY IMPLICATIONS

11. There is no statutory requirement.
12. As part of the community review process the Council has the opportunity to provide feedback and further recommendations to assist with developing the plan.

POLICY IMPLICATIONS

13. The Great Southern Outdoor Recreation Strategy will inform the local City of Albany Sport and Recreation Futures Plan.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health & Safety <i>Failure to plan and secure required funding may result in the condition of the trail amenities deteriorating to an unsafe condition</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council can choose to support the plan, or work with City officers to review and amend.</i>
Reputation & Financial <i>Failure to participate may result in community dissatisfaction or projects not going ahead resulting in missed economic and social opportunities.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council can choose to support the plan, or work with City officers to review and amend.</i>

FINANCIAL IMPLICATIONS

15. Financial considerations are limited to any print advertising the City of Albany might consider in promoting public review and feedback from their respective communities. These decisions will be made within the current operational budgets.

16. No additional budget is requested.

LEGAL IMPLICATIONS

17. Nil

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

19. Council can choose not to accept the plan.

20. Council can choose not to partner with the Department for community engagement.

CONCLUSION

21. Throughout the extensive collaboration in the development of the GSORS, the region has demonstrated its recognition that outdoor recreation is an integral part of creating a liveable region with thriving communities.

22. The Strategy is an agreement to collaborate, rather than a prescription as to what any one individual, organisation, jurisdiction or sphere of government should do. It aims to minimise the duplication of initiatives and maximise efforts to reach common goals by establishing shared priorities across the transport, planning, environment, education, health, sport and recreation and tourism sectors.

23. This planning process is now at a pivotal point whereby each member local government within the Great Southern region needs to receive the GSORS. Support is also requested to continue the collaborative approach in the form of a partnered community engagement strategy. This will facilitate a community and stakeholder public review and comment testing and acceptance of the GSORS.

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

CCS096: CITY OF ALBANY SMOKE FREE OUTDOORS POLICY

- Attachments** : Draft Updated City of Albany Smoke Free Outdoors Policy
Draft Preliminary Plan for Centennial Park Sporting Precinct
Plan Appendices A,B,C & D (Maps)
Sporting Clubs letters of support
- Report Prepared By** : Manager Community Engagement (J Gray)
- Responsible Officers:** : Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
- **Theme:**
 - Community Health & Participation
 - A Connected & Safe Built Environment
 - **Objective:** To develop and support a healthy, inclusive and accessible community.
 - **Community Priority:**

Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages.

Deliver programs and advocate for specialist services that improve public health and wellbeing in line with the Public Health Act 2016 and growing community expectations.

Maps and Diagrams: Plan Appendices A, B, C & D

In Brief:

- The proposed Policy and preliminary plan seeks to protect the community, in particular children, young people and families, from the harmful effects of second-hand smoke, in the outdoor areas of City of Albany owned and managed public facilities.
- The City of Albany Public Health Plan was endorsed by Council on 28 June 2016 (Ref: PD127).
- This policy item was deferred by Council on 19 December 2017 (Ref: CCS021) to allow time to review the policy at a workshop. Based on Council feedback at the workshop, the Policy has been refined with additional information on planning, mapping, and engagement with the sporting communities.

RECOMMENDATION

CCS096: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SMITH

THAT Council ADOPT the Smoke-Free Outdoor Policy, and ENDORSE policy implementation to be phased in the following order:

- a) **Centennial Park Sporting Precinct (including Albany Leisure & Aquatic Centre and Albany Youth Precinct), and City of Albany run outdoor events as per funding requirements.**
- b) **Entrances/breezeways of other City of Albany owned/managed public facilities (i.e. Library, Visitor Centre, Town Hall, Vancouver Arts Centre, Airport, and National ANZAC Centre).**

CARRIED 12-0

CCS096: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS096: RESPONSIBLE OFFICER RECOMMENDATION

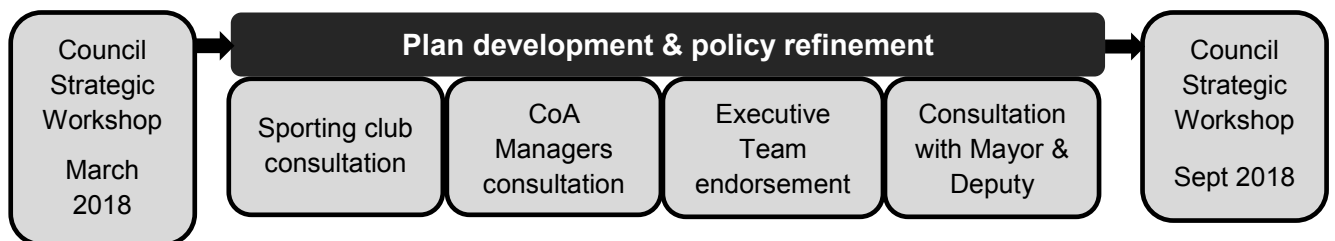
THAT Council ADOPT the Smoke-Free Outdoor Policy, and ENDORSE policy implementation to be phased in the following order:

- a) Centennial Park Sporting Precinct (including Albany Leisure & Aquatic Centre and Albany Youth Precinct), and City of Albany run outdoor events as per funding requirements.
- b) Entrances/breezeways of other City of Albany owned/managed public facilities (i.e. Library, Visitor Centre, Town Hall, Vancouver Arts Centre, Airport, and National ANZAC Centre).

BACKGROUND

- 2. In December 2017, a proposal for a City of Albany Smoke Free Outdoors Policy was submitted to Council and deferred for review at a workshop, with a request for further information to be collated.
- 3. A Council Strategic Workshop was held in March 2018, which presented the Council with further information regarding the scope and benefits of the draft Policy. The workshop was attended by representatives from the WA Tobacco Control Branch and the Australian Council on Smoking & Health.
- 4. Based on Council feedback the draft Policy was further refined with additional information on planning, mapping, and engagement with the sporting communities occurred.
- 5. During April to July internal consultation occurred to review the draft Policy and develop the preliminary plan.
- 6. In July the draft Policy and plans were endorsed by the Executive Management Team to go to external engagement with the sporting communities.
- 7. From July to early September, winter and summer sporting clubs who use the Centennial Precinct were provided with the opportunity to have input into the policy, plan and mapping.
- 8. In September, Council was consulted through a strategic council workshop and reviewed the refined draft Policy, plan and mapping.

Development of Centennial Park Sporting Precinct Smoke-free Plan



DISCUSSION

9. The Community Development and Recreation Services teams have worked together to refine the Smoke-free Outdoors Policy and develop the draft preliminary plan for the Centennial Park Sporting Precinct, which outlines the following:
 - Current smoking concerns in Centennial Park Sporting Precinct;
 - Policy application to CoA Centennial Park Precinct assets;
 - Policy communications & education campaign;
 - Estimated budget;
 - Proposed timeline;
 - Monitoring and evaluation;
 - FAQs for sporting associations, clubs, members, and spectators; and
 - Maps detailing the location of smoke-free signage and Designated Smoking Areas.
10. A Healthway grant application has been prepared which seeks funding for the communications and education campaign activities included in the Plan.
11. In the Great Southern region, 13.8% of people smoke¹ and lung cancer is the leading cause of avoidable death in the region².
12. Major reviews of the evidence on health effects of passive smoking (the inhalation of other people's tobacco smoke) conclude that there is no safe level of exposure to second-hand smoke, and it causes premature death and a range of diseases in both adults and children³.
13. Exposure to second-hand smoke increases when people are under an overhead cover and as the number of nearby people who are smoking increases⁴. Therefore, in outdoor areas where people tend to congregate, the presence of people smoking can present a potential health risk to non-smokers. A smoke-free environment is the only way to fully protect non-smokers from the dangers of second-hand smoke.
14. Local government is a provider of social infrastructure on behalf of its community and has the ability to engage and inform the public.

GOVERNMENT & PUBLIC CONSULTATION

15. During the development of this Policy the sporting communities who use Centennial Sporting Precinct have been engaged and provided with the opportunity to participate in the development of the Policy and preliminary plan.
16. All sporting clubs/associations who were involved in the consultation are supportive of the Policy and plan.
17. The City of Albany Healthy Albany Project Steering (external) Group, with external representatives from six agencies endorse and support the Policy and plan for Council consideration.
18. The City of Albany Healthy Albany Project Control (internal) Group, with internal representatives from six areas of operations across the City of Albany also supports the Policy and plan.
19. The Cancer Council has publicly supported the proposed Policy.
20. The WA Country Health Service Great Southern Population Health unit has provided information and support to the development of the Policy and Plan.

¹ [WA Country Health Service Great Southern Health Profile 2012](#), p31

² [WA Country Health Service Great Southern Health Profile 2012](#), p31

³ [Cancer Council Position Statement: Health Risks of Passive Smoking](#), p1

⁴ Cameron M, Brennan E, Durkin S, Borland R, Travers MJ, Hyland A, et al. Secondhand smoke exposure (PM2.5) in outdoor dining areas and its correlates. *Tob Control*. 2010;19(1):19-23.

STATUTORY IMPLICATIONS

21. Not Applicable

POLICY IMPLICATIONS

- 22. The proposed Smoke Free Outdoors Policy and preliminary plan is focussed on raising awareness and education on the harmful effects of second hand smoke to families. Smoke-free signage will reinforced the Policy, and a promotion campaign will be undertaken by the City with the community and community groups championing the project.
- 23. The Policy provides the framework through which the City will limit community exposure to second-hand smoke in specified City of Albany owned or managed outdoor public spaces.
- 24. Compliance with the Policy is expected to occur through self-regulation by community members and groups and increased public awareness of smoke-free areas and designated smoking areas.
- 25. Enforcement of existing State Tobacco Control Regulations that apply to alfresco dining areas, children’s playgrounds, and patrolled beaches will continue to be undertaken by City of Albany Environmental Health Officers, police officers, and Department of Health investigators either via the issue of penalties or infringement notices.
- 26. Enforcement of the City’s Local Government Property Local Law 2011 Determination 2.2(a) will continue to be undertaken by Ranger Services.
- 27. Policy implementation may result in an increase in the number of smokers seeking cessation assistance or support from local health services.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk	Mitigation
Community. Perceived and experienced exclusion of community members who smoke from participating in community events and activities.	Likely	Minor	Medium	Media and communications strategy to manage community expectations. Provision and promotion of Designated Smoking Areas at relevant sites/events.
Smoke free signage and communications are ignored and people continue to smoke in new smoke-free areas.	Possible	Moderate	Medium	Develop site-specific implementation plans which take into account specific user and population groups. Partner with stakeholder groups to deliver the Policy. Include the promotion of smoking cessation support resources in communications to community. Ensure ongoing evaluation of smoke free strategies and any changes in outdoor smoking behaviours and adjust strategy accordingly. Funds to be allocated in forward budgets to implement Policy strategies.
Reputational Damage to relationships with some community groups/clubs who do not support the policy.	Possible	Minor	Medium	Comprehensive communication and engagement plan to involve community and stakeholders in the development and implementation of smoke-free policy and strategies, and to widely and continually inform the public and stakeholders of the Policy.
Perception by some community members (including local media) of ‘over-policing’.	Possible	Moderate	Medium	
Environmental Increased littering of cigarette butts on site peripheries.	Likely	Moderate	High	Develop a risk management plan for managing smoke free areas and events (i.e. provision of Designated Smoking Areas with ashtrays/butt bins).

FINANCIAL IMPLICATIONS

29. Direct costs to the City would include the design, purchase and installation of signage (where necessary), and the design and purchase of promotional material and public advertising.
30. Administrative costs would include staff time for Policy consultation, development, planning, and implementation, and for the delivery of communications, engagement, and education activities.
31. A Healthway grant application has been prepared which seeks funding for the communications and education campaign activities included in the Plan.

LEGAL IMPLICATIONS

32. Smoking is prohibited under the City of Albany Local Government Property Local Law 2011, which states:

“2.2 Activities prohibited on local government property

(a) A person shall not smoke on premises owned by the local government or under the care and control of the local government.”

33. Noting the definition of the term premises under clause 2.8 limits the application:

“2.8 Activities which may be prohibited on specified local government property (1) In this clause — “premises” means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.”

ENVIRONMENTAL CONSIDERATIONS

34. Besides the public health impacts, it is understood that smoking significantly affects the atmosphere through the release of smoke and it also contributes to land and water pollution through the illegal disposal of cigarette butts. The dumping of cigarette butts is also known to be a significant cause of bushfires, which results in serious damage to the environment.

ALTERNATE OPTIONS

35. Council endorses the Policy and the preliminary plan is rolled out to ALL outdoor areas specified within the Policy simultaneously.

CONCLUSION

36. Should the Council resolve to support the implementation of a Smoke-Free Outdoors Policy, it is recommended that the City inform the relevant local health agencies and support services of the Council’s decision.

Consulted References	:	<i>Local Government Property Local Law 2011 City of Albany Public Health Plan</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	CCS021 OCM 19/12/2017

CCS097: ANNUAL REVIEW OF THE CORPORATE BUSINESS PLAN

Proponent	: City of Albany
Attachments	: Council Publication: Corporate Business Plan (As amended) Attachments available on City of Albany Website: www.albany.wa.gov.au
Report Prepared by	: Facilitator-Strategy & Improvement (S Grimmer)
Responsible Officer(s)	: Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Community:
 - a. **Theme:** Leadership
 - b. **Objective:** To provide strong accountable leadership supported by a skilled and professional workforce.
 - c. **Community Priority:** Provide positive leadership that delivers community outcomes and gains a reputation for doing what is good for Albany and the surrounding region.

In Brief:

- The *Local Government Act 1995*, requires local governments to update and adopt their Corporate Business Plan annually based on their long term integrated planning framework Community Strategic Plan and Annual Budget.

RECOMMENDATION

**CCS097: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: SUTTON
SECONDED: COUNCILLOR DOUGHTY**

THAT Council ADOPT the revised Corporate Business Plan as attached.

**CARRIED 12-0
ABSOLUTE MAJORITY**

CCS097: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS097: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the revised Corporate Business Plan as attached.

BACKGROUND

2. The Corporate Business Plan is reviewed and updated annually to ensure it continues to allocate the resources required to deliver community priorities as outlined in the City's Community Strategic Plan.
3. This plan supersedes the previously adopted Corporate Business Plan from last year.

DISCUSSION

4. The key changes from last year are in the appendices where the financial information and business unit plans have been reviewed and updated by Managers based on current priorities as outlined in adopted strategies and plans.

GOVERNMENT CONSULTATION

5. The City has researched the approach taken across the Local Government sector, visited a number of WA Local Governments and consulted widely.

COMMUNITY CONSULTATION / ENGAGEMENT

6. The corporate business plan reflects feedback from the community through a variety of activities and platforms including a community perception survey which is conducted every 2 years.
7. The City of Albany will commission its next community perception survey in the first quarter of 2019 with the results collated and then used as a basis for improving and monitoring our integrated planning framework. The resulting Report will be available on the City's web-site on completion.

STATUTORY IMPLICATIONS

8. **Local Government Act 1995:** Section 5.56(1) and (2) of the *Local Government Act 1995* requires that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations.
9. **Local Government (Administration) Regulations 1996**, regulation 19DA, Note:
 - **Corporate Business Plan** means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;
 - (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
 - (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
 - (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
 - (4) A local government is to review the current corporate business plan for its district every year.
 - (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.

- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. ***Absolute majority required.***
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

RISK IDENTIFICATION & MITIGATION

10. The risk identification and categorisation references the City’s Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Compliance. <i>Council does not adopt the updated Plans.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Address Council concerns and represent.</i>
Opportunity: <i>Formally communicate the City of Albany’s critiqued performance (City Score Card) for Council review.</i>				

FINANCIAL IMPLICATIONS

11. The revised Corporate Business Plan aligns with the 10 Year Financial Plan and provides the basis for long term financial management of City assets and resources.

CONCLUSION

12. The adoption of the revised Corporate Business Plan, reinforces Council’s commitment to meaningful strategic planning and provides a sound basis for continual improvement within the City.

Consulted References	:	<i>Local Government Act 1995</i> <i>Western Australian-Integrated Planning and Reporting Framework</i>
File Number (Name of Ward)	:	<i>CM.RVW.3 (All Wards)</i>
Previous Reference	:	<i>OCM 26/09/2017 Resolution CCS057.</i>

CCS098: REGIONAL DESTINATION MARKETING ORGANISATION

Proponent	: City of Albany
Attachments	: Confidential attachments
Report Prepared By	: Executive Director Corporate Services (M Cole)
Responsible Officer(s)	: Chief Executive Officer (A Sharpe)

CONFIDENTIAL REPORT

This Report was considered behind closed doors in accordance with section 5.23 (2) (c) & (e) of the Local Government Act 1995, is a contract which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and would reveal information that has information about the business, professional, commercial or financial affairs of a person.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Smart Prosperous and Growing.
 - **Objective:** To strengthen our region's economic base.
 - **Community Priority:** Work with business and other stakeholders to attract investment, diversify the economy, create jobs and support small business growth
 - **Objective:** To develop and promote Albany as a unique and sought-after visitor location.
 - **Community Priority:** Promote the "Amazing South Coast" region as a sought after and iconic tourism destination to increase the number of people visiting and the duration they stay.

In Brief:

- To receive the attachments provided as part of this report.
- Seek authorisation from Council for the CEO to enter in to an agreement with the Amazing South Coast Inc. for provision of the support to enable the establishment of a regional Destination Marketing Organisation DMO, subject to further formal approval by respective councils.

7.48PM

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

Moved: COUNCILLOR HOLLINGWORTH

SECONDED: COUNCILLOR SLEEMAN

THAT the meeting be closed to members of the public in accordance with 4.1 of the City of Albany Standing Orders Local Law 2014 (as Amended), to discuss the following confidential reports:

CCS093: Variation of Lease-Imperial Group Pty Ltd-Garrison Restaurant

CCS098: Regional Destination Marketing Organisation

DIS122: Proposed Land Purchase-Lot 5780 Down Road South, Drome-Albany Motor Sports Park

CARRIED 12-0

8.16PM

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STEPHENS

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the meeting be re-opened to members of the public.

CARRIED 12-0

RECOMMENDATION

CCS098: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR STEPHENS

THAT Council:

- 1. RECEIVE the draft agreement outlining support to be provided to Amazing South Coast Inc. by the City of Albany (and other Alliance members) for the establishment of a regional Destination Marketing Organisation.**
- 2. AUTHORISE the Chief Executive Officer to enter in to a service contract with the Alliance Members and Amazing South Coast Inc. in line with the draft agreement provided.**

**CARRIED 12-0
ABSOLUTE MAJORITY**

CCS098: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH

SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS098: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- 1. RECEIVE the draft agreement outlining support to be provided to Amazing South Coast Inc. by the City of Albany (and other Alliance members) for the establishment of a regional Destination Marketing Organisation.**
- 2. AUTHORISE the Chief Executive Officer to enter in to a service contract with the Alliance Members and Amazing South Coast Inc. in line with the draft agreement provided.**

BACKGROUND

2. The Lower Great Southern Economic Alliance (the Alliance) commissioned the preparation of a Tourism Development Strategy (TDS) and Destination Marketing Strategy (DMS) to achieve sustainable and enhanced tourism outcomes across the region. These reports were finalised and endorsed in 2017.
3. The TDS comprises a number of key strategic focus areas. Initiative 1.1 – Tourism Organisation review, includes; building a tourism organisation structure and funding model that is able to execute compelling marketing, engage industry and advocate for destination development.
4. Since March 2017, the Alliance has been working with industry tourism groups, (DAF, DTI and Mt Barker Tourism Inc.) to progress this initiative.
5. A Detailed Design process was undertaken by Churchill Consulting, in consultation with a DMO Design Committee. DTI, DAF and MBTB requested the initial support required from alliance partners in order to realise the model proposed in the detailed design and establish a new DMO within the 2018 calendar year.
6. In response to the request for support, the Lower Great Southern Economic Alliance resolved at its 8 February 2018 meeting to endorse the request for support.
7. On the 27th February 2018 City of Albany Council resolved to provide in principle support to establish the DMO and authorise the Chief Executive Officer to negotiate a service contract with the Alliance members and the proposed DMO and report back to council for final approval.
8. The Shire of Denmark Council and the Shire of Plantagenet Council also resolved to provide in principle support to establish the DMO.

DISCUSSION

9. The provision of support from the City of Albany for the establishment of the DMO as proposed in the draft agreement is in line with recommendations made in the DMO detailed design document, and requests from DTI, DAF and MBTB. Notwithstanding that whilst previous requests for support specify the provision of a full time marketing resource from the City of Albany for a two year period, recent unforeseen staffing changes at the City of Albany have resulted in there no longer being a suitable marketing resource available to provide that support. In lieu of that resource, a cash allocation to the DMO over that two year period for the express purpose of recruiting a marketing resource has been proposed as an alternative.
10. The provision of support from the Shire of Denmark and the Shire of Plantagenet proposed within the draft agreement is in line with recommendations made in the DMO detailed design document, and requests from DTI, DAF and MBTB.
11. The support proposed within the draft agreement is subject to the DMO adhering to the terms and conditions outlined in the draft agreement, and authorisation from respective councils to enter in to the agreement with the DMO.
12. The destination marketing funding being provided by Tourism Western Australia to the alliance does not form part of this agreement, other than noting that regional marketing activities to be delivered with this funding are at the discretion of, and subject to approval by, the City of Albany (on behalf of the alliance) and will be determined in line with contractual agreements that already exist between the City of Albany (on behalf of the alliance) and Tourism Western Australia.

13. Special General Meetings held by Discover Albany Foundation, Denmark Tourism Inc, Mount Barker Tourist Bureau and their respective memberships resolved to dissolve or merge existing organisations as necessary in order to establish a single DMO for the region.
14. The Amazing South Coast Inc. has now been successfully incorporated and will take on the role of the single DMO for the region.
15. The agreement for the provision of support for the establishment of a DMO will be between The Amazing South Coast Inc. and the three Alliance member councils.
16. An Executive Officer has been recruited by Amazing South Coast Inc. to work with the ASC Board and alliance members to establish and operate the new DMO in line with the draft agreement.

GOVERNMENT & PUBLIC CONSULTATION

17. The Alliance has maintained consistent consultation with relevant industry stakeholders via a DMO design committee which included representation from local government officers, elected members as well as representatives from industry.

STATUTORY IMPLICATIONS

18. Not Applicable.

POLICY IMPLICATIONS

19. Not Applicable.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial. Risk: Industry are likely to further disengage with local government and withdraw support for its role in promoting the region.	Likely	Moderate	High	Council support the establishment of the DMO and the opportunity that it represents.
Business Operation, Reputation & Financial. Risk: There is a risk that some existing industry bodies within the region may face operational and financial challenges including insolvency.	Likely	Moderate	High	Council support the establishment of the DMO and the opportunity that it represents.
Opportunity: To formalise working with our regional partners under the co-branding of the "The Amazing South Coast Inc." Noting the establishment of a unified industry led destination marketing organisation has been a long term aspiration for the region and the current collaboration occurring as part of this process has created a significant opportunity to achieve it.				

FINANCIAL IMPLICATIONS

21. The following estimated financial implications will exist for the City of Albany should the support requested be provided:

EST. VALUE OF PROPOSED CONTRIBUTION TO DMO	2018 Transition	2018/19 Budget	2019/20 Budget	Total
Total	31,200	115,520	106,286	253,006
Cash Contribution		70,000	70,000	140,000
Funding for recruitment of a marketing resource		70,000	70,000	140,000
In-Kind Staffing Contribution to DMO	31,200	25,520	26,286	83,006
0.1 FTE Manager Economic Development and Tourism	-	15,600	16,068	31,668
0.1 FTE Website Coordinator	-	9,920	10,218	20,138
0.2 FTE Project Management	31,200	-	-	31,200
Other In-Kind Contribution to DMO	-	20,000	10,000	30,000
Office Accommodation	-	10,000	10,000	20,000
Mobile Visitor Information Van	-	10,000	-	10,000

22. The financial implications estimated in the table are based on the following assumptions:
- The period of support is for two years only, at which point the DMO will be required to self-fund their own staffing, resulting in the City of Albany effectively ‘handing back’ tourism marketing to the industry.
 - It is assumed that the destination marketing activity to be delivered as part of the State Government contribution of \$250k per annum over 4 years, will be sub- contracted to the DMO, with access to and use of these funds being at the discretion of the alliance.

LEGAL IMPLICATIONS

23. Nil.

ENVIRONMENTAL CONSIDERATIONS

24. Nil.

ALTERNATE OPTIONS

25. Council may not support the proposal and there is a risk that Industry are likely to further disengage with local government and withdraw support for its role in promoting the region.

SUMMARY CONCLUSION

26. The establishment of a unified industry led destination marketing organisation has been a long term aspiration for the region and the current collaboration occurring as part of this process has created a significant opportunity to achieve it.

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

CCS099: WASTE AMENDMENT LOCAL LAW 2018

Proponent / Owner	: City of Albany
Attachments	: City of Albany Waste Local Law 2007(with undertaking)
Report Prepared By	: Manager Governance and Risk (S Jamieson)
Responsible Officers:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

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

In Brief:

- Council is requested to approve the administrative process to MAKE the *City of Albany Waste Amendment Local Law 2018*.

RECOMMENDATION

**CCS099: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR MOIR**

THAT Council, in accordance with section 3.12 of the *Local Government Act 1995*:

(1) Resolves to MAKE the *City of Albany Waste Amendment Local Law 2018* as follows:

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995
CITY OF ALBANY
WASTE AMENDMENT LOCAL LAW 2018

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the City of Albany resolved on (Insert Date) to make the following local law:

1. Citation
This local law may be cited as the *City of Albany Waste Amendment Local Law 2017*.
2. Commencement
This local law comes into operation 14 days after the date of its publication in the Government Gazette.
3. Amendments
 - a. Delete the definition of 'refuse'.
 - b. Delete clause 2.7(1).
 - c. Clause 2.7, amended to:

2.7 Duties of owner or occupier

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) if a receptacle requires to be emptied of waste, take reasonable steps to place a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is—

- (i) within 1 metre of the carriageway;
- (ii) does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
- (ii) facing squarely to the edge of and opening towards the carriageway, or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that an adequate number of receptacles are provided and used for those premises and that each is kept in good condition and repair; and
- (d) in the case of a receptacle that is supplied by the local government, if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

d. Clause 1.5 definitions amended to:

General waste receptacle means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

Occupier in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

e. Clause 3.3 amended to:

3.3 Receptacles and containers for public use

A person must not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,

a receptacle provided for the use of the general public.

f. Clause 2.8 (1) amended to:

(1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause **2.7 (a) or (b)**.

g. Clause 2.9(a)(b) amended to:

(b) interfere or tamper with, or remove, a receptacle placed for collection pursuant to clauses 2.6 or **2.7(b)**; or

h. Clause 5.1 amended to:

Division 1 of Part 9 of the LG Act applies to a decision under this local law to grant, renew, vary or cancel—

- (a) an approval under clause **2.7(b)**;

i. Schedule 2 — Prescribed Offences, references amended as follows:

Item No. 11 – Clause **2.7(a)**

Item No. 12 – Clause **2.7(b)**

Item No. 13 – Clause **2.7(c)**

Item No. 14 – Clause **2.7(d)**

Dated: [Insert Date]

The Common Seal of the City of Albany was affixed by authority of a resolution of the Council in the presence of –

DENNIS WELLINGTON, Mayor

ANDREW SHARPE, Chief Executive Officer

(2) APPROVES the giving of State-wide public notice in order to seek public comment.

**CARRIED 12-0
ABSOLUTE MAJORITY**

BACKGROUND

2. Council at its Ordinary Council Meeting of 27 February 2018, resolved to adopt the *City of Albany Waste Local Law 2017*.
3. On 26 June 2018, Council resolved to give a written undertaking to make amendments to the *City of Albany Waste Local Law 2017* as requested by the Joint Standing Committee on Delegated Legislation (JSCDL).

DISCUSSION

4. To initiate the local law amendment process, Council must first resolve to MAKE the *City of Albany Waste Amendment Local Law 2018*.
5. Section 3.12 of the Local Government Act 1995 (the Act) requires the person presiding at a Council meeting ensures the purpose and effect of the proposed amendment local law is given.
 - a. **Purpose:** The purpose of the principal local law is to provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district of the City of Albany.
 - b. **Effect:** Amendments will enact the undertaking given to the Joint Standing Committee on Delegated Legislation.
6. The procedure for amending local laws requires Council to advertise state-wide advising of its intention to make amendment local laws and seeking submissions within a six-week period.
7. Council is then required to consider all submissions prior to adopting the Amendment Local Law.

GOVERNMENT & PUBLIC CONSULTATION

8. A copy of the Amended Local Law will be forwarded to the Department of Local Government and the Department of Water and Environmental Regulation.
9. The Joint Standing Committee on Delegated Legislation reviewed the primary local law and recommended the listed amendments.
10. Under section 3.12 of the Act, the City is required to give State-wide publication of its intention to make the Local Law and to invite submissions from the public.

STATUTORY IMPLICATIONS

11. Amending a local law needs to be done in accordance with section 3.12 of the Act which is the same procedure for 'making' a local law. This is because an amendment local law is a new law in itself and must follow the full statutory process.
12. The resolution of Council to make the local law must be carried by **Absolute Majority**.
13. After making the local law a copy will be provided to the Minister for Local Government and the Minister for Department of Water and Environmental Regulation.

POLICY IMPLICATIONS

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

16. The current determination resolved by Council on 27 February 2018, will remain in effect:

DETERMINATION: VERGE COLLECTION FOR COMMERCIAL PURPOSE

Clause 2.10 (2) of the *City of Albany Waste Local Law 2017* is suspended to allow for the lawful collection of waste deposited on the verge for commercial purposes.

The removal of the waste must be conducted in accordance with clause 2.10(3), which states in part: “a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.”

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
Legal & Compliance <i>Local law may be disallowed if undertakings are not complied with.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Amend local law as requested.</i>

FINANCIAL IMPLICATIONS

18. Cost will be incurred with respect to the advertising and eventual publication in the Government Gazette of the Amendment Local Law. This cost is estimated to be approximately \$250 in addition to staff time.

LEGAL IMPLICATIONS

19. If the local law is not amended within a reasonable time frame, the JSCDL will report the non-compliance to Parliament.

ENVIRONMENTAL CONSIDERATIONS

20. There are no environmental consideration related to this report. The principal local law developed under the Waste Avoidance and Resource Recovery Act 2007 provides a framework for the City to manage its waste collection and disposal services to benefit community health and the environment.

ALTERNATE OPTIONS

21. The options are:
- a. Comply with the current undertaking, or
 - b. Council may wish to reconsider its position on the local law.

CONCLUSION

22. It is recommended to comply with the current undertaking and MAKE the proposed *City of Albany Waste Amendment Local Law 2018*.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Waste Avoidance and Resource Recovery Act 2007</i>
File Number (Name of Ward)	:	All Wards (LE.LOL.14)
Previous Reference	:	<ul style="list-style-type: none"> • OCM 26/06/2018 Resolution DIS103 • OCM 27/02/2018 Resolution DIS078

AR045: AUDIT AND RISK COMMITTEE TERMS OF REFERENCE REVIEW

Business Entity Name	: City of Albany
Attachments (hyperlinks)	: <ul style="list-style-type: none">• Local Government Operational Guidelines Number 09 - The appointment, function and responsibilities of Audit Committees• Departmental Circular 02-2018 - Guide to Local Government Auditing Reforms
Report Prepared By	: Manager Governance & Risk (S Jamieson)
Responsible Officers:	: Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

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

In brief:

- At the request of the Audit & Committee Chair, the current Audit & Risk Committee's Terms of Reference for review.

RECOMMENDATION

AR045: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STEPHENS

SECONDED: COUNCILLOR SMITH

THAT the Terms of Reference for the Audit & Risk Committee as amended:

Risk Management:

- *Address any specific requests referred to it from Council in relation to issues of internal control, legislative compliance and risk management.*
- *At least **four times every** year consider a report in relation to the management of risk within the City of Albany and satisfy itself that appropriate controls and processes are in operation, and are adequate for dealing with the risks that impact on the City.*
- *Chair of Audit and Risk Committee may nominate a program, project or risk for examination by the Audit and Risk Committee at any time.*

be ADOPTED.

CARRIED 12-0

AR045: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY
SECONDED: MAYOR WELLINGTON

THAT the Terms of Reference for the Audit & Risk Committee as amended:

Risk Management:

- Address any specific requests referred to it from Council in relation to issues of internal control, legislative compliance and risk management.
- At least *four times every* year consider a report in relation to the management of risk within the City of Albany and satisfy itself that appropriate controls and processes are in operation, and are adequate for dealing with the risks that impact on the City.
- *Chair of Audit and Risk Committee may nominate a program, project or risk for examination by the Audit and Risk Committee at any time.*

be ADOPTED.

CARRIED 6-0

AR045: RESPONSIBLE OFFICER RECOMMENDATION

THAT the current Terms of Reference for the Audit & Risk Committee be RECEIVED.

BACKGROUND

2. The Local Government Act 1995 (the Act) requires that all local governments establish an audit committee. An audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

Role of the Audit Committee

3. With the transfer of auditing to the Auditor General, local government Audit Committees will have a new and important role.
4. The role of the Audit Committee has been amended so that the Audit Committee has greater involvement in assisting the CEO to carry out the review under Regulation 17 of the Audit Regulations of systems and procedures concerning risk management, internal control, and legislative compliance.
5. The Audit Committee is empowered to ‘monitor and advise’ the CEO in reviews of certain systems prescribed by the audit and financial management regulations. The terms ‘monitor and advise’ have been selected following consultation with the sector.
6. The reforms are intended to help CEOs formulate recommendations to council to address issues identified in the reviews.
7. The Audit Committee will also support the auditor as required and have functions to oversee:
 - a. the implementation of audit recommendations made by the auditor, which have been accepted by council; and
 - b. accepted recommendations arising from reviews of local government systems and procedures.
8. These roles reflect the importance of the Audit Committee as a section of council charged with specific responsibilities to scrutinise performance and financial management. The regulations continue to allow for external membership of Audit Committees. Councils are encouraged to consider inviting appropriate people with expertise in financial management and audit to be members of their Audit Committee.

Timeframe for reviewing audit systems and procedures

9. **Local Government (Audit) Regulations 1996:** An amendment to Regulation 17(2) requires the CEO to undertake a review of audit systems and procedures no less than once in every three financial years. This change will introduce consistency in CEO responsibilities to review financial management and audit systems and procedures in a timely manner.

Role of the council assisting the auditor

10. Local governments are required to provide the auditor with a copy of their Strategic Community Plan, Corporate Business Plan or another plan or informing strategy. The powers to request documentation are consistent with the Auditor General's powers to request information of State Government agencies when conducting audits.

DISCUSSION

Current Guidelines

11. The purpose of the attached [guideline](#) is to assist local governments to establish and operate an effective audit committee.
12. Clear and comprehensive terms of reference, setting out the committee's roles and responsibilities, are essential and a model terms of reference for an audit committee is provided with this guideline.
13. Matters such as the governing legislation, membership, primary roles and responsibilities of the committee and ancillary functions are also addressed.
14. Guidance is provided to the committee as it approaches its task of appointing an external auditor through provision of a minimum standard audit specification and as it forms an opinion of the local government's internal audit requirements.
15. The Council's current Audit & Risk Committee Terms of Reference follow:

Audit & Risk Committee (Statutory Requirement)

Function: This Committee is responsible for assisting Council discharge its responsibilities with regard to the exercise of due care, diligence and skill in relation to the:

- reporting of financial information;
- application of accounting policies;
- management of the financial affairs of the City; and
- assessment of the adequacy of the management of risk, internal control and legislative compliance.

It will achieve this by:

Audit:

- Considering and approving the brief for the provision of audit services;
- Evaluating the responses to the request for the provision of audit services and to make a recommendation to Council on the appointment of an auditor;
- Meeting with Council's external auditors and reviewing the Audit Plan prior to the conduct of the interim audit each year;
- Ensuring that the audit is being conducted in accordance with the brief and the terms of appointment and that matters of concern to the Council and/or the Committee are being addressed;
- Ensuring that the Council's financial affairs and systems and processes are being managed and reported in accordance with statutory requirements and Australian Accounting Standards;
- Ensuring that relevant financial information is reported to Council in a form that meets the needs and expectations of Council, clearly setting out the key relevant financial data, such that the Council can confidently Understand the financial performance of the Council's affairs;
- Reviewing the audit report and making appropriate recommendations to Council; and
- Where appropriate and with the approval of Council seek advice and/or assistance in relation to matters pertaining to the audit or financial affairs of the City.

Risk Management:

- Address any specific requests referred to it from Council in relation to issues of internal control, legislative compliance and risk management.
- At least **four times** every year consider a report in relation to the management of risk within the City of Albany and satisfy itself that appropriate controls and processes are in operation, and are adequate for dealing with the risks that impact on the City.
- **Chair of Audit and Risk Committee may nominate a program, project or risk for examination by the Audit and Risk Committee at any time.**

Regulation 17 of the Local Government (Audit) Regulations 1996:

- Receive the CEO reviews conducted on the appropriateness of systems and procedures in relation to risk management, internal control and legislative compliance as prescribed.

Membership: Minimum of 4 and maximum of 7 elected members

Meeting Schedule: As required, minimum of four per calendar year.

Meeting Location: Council Chambers Directorate: Office of CEO & Corporate Services

Executive Officers: Chief Executive Officer, Executive Director Corporate Services, Manager Governance & Risk, Manager Finance

Delegated Authority: None

GOVERNMENT AND PUBLIC CONSULTATION

16. Departmental Circulars and Guidelines have been consulted as referenced in the report.

STATUTORY IMPLICATIONS

Establishment of the Audit Committee

17. The Act and Regulations provide that:

- a. In relation to the establishment of an audit committee –
- b. each local government is to establish an audit committee consisting of three or more persons to exercise the powers and discharge the duties conferred on it;
- c. members of the committee are to be appointed by an absolute majority decision of Council. At least three of the members, and the majority of the members, are to be elected members;
- d. the Chief Executive Officer (CEO) is not to be a member of the committee and may not nominate a person to be a member or have a person to represent him or her as a member of the committee;
- e. an employee is not to be a member of the committee;
- f. the only powers and duties that can be delegated to a committee are any of the powers and duties of the local government under Part 7 of the Act; that is, those relating to audit. The committee cannot on-delegate the powers and duties delegated to it;
- g. an audit committee with a member who is a person that is not an elected member can be delegated powers and duties referred to in (e); and
- h. a decision of the committee is to be made by simple majority.

Audit Committee Functions

18. The Regulations state that an audit committee –

- a. is to provide guidance and assistance to the local government –
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act;
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;
- b. may provide guidance and assistance to the local government as to –
 - (i) matters to be audited;
 - (ii) the scope of audits;
 - (iii) its functions under Part 6 of the Act;
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management;
- c. is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to –
 - (i) report to the council the results of that review;
 - (ii) give a copy of the CEO's report to the council;
- d. review the annual Compliance Audit Return and report to the council the results of that review, and
- e. consider the CEO's biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance and report to the council the results of those reviews.

POLICY IMPLICATIONS

19. If changes are made to Committee’s membership and/or the terms of reference this must be adopted by Council.

RISK IDENTIFICATION & MITIGATION

20. The risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework.
21. **Risk:** Nil. **Opportunity:** It is good practice to review a Committee’s Terms of Reference to ensure compliance with the Act and regulations.

FINANCIAL IMPLICATIONS & ALTERNATE OPTIONS

22. Not applicable.

ALTERNATE OPTIONS

23. Committee may choose to propose amendments to the Audit & Risk Committee Terms of Reference for Council approval.

CONCLUSION

24. Nil

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Audit) Regulations 1996</i> • <i>Council Policy: Governance & Meeting Framework</i> • <i>Local Government Operational Guidelines Number 09 - The appointment, function and responsibilities of Audit Committees</i> • <i>Departmental Circular 02-2018 - Guide to Local Government Auditing Reforms</i>
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	<ul style="list-style-type: none"> • OCM 22/05/2018 Resolution CCS052. (Terms of Reference) • OCM 22/05/2018 Resolution AR039 (Internal Audit)

DIS122: PROPOSED LAND PURCHASE – LOT 5780 DOWN ROAD SOUTH, DROME. ALBANY MOTOR SPORTS PARK

Land Description	: Lot 5780, 54 Down Road South, Drome
Proponent	: City of Albany
Owner	: Susan Page
Business Entity Name	: N/A
Attachments	: GHD Feasibility Study – Albany Motor Sports Park Preliminary Business Plan
Report Prepared By	: Executive Director Infrastructure & Environment (M Thomson)
Responsible Officers:	: Executive Director Infrastructure & Environment (M Thomson) Executive Director Corporate Services (M Cole)

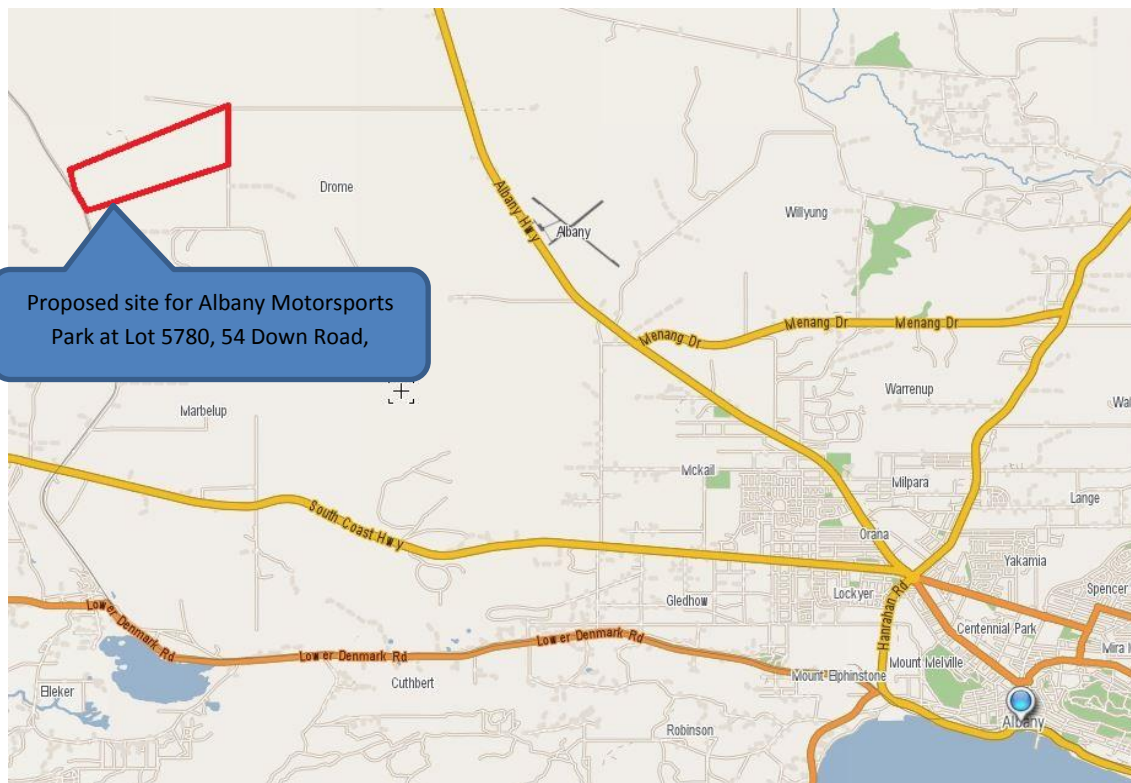
CONFIDENTIAL REPORT

This Report was considered behind closed doors in accordance with section 5.23 (2)(e) of the Local Government Act 1995, being a matter that if disclosed, would reveal information that has a commercial value to a person.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Smart Prosperous and Growing
 - **Objective:** To develop and promote Albany and a unique and sought-after visitor location.
 - **Community Priority:** Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.

Maps and Diagrams:



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RECOMMENDATION

**DIS122: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

THAT Council:

- 1. NOTE the Feasibility Report for Lot 5780 Down Road South;**
- 2. AUTHORISE the Chief Executive Officer to enter into a Financial Assistance Agreement with the Department of Local Government, Sport and Cultural Industries (DLGSCI) in relation to the Albany Motor Sports Park Development to include the following terms:**
 - a. That the City of Albany agrees to purchase Lot 5780, Down Road South for the sole purpose of developing a motor sports park;**
 - b. That the DLGSCI agrees to pay the City of Albany the agreed sum for the purchase of Lot 5780, Down Road South subject to a development application being approved for a motor sports park;**
 - c. That the City of Albany reserve the right to sell the land should a development application not be approved for the site.**
 - d. That the City agrees to fund the balance of the land purchase costs and associated legal costs.**
- 3. RESOLVES to purchase Lot 5780 Down Road South, Drome for an agreed sum as detailed in the Confidential Report DIS122: Proposed Land Purchase-Lot 5780 Down Road South, Drome-Albany Motor Sports Park.**
- 4. AMEND the 2018/2019 budget to include provision for the purchase of Lot 5780 Down Road South plus legal and settlement fees with income to be drawn from the Debt Management Reserve on the basis that the Debt Management Reserve will be reimbursed upon payment from the DLGSCI.**

**CARRIED 12-0
ABSOLUTE MAJORITY**

The City will release the full report for this item at the completion of the land transaction. The financial details will also become publically available as part of the City's monthly financial reports.

DIS123: LAKE MULLOCULLOP RECREATIONAL USE

Land Description	: City of Albany Managed Reserve 16367 (Lake Mullocullop).
Proponent / Owner	: City of Albany (Land vested in the care and control of the City of Albany).
Attachments	: Confirmation of Heritage Listing. UWA literature review.
Report Prepared By	: Manager City Reserves (J Freeman)
Responsible Officers:	: Executive Director Infrastructure & Environment (M Thomson)

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:
 - **Themes: 1:** Leadership & **3:** Clean, Green and Sustainable
 - **Objectives: 1.3:** To engage effectively with our community.**3.1:** To protect and enhance our natural and built environment in a changing climate.
 - **Community Priorities:**
 - 1.3.1: Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.
 - 3.1.2: Sustainably protect and enhance our iconic coastline, reserves and flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves.

In Brief:

- Reference is made to Council resolution item DIS035 - August 2017 and DIS092 - May 2018.
- The purpose of this report is to update Council on the progress of conditions under DIS035.
- Lake Mullocullop otherwise known as Warriup Lake was listed as a Registered Aboriginal Site as of August 2018 for mythological reasons.
- Representatives from Department of Land, Planning and Heritage (DPLH) have stated that the activity of water skiing is not considered to have an impact under the WA Heritage Act as it does not create any ground disturbance.
- A literature review has been undertaken by UWA to develop and establish an ongoing annual environmental monitoring program.

Maps and Diagrams:



Lake Mullocullop – Warriup Road, Green Range

RECOMMENDATION

**DIS123: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

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

CARRIED 9-3

Record of Vote

Against the Motion: Councillors Terry, Moir and Hollingworth

DIS123: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR GOODE**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-2

Record of Vote

Against the Motion: Councillors Terry and Moir

DIS123: RESPONSIBLE OFFICERS RECOMMENDATION

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

BACKGROUND

2. The resolution of Council made at the Ordinary Council Meeting held on 22nd August 2017 is as below:

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

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

3. The table below outlines the progress of items 1-4 in item 2.

Item	Status	Actions
1)	Quote and methodology received from UWA	To implement 12 months after gazettal
2)	Completed	Ensure approvals gained as per the Aboriginal Heritage Act. Undertake annual environmental monitoring. Specify restricted times for Water-Skiing.
3)	Quote and methodology received from UWA	Gather baseline information once gazettal process commenced with annual monitoring to be undertaken
4)	Not allowed unless gazetted	Signage installed notifying no Speed Boats prohibited

4. The committee recommendation in May 2018 was to provide a report to Council following the assessment by the DPLH in relation to the registration of Aboriginal sites at Lake Mullocullopp.
5. After determination by the DPLH, Lake Mullocullopp has been added to the register of Aboriginal Sites under the Aboriginal Heritage Act. A spokesperson for DPLH has indicated that water skiing could still be permitted on the lake without approval under the Aboriginal Heritage Act, although any installation of infrastructure relating to this activity, such as water markers and signage will need to be assessed if within the registered site's boundaries.
6. A detailed review of literature (data) relating to the ecological and environmental effects of motorboats and skiing has been undertaken by UWA (see attached) which will guide base line monitoring of identified possible impacts once the gazettal process commences. It should be noted with water-skiing currently prohibited on the lake, monitoring of impacts from water-skiing is not possible.

DISCUSSION

7. Once the gazettal process to allow water-skiing has commenced, the following environmental monitoring will be undertaken:
- Baseline data to be collected and determined from the literature review includes:
 - Establishment of baseline Hydro Carbon (PAH) levels in the lake and at least one other in a similar lake nearby that has no history of Water Skiing.
 - Establishment of Shoreline Vegetation monitoring plots with plots in both the areas of shoreline close to and effected by waves from the boats and areas of the lake away from the area used by boats and therefore not (or significantly less) effected by the boat waves.
 - Invertebrate monitoring next to the shoreline in both affected and unaffected areas of the shoreline. This will determine if there is a significant impact on migratory bird species based on changes to their food sources.
8. A lake nearby located on private property will be used as a control site for comparison between lakes with and without the activity of water skiing. The resident has provided approval.

9. A permit has been issued to a resident with a scientific background to undertake research and monitoring for the presence of freshwater fish in the lake.
10. An additional bird survey will be undertaken in February 2019. Initial data is showing that spring and summer are important months for birds at the lake, although the impacts of water-skiing cannot be determined at this time.
11. The City Reserves staff are continuing consultation with the local Aboriginal community to identify appropriate stories and other information for use on interpretive signage at numerous City of Albany sites and interpretive signage will be installed at Lake Mullocullup once this process is finalised.

GOVERNMENT & PUBLIC CONSULTATION

12. Ongoing consultation with the Department of Planning, Land and Heritage regarding the Heritage Information Submission and requirements under the Aboriginal Heritage Act.
13. Consultation with UWA Centre of Excellence in Natural Resource Management with regard to the monitoring program and Department of Transport during the gazettal process.

STATUTORY IMPLICATIONS

14. A person shall not drive a motor boat or tow a water skier in navigable waters except in areas gazetted for that purpose and during times which the area may be used under the Navigable Waters Regulations 1958, Section 48(a).
15. Following gazettal, the City may implement a permit system under the *City of Albany Property Local Law 2011*.
16. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

17. Not applicable to this report.

RISK IDENTIFICATION & MITIGATION

18. It is acknowledged that it is vital that the City establishes a framework to effectively, efficiently and transparently manage areas of public land vested in its care and control.
19. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation Having addressed the previous issues identified including the Heritage Information Submission and without identifying any further impediments to the use of the lake for water-skiing failing to make a determination poses a reputational risk to the City.</p>	Likely	Moderate	High	Council follows through with its resolution as at August 2017.
<p>Opportunity: The opportunity to allow all the community access to the lake for its cultural and recreational values</p>				

FINANCIAL IMPLICATIONS

20. Costs associated with the collection of baseline data for environmental monitoring, in the order of \$15,000.
21. Cost to undertake monitoring the use of the lake, \$5,000.
22. Installation of interpretive signage and enforcement signage, \$3,000.

23. Funds are available in the current operational budget.

LEGAL IMPLICATIONS

24. Not applicable

ENVIRONMENTAL CONSIDERATIONS

25. Noting previous reports on this matter, there are no additional or new environmental implications. If water skiing is re-established as a permitted use this will provide an opportunity for monitoring of any possible impacts to occur.

ALTERNATE OPTIONS

26. If Council deem conditions not be satisfied to progress they may choose to seek further information from officers before proceeding with the gazettal process.

CONCLUSION

27. This report recommends supporting the gazettal process for Lake Mullocullop for a restricted season with ongoing monitoring to determine any environmental impacts.

Consulted References	:	<ul style="list-style-type: none">• Local Government Act 1995• Navigable Waters Regulations 1958
File Number (Name of Ward)	:	CR.COC.42 (Kalgan Ward)
Previous Reference	:	OCM 22 August 2017 - DIS035 & DIS039 OCM 22 May 2018 - DIS092

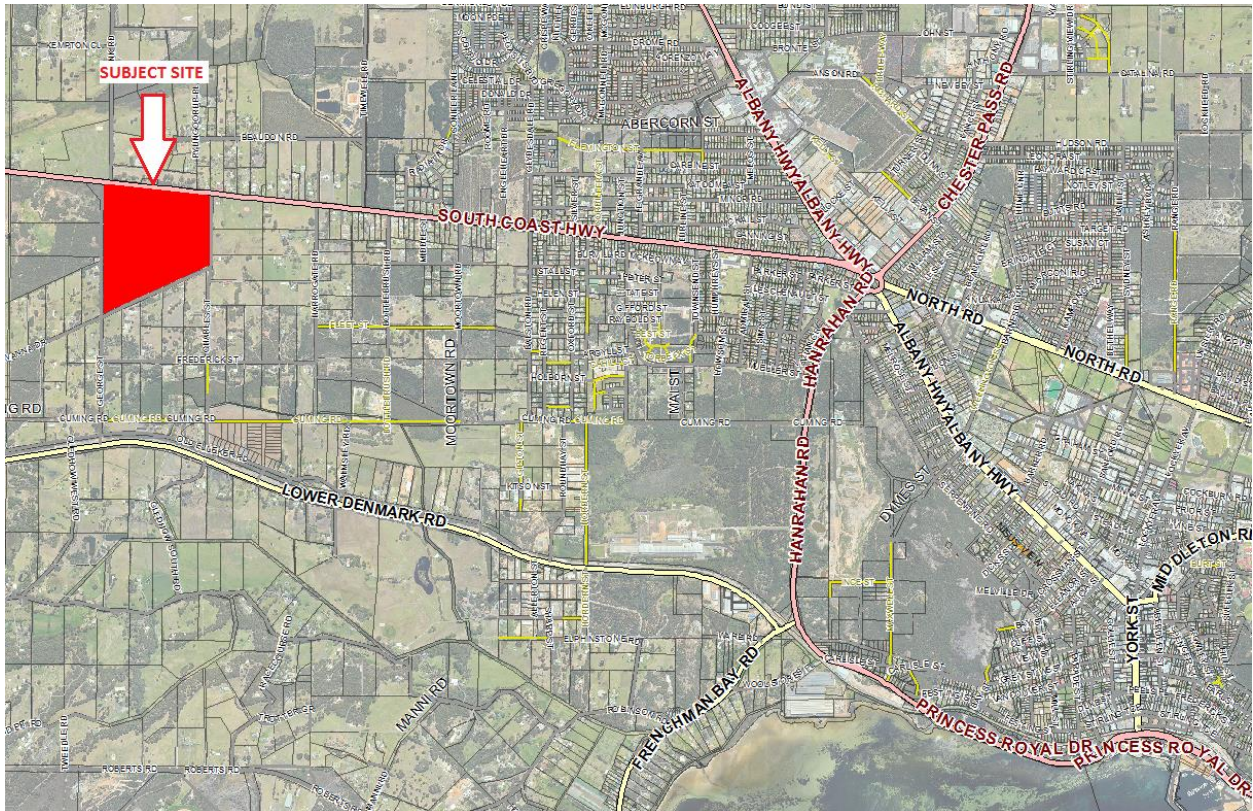
DIS124: LOCAL STRUCTURE PLAN NO.18 – LOT 16 SOUTH COAST HIGHWAY, LOTS 9, 15 & 110 GEORGE STREET, LOTS 17, 202 & 203 CHARLES STREET, LOTS 4, 5 & 8 LOWANNA DRIVE AND LOTS 200 & 201 PEARSON PLACE, GLEDHOW.

Land Description	: Lot 16 South Coast Highway, Lots 9, 15 & 110 George Street, Lots 17, 202 & 203 Charles Street, Lots 4, 5 & 8 Lowanna Drive and Lots 200 & 201 Pearson Place, Gledhow.
Proponent Business Entity Names	: Ayton Baesjou Commissioner of Main Roads L & R Spaanderman J & D Lister M Kinnear T Harman & A Gostelow T & N Schoof F & J Lombardo R & E McTaggart K Mullally & D Webb Q Knight T Burgess
Attachments	: 1. Map - Local Structure Plan No.18 2. Report - Local Structure Plan No.18 3. Schedule of Submissions and Recommendations
Report Prepared By	: Senior Planning officer – Strategic Planning (A Nicoll)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. The application for consideration proposes a structure plan to guide future subdivision and development of land in the Gledhow area.
3. In making a decision on the proposed structure plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*. The structure plan complies with strategic planning for the following reasons:
 - a) The Albany Local Planning Strategy (2010) seeks to encourage the development of the Structure Plan area for 'Rural Residential' (Min 1ha) lots.
 - b) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

Maps and Diagrams: Subject Site – Lot 16 South Coast Highway, Lots 9, 15 & 110 George Street, Lots 17, 202 & 203 Charles Street, Lots 4, 5 & 8 Lowanna Drive and Lots 200 & 201 Pearson Place, Gledhow.



In Brief:

- The Local Structure Plan No.18 proposes to guide the subdivision and development of land bound by South Coast Highway, George Street, Lowanna Drive and Charles Street, Gledhow.
- Land within the structure plan area is partly zoned 'Rural Residential' and partly zoned 'General Agriculture'.
- The Department of Planning Lands and Heritage requested structure planning of the land, to form a consolidated Rural Residential area and to accord with the Albany Local Planning Strategy. The proposal therefore does not conflict with the current moratorium on amendments to rezone or intensify agriculture land.
- Council is requested to consider submissions pertaining to the Local Structure Plan No.18, and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

RECOMMENDATION

**DIS124: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR HOLLINGWORTH**

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005 and Regulation 20. (2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. Recommend that the Western Australian Planning Commission APPROVE Local Structure Plan No.18 subject to the following modifications:

a) The following conditions are placed on the structure plan map:

- *At the subdivision stage, require the certification of a BAL Contour Map, prior to clearance of titles.*
- A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“This lot is in close proximity to existing agriculture activities and may be adversely affected by virtue of odour, noise, dust and/or light emissions from that land use.”

- Pursuant to Section 150 of the *Planning and Development Act 2005*, at the subdivision stage of Lots 8, 9, 110 and 15, a covenant preventing vehicular access onto George Street being lodged on the certificate(s) of title at the full expense of the landowner/applicant. The covenant is to specify:

“No vehicular access is permitted to and from George Street”.

- Pursuant to Section 150 of the *Planning and Development Act 2005*, at the subdivision stage of Lots 15, 16 and 17, a covenant limiting vehicular access onto South Coast Highway being lodged on the certificate(s) of title at the full expense of the landowner/applicant. The covenant is to specify the following for each lot:

Lot 15

“Access to and from South Coast Highway is to be via a single constructed crossover”.

Lot 16

“Access to and from South Coast Highway is to be via a single constructed crossover”.

Lot 17

“Access to and from South Coast Highway is not permitted. Access to and from Lot 17 is to be via Charles Street”.

- a) A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) 8, 9, 110, 15, 16 and 17. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“The lot(s) are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.”

- **At the subdivision or development approval stage, habitable development proposed within the 60dB area is to undertake a detailed acoustic assessment and determination of appropriate mitigation treatments as per the *State Planning Policy 5.4 – Road and Rail Transport Noise and freight Considerations in Land Use Planning*.**
 - **Ceding and development of the internal road (Pearson Place) indicated on the structure plan map is to occur at the subdivision stage of Lots 4, 5, 8, 9 and 110.**
- b) Existing conditions or notes on the structure plan map being deleted or modified as follows:
- ~~Proposed ring road acoustic setback no dwellings~~ **Noise sensitive zone.**
 - ~~Rural Residential acoustic setback (dwelling exclusion area)~~ **Noise sensitive zone.**
 - ~~Proposed ring road reserve~~ **Possible Ring Road alignment area.**
 - ~~Proposed Ring Road Land Requirement~~ **Possible Ring Road alignment area.**
 - ~~Ring Road reserve~~ **alignment area, proposed to be acquired by MRWA**
 - ~~No dwellings permitted north or west of Acoustic Setback~~
2. Forward structure plan documentation and submissions to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan (with modifications).
3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.
- CARRIED 12-0**

DIS124: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR WELLINGTON
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

DIS124: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Regulation 20. (2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. Recommend that the Western Australian Planning Commission APPROVE Local Structure Plan No.18 subject to the following modifications:
 - a) The following conditions are placed on the structure plan map:
 - *At the subdivision stage, require the certification of a BAL Contour Map, prior to clearance of titles.*
 - A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“This lot is in close proximity to existing agriculture activities and may be adversely affected by virtue of odour, noise, dust and/or light emissions from that land use.”

- Pursuant to Section 150 of the *Planning and Development Act 2005*, at the subdivision stage of Lots 8, 9, 110 and 15, a covenant preventing vehicular access onto George Street being lodged on the certificate(s) of title at the full expense of the landowner/applicant. The covenant is to specify:

“No vehicular access is permitted to and from George Street”.

- Pursuant to Section 150 of the *Planning and Development Act 2005*, at the subdivision stage of Lots 15, 16 and 17, a covenant limiting vehicular access onto South Coast Highway being lodged on the certificate(s) of title at the full expense of the landowner/applicant. The covenant is to specify the following for each lot:

Lot 15

“Access to and from South Coast Highway is to be via a single constructed crossover”.

Lot 16

“Access to and from South Coast Highway is to be via a single constructed crossover”.

Lot 17

“Access to and from South Coast Highway is not permitted. Access to and from Lot 17 is to be via Charles Street”.

- a) A notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the certificate(s) of title of the proposed lot(s) 8, 9, 110, 15, 16 and 17. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“The lot(s) are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.”

- At the subdivision or development approval stage, habitable development proposed within the 60dB area is to undertake a detailed acoustic assessment and determination of appropriate mitigation treatments as per the *State Planning Policy 5.4 – Road and Rail Transport Noise and freight Considerations in Land Use Planning*.
- Ceding and development of the internal road (Pearson Place) indicated on the structure plan map is to occur at the subdivision stage of Lots 4, 5, 8, 9 and 110.

- b) Existing conditions or notes on the structure plan map being deleted or modified as follows:

- ~~Proposed ring road acoustic setback no dwellings~~ **Noise sensitive zone.**
- ~~Rural Residential acoustic setback (dwelling exclusion area)~~ **Noise sensitive zone.**
- ~~Proposed ring road reserve~~ **Possible Ring Road alignment area.**
- ~~Proposed Ring Road Land Requirement~~ **Possible Ring Road alignment area.**
- Ring Road reserve **alignment area, proposed** to be acquired by MRWA
- ~~No dwellings permitted north or west of Acoustic Setback~~

2. Forward structure plan documentation and submissions to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan (with modifications).

3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes.
5. In 2016, a proposal to rezone land in Gledhow from the 'General Agriculture' zone to the Rural Residential' zone was referred to the Western Australian Planning Commission for endorsement. The WAPC advised that a Structure Plan should be prepared, prior to considering the proposal to rezone the land in Gledhow.
6. Subsequently, a new proposed Structure Plan was submitted, and seeks to identify potential subdivision opportunities for land bounded by George Street, South Coast highway, Charles Street and Lowanna Drive.
7. The City of Albany advertised the proposed Local Structure Plan No.18 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
8. At the close of advertising, the City of Albany received seven (7) submissions commenting on the proposed structure plan.
9. Council is requested to consider the submissions received and determine whether to recommend that the Commission support the structure plan with modifications.

DISCUSSION

10. The structure plan indicates:
 - a) Existing lot layout;
 - b) Future Albany Ring Road development area;
 - c) Proposed dwelling exclusion area due to noise associated with future Albany Ring Road;
 - d) Restricted access to South Coast Highway and future Ring Road (George Street); and
 - e) Location of a future internal access (loop) road.
11. The Structure Plan does not show how the land could potentially be subdivided. The Structure Plan simply indicates constraints from which subdivision and development is to comply. For example, the structure plan identifies:
 - a) A minimum 1ha lot size;
 - b) Access requirements; and
 - c) Development exclusion areas.
12. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, unless the Commission otherwise agrees, Structure Plans do not necessarily need to show future lot layout.
13. As part of the advertising process, the following key comments were received:
 - a) Rural residential amenity may be impacted on by agricultural activities in the area.
 - b) There should be no future access to George Street (future Ring Road).
 - c) Future access to South Coast Highway should be limited.
 - d) Housing should be developed to attenuate noise from the transport corridors in accordance with the *State Planning Policy 5.4 – Road and Rail Transport Noise and freight Considerations in Land Use Planning*.
 - e) A BAL Contour Map is required to be prepared in accordance with the methodology detailed in the Planning for Bushfire Guidelines, at the subsequent stage of planning.

Agriculture – Land Use Impact

14. It was commented that future landholders might voice concern about existing and potential agricultural activities on surrounding land.
15. It is therefore recommended that the following condition is placed on the Structure Plan map:
 - a) *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “This lot is in close proximity to existing agriculture activities and may be adversely affected by virtue of odour, noise, dust and/or light emissions from that land use.”*

Access George Street and South Coast highway

16. Main Roads WA requested that there be no future access onto George Street (future Ring Road) and that access to South Coast highway be limited to existing crossovers.
17. It is therefore recommended that the following conditions are placed on the structure plan map:
 - a) *Pursuant to Section 150 of the Planning and Development Act 2005, at the subdivision stage of Lots 8, 9, 110 and 15, a covenant preventing vehicular access onto George Street being lodged on the certificate(s) of title at the full expense of the landowner/applicant. The covenant is to specify: “No vehicular access is permitted to and from George Street”.*
 - b) *Pursuant to Section 150 of the Planning and Development Act 2005, at the subdivision stage of Lots 15, 16 and 17, a covenant limiting vehicular access onto South Coast Highway being lodged on the certificate(s) of title at the full expense of the landowner/applicant. The covenant is to specify the following for each lot:
Lot 15 – “Access to and from South Coast Highway is to be via a single constructed crossover”.
Lot 16 – “Access to and from South Coast Highway is to be via a single constructed crossover”.
Lot 17 – “Access to and from South Coast Highway is not permitted. Access to and from Lot 17 is to be via Charles Street”.*

Noise Attenuation

18. Main Roads requested that:
 - a) Lots fronting South Coast Hwy and George Street have notifications on the title advising that they are in the vicinity of a transport corridor; and
 - b) Future dwellings being constructed to the appropriate standard to mitigate road and freight route noise.
19. It is therefore recommended that the following conditions are placed on the structure plan map:
 - a) a) *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) 8, 9, 110, 15, 16 and 17. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “The lot(s) are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.”*
 - b) *At the subdivision or development approval stage, habitable development proposed within the 60dB area is to undertake a detailed acoustic assessment and determination of appropriate mitigation treatments as per the State Planning Policy 5.4 – Road and Rail Transport Noise and freight Considerations in Land Use Planning.*

Bushfire

20. DFES commented that:
- a) Given the lot layout and development design do not form a material consideration of the Structure Plan, it is recommended that a BAL Contour Map is required to be prepared in accordance with the methodology detailed in Appendix 3 of the Guidelines at the subsequent stage of planning.
21. It is therefore recommended that the following condition is placed on the structure plan map to inform decision makers at the subdivision stage:
- a) At the subdivision stage, require the certification of a BAL Contour Map, prior to clearance of titles.
22. Council is requested to consider the submissions pertaining to the Local Structure Plan No.18, and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

GOVERNMENT & PUBLIC CONSULTATION

23. The Structure Plan No.18 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
24. Submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors as an original and as summarised in the attached Schedule of Submissions.
25. Commentary on the submissions has been provided in this report item and in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

26. Local Structure Plans undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
27. Schedule 2, Part 4, clause 19 requires the local government to consider the submissions made within the period specified in the notice advertising the structure plan.
28. Schedule 2, Part 4, clause 20 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed structure plan should be approved by the Commission.
29. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

30. There are no policy implications relating to the proposed structure plan.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If the Structure Plan is not supported by the WAPC the City may be required to make modifications.</i>
Opportunity: <i>Increase opportunity for infill subdivision and development.</i>				

FINANCIAL IMPLICATIONS

32. If the local government does not provide a recommendation and report on the structure plan, to the Commission, the Commission may take reasonable steps to obtain the services or information on its own behalf. All costs incurred by the Commission may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

34. There are no environmental implications pertaining to the subject land.

ALTERNATE OPTIONS

35. Council may consider alternate options in relation to the structure plan, including;
- a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed structure plan; or
 - b) Recommend that the Western Australian Planning Commission approve the proposed structure plan without modification; or
 - c) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to additional modifications.

CONCLUSION

36. A new proposed structure plan submitted, seeks to identify opportunities and constraints for future subdivision and development of land encompassed by George Street, South Coast highway, Charles Street and Lowanna Drive.
37. The structure plan was advertised and provisions have subsequently been recommended to address issues raised.
38. Council is requested to agree to recommend that the Western Australian Planning Commission approve the structure plan subject to modifications.

Consulted References	:	1. <i>Local Planning Scheme No.1.</i> 2. <i>Local Planning Strategy 2010.</i> 3. <i>State Planning Policy 5.4– Road and Rail Transport Noise and freight Considerations in Land Use Planning.</i>
File Number (Name of Ward)	:	LSP18 (Vancouver Ward)
Previous Reference	:	Nil

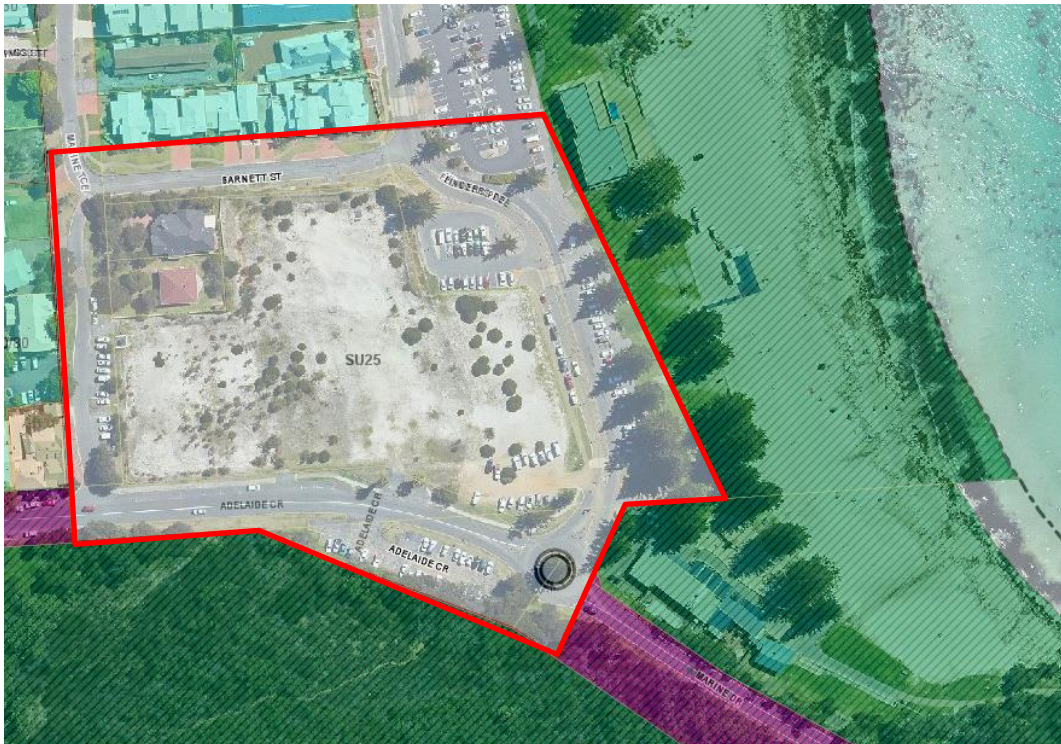
DIS125: MIDDLETON BEACH ACTIVITY CENTRE- CONSIDERATION OF DESIGN GUIDELINES

Land Description	: Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton beach
Proponent / Owner	: Western Australian Land Authority.
Business Entity Name	: LandCorp
Attachments	: Draft Design Guidelines
Supplementary Information & Councillor Workstation Report Prepared By	: Manager Planning and Land information Services (J van der Mescht)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. When exercising discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
2. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy (2010)*. The Albany Local Planning Strategy seeks to encourage the development of tourism uses that integrate with the City's unique natural landscape.
3. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - **Theme: 5** - A connected and safe built environment.
 - **Objective: 5.1** - To develop vibrant neighbourhoods which retain local character and heritage.
 - **Community Priority: 5.1.2** - Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.

Maps and Diagrams: Subject Site – Middleton Beach Activity Centre SU25



In Brief:

- The draft Middleton Beach Activity Centre Design Guidelines (the Design Guidelines) have been prepared by LandCorp.
- The Design Guidelines have been prepared to guide development and built form within the Middleton Beach Activity Centre (MBAC).
- The Design Guidelines apply to any hotel, all short stay, residential and mixed-use development within the Middleton Beach Activity Centre.
- The purpose of the Design Guidelines is to ensure the delivery of high quality design outcomes that respond to the landform and enhance the overall character of the area.
- The Design Guidelines are required by *Local Planning Scheme No. 1* to be adopted by the City of Albany prior to development of any buildings on the site.
- The MBAC Structure Plan approved by the WAPC in January 2017 further expands and reiterates the requirement and role of the Design Guidelines.
- It is considered that the Design Guidelines should be adopted as a Local Planning Policy in order to be a proper planning instrument and have a statutory affect.
- Council endorsed the guidelines for advertising at the OCM of 27 February 2018, public consultation subsequently occurred in accordance with the deemed provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- The public comment period commenced on 9 April 2018 and concluded on 21 May 2018. The consultation also included 2 workshop sessions that was held on 12 and 13 April 2018.
- During consultation 14 submissions were received. These submissions included comments on both the design guidelines and the Foreshore management plan.
- A detailed submission was also received from the Middleton Beach Group.
- The guidelines have been reviewed in light of the submissions received and a number of modifications are being proposed to address the matters raised.
- It is recommended that the Middleton Beach Activity Centre Design Guidelines Policy be proceeded with subject to the proposed modifications.

RECOMMENDATION

DIS125: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR HAMMOND

THAT Council:

1. **In accordance with Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to PROCEED WITH the Middleton Beach Activity Centre Design Guidelines Policy with modifications (as set out as an attachment to this item),**
2. **APPROVES the placement of a notice of the resolution to proceed with the policy in a newspaper circulating in the Scheme area.**

CARRIED 12-0

DIS125: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

DIS125: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. In accordance with Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to PROCEED WITH the Middleton Beach Activity Centre Design Guidelines *Policy* with modifications (as set out as an attachment to this item),
2. APPROVES the placement of a notice of the resolution to proceed with the policy in a newspaper circulating in the Scheme area.

BACKGROUND

4. The Middleton Beach Activity Centre Design Guidelines (the Design Guidelines) have been prepared by Hames Sharley on behalf of LandCorp.
5. Council endorsed the guidelines for advertising at the OCM of 27 February 2018, public consultation subsequently occurred in accordance with the deemed provisions contained in the Planning and Development (Local Planning Schemes) Regulations 2015.
6. The consultation also included 2 workshop sessions that was held on the 12th and 13th of April 2018. A further meeting was held with the Middleton Beach group on the 18th of April 2018 to discuss their preliminary concerns and ideas.
7. The Community Information Sessions was attended by about 50 members of the public.
8. During consultation 14 submissions were received. These submissions included an extensive submission from the Middleton Beach Group.

DISCUSSION

9. The submissions received and especially the submission from the Middleton Beach Group was quite detailed and can assist greatly in improving the document.
10. The comments as summarized were mainly centred around the following (for more detail please refer to the complete submission that is attached);
 - a) The guidelines were felt to be too generic in nature and should have been more specific to Middleton Beach and its unique qualities e.g. its climate and overall local built and natural environments.
 - b) Greater differentiation between development controls and guidelines are required.
 - c) The Inclusion of sections that deal with the following is required; Public Art, Active Transport, Climate Responsive Design and Passive Solar Design and Aging in Place.
 - d) The Indicative Concept Plan should not be referred to as the preferred Concept but rather as one of many options.
 - e) The Building Envelope Diagrams are not consistent with the MBAC Structure Plan and Scheme provisions for SU25.
11. The guidelines have been reviewed in light of these comments. The modifications are detailed in the attached schedule of modifications.
12. The majority of the changes suggested improves the certainty, legibility and usability of the document and have been incorporated into the Guidelines.
13. The Middleton Beach Working Group that includes DPLH, and GSDC have also reviewed the comments and provided input into the draft document and has recommended further modifications.
14. The Office of the Government Architect that now also forms part of DPLH have also provided comment on the document and modifications required.
15. The Design Guidelines can now be finalised subject to the proposed modifications being agreed to and completed.

16. It is recommended that the Middleton Beach Activity Centre Design Guidelines Policy be proceeded with subject to the proposed modifications.

GOVERNMENT & PUBLIC CONSULTATION

17. The public comment period commenced on the 9th April 2018 and concluded on the 21st of May 2018. The consultation also included 2 Community Information Sessions that was held on the Thursday evening 12th of April and Friday morning 13th of April 2018.
18. The Community Information Sessions were attended by about 50 members of the public.
19. During consultation 14 submissions were received. These submissions included an extensive submission from the Middleton Beach Group.
20. The members of the Middleton Beach Working Group, comprising of LandCorp, DPLH, City of Albany, and GSDC have reviewed and provided input into the document and the proposed modifications.
21. The Office of the Government Architect has also reviewed and provided comment on the guidelines and the proposed modifications.

STATUTORY IMPLICATIONS

22. The Western Australian Planning Commission’s draft *State Planning Policy No. 7: Design of the Built Environment* has been drafted to address the design quality of the built environment within Western Australia.
23. The LPS1, under “Special Use Area 25” and the MBAC Structure Plan both include provisions requiring the preparation of the design guidelines, and all subsequent development to be in compliance with the design guidelines.
24. In order to be classified as a proper planning instrument, the design guidelines should be adopted as a Local Planning Policy. On this basis, the guidelines are required to be processed in accordance with procedure detailed in part 2 clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
25. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

26. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation Risk: <i>There is a risk that the Guidelines will not adequately deal with all the required matters to ensure the desired outcome for the MBAC area. This may then reflect negatively on the City.</i></p>	Likely	Moderate	High	<p><i>Widely consulting with all parties who may be affected and all relevant public authorities should adopting appropriated changes should mitigate the risk in this regard.</i></p>
<p><i>Opportunity: widely consulting on the content will add further value to the expert and professional advice and knowledge that has already been harnessed in the preparation of the Design Guidelines.</i></p>				

FINANCIAL IMPLICATIONS

28. There are no financial implications beyond what has already been budgeted for advertising.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

30. There are no environmental implications relating to this policy.

ALTERNATE OPTIONS

31. Council may consider alternate options in relation to this item, such as resolving:
- a) To refuse to proceed with the guidelines.

CONCLUSION

32. The design guidelines have been prepared in accordance with the requirements of LPS1 and the MBAC structure plan.
33. The guidelines have been reviewed in light of the submissions received during consultation and a number of modifications are being proposed to address the matters raised.
34. It is recommended that the Middleton Beach Activity Centre Design Guidelines Policy be proceeded with subject to the proposed modifications.

Consulted References	:	<i>Draft State Planning Policy No. 7 Planning and Development (Local Planning Schemes) Regulations 2015. Local Planning Scheme Number 1</i>
File Number (Name of Ward)	:	Frederickstown
Previous Reference	:	DIS 077 OCM of 27 February 2018

DIS126: SUBDIVISION AND DEVELOPMENT GUIDELINES 2018

Land Description	: City of Albany
Proponent	: City of Albany
Owner	: City of Albany
Business Entity Name	: N/A
Attachments	: Draft Subdivision and Development Guidelines Policy
Supplementary Information & Councillor Workstation	N/A
Report Prepared by	: Development Engineer (Alan Millar)
Responsible Officer	: Executive Director Planning & Development (Paul Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*.

In Brief

- The current City of Albany Subdivision and Development Guidelines have been in place since 2009. In order to align with current legislation and best minimum engineering standards, the COA Guidelines have been updated as an addendum to IPWEA's *Local Government Guidelines for Subdivisional Development Nov 2017*.

RECOMMENDATION

DIS126: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DOUGHTY

THAT Council APPROVE and ENDORSE the Subdivision and Development Guidelines Policy.

CARRIED 12-0

DIS126: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

DIS126: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE AND ENDORSE the Subdivision and Development Guidelines Policy.

BACKGROUND

3. The City of Albany Subdivision and Development Guidelines are used extensively as the basis for the design and construction of all civil infrastructure within the City of Albany. Since 2009, there has been a growing need to update the Guidelines to provide ongoing improvements.
4. The Institute of Public Works Engineering Australasia's (IPWEA) *Local Government Guidelines (Nov 2017)* has been selected as the basis for the guideline document for the COA (and is strongly encouraged by the Department of Planning, Lands and Heritage and IPWEA) with the updated COA Guidelines being an addendum to this document.
5. Adopting the IPWEA Guidelines ensures:
 - Current legislation is met;
 - Best minimum engineering standards;
 - Consistency across other local governments within the state;
 - Greater clarity (more comprehensive than the COA 2009 Guidelines); and
 - Ongoing updates every 2 years (as a commitment by IPWEA).

DISCUSSION

6. The proposed policy has been prepared for adoption in order to provide the City of Albany with a policy position to guide the application of the Subdivisions and Development Guidelines.
7. The policy is proposed to be reviewed every two (2) years to align with IPWEA's commitment to update the local government guidelines every two (2) years.
8. A number of the local engineering and development consultancies were advised of the revised guidelines and were supportive of the changes.

GOVERNMENT & PUBLIC CONSULTATION

9. A draft City of Albany Subdivision and Development Guidelines 2018 was referred to City Engineering and the Reserves team for comment. The guidelines were also sent to local engineering consultancies specialising in land development, including Wood & Grieve Engineers (WGE) and WSP (formally known as OPUS International Consultants).
10. A presentation on the Guidelines was also carried on 18 July, 2018 by Alan Millar as part of an Engineers Australia event. The purpose of the presentation was to inform professionals within the development industry of the changes to the 2009 Guidelines, and for general discussion and feedback. The event and support for the updated Guidelines was well received. The attendees included representatives from the following companies:
 - Wood & Grieve Engineers;
 - WSP;
 - GHD;
 - PMMC Consulting;
 - Bio Diverse Solutions;
 - Southern Ports Authority;
 - Edge Planning & Property;
 - Shire of Denmark; and
 - Ayton Baesjou Planning

STATUTORY, FINANCIAL, LEGAL IMPLICATIONS

11. There are no statutory, financial or legal implications.
12. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

13. The proposed policy aims to replace the City of Albany Subdivision and Development Guidelines 2009.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>Policy position may have an impact on business operations.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Policy has been consulted with companies in the industry</i> <i>Provisions within the Policy have been included to be in accordance with the minimum and recommended engineering requirements</i>
Opportunity: <i>Increase consistency and establish a higher standard of development.</i>				

FINANCIAL IMPLICATIONS

15. There are no financial implications beyond what has already been budgeted for advertising.

LEGAL IMPLICATIONS

16. There are no legal implications relating to adoption of the policy.

ENVIRONMENTAL CONSIDERATIONS

17. There are no environmental matters pertaining to this item.

ALTERNATE OPTIONS

18. Council has the following alternate options in relation to this item, which are:

- To resolve that the draft policy is unacceptable and refuse adoption.
- To resolve to amend the proposed policy prior to adoption.

CONCLUSION

19. The City of Albany Subdivision and Development Guidelines are used extensively as the basis for the design and construction of all civil infrastructure within the City of Albany.
20. Since 2009 there has been a growing need to update the Guidelines to provide ongoing improvements.
21. The revised policy has been updated and reviewed in accordance with the *Local Government Guidelines for Subdivisional Development Nov 2017*.
22. Council is requested to adopt the revised policy.

Consulted References	:	<i>Local Government Guidelines for Subdivisional Development Nov 2017</i>
File Number (Name of Ward)	:	All
Previous Reference	:	NIL

DIS127: LOCAL DEVELOPMENT PLAN NO.6 – LOT 215 SPENCER STREET, ALBANY.

Land Description	: Lot 215, Spencer Street, Albany
Proponent	: Edge Planning
Business Entity Name	: Activ Foundation Inc
Attachments	: 1. Existing Local Development Plan Map 2. Proposed Local Development Plan Map 3. Proposed Local Development Plan Provisions 4. Proposed Local Development Plan Document 5. Amended proposed Local Development Plan Map 6. Specific and detailed plans for future development 7. Schedule of Submissions and Recommendations
Report Prepared By	: Senior Planning officer – Strategic Planning (A Nicoll)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in considering a new Local Development Plan. A Local Development Plan means a plan setting out specific and detailed guidance for a future development.
2. A Local Development Plan has been endorsed (2012) to guide development of Lot 215 Spencer Street. The plan shows the potential for mixed uses, including offices, car parking and residential allotments (X10).
3. This report considers a new Local Development Plan (No.6) to modify the existing endorsed Local Development Plan by:
 - a) Reducing the amount of residential allotments from 10 to 7;
 - b) Creating a new access road and additional crossovers from Frederick Street;
 - c) Removing a vehicular right of access based on in-principle agreement with the owner of 28 Stirling Terrace and replacing with a pedestrian link connecting Spencer Street with 28 Stirling Terrace;
 - d) Modifying car parking; and
 - e) Replacing existing provisions and map with a new set of provisions and map.
4. The new Local Development Plan proposes to retain:
 - a) The office land use adjacent to Spencer Street;
 - b) Existing building facades;
 - c) A service corridor and footpath at the southern side of the subject site;
 - d) A view corridor between Frederick Street and the University of Western Australia campus (former post office).
5. In making a decision on the proposed modified Local Development Plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*.
6. The Local Development Plan complies with the Albany Community Strategic Plan, which recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).
7. The Local Development Plan complies with the *Albany Local Planning Strategy 2010*, which seeks to support urban infill development based on compatibility of land uses and infrastructure capacity (Strategic Direction 8.3.3).

Maps and Diagrams: Subject Site – Lot 215 Spencer Street, Albany.



In Brief:

- The subject site is zoned 'Residential' (R60), with an additional use (AU12) allowance for ~~to accommodate high density residential (R60) and additional uses, including shop and office use~~ fronting Spencer Street.
- In accordance with the City's Scheme:
 - the shop and office uses may only be located in the buildings fronting Spencer Street; and
 - a substantial part of the office building to the south, and the original façade of building on the corner of Spencer and Frederick Streets are to be retained.
- A new Local Development Plan map and provisions have been prepared to facilitate:
 - A shift from small lots (high density – 60 dwellings/hectare – 150m²) to medium lots (40 dwellings/hectare - 220m²). This change is required by the proponents who contend that there is a limited market in Albany for the smaller (150m²) lots.
 - Access off Frederick Street.
- Landholders in the locality submitted the following comments:
 - The proposed plan is needed to promote development of the site;
 - Views from Frederick Street should be protected;
 - The plan should consider heritage impacts;
 - Access off Frederick Street should not be permitted;
 - A walkway on the southern boundary should be gated for security;
 - Housing design should reflect the character of existing development;
 - Additional parking is necessary for the offices fronting Spencer Street.
- Council is recommended to support the new proposed local development plan subject to additional modifications. Reasons for recommending support include:
 - The plan represents the characteristics of the subject site and surrounding influences;
 - The plan promotes infill development considerate of protecting and enhancing the amenity of the locality.

RECOMMENDATION

DIS127: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SMITH

1. THAT Council, pursuant to Regulation 59. (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to amend the Local Development Plan (Spencer Street Albany) subject to the following:
 - a) It is recommended that the following proposed provision is deleted. Until such time that a Building Permit is issued to demolish a building, it is not appropriate to suggest that existing buildings may be demolished.

~~9. Provided Provisions 2, 6 and 7 are addressed, there is scope for demolition of the existing buildings on Lots M1 and M2, with details to be set out in a Development Application and a Demolition Permit.~~
 - b) It is recommended that amendments are made to the following proposed provisions, to ensure that enough car parking is provided to accommodate commercial activity at proposed sites M1 and M2, whilst ensuring the building façade at M2 is maintained:
 40. ~~The four existing on-street car parking spaces in Spencer Street, adjoining the LDP site, provide an off-set for on-site car parking on Lots M1 and M2. In particular, the off-set is two car parking spaces for Lot M1 and two car parking spaces for Lot M2.~~
 42. Two car parking spaces are provided in the common property, **to the south of Lot M2**, to support development on Lot M2. The City will consider tandem parking in the common property, to the south of Lot M2, where suitable arrangements have been made **at the Development Application stage to the satisfaction of the City.**
 43. **Car parking design is to ensure that cars can enter and exit the driveway/common property, located between Lots M1 and M2, in a forward gear.**
 43. ~~The City will consider varying the car parking standards for the non-residential component on Lots M1 and M2 if suitable arrangements are made for reciprocal parking.~~
 44. ~~The City will consider a variation of up to 10% of the car parking standards on Lots M1 and M2 given the site's city centre location.~~
 45. ~~Development proposals generating additional car parking requirements may be required to make a cash in lieu payment for car parking.~~
 4745. **Further to LPS1 Schedule 2 for AU12 and Condition 2(a), d**Development of Lots M1 and M2 is to incorporate commercial land uses such as 'office' and 'shop' on the ground floor for the section of the buildings fronting Spencer Street. A minimum of 60m² of commercial floorspace **net lettable area (NLA)** is required per Lot.
 46. **Without demolition of any part of the existing building on Lot M1, floor space limitations exist due to limited available space to develop car parking. The following scenarios may apply:**
 - **Combination of commercial on ground floor and residential on second floor. Maximum commercial floorspace of 60m² NLA along with two car parking spaces for residential use to address the R-Codes.**
 - **Commercial floorspace and no residential. Maximum commercial floorspace is 120m² NLA.**

4847 ~~With demolition of parts of the existing buildings on Lots M1 and M2, are to be used for office accommodation or other non-residential use approved by the City. Car parking has been~~ **may be** provided on the LDP for a maximum of ~~270~~**150**m² gross floor area (~~NLAGFA~~) of non-residential use on Lot M1 (if there is no residential component) and a maximum of ~~210~~**150**m² of NLA GFA of non-residential use on Lot M2 (if there is no residential component). **Should the residential component be greater, the commercial floorspace is required to correspondingly be reduced to address LPS1 car parking requirements. Any increase in GFA will require the provision of additional car parking or other arrangements to the satisfaction of the City. Alternatively, satisfactory arrangements to expand the non-residential GFA on either Lot M1 or M2 can be considered if a smaller non-residential GFA is being used on the other Mixed Use lot and access to car parking bays can be secured to the satisfaction of the City.**

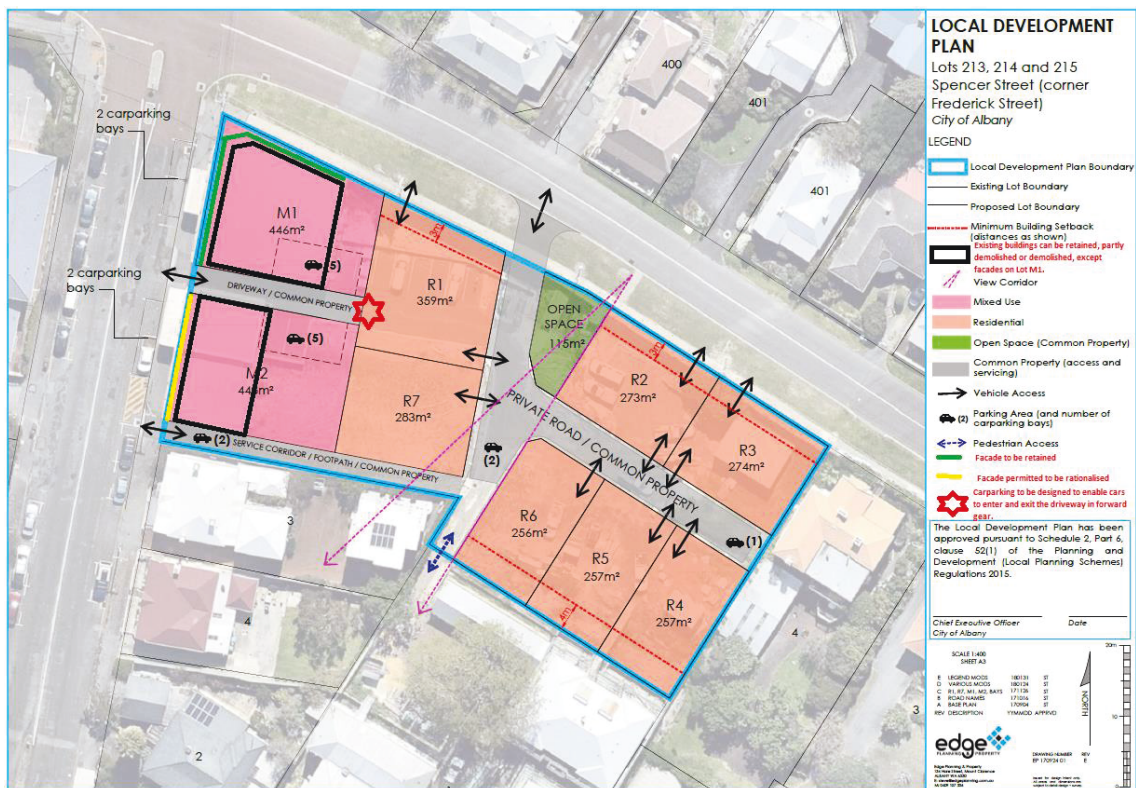
c) It is recommended that the following condition is included to address security concerns:

As a condition of development approval, a security gate is to be developed in the 'service corridor', on the eastern side of proposed car parking bays.

d) It is recommended that the following amendments are made to the local development plan map:

Text (in red) and illustrated amendments are shown on the following plan to ensure:

- Building façade on Lot M1 is retained;
- Carparking is designed to ensure cars can enter and exit the site in forward gear; and
- The façade on Lot M2 being rationalised.



2. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

CARRIED 12-0

DIS127: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR WELLINGTON

SECONDED: COUNCILLOR MOIR

THAT the Responsible Officers Recommendation be ADOPTED.

CARRIED 9-0

DIS127: RESPONSIBLE OFFICER RECOMMENDATION

1. THAT Council, pursuant to Regulation 59. (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to amend the Local Development Plan (Spencer Street Albany) subject to the following:

a) It is recommended that the following proposed provision is deleted. Until such time that a Building Permit is issued to demolish a building, it is not appropriate to suggest that existing buildings may be demolished.

~~9. Provided Provisions 2, 6 and 7 are addressed, there is scope for demolition of the existing buildings on Lots M1 and M2, with details to be set out in a Development Application and a Demolition Permit.~~

b) It is recommended that amendments are made to the following proposed provisions, to ensure that enough car parking is provided to accommodate commercial activity at proposed sites M1 and M2, whilst ensuring the building façade at M2 is maintained:

~~40. The four existing on-street car parking spaces in Spencer Street, adjoining the LDP site, provide an off-set for on-site car parking on Lots M1 and M2. In particular, the off-set is two car parking spaces for Lot M1 and two car parking spaces for Lot M2.~~

42. Two car parking spaces are provided in the common property, to the south of Lot M2, to support development on Lot M2. The City will consider tandem parking in the common property, to the south of Lot M2, where suitable arrangements have been made at the Development Application stage to the satisfaction of the City.

43. Car parking design is to ensure that cars can enter and exit the driveway/common property, located between Lots M1 and M2, in a forward gear.

~~43. The City will consider varying the car parking standards for the non-residential component on Lots M1 and M2 if suitable arrangements are made for reciprocal parking.~~

~~44. The City will consider a variation of up to 10% of the car parking standards on Lots M1 and M2 given the site's city centre location.~~

~~45. Development proposals generating additional car parking requirements may be required to make a cash in lieu payment for car parking.~~

4745. Further to LPS1 Schedule 2 for AU12 and Condition 2(a), development of Lots M1 and M2 is to incorporate commercial land uses such as 'office' and 'shop' on the ground floor for the section of the buildings fronting Spencer Street. A minimum of 60m² of commercial floorspace net lettable area (NLA) is required per Lot.

46. Without demolition of any part of the existing building on Lot M1, floor space limitations exist due to limited available space to develop car parking. The following scenarios may apply:

- Combination of commercial on ground floor and residential on second floor. Maximum commercial floorspace of 60m² NLA along with two car parking spaces for residential use to address the R-Codes.
- Commercial floorspace and no residential. Maximum commercial floorspace is 120m² NLA.

4847 **With demolition of parts of the existing buildings on Lots M1 and M2, are to be used for office accommodation or other non-residential use approved by the City. Car parking has been may be provided on the LDP for a maximum of 270450m² gross floor area (NLA GFA) of non-residential use on Lot M1 (if there is no residential component) and a maximum of 210450m² of NLA GFA of non-residential use on Lot M2 (if there is no residential component). Should the residential component be greater, the commercial floorspace is required to correspondingly be reduced to address LPS1 car parking requirements. Any increase in GFA will require the provision of additional car parking or other arrangements to the satisfaction of the City. Alternatively, satisfactory arrangements to expand the non-residential GFA on either Lot M1 or M2 can be considered if a smaller non-residential GFA is being used on the other Mixed Use lot and access to car parking bays can be secured to the satisfaction of the City.**

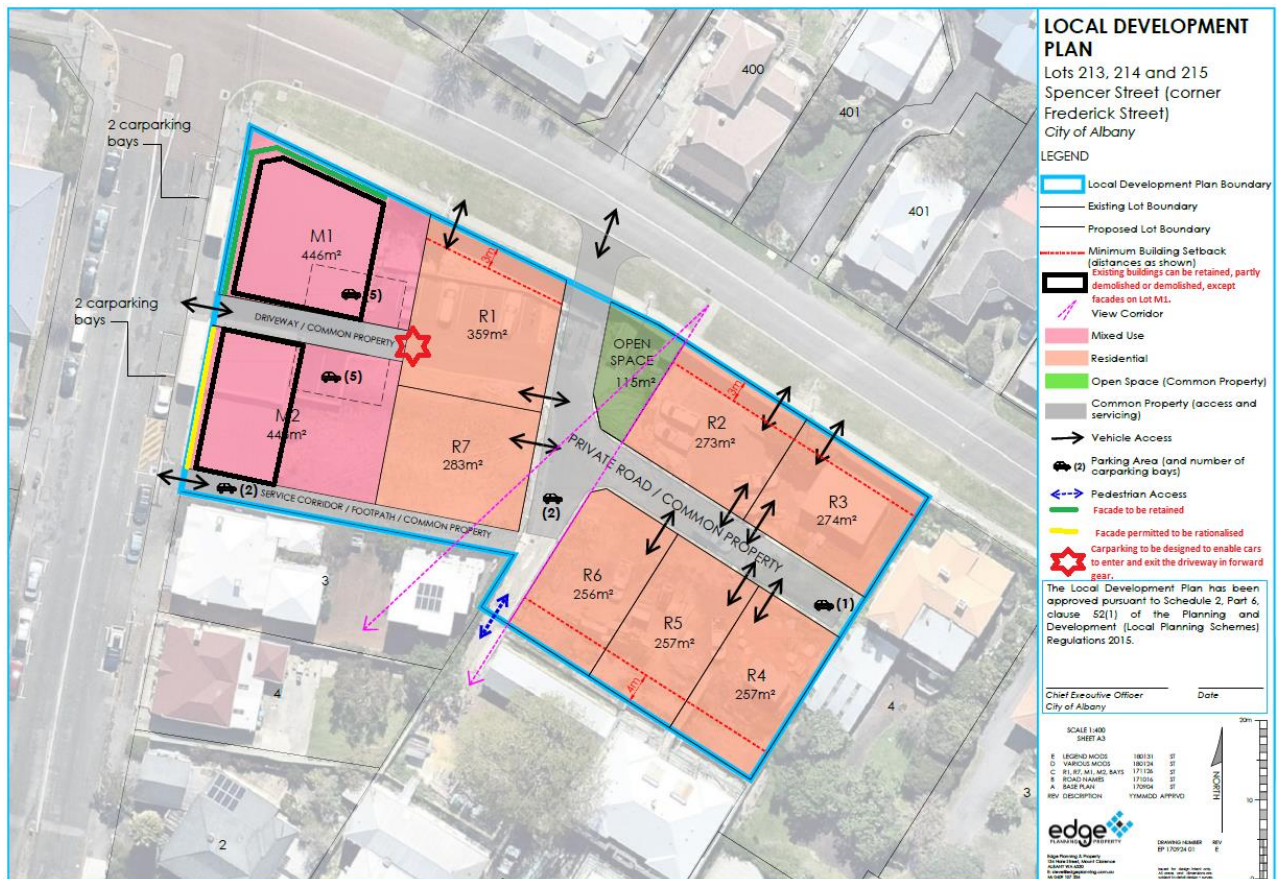
c) It is recommended that the following condition is included to address security concerns:

As a condition of development approval, a security gate is to be developed in the 'service corridor', on the eastern side of proposed car parking bays.

d) It is recommended that the following amendments are made to the local development plan map:

Text (in red) and illustrated amendments are shown on the following plan to ensure:

- Building façade on Lot M1 is retained;
- Carparking is designed to ensure cars can enter and exit the site in forward gear; and
- The façade on Lot M2 being rationalised.



2. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

BACKGROUND

8. A Local Development Plan was adopted by the City in 2012 to encourage and guide the development of a mixture of land uses at the subject Lot 215 Spencer Street.
9. Planning for the site has not managed to attract investment or development. It has been argued that the main access off Spencer Street is too narrow (4m) for vehicles to enter and exit and that market demand for high density lots is limited.
10. A new plan has been submitted to the City to show modifications, including alternative access off Frederick Street and an increase in lot sizes from 170m² to 270m².

DISCUSSION

11. The subject site adjoins the Albany City Centre and a range of uses including residential, tourist accommodation, commercial and community. The historic Norman House and Cheyne's Cottage are located to the south of the site, along with new student accommodation, at 28 Stirling Terrace.
12. The new Local Development Plan map and provisions propose to replace the existing (2012) Local Development Plan. The following is a list of key modifications:
 - a) Reducing the amount of residential allotments from 10 to 7;
 - b) Creating a new access road and additional crossovers from Frederick Street;
 - c) Removing a vehicular right of access based on in-principle agreement with the owner of 28 Stirling Terrace, with instead a pedestrian link connecting Spencer Street with 28 Stirling Terrace;
 - d) Modifying car parking; and
 - e) Replacing existing provisions and map with a new set of provisions and map.
13. The modifications propose to respond to market demand by supporting larger lots. Specific and detailed plans have been provided to show attractive design outcomes considerate of new proposed provisions. Provisions seek to ensure:
 - a) Design, scale and form consistent with surrounding development including historic listed buildings;
 - b) 25° roof pitch, for all new dwellings;
 - c) Materials and colours consistent with surrounding development;
 - d) Building height in accordance with standards applicable to residential lots in the locality. Dwellings fronting Frederick Street are to be single storey in height at the street frontage (northern boundary);
 - e) Maintaining a view corridor from Frederick Street to the Penny Post building and existing oak tree on adjoining Lot 212 (No. 28) Stirling Terrace.
 - f) Adequate standard of light, winter sun, privacy and amenity; and
 - g) Passive surveillance where possible to the public domain through the provision of major openings and habitable rooms.
14. The proposed changes comply with *Local Planning Scheme No. 1* provisions, which include limiting commercial uses to buildings fronting Spencer Street, ensuring original building parts and facades fronting Spencer and Frederick Streets are retained and ensuring car parking is provided to reflect land use characteristics.
15. Landholders in the locality submitted comment asserting that:
 - a) The proposed plan is needed to promote development of the site;
 - b) Views from Frederick Street should be protected;

- c) The plan should consider heritage impacts;
- d) Access off Frederick Street should not be permitted;
- e) A walkway on the southern boundary should be gated for security;
- f) Housing design should reflect the character of existing development;
- g) Additional parking is necessary for the offices fronting Spencer Street.

16. The following paragraphs discuss the comments received in more detail.

Support

17. There are a number of submissions submitted recommending support for the new Local Development Plan for various reasons including:
- a) The site is currently an eyesore;
 - b) Development will add to the housing choice in Albany's CBD;
 - c) The proposed plan considers heritage and promotes infill;
 - d) The plan is realistic and seeks to conform to surrounding land use.

Views

18. It was commented that the City should develop a local law to protect views and that an existing car parking area should not be replaced by a dwelling which will take away views.
19. It is recommended that comments pertaining to views be dismissed.
20. Development on land zoned residential is governed by the State of Western Australia's 'R-Codes'. The R-codes support development subject to compliance with height limitations, regardless of loss of views. Views to prominent landscape features may be taken into consideration where development seeks to vary from height limits. The proposed Local Development Plan seeks to ensure that development does not exceed height limits set by the R-Codes.

Heritage

21. It was commented that a Heritage Impact Assessment should occur to determine if development impacts on the historical characteristics of the area.
22. It is recommended that comments pertaining to heritage be dismissed.
23. The Local Development Plan proposes to conserve heritage assets by;
- a) Ensuring building design is in keeping or consistent with building characteristics of the area and the City of Albany Historic Town Design Policy;
 - b) Ensuring the facade of any building fronting Spencer Street is designed to complement the appearance of the existing buildings.
 - c) The existing facades of the building on Lot M1 are to remain unaltered with the exception of the removal of the later and intrusive verandah and window additions.
 - d) Ensuring restoration work to existing buildings is authentic and based on documentary and physical evidence.
24. It is recommended that the following provision is deleted as a demolition permit has not been issued.
- a) ~~Provided Provisions 2, 6 and 7 are addressed, there is scope for demolition of the existing buildings on Lots M1 and M2, with details to be set out in a Development Application and a Demolition Permit.~~

Access

25. It was commented that access to the subject site should not occur via Frederick Street because of transport safety concerns.

26. It is recommended that comments pertaining to access be dismissed.
27. Frederick Street is designed specifically to provide access to dwellings and as a link to higher order streets such as Marine Drive and York Street. The section of road fronting the subject lot is straight meaning satisfactory line of site for vehicles entering the street.
28. The following provision has been proposed to ensure an attractive street frontage:
 - a) *The proponent is responsible for installing street trees bordering the site for the Frederick Street frontage to the satisfaction of the City.*

Security

29. It was commented that the service corridor, which is located on the southern portion of the site should be gated for security reasons.
30. It is recommended that the following condition is included to ensure a gate is developed on the east side of proposed car parking bays, to address security concerns:
 - a) *As a condition of development approval, a security gate is to be developed in the 'service corridor', on the eastern side of proposed car parking bays.*

Housing Design

31. It was commented that development should be attractive.
32. It is recommended that comments pertaining to building design be noted.
33. The Local Development Plan proposes the following provisions to ensure development is appealing:
 - a) Built form, materials and colours should generally be consistent across Lots R1 - R 7 inclusive and complement surrounding and nearby buildings including historic listed buildings. External materials can include painted or rendered masonry, timber weatherboard or cement-cladding. Development should be sympathetic in form, size, bulk and setback to surrounding Frederick Street properties.
 - b) Use of unpainted or non-rendered face brick is not permitted.
 - c) Roof pitch for all new dwellings to be a minimum of 25 degrees with the roof ridges generally running north-south to optimise view corridors to the harbour. Small sections of flat roofs may be permitted if they facilitate 'good' design.
 - d) Unpainted 'Zincalume' roofing is required for all buildings. Roofing tiles are not permitted.
 - e) All dwellings on Lots R1-R7 inclusive are to be provided with a garage and/or carport constructed in materials to complement the dwelling.

Parking

34. It was commented that there appears to be limited car parking for proposed commercial areas (M1 and M2).
35. The proposed Local Development Plan seeks to utilise an existing car parking area for residential development. The existing car parks service the commercial buildings fronting Spencer Street. The Local Development Plan proposes that car parking is developed elsewhere on-site to service commercial activity.
36. The City is not confident that car parking can be provided to comply with Scheme standards due to vacant land availability and access constraints. The *Local Planning Scheme No.1* requires the development of 1 car park for every 30m² of office floor space and 1 car park for every 20m² of shop floor space. It is recommended that portions of the existing buildings are demolished to accommodate car parking and/or limitations are placed on the available amount of commercial floorspace.
37. The City discussed these issues with the proponent and the following amended provisions are recommended:

Without demolition of any part of the existing building on Lot M1, floor space limitations exist due to limited available space to develop car parking. The following scenarios may apply:

- *Combination of commercial on ground floor and residential on second floor. Maximum commercial floorspace of 60m² NLA along with two car parking spaces for residential use to address the R-Codes.*
- *Commercial floorspace and no residential. Maximum commercial floorspace is 120m² NLA.*

With demolition of parts of the existing buildings on Lots M1 and M2, office accommodation may be provided on the LDP for a maximum of 270m² NLA of non-residential use on Lot M1 (if there is no residential component) and a maximum of 210m² NLA of non-residential use on Lot M2 (if there is no residential component). Should the residential component be greater, the commercial floorspace is required to correspondingly be reduced to address LPS1 car parking requirements.

GOVERNMENT & PUBLIC CONSULTATION

38. In accordance with Clause 59 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the procedure for advertising an amendment to a Local Development Plan is the same as for making a Local Development Plan:-
- (1) *The local government must, within 28 days of preparing a local development plan or accepting an application for a local development plan to be assessed and advertised –*
- (a) *advertise the proposed Local Development Plan in accordance with subclause (2); and*
 - (b) *seek comments in relation to the proposed local development plan from any public authority or utility service that the local government considers appropriate.*
39. Local Development Plan No.6 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
40. Ten (10) submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors as an original and as summarised in the attached Schedule of Submissions.
41. Commentary on the submissions has been provided in this report item and in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

42. The *Planning and Development (Local Planning Schemes) Regulations 2015* identify the following statutory processes for amending a Local Development Plan that has been approved. A Local Government may amend a Local Development Plan as outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:-
59. *Amendment of local development plan*
- 1) *A local development plan may be amended by the local government.*
 - 2) *A person who owns land in the area covered by a local development plan may request the local government to amend the plan.*
 - 3) *The procedures for making a local development plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a local development plan.*
 - 4) *Despite subclause (3), the local government may decide not to advertise an amendment to a local development plan if, in the opinion of the local government, the amendment is of a minor nature.*
 - 5) *An amendment to a local development plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the local government agrees to extend the period.*

43. Voting requirement for this item is **SIMPLE MAJORITY**
44. Following endorsement of a Local Development Plan, a proposal to subdivide or develop the land may be undertaken.

POLICY IMPLICATIONS

45. There are no policy implications relating to the proposed modified Local Development Plan.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. Development may not occur.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If no development occurs, the proponent has a right to apply to amend the plan.</i>
<i>Opportunity: Increase opportunity for infill development.</i>				

FINANCIAL IMPLICATIONS

47. There are no financial implications pertaining to the proposed modified Local Development Plan.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

49. There are no environmental considerations that need to be taken into account for the subject site.

ALTERNATE OPTIONS

50. Council may consider alternate options in relation to the local development plan, including;
- a) Approving the proposed local development plan subject to no modifications or additional modifications; or
 - b) Not approving the proposed local development plan and giving reasons why.

CONCLUSION

51. Local Development Plan No.6 is proposing changes to an existing plan and provisions endorsed in 2012.
52. Modifications proposed include:
- a) Reducing the amount of residential allotments from 10 to 7;
 - b) Creating a new access road and additional crossovers from Frederick Street;
 - c) Removing a vehicular right of access based on in-principle agreement with the owner of 28 Stirling Terrace, with instead a pedestrian link connecting Spencer Street with 28 Stirling Terrace;
 - d) Modifying car parking; and
 - e) Replacing existing provisions and map with a new set of provisions and map.
53. The proposed local development plan modifications were advertised and comments were received pertaining to parking, access, heritage, views, security and building design.

54. This report item recommends that amendments are made to proposed provisions, to ensure compliance with Scheme provisions (e.g. car parking) can be achieved.
55. The Local Development Plan recognises the site’s context and the site is both suitable and capable of accommodating a mixture of uses, including offices and residential development.
56. Implementation of the Local Development Plan will positively contribute to the area’s amenity and provide an important supply of housing within the Albany central area.
57. Council is requested to consider submissions and agree to support the proposed Local Development Plan No.6, which proposes modifications to the 2012 endorsed Local Development Plan.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2010)</i>
File Number (Name of Ward)	:	LDP6 (Frederickstown Ward)
Previous Reference	:	Nil

DIS128: REGIONAL ROAD GROUP COMMODITIES FUNDING SUBMISSIONS

Proponent / Owner : City of Albany
Report Prepared By : Manager City Engineering (D King)
Responsible Officers: : Executive Director Works & Services (M Thomson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Clean Green and Sustainable.
 - **Objective:** To build, maintain and renew city assets sustainably.
 - **Community Priority:** Design, construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.

In Brief:

- The Great Southern Regional Road Group (GSRRG) administers a number of State and Federal road funding schemes. These include State Road Project funding, State and Federal Blackspot and State Commodities Funding.
- Report DIS108 outlined the proposed funding submissions for these funding streams for the 2019/20 financial year.
- Additional funds have been made available to the Commodities Funding stream and this has resulted in a potential for additional funding.
- This report seeks to note amendments to the Commodities funding applications.

RECOMMENDATION

DIS128: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council NOTE the additional 2019/20 Great Southern Regional Road Group Commodities Funding Applications as indicated in Table 1.

CARRIED 12-0

DIS128: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

DIS128: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE the additional 2019/20 Great Southern Regional Road Group Commodities Funding Applications as indicated in Table 1.

BACKGROUND

2. Main Roads WA, in cooperation with Local Government, develops and manages the road network to meet the needs of the community. The State provides road funds for a number of programs administered by the State Road Funds to Local Government Advisory Committee. The Great Southern Regional Road Group (GSRRG) coordinates an annual application process to determine the distribution of these funds. Currently there are four sources of road funding available through this process.
3. Identified Roads of Regional Significance (Roads 2030) are eligible for Road Project Grants. State funding is spread across 10 WA Regional Road Groups and is based on a percentage (27%) of the vehicle licence fee revenue which varies from year to year.
4. Commodity Routes Supplementary Funding (CRSF) is provided for roads which are not Roads of Regional Significance (Roads 2030) but where there is a significant high priority transport task associated with the transport of a commodity.
5. Commodities Routes Funding is distributed according to project ranking with no regional constraints. CRSF funding provides two thirds (67%) of total project costs and is limited to a maximum of \$250,000 per submitted project. The pool of funding for 2019/20 and 20/21 is \$5M (\$2.5M per year)

DISCUSSION

6. With the preparation and annual review of the Long Term Financial and Asset Management Plans a 10 year Forward Capital Works Program has been prepared identifying projects and allocating grant funding and the City's own resources in successive financial years.
7. For the Commodities Funding stream, an additional \$10m over two years has been made available from Royalties for Regions for Commodity Routes for 2019/20 and 20/21. This brings the total pool to \$15M.
8. The increase in the funding has resulted in alterations to the process and project eligibility.
9. The first \$10M of the \$15M pool requires no contribution from Local Government and all road types are eligible, but restricted to roads carrying significant agricultural freight.
10. For the first \$10M, the individual project funding cap has been raised from \$250,000 to \$1,000,000
11. Once the first \$10M is fully allocated, the balance of \$5M is subject to rules applying to previous annual CRSF programmes. In this instance the council would be required to contribute 1/3 of the funding.
12. Nomination are being called for both the 2019/20 and 2020/21.
13. Projects proposed for the Commodities funding application are shown in Table 1 below.

Description	Details	Budget	Available Industry Contribution	CRSF funding request
*Mindijup Road SLK 0-5.6	Shoulder Widening	\$129,500	\$43,167	\$86,333
*Mindijup Road SLK 5.6-6.23	Reconstruction and Seal	\$294,350	\$98,117	\$196,233
*Chillinup Road SLK 21.22-26.22	Reconstruction and Seal	\$997,730		\$997,703

*South Stirling SLK 0-4.47	Reconstruction	\$521,253		\$521,253
*Mettler Road SLK 0-3.2	Reseal	\$125,736		\$125,736
*Mettler Road SLK 3.38-14.00	Gravel Resheet	\$389,509		\$389,509
*Homestead Road SLK 0-5.0	Reseal	\$186,000		\$186,000
Palmdale Road SLK 0.00-9.00	Shoulder Widening	\$208,125	\$69,375	\$138,750
Palmdale Road SLK0.00-9.00	Reseal	\$432,000		\$432,000

Table 1 – Commodities Funding Application for 2019/20

*Eligible for the balance \$5M funding pool if not allocated to the first \$10M. Note, in this instance a 1/3 contribution will be required from industry or council.

GOVERNMENT & PUBLIC CONSULTATION

14. No consultation required.

STATUTORY IMPLICATIONS

15. Under section 3.18 of the *Local Government Act 1995*, the City of Albany is to satisfy itself that the services and facilities it provides are managed effectively and efficiently.

POLICY IMPLICATIONS

16. This document complies with the Council adopted Asset Management Policy, Strategy and Plan – Roads along with the Long Term Financial Plan.
17. The annual application (document) complies with the rules and guidelines governing the Great Southern Regional Road Group allocations for road funding and therefore no additional government consultation has been conducted.

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
Finance. Failure to make funding application would result in the City of Albany missing out on a state funding contribution to the road renewal program.	Almost Certain	High	Extreme	Forward planning through adoption of 10 year financial plan to identify opportunities for funding in advance. Note: Consequence high due to potential cost impact in accordance with the RMF
Opportunity: To maximise road funding through the GSRRG				

FINANCIAL IMPLICATIONS

19. Cost associated with this item will be included in the 2019/20 review of the ten year financial plan and will be incorporated into the 2019/20 and 20/21 budgets.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

21. There are no direct environmental considerations relating to this report.

CONCLUSION

22. It is recommended that the proposed funding list in Attachment 1 be adopted.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	WS121 DIS108

DIS129: PLANNING AND BUILDING REPORTS SEPTEMBER 2018

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports September 2018
Report Prepared By : Administration Officer – Planning (M Gray)
Administration Officer – Development Services (Z Sewell)
Responsible Officers: : Executive Director Development Services (P Camins)

RECOMMENDATION

DIS129: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MOIR

THAT Council NOTE the Planning and Building Reports for September 2018.

CARRIED 12-0

**DIS130: CONTRACT C18018 CONSTRUCTION MULTI USE FACILITY
– CENTENNIAL PARK EASTERN PRECINCT**

Land Description : 49-55 North Road, Albany.
Proponent / Owner : City of Albany.
Report Prepared By : Manager of Major Projects (A. McEwan)
Responsible Officers : Executive Director Infrastructure and Environment (M. Thomson)

Note: A Confidential Briefing Note was distributed under separate cover in accordance with section 5.23 of the Local Government Act 1995(2)(e)(iii), being a matter that if disclosed, would reveal information about the commercial affairs of a person other than the Local Government.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023:
 - **Theme:** A Connected and Safe Built Environment.
 - **Objective:** To develop vibrant neighbourhoods which retain local character and heritage
 - **Community Priority:** Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.

2. This item relates to the following elements of the City of Albany Corporate Business Plan 2017 to 2021:
 - **Theme:** A Connected and Safe Built Environment.
 - **Objective:** To develop vibrant neighbourhoods which retain local character and heritage
 - **Strategic Priority:** Major Projects, Centennial Park - Progress the Centennial Park development project and advocate for the release of Stage 2 funding (\$6.9M) plus the Environmental Wetlands/Water Catchment project.

Maps and Diagrams:



In Brief:

- Following a competitive tender process, Council approval is sought to award the tender for the Contract C18018 Construction Multi Use Facility – Centennial Park Eastern Precinct, to Wauters Enterprises.

RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR MOIR

THAT DIS130: Contract C18018 Construction Multi Use Facility – Centennial Park Eastern Precinct be ACCEPTED for consideration by Council as an urgent item in accordance with clause 3.5 of the Standing Orders Local Law 2012 (as amended).

**CARRIED 12-0
ABSOLUTE MAJORITY**

RECOMMENDATION

DIS130: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR SUTTON

THAT Council ACCEPT the tender from Wauters Enterprises and AWARD Contract C18018 Construction Multi Use Facility, Centennial Park Eastern Precinct following successful negotiation of final terms.

CARRIED 12-0

BACKGROUND

3. The Centennial Park Sporting Precinct (CPSP) is an ongoing project tied to WA State Government, Department of Local Government, Sport and Cultural industries funding agreement with execution timetables relating to funding conditions and project details.
4. It is preferable to commence works at the earliest possible time, to ensure practical completion in accordance with funding requirements and to minimise disruption to the sporting clubs affected by the works.
5. The Multi Use Facility is a key element to the overall Centennial Park Sporting Precinct development and game day facility for Junior AFL, Albany Cycling Club and Albany Triathlon Club activities or events.
6. Tenders were called for the facility on the 12 September 2018 and closed on the 3 October 2018. It is important that construction works commence as early as possible to ensure practical completion in accordance with funding requirements and to minimise disruption to the sporting clubs affected by the project.
7. A confidential briefing note has been provided to outline the tender process and to provide additional detail concerning the individual tenders.

DISCUSSION

8. The project includes the following components:
 - a. Kiosk:
 - b. Storage:
 - c. Toilets and Change space:
 - d. Under covered area;

9. Key user groups have been engaged and involved in the development of the design for the Multi Use facility.
10. Approval of the Multi Use Facility construction works tender is now being sought.
11. A standard tender process was applied, ensuring the necessary accountability and transparency when considering submissions. The tender was evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall point score for the tender
12. The City of Albany advertised state-wide and locally for tenders.
13. A total of 33 sets of documents were downloaded from the City of Albany website.
14. The City received 6 completed tender documents and these were submitted to the Procurement and Contracts Office on/before the stipulated closing date and time.
15. Tenders were subsequently opened, the name of the tenderer/s were recorded in the tender register.
16. Evaluation of Tenders.

A tender panel evaluated tenders using the weighted (out of 10) criteria methodology. Criteria and weighting were evaluated in five key areas.

Criteria	% Weighting
Relevant Experience	15%
Key Personnel Skills and Experience	15%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
Cost	50%

Tenderer	Total
Wauters Enterprises	657.40
Tenderer B	634.65
Tenderer C	611.47
Tenderer D	552.51
Tenderer E	492.18
Tenderer F	384.30

17. On the basis of the total evaluation score, the highest weighting being applied to cost, relevant experience, and demonstrated understanding the most suitable company is considered to be Wauters Enterprises.

GOVERNMENT & PUBLIC CONSULTATION

18. There is no consultation required for the award of the construction of the Eastern Precinct Football Stadium, Centennial Park.
19. The funding bodies will be advised with regard to the outcome of the tender process and timeframe for construction.
20. **Internal Business Unit Consultation:** The Centennial Park Project Control Group has representation from business units across the City of Albany, with regular updates provided to the Executive Management Team and Elected Members.

21. **Elected Members:** presentation of Centennial Park Stage 2 was undertaken on the following dates:-
- a. 18 June 2018
 - b. 2 October 2018
22. **User Group Consultation:** A series of design workshops have occurred between the user groups, Roberts Gardiner Architects and The City of Albany on the 27 April 2018, 14 May 2018 and 16 August 2018 to establish needs and requirements and confirm design intent.

STATUTORY IMPLICATIONS

23. 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 \$150,000.
24. 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.
25. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
26. Council Procurement Policy – tenders and quotes, and associated procedures is applicable to this report.
27. Voting requirement: **Simple Majority.**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisation's Operations <i>Failure to deliver project within specified timeframe</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Award the tender as soon as possible to ensure the project remains on track for delivery</i>
Financial Risk <i>Contractor not financial stable resulting in contractual issues.</i>	<i>Possible</i>	<i>High</i>	<i>Major</i>	<i>Undertake review of preferred tenderers financial position and credit check.</i>
Reputation <i>The tender is not awarded resulting in reputational damage.</i>	<i>Possible</i>	<i>High</i>	<i>Major</i>	<i>Award the tender and continue with delivery of the project.</i>
Opportunity <i>To provide a functional and attractive facility to provide amenity to the community and in particular improve opportunities for growth in junior sport.</i>				

FINANCIAL IMPLICATIONS

30. The value of this tender exceeds the budget allocation within the project and will require negotiation to reduce the scope in order to meet budget constraints.
31. In summary, the financial status of the project funding can be reported as follows;

Item	Funding Source	Amount (ex GST)
Centennial Park Stage 2 Project budget	State Govt	\$ 6,922,000.00
Total		\$ 6,922,000.00

32. A number of cost savings have been identified in non-essential areas of the project which will maintain the design intent and fit for purpose requirements of the users to keep the project cost to within the budget. Importantly, City staff are confident that a balance between function, quality and architectural integrity will be reached.
33. Reference is made to the confidential briefing note (attached) detailing project funding and risks concerning project delivery.

LEGAL IMPLICATIONS

34. Contractual terms for all aspects of this project will need to be rigorously applied

ENVIRONMENTAL CONSIDERATIONS

35. Environmental consideration in respect to the project has been made in the design and development stage and there are no issues in relation to this item.

ALTERNATE OPTIONS

36. The options are:-
- Council can accept the recommended tender,
 - Not approve any tender, or
 - Select an alternative tender.

CONCLUSION

37. On reviewing the submissions, Wauters Enterprises are deemed the most advantageous tenderer across the evaluation criteria for the construction of the Multi Use Facility - Centennial Park, Eastern Precinct. Their tender was well detailed and demonstrated a good understanding of the tender objectives.
38. This report recommends that the tender from Wauters Enterprises be accepted.

Consulted References	:	Local Government Act 1995 <i>(Functions and General) Regulations 1995 Council Policy – Purchasing Council Policy – Buy Local (Regional Price Preference)</i>
File Number (Name of Ward)	:	CP.DEC.40
Previous Reference	:	N/A

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

DIS130: CONTRACT C18018 CONSTRUCTION MULTI USE FACILITY-CENTENNIAL PARK EASTERN PRECINCT

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16. REPORTS OF CITY OFFICERS Nil

17. MEETING CLOSED TO PUBLIC

CCS093: VARIATION OF LEASE-IMPERIAL GROUP PTY LTD-GARRISON RESTAURANT

CCS098: REGIONAL DESTINATION MARKETING ORGANISATION

DIS122: PROPOSED LAND PURCHASE-LOT 5780 DOWN ROAD SOUTH, DROME-ALBANY MOTOR SPORTS PARK

18. CLOSURE

There being no further business the Mayor declared the meeting closed at 8.18PM.



Dennis W Wellington
MAYOR