



AGENDA

Ordinary Meeting of Council

Tuesday 24 April 2018

6.00pm

City of Albany Council Chambers

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



NOTICE OF AN ORDINARY COUNCIL MEETING

Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 24 April 2018 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe
CHIEF EXECUTIVE OFFICER

TABLE OF CONTENTS

Item	Details	Pg#
1.	DECLARATION OF OPENING	3
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	3
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	3
4.	DISCLOSURES OF INTEREST	4
5.	REPORTS OF MEMBERS	4
6.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
7.	PUBLIC QUESTION TIME	5
8.	APPLICATIONS FOR LEAVE OF ABSENCE	5
9.	PETITIONS AND DEPUTATIONS	5
10.	CONFIRMATION OF MINUTES	5
11.	PRESENTATIONS	5
12.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	5
	MINUTES AND RECOMMENDATIONS OF COMMITTEES	
CCS	Corporate and Community Services Committee	
CCS041	FINANCIAL ACTIVITY STATEMENT-FEBRUARY 2018	6
CCS042	LIST OF ACCOUNTS FOR PAYMENT-MARCH 2018	8
CCS043	DELEGATED AUTHORITY REPORTS	10
CCS044	COMMUNITY SPORTING AND RECREATION FACILITIES FUND 2017-18 SMALL GRANT ROUND APPLICATIONS	11
CCS045	BUILDING BETTER REGIONS FUND ROUND 2 APPLICATION(S)	17
CCS046	DEVELOPMENT OF A REGIONAL AGED CARE CHARTER	23
CCS047	QUARTERLY REPORT-TENDERS AWARDED-JANUARY TO MARCH 2018	27
CCS048	ELECTED MEMBER ATTENDANCE AT INTERSTATE CONFERENCE-BEST PRACTICE IN LOCAL GOVERNMENT CONFERENCE IN MELBOURNE 22-23 AUGUST 2018	28
DIS	Development and Infrastructure Services Committee	
DIS086	AMENDING EXTRACTIVE INDUSTRY AND MINING POLICY	31
DIS087	PROVISION OF REGIONAL HEALTH SERVICES-ENVIRONMENTAL HEALTH OFFICER RESOURCING	35
DIS088	CONSIDERATION OF ADOPTION OF THE CITY OF ALBANY HERITAGE SURVEY	38
DIS089	CONSIDERATION OF MODIFICATION TO LOCAL PLANNING SCHEME AMENDMENT NO. 22-LOT 1 JASON ROAD, LOT 476 SIBBALD ROAD AND LOT 1001 LOWER KING ROAD BAYONET HEAD	43
DIS090	CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT NO. 28-LOT 312 BAY VIEW DRIVE, LITTLE GROVE	47
DIS091	PLANNING AND BUILDING REPORTS MARCH 2018	53
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	54
15.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	54
16.	REPORTS OF CITY OFFICERS Nil	54
17.	MEETING CLOSED TO PUBLIC	54
18.	CLOSURE	54

1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward

P Terry

Breaksea Ward

R Hammond

Frederickstown Ward

G Stocks (Deputy Mayor)

Frederickstown Ward

R Stephens

Kalgan Ward

B Hollingworth

Kalgan Ward

E Doughty

Vancouver Ward

J Shanhun

Vancouver Ward

T Sleeman

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:

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest

5. REPORTS OF MEMBERS

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

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

DRAFT MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Councillor Doughty be granted Leave of Absence for the period 15 May 2018 to 26 May 2018 inclusive.

9. PETITIONS AND DEPUTATIONS

10. CONFIRMATION OF MINUTES

DRAFT MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 27 March 2018, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

CCS041: FINANCIAL ACTIVITY STATEMENT – FEBRUARY 2018

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

RECOMMENDATION

**CCS041: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the Financial Activity Statement for the period ending 28 February 2018.

CCS041: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS041: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 28 February 2018.

BACKGROUND

1. The Statement of Financial Activity for the period ending 28 February 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 28 February 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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CCS042: LIST OF ACCOUNTS FOR PAYMENT – MARCH 2018

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Manager Finance (D Olde)
Responsible Officers: : Executive Director Corporate Services (M Cole)

RECOMMENDATION

**CCS042: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 March 2018 totalling \$6,806,791.25.

CCS042: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS
 SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS042: 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 March 2018 totalling \$6,806,791.25.

BACKGROUND

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

DISCUSSION

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

Municipal Fund	
Trust	
Credit Cards	\$43,536.89
Payroll	\$1,273,219.39
Cheques	\$65,400.63
Electronic Funds Transfer	\$5,424,634.34
TOTAL	<u>\$6,806,791.25</u>

As at 15 March 2018, the total outstanding creditors, stands at \$719,680.24 and made up as follows:-

Current	\$646,288.62
30 Days	\$69,896.82
60 Days	\$2,897.70
90 Days	\$597.10
TOTAL	\$719,680.24
Cancelled Cheques	Nil

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 March 2018 has been incurred in accordance with the 2017/2018 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 March 2018 has been incurred in accordance with the 2017/2018 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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CCS043: DELEGATED AUTHORITY REPORTS

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

**CCS043: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the Delegated Authority Reports 16 February 2018 to 15 March 2018.

CCS043: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR HOLLINGWORTH**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS043: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports 16 February 2018 to 15 March 2018.

**CCS044: COMMUNITY SPORTING AND RECREATION FACILITIES FUND
2017/2018 SMALL GRANT ROUND APPLICATIONS**

Proponent : King River Pony Club
Attachments : King River Pony Club - Correspondence and Project Assessment Sheet; Policy for Community Sport and Recreation Facilities Small Grant Funding Policy
Report Prepared by Recreation Services Manager (S Stevens)
Responsible Officer(s): : Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

1. The ranking and provision of financial support to the Community Sporting and Recreation Facilities Fund Annual and Forward Planning Grant Round Applications relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - a. **Theme:** 4. Community Health and Participation
 - b. **Objective:** 4.3. To develop and support a healthy, inclusive and accessible community.
 - c. **Community Priority:** 4.3.1. Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages.

In Brief:

- To seek Council endorsement of the priority ranking for the submitted Community Sport and Recreation Facility Fund (CSRFF) Small Grant funding round.
- To seek Council support to provide funding assistance in line with the Council Policy of the Community Sports & Recreation Facilities King River Pony Club project upon return of successful CSRFF Annual Grant application.
- The Capital Seed Reserve Fund has been established to assist with leveraging State Government funds for sporting clubs. Funds from unsuccessful grant applications are returned to the Capital Seed Reserve Fund to be reused for other grant applications.
- The total projected costs for the King River Pony Club project is \$28,050.00 (GST exc)

RECOMMENDATION

**CCS044: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RANK the CSRFF Small Grant application in the following order for the CSRFF July 2018 Funding Round:

1. **King River Pony Club – Design and build new jumps for Cross Country Course (rank one of one); and**

APPROVE a total of \$9,350.00 (exc. GST) from the 2017/2018 budget to the King River Pony Club community sporting project as the Councils commitment upon successful CSRFF Annual grant application.

CCS044: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS044: RESPONSIBLE OFFICER RECOMMENDATION 1

THAT Council RANK the CSRFF Small Grant application in the following order for the CSRFF July 2018 Funding Round:

2. King River Pony Club – Design and build new jumps for Cross Country Course (rank one of one)

CCS041:COMMITTEE RECOMMENDATION 2

MOVED:COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS041:RESPONSIBLE OFFICER RECOMMENDATION 2

That Council APPROVE a total of \$9,350.00 (exc. GST) from the 2017/2018 budget to the King River Pony Club community sporting project as the Councils commitment upon successful CSRFF Annual grant application.

BACKGROUND

2. The Community Sport and Recreation Facilities Fund (CSRFF) administered by the Department of Local Government, Sport and Cultural Industries has three rounds of available funds including:
 - Small Grant Funding Round (Winter)
 - Annual and Forward Planning Funding Round
 - Small Grant Funding Round (Summer)
3. The CSRFF program is a \$12 million program. All three rounds are often oversubscribed and clubs may need to reapply on a number of occasions to be successful.
4. The Small Grants Round targets community sport projects where the financial value of the total project is up to \$200,000 and is delivered within a 12 month period.
5. Applicants must be either a local government authority or a not-for-profit sport or community organisation incorporated under the WA Associations Incorporation Act 1987.
6. Clubs and local government authority must demonstrate equitable access to the public on a short term and casual basis.
7. The land on which the facility is to be developed must be one of the following:
 - Crown reserve
 - Land owned by a public authority
 - Municipal property
 - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.

8. The Local Government has an opportunity to assess all relevant applications and to rank applications in priority order for the municipality.
9. Whilst there is no obligation for Local Government to contribute to the community sporting projects local government is viewed as a key funding partner in supporting improved community sporting amenities.
10. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation application form calls for applications to be initially submitted to the Local Government within which the project proposal is located.
11. An element of the assessment process involves Council consideration and priority ranking of applications received. The applications are then submitted to the Department of Local Government, Sport and Cultural Industries – Sport and Recreation on behalf of the applicants prior to March 30 2018.
12. Once the assessment process from Local Government Authorities are complete all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the Department of Local Government, Sport and Cultural Industries – Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

DISCUSSION

13. The grant guidelines require Council to provide a ranking for the projects.
14. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation provides guidance for Local Government Authorities to assess each submission. This assessment uses the following criteria and a project rating of satisfactory/unsatisfactory or not relevant:
 - Project justification
 - Planned approach
 - Community input
 - Management planning
 - Access and opportunity
 - Design
 - Financial viability
 - Coordination
 - Potential to increase physical activity
 - Sustainability

With overall project rating, being:

 - Well planned and needed by municipality
 - Well planned and needed by applicant
 - Needed by municipality, more planning required
 - Needed by applicant, more planning required
 - Idea has merit, more planning work needed
 - Not recommended
15. Projects are ranked on the strength of the application, participation numbers, and ability to increase physical activity and potential impact as well as consultation with the Department of Local Government, Sport and Cultural Industries – Sport and Recreation and the applicant.
16. The City of Albany has received only one (1) Small Grant Application this round. The following additional information is provided about the project and funding application:

King River Pony Club – Design and Build new jumps for Cross Country Course

17. The funding application is a Small Grant Application to design and build new jumps for the Cross Country Course at the King River Pony Club.
18. King River Pony Club facilities are used by the Great Southern Riders Squad and Albany, Denmark, Plantagenet, Kojonup and Esperance Pony Club and other equestrian clubs affiliated with Equestrian Australia.

2015/16	King River Pony Club	51 - 66
2016/17	King River Pony Club	66 - 60
2017/18	King River Pony Club	60 – 50

19. King River Pony Club forms part of the Pony Club Association of Western Australian Great Southern Zone and is one of number of equestrian clubs in Albany.
20. The course is over 15 years old and a number of the existing obstacles no longer meet recognised safety requirements. The redevelopment will directly impact on the club's and the region's ability to deliver their sport and competitions.
21. Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager assessed the project as having a medium priority.
22. The below ranking recommendation has been provided based on the applicant meeting the required criteria and its overall project ranking:

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	King River Pony Club	King River Pony Club – design and build new jumps for Cross Country Course	Well planned and needed by the applicant.

23. Correspondence requesting financial assistance and a completed Officers Project Assessment Sheet for the project application is attached.

GOVERNMENT & PUBLIC CONSULTATION

24. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation Regional Manager for the Great Southern has been consulted with by the City of Albany (February 2018).
25. The City of Albany has conducted site visits (February 2018) and consulted with the club benefiting from this Community Sporting project.

STATUTORY IMPLICATIONS

26. There is no statutory requirement.
27. Council Officers assess each project and make a recommendation for the ranking of projects based on the Department of Local Government, Sport and Cultural Industries criteria and strategic overview.
28. Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.

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

POLICY IMPLICATIONS

30. The Recreation Planning Strategy adopted in 2008 has been applied in ranking this submission.

31. The Community Sports and Recreation Facilities Small Grant Funding Policy has been applied in the assessment and recommendations.

RISK IDENTIFICATION & MITIGATION

32. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation & Community Property <i>Failure to secure required funding may result in the condition of the amenities deteriorating to an unsafe condition</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Council can choose to support the funding application, or work with City officers to source other funding streams.</i>
Reputation & Financial <i>Failure to upgrade facilities may result in community missed economic and social opportunities.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Support the funding application, or work with City officers and club to source other funding streams.</i>
Reputation & Financial <i>Failure to distribute the Councils Financial Support in an equitable and sustainable manner may result in community dissatisfaction or projects not going ahead.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Support the officer's recommendation, or work with City officers to deliver an equitable allocation of funding.</i>

FINANCIAL IMPLICATIONS

33. The City allocated a total of \$75,000 Capital Seed Funding for Sporting Clubs in the 2017/2018 financial year to assist in the development and maintenance of community sporting infrastructure as determined through the CSRFF funding process.

34. The Capital Seed Reserve Fund has been established to assist with leveraging State Government funds for sporting clubs. Funds from unsuccessful grant applications are returned to the Capital Seed Reserve Fund to be reused for other grant applications.

35. The total projected costs for the King River Pony Club project is \$28,050.00 (GST exc)

36. The club is requesting one third from Department of Local Government, Sport and Cultural Industries – Sport and Recreation (\$9,350) and one third from the City of Albany (\$9,350). The remaining one third costs will be contributed by the club (\$9,350).

37. This is the final Small Grants round for 2017/2018 financial year. The next Small Grant round is July 2018.

38. The King River Pony Club application draws down on the current capital seed fund. If the application is successful there will be \$61,650 remaining.

39. If the application is unsuccessful, the club can reapply in the next round.

40. The recent CSRFF Forward and Annual funding application to replace the Hockey Turf was unsuccessful. The City can reapply in the next Forward and Annual Funding round (Closes September 2018) and the remaining \$61,650 from 2017/2018 will be available to support the project as per Council Item CCC058. This project will be resubmitted to Council for priority ranking and approval of financial assistance.

LEGAL IMPLICATIONS

41. Nil

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

43. Council can choose not to provide funding assistance for this project.
44. Council can choose to provide more or less funding assistance to this project.

SUMMARY CONCLUSION

45. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation provides local government with an opportunity to assess received applications and to rank applications in priority order for the municipality.
46. This project meets the criteria provided by the Department of Local Government, Sport and Cultural Industries – Sport and Recreation. It is considered well planned and needed by the applicant. Council is required to endorse the officers ranking. City officers have ranked the application as the number one (1) priority.
47. Council may consider capping its financial contribution or sourcing alternate means to meet budget allocations.
48. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation requires a response from the City of Albany on the priority ranking order by 30 March 2018.

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

CCS045: BUILDING BETTER REGIONS FUND ROUND 2 APPLICATION(S)
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Proponent / Owner : City of Albany

Supplementary Information & Councillor Workstation : *Commercial-in-Confidence: Middleton Beach Foreshore Enhancement Building Better Regions Round 2 Funding Application and, Albany: Kinjarling Connect 2026 Building Better Regions Round 2 Funding Application will be distributed under confidential cover in accordance with section 5.23(c) of the Local Government Act 1995.*

Report Prepared By : Executive Director Corporate Services (M. Cole)

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 2** : Smart, Prosperous and Growing
- **Objective 2.1.1:** To strengthen and grow our region’s economic base
- **Community Priority:** Work with business and other stakeholders to attract investment; diversify the economy; create jobs and support small business growth

In Brief:

- ENDORSE and NOTE the *Middleton Beach Foreshore Enhancement* funding application to the Building Better Regions Fund, Round 2 (BBRF), including the City of Albany matched funding commitment should the application be successful.
- ENDORSE and NOTE the *Albany: Kinjarling Connect 2026* funding application to the Building Better Regions Fund, Round 2 (BBRF), including the City of Albany matched funding commitment should the application be successful.

RECOMMENDATION

**CCS045: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- (1) **ENDORSE** the Chief Executive Officers’ application(s) to the Building Better Regions Fund (BBRF), Round Two (2) for:
 - a. Middleton Beach Foreshore Enhancement; and
 - b. Albany: Kinjarling Connect 2026.
- (2) **NOTE** the financial allocation requirement from the City of Albany should the funding application(s) be successful:
 - a. Middleton Beach Foreshore Enhancement - \$2,043,500; and
 - b. Albany: Kinjarling Connect 2026 - \$6,297,000
- (3) **NOTE** that should either of the BBRF application(s) be successful:
 - a. The City will advocate for further funding to minimise the City’s direct financial commitment to the project;
 - b. Further Reports to Council will be prepared regarding phased financial allocations in future financial years; and
 - c. Further consultation will be undertaken with key community stakeholders through the detailed design development processes.

CCS045: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS045: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) ENDORSE the Chief Executive Officers' application(s) to the Building Better Regions Fund (BBRF), Round Two (2) for:
 - a. Middleton Beach Foreshore Enhancement; and
 - b. Albany: Kinjarling Connect 2026.
- (2) NOTE the financial allocation requirement from the City of Albany should the funding application(s) be successful:
 - a. Middleton Beach Foreshore Enhancement - \$2,043,500; and
 - b. Albany: Kinjarling Connect 2026 - \$6,297,000
- (3) NOTE that should either of the BBRF application(s) be successful:
 - a. The City will advocate for further funding to minimise the City's direct financial commitment to the project;
 - b. Further Reports to Council will be prepared regarding phased financial allocations in future financial years; and
 - c. Further consultation will be undertaken with key community stakeholders through the detailed design development processes.

BACKGROUND

2. The \$297.7 million Building Better Regions Fund supports the Australian Government's commitment to create jobs, drive economic growth and build stronger regional communities into the future.
3. The program will run over four years from 2016-17 to 2019-20.
4. The program has been designed to achieve the following outcomes in regional and remote communities:
 - Create jobs;
 - Have a positive impact on economic activity, including Indigenous economic participation through employment and supplier-use outcomes;
 - Enhance community facilities;
 - Enhance leadership capacity; and
 - Encourage community cohesion and sense of identity.
5. The program will fund projects in regional Australia outside the major capital cities of Sydney, Melbourne, Brisbane, Perth, Adelaide, and Canberra.
6. The Infrastructure Projects Stream will support projects which involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provide economic and social benefits to regional and remote areas.

7. The City of Albany unsuccessfully made application to Round One (1) of this Funding program for the Middleton Beach Foreshore Enhancement Project and the Amazing South Coast City Centre Project.
8. At an Elected Member Strategic Workshop held with City Officers on 21 November 2017 it was determined that Officers should prepare two (2) applications to the Round two (2) BBRF program as follows:
 - a. Middleton Beach Foreshore Enhancement; and
 - b. Consolidated application encompassing the Middleton Beach Foreshore Enhancement project and the Amazing South Coast City Centre project (noting that on submission, this project title changed to, Albany: Kinjarling Connect 2026).
9. Both applications included the Middleton Beach Foreshore Enhancement and as such are mutually exclusive i.e. only one (1) application could be supported.

DISCUSSION

Middleton Beach Foreshore Enhancement: BBRF Round 2 Application

10. The Middleton Beach Foreshore Enhancement - BBRF Round 2 Application resubmitted the core facets of the Round 1 Application, with the following amendments:
 - a. Feedback received from the grant assessor for the Round 1 Application was incorporated; and
 - b. The Project Scope, Budget and Timeline were amended to reflect available leveraged funding and revised BBRF timelines.
11. Fundamental aspects of the Round 1 Application remain, including:
 - a. Integrated Coastal protection;
 - b. High Quality Public Realm Amenity;
 - c. Public Open Space; and
 - d. Cohesive precinct design and critical links with the Commercial Activity Centre, Mounts precinct (including National Anzac Centre), Waterfront Precinct and City Centre.
12. The Middleton Beach Foreshore Enhancement - BBRF Round 2 Application was submitted on 19 December 2017 with an announcement expected early in FY18/19.

Albany: Kinjarling Connect 2026: BBRF Round 2 Application

13. The Amazing South Coast City Centre BBRF Round 1 Application was unsuccessful and was not resubmitted.
14. Based on feedback received from the grant assessor for the Round 1 Application and outcomes of an Elected Member Strategic Workshop held with City Officers on 21 November 2017, it was determined that a consolidated application should be developed incorporating the Middleton Beach Foreshore Enhancement and key aspects of the Amazing South Coast City Centre Application.
15. A Project and Application was developed entitled, Albany: Kinjarling Connect 2026.
16. Key facets of the Application include:
 - a. A focus on the Bicentenary of Albany as well as Indigenous culture and heritage;
 - b. Developing a distinctive cultural narrative for Albany interlinking development precincts; and
 - c. Integrating and connecting five (5) key development precincts including: City Heart, Waterfront City Link, Marine Drive and Parklands, Coastal Walk and Botanic Gardens, and Middleton Beach Foreshore.

17. The Albany: Kinjarling Connect 2026 BBRF Round 2 Application was also submitted on 19 December 2017 with an announcement expected early in FY18/19.

GOVERNMENT & PUBLIC CONSULTATION

18. **Government:** The City has undertaken consultation and engagement with a significant volume of Government agencies across both BBRF applications including but not limited to: Landcorp, Department of Planning, State Heritage Office, Department of Local Government, Sport and Cultural Industries, Department of Transport; Southern Port Authority, and Great Southern Development Commission.

19. **City of Albany:** The projects were identified and agreed at the Elected Member Strategic Workshop held with City Officers on 21 November 2017. The projects had also been previously identified with Elected Members as priorities for funding application advancement through the former National Stronger Regions Funding Program and BBRF Round.

20. **Community Groups:** Consultation with community groups has been undertaken across both applications as well as building upon consultation for the BBRF Round 1 Application(s). A sample of key stakeholder groups that have been engaged include the Middleton Beach Users Group, Albany Heritage Reference Group, Local Sporting and Community Groups, Schools, Businesses as well as the NGO membership sector.

21. Should the City be successful with the BBRF application further consultation will be undertaken with key community stakeholders through the detailed design development process.

STATUTORY IMPLICATIONS

22. The voting requirement of Council is Simple Majority.

POLICY IMPLICATIONS

23. Should the project be supported and funding become available, Federal, State and Local policies would apply to the project implementation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. Council could choose not to endorse the Officers recommendation	Possible	Major	High	Multiple Council briefings conducted to ensure Council are fully aware of the project dimensions and requirements.
Reputation. If the project is not funded by BBRF, the project will not progress.	Possible	Moderate	Medium	City officers to notify all stakeholders and continue advocating for alternative funding sources.
Reputation. The project awareness raises community expectations that the project will be implemented irrespective of funding being approved.	Possible	Major	High	Seek reasoning from the funding body and communicate to all stakeholders. Continue advocating for alternative funding sources to complete the project. Develop media and Communication Strategy to manage community expectations.

FINANCIAL IMPLICATIONS

Middleton Beach Foreshore Enhancement

25. The total project has been costed at \$9,027,000.
26. The BBRF program requests matched funding from applicants. The Application documented contributions as follows:
- | | |
|----------------------------------|-------------|
| a. Federal Government (BBRF): | \$4,513,500 |
| b. Leveraged Funding (Landcorp): | \$2,470,000 |
| c. City of Albany: | \$2,043,500 |

Albany: Kinjarling Connect 2026

27. The total project has been costed at \$20,517,000.
28. The BBRF program requests matched funding from applicants. The Application documented contributions as follows:
- | | |
|---|--------------|
| a. Federal Government (BBRF): | \$10,000,000 |
| b. Leveraged Funding (Landcorp, Lotterywest, GSDC): | \$4,220,000 |
| c. City of Albany | \$6,297,000 |

Phasing Budget Allocations and Advocacy

29. Should either project be successful in securing funding through BBRF, there is potential financial implications over three financial years (i.e. FY2018/2019, FY2019/2020, FY2020/2021). The acceptance of any external funds will commit the Council to making an allocation in relevant budgets to complete the project should Council choose to progress to a contract with the Funding Body.
30. Subject to funding success, the City will advocate for further funding to minimise the City's financial commitment.

LEGAL IMPLICATIONS

31. The project will be subject to approvals under the *Heritage of Western Australia Act 1990*.

ENVIRONMENTAL CONSIDERATIONS

32. There are no direct environmental considerations related to this item.

ALTERNATE OPTIONS

33. Council may choose not to support the Middleton Beach Foreshore Enhancement or Albany: Kinjarling Connect 2026 Application(s).

CONCLUSION

Middleton Beach Foreshore Enhancement

34. Stakeholder and community feedback demonstrates strong support for improving the Middleton Beach public realm.
35. The timing of this work allows tie-in to works that will be required to develop the hotel site. The works will considerably improve the public realm and establish a world-class precinct.
36. Should the work not be undertaken, a significant financial commitment to protect the public realm will still be required in future years, but without Landcorp assistance.

Albany: Kinjarling Connect 2026

37. Stakeholder and Community feedback demonstrates strong support for all aspects of the Albany: Kinjarling Connect 2026 project.
38. The project is consistent with recent and current development in Albany including the Mounts Precinct, Town Square, Stirling Terrace, Visitor Centre relocation and York Street enhancement.
39. The project will consolidate a number of precincts, lay the foundation for activity in 2026 and support regional growth and identity.

Consolidated Summary

40. Both BBRF Round 2 Projects will stimulate and attract investment as well as contribute to the economic diversification of the region.
41. Council endorsement of the Officers recommendation will ratify the submission of the BBRF Round 2 application(s) as well as enable further project funding advocacy and development

Consulted References	:	BBRF Round 2 Guidelines BBRF Round 2 Frequently Asked Questions Town Hall Conservation Plan CBD Masterplan 2010 Coastal Parks Enhancement Plan 2014 MBAC Community Engagement CCCS013 14/03/2017 CCCS014 14/03/2017
File Number (Name of Ward)	:	CP.PLA.9. Frederickstown Ward
Previous Reference	:	Strategic Briefing 28 May 2015 Strategic Briefing 1 July 2015 Strategic Briefing 8 March 2016 Strategic Briefing 16 August 2016 Strategic Briefing 15 November 2016 Development and Infrastructure Services Committee Briefing 15 February 2017 Elected Member Strategic Workshop 21 November 2017 OCM 28/03/2017 Resolution CCCS013 OCM 28/03/2017 Resolution CCCS014

CCS046: DEVELOPMENT OF A REGIONAL AGED CARE CHARTER

- Attachments** : 'Making our health and care systems fit for an ageing population', The King's Fund, 2014
- Report Prepared By** : Senior Community Development Officer (R Param)
- 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:
 - a. **Theme 4:** Community Health and Participation.
 - b. **Objective 4.3:** To develop and support a healthy inclusive and accessible community.
 - c. **Community Priority 4.3.1:** Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages.

In Brief:

- Western Australian Primary Health Alliance (WAPHA) Great Southern is a federally funded community based planning and commissioning agency centred on building sustainable and consumer centred primary health and social care.
- There is an opportunity for the City of Albany to apply for funding to develop a regional Aged Care Charter that will improve the delivery of health and aged care services to older people in the Great Southern. WAPHA would review the funding application and award the grant as a provision of the partnership. There would be full cost recovery to the City of Albany.
- WAPHA has identified the City of Albany as ideal to undertake this project, given it is not a direct service provider, and as such is independent from the sector.
- The City would enter into a partnership with WAPHA and employ a temporary project officer to undertake this work.

RECOMMENDATION

**CCS046: AMENDED OFFICE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. **APPROVE** the participation by the City of Albany in the development of an Aged Care Charter for the Great Southern; and
2. **ENDORSE** the City's intention to enter into a partnership with WAPHA, for up to nine months to develop the Great Southern Aged Care Charter, subject to a successful award of funding to the City of Albany.
3. **NOTES that if the funding award is successful, a further report will be presented to Council to consider and approve necessary variations to the Budget.**

Officer Comment (Executive Director Corporate Services):

If successful, a budget variation will be required to recognise the grant income received and the expenditure associated with the employment of the Project Officer.

CCS046: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

1. APPROVE the participation by the City of Albany in the development of an Aged Care Charter for the Great Southern; and
2. ENDORSE the City's intention to enter into a partnership with WAPHA, for up to nine months to develop the Great Southern Aged Care Charter, subject to a successful award of funding to the City of Albany.

CCS046: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-5

Record of Vote

Against the Motion: Councillors Sutton, Doughty, Goode, Sleeman and Shanhun

CCS046: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. APPROVE the participation by the City of Albany in the development of an Aged Care Charter for the Great Southern; and
2. ENDORSE the City's intention to enter into a partnership with WAPHA, for up to nine months to develop the Great Southern Aged Care Charter, subject to a successful award of funding to the City of Albany.

BACKGROUND

2. The Great Southern region has an ageing population, and a higher proportion of residents aged 65+ years compared with that of the state of Western Australia. Additionally, local government areas Albany, Denmark and Plantagenet are projected to experience significant growth in residents aged 65+ years in the decade 2016-2026.
3. To ensure health and aged care services in the region are best placed to meet current and future needs, including seniors who continue to live independently in the community, WA Country Health Services (WACHS) has hosted a series of workshops for the sector.
4. A key recommendation from these workshops is the development of a regional charter to better coordinate service delivery in a time of increasing burden of chronic disease among older people, with limited resources.
5. The City of Albany, being independent from the sector, has been identified as ideally placed to undertake this work.

DISCUSSION

6. The City adopted an Age Friendly Albany Plan that aims to help seniors continue living independently in the community as they age. In particular, to remain healthy and active even at the oldest ages, with the City's remit for seniors' health and wellbeing mostly being prevention and active living.

7. Recently, Council has approved the co-location of a Compassionate Care Coordinator within the City of Albany. There are synergies with this position and the development of an Aged Care Charter which the City would be able to capitalise on in undertaking this project.
8. The Great Southern region has a cohesive network of health and aged care services largely delivered through the state government and non-profit sectors. These services are mostly located in Albany. Although the City is not a service provider, the majority of these services are locally accessible without the need to travel across the region.
9. This is a one-off, time-specific project that aligns with the objectives of the City's Age Friendly Albany Plan, and carries no expectation that the City deliver health and/or aged care services as a result of this project.
10. A project officer would be employed to map current services, and collaborate with Great Southern service providers to develop a high level resource containing shared vision and key standards for agencies to sign up to. Involvement of seniors and their carers is integral to this project, and the Charter is expected to integrate best practice into all components of care provided to seniors to ensure they are able to continue living independently in the community as they age.
11. The Charter will be based on a similar model prepared in the United Kingdom by The King's Fund which outlines ten best practice areas across the continuum of care for older people for service providers to implement.

GOVERNMENT & PUBLIC CONSULTATION

12. WACHS has held three workshops with representatives of the health and aged care sector as part of its engagement of the WACHS Great Southern Seniors' Health Service Plan. These workshops have identified key challenges facing the sector as increases in demand for services are not expected to be matched by increases in resources.

STATUTORY IMPLICATIONS

13. There are no statutory implications for this item.

POLICY IMPLICATIONS

14. This item aligns with the City's Age Friendly Albany Plan, specifically objectives 3.3: Increased access to information for seniors and older visitors to the region, and 4.1: Seniors feel valued and respected in the community.
15. This item aligns with the City's Public Health Plan, specifically Action Areas 6.2: Chronic Disease Prevention, and 6.3: Enhanced Community Lifestyle.
16. This item is also identified within the City of Albany Strategic Community Plan through the theme Community Health and Participation, objective 4.3: To develop and support a healthy inclusive and accessible community, and priority to 4.3.1: Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages.

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
Reputation <i>Risk: Possible loss of reputation if the project does not meet funding objectives.</i>	Unlikely	Minor	Low	<i>Actively participate and support project officer.</i>
Financial <i>Risk: Project scope exceeds resourcing once implemented.</i>	Possible	Insignificant	Low	<i>Clear objectives and scope agreed by both parties from the outset. Implementation of robust project planning to underpin delivery of the project.</i>
Opportunity: <i>An agreed charter for Great Southern health and aged care providers that ensures services meet seniors’ health and wellbeing needs, and supports seniors to continue to live independently as they age.</i>				

FINANCIAL IMPLICATIONS

18. WAPHA has offered the City a complete cost recovery in funding to undertake this project which would enable employment of a project officer for a period up to nine months.
19. The City may be required to provide a work space for the project officer, at an estimated cost of approximately \$2,000. The City will also be responsible for consumables such as stationery, printing, IT support, and day to day operational support for the duration of the project at full cost recovery.

LEGAL IMPLICATIONS

20. The City would enter into a grant agreement with WAPHA which would outline the requirements and obligations expected of both organisations in undertaking this work.

ENVIRONMENTAL CONSIDERATIONS

21. There are no direct environmental considerations related to this item.

ALTERNATE OPTIONS

22. Council could decide not to endorse the Responsible Officer recommendation. The City would then decline the offer of funding from the Great Southern Primary Health Network and the project would be undertaken by another organisation, with the City’s involvement solely as a project stakeholder.

CONCLUSION

23. The Great Southern region has an ageing population, and key centres such as Albany and Denmark are seen as attractive retirement destinations for older people. An ageing population is expected to put pressure on health and support services as need increases.
24. A regional Charter for Aged Care would enable service providers to agree on key standards of care, from prevention through to end of life, involve seniors and carers in service planning and redesign, and integrating best practice into all components of care provided to seniors to ensure they are able to continue living independently in the community as they age.
25. It is recommended the City accept WAPHA’s offer of funding to develop an Aged Care Charter for the Great Southern.

Consulted References	:	‘WACHS Great Southern Seniors’ Health Service Planning’, K Nicol, December 2017
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Nil

CCS047: QUARTERLY REPORT – TENDERS AWARDED – JANUARY TO MARCH 2018

Proponent : City of Albany
Attachments : Quarterly Report – Tenders Awarded – January to March 2018
Report Prepared by : Procurement Officer (H Hutchinson)
Responsible Officer : Executive Director Corporate Services (M Cole)

RECOMMENDATION

**CCS047: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – January to March 2018.

CCS047: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS047: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – January to March 2018.

CCS048: ELECTED MEMBER ATTENDANCE AT INTERSTATE CONFERENCE – BEST PRACTICE IN LOCAL GOVERNMENT CONFERENCE IN MELBOURNE 22-23 AUGUST 2018

Proponent	: City of Albany
Reference	: http://bestpractice2018.com.au/
Report prepared by	: PA to the Mayor and Councillors (D Clark)
Responsible Officer(s):	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan & Corporate Business Plan:
 - a. **Theme 1:** Leadership
 - b. **Objective: 1.1:** To establish and maintain sound business and governance structures.
 - c. **Community Priorities:**
 - 1.1.1: implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.
 - 1.1.2: provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflects the level of associated risk and are adequately explained to the community.

In Brief:

- Endorse elected member attendance at the Best Practice in Local Government conference in Melbourne on 22 and 23 August 2018.

RECOMMENDATION

CCS048: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ENDORSE the attendance of Councillor Goode at the Best Practice in Local Government Conference in Melbourne on 22 and 23 August 2018:

BACKGROUND

2. The Best Practice in Local Government conference aims to present case studies and provide detailed advice on how councils can drive organizational improvements, achieve productivity gains, reduce costs, and deliver high levels of service to their local community.
3. This year's conference will cover the topics of:
 - Governance and Leadership
 - Digital Innovation & Cyber Security
 - Financial Management
 - Risk Management
 - Asset and Infrastructure Management
 - Organisational and Strategic Service Delivery
 - Sustainability and Environmental management
 - Climate Change and Renewable Energy
 - Liveable Cities
 - Procurement
 - Economic Development
 - Productivity
 - Workforce Development and Diversity

DISCUSSION

4. **Justification:**

Council leaders need to benchmark themselves against other cities to identify new ideas and innovations, and to be at the forefront of change.

5. This report is presented in accordance with Council's *Travel and Representation Policy position, being in part:*

“Travel outside of Western Australia

2. Councillors may attend City Representation events held outside WA and overseas during their term of office upon the following conditions:

a. The travel falls within the definitions for conference, professional development or delegation;

b. An item has been presented to Council specifying:

(i) the benefit to the City of the attendance at the conference, professional development or delegation;

(ii) whether, if applicable, there is a necessity to send more than one councillor; and

(iii) whether the information to be discussed at the conference or professional development can be sourced from within Western Australia.

3. Approval has been granted by Council resolution;

4. There is sufficient budget allocation for the councillors' travel.”

6. This report has been presented for the endorsement and approval of Council.

GOVERNMENT & PUBLIC CONSULTATION

7. Nil

STATUTORY IMPLICATIONS

8. Nil

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation - Lack of engagement with the local government sector	Likely	Moderate	High	Support attendance.
Reputation – Lack of support for Albany business community who would expect the City to maximise opportunities to access innovation, collaboration and leadership opportunities.	Likely	Moderate	High	Support attendance.
Opportunity: Attendance at the conference will raise the profile of Albany.				

FINANCIAL IMPLICATIONS

11. Funding is allocated in the current budget for elected members to attend training and conferences. The following costs are within the existing budget allocation.
12. The cost for Councillor Goode to attend the Best Practice in Local Government Conference is estimated to be **\$3934**, which will cover:
 - a. Return Flights from Albany: **\$1,989**. Includes Albany to Perth and Perth to Melbourne return.
 - b. Accommodation: **\$825**
 - c. Registration: **\$795** per person.
 - d. Meal allowance: **\$325** as per Travel Expense Claim Form (\$65 per day).

LEGAL IMPLICATIONS

13. Nil.

ENVIRONMENTAL CONSIDERATIONS

14. Nil.

ALTERNATE OPTIONS

15. Council may choose to nominate more than one elected member to attend the conference.
16. Council may choose to not approve attendance at the conference.

SUMMARY CONCLUSION

17. It is recommended that the attendance be approved.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Council Policy: Travel and Representation Policy</i>
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	Nil

DIS086: AMENDING 'EXTRACTIVE INDUSTRY & MINING POLICY'

Land Description	: City of Albany
Proponent	: City of Albany
Owner	: City of Albany
Attachments	: Draft Extractive Industry Policy : Draft Moving to a rural Area Pamphlet
Report Prepared by	: Coordinator Development Services (A Bott)
Responsible Officer	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

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

In Brief:

- The current City of Albany Extractive Industry Policy has been in place since 2011. During the subsequent timeframe, a number of extractive industry applications have been lodged and processed.
- There are a number of key matters which are consistently raised during the extractive industry process which will benefit from clarification and refinement in the form of a revised policy.
- It is proposed that in addition to the preparation of the revised policy, the following matters also to be addressed;
 - Reviewing the Extractive Industry Local Law; and
 - Implementing a 'Moving to a Rural Area' pamphlet.
- Council is requested to endorse the amended *Extractive Industry & Mining Policy* for the purpose of advertising.

RECOMMENDATION

**DIS086: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. In accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to **MAKE** the *Extractive Industry Policy* (as set out as an attachment to this item), as an amendment to the *Extractive Industry & Mining Policy*; and
2. **APPROVES** giving notice through the placement of a notice of the proposed policy in a newspaper circulating in the Scheme area, in order to seek public comment.
3. **THAT** the Draft Policy be amended to include modification to item 9 indicating that a greater area of radius for consultation may be required at the discretion of the City of Albany.
4. **THAT** the Draft Policy be amended to include an additional dot point to item 16 "Restricted number of vehicle movements".
5. **THAT** the Draft Policy be amended to include an additional heading on compliance and enforcement, detailing that all complaints will be investigated in accordance with the City of Albany's Compliance Policy.

DIS086: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be APPROVED with the following amendments:

3. THAT the Draft Policy be amended to include modification to item 9 indicating that a greater area of radius for consultation may be required at the discretion of the City of Albany.
4. THAT the Draft Policy be amended to include an additional dot point to item 16 "Restricted number of vehicle movements".
5. THAT the Draft Policy be amended to include an additional heading on compliance and enforcement, detailing that all complaints will be investigated in accordance with the City of Albany's Compliance Policy.

CARRIED 11-0

DIS086: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. In accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to MAKE the *Extractive Industry Policy* (as set out as an attachment to this item), as an amendment to the *Extractive Industry & Mining Policy*; and
2. APPROVES giving notice through the placement of a notice of the proposed policy in a newspaper circulating in the Scheme area, in order to seek public comment.

BACKGROUND

4. The City of Albany deals with a number of development applications for extractive industries each year.
5. Extractive industry proposals involve a number of affected stakeholders and often cover a number of issues.
6. The existing policy is proposed to be superseded by a revised Extractive Industry Local Planning Policy in order to provide additional clarity, information requirements and mitigation options when processing proposals.

DISCUSSION

7. In 2011, the City of Albany endorsed a Planning Policy Manual, which included the *Extractive Industry & Mining Policy*.
8. Extractive industry proposals are commonly subject to significant public comment, and often involve emotive discussions by opponents. While the City acknowledges these concerns, in order to ensure proposals are dealt with on facts alone, it is necessary for the policy to be clear and provide certainty for all parties.
9. The revised policy has been prepared with a view of specifically addressing the following;
 - Providing clarification and more certainty on buffers;
 - Establishing a sunset clause for existing approved operations;
 - Information to be provided by the applicant when applying for approval to develop an extractive industry; and
 - Actions to be undertaken by the owner/applicant when applying for approval to develop an extractive industry.

10. The policy has been developed with an emphasis on proposals being prepared to a high quality, while providing clarity on the level of information require to be submitted with applications.
11. It is proposed that the City of Albany's standard extractive industry conditions continue to be applied to approvals.
12. Concurrently to the preparation of the revised policy, the City of Albany is reviewing the Extractive Industry Local Law. It is proposed to retain the current Local Law on the basis that it provides the City of Albany a separate statutory head of power to issue licenses, and particularly, enforcement options.
13. A draft 'Moving to a Rural Area' pamphlet has been prepared in conjunction with the extractive industry policy. The pamphlet has been prepared for the purpose of managing the expectations of residents who may not understand the variety of land uses that can occur within the rural environment.
14. This pamphlet will also be made available to prospective purchasers of "Special Residential" and "Rural Residential" properties to ensure that they know what to expect when buying into a rural area.

GOVERNMENT & PUBLIC CONSULTATION

If the Council resolves to support the Extractive Industry Policy for formal advertising a notice of the proposed policy, is to be placed in a newspaper circulating in the area, giving details of:

- Where the draft policy can be inspected;
 - The subject and nature of the draft policy; and
 - In what form and during what period (being not less than 21 days from the day that the first notice is published) submissions may be made.
15. After expiry of the period within which submissions may be made, the Local Government is to:
 - Review the policy in light of any submissions made; and
 - Resolve to adopt the policy with or without modification, or not to proceed with the policy.

STATUTORY IMPLICATIONS

16. There are no statutory implications relating to endorsing the proposed extractive industry policy for advertising.
17. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

18. The proposed policy aims to replace and refine the existing extractive industry local planning policy. The revision aims to place much greater emphasis on having a high standard of information submitted with applications.

RISK IDENTIFICATION & MITIGATION

19. 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
<p>Reputation. Policy position may have an impact on business operations.</p> <p>Advertising the proposed policy, could give rise to objectionable comments from extractive industry operators</p>	Possible	Minor	Low	<p>Policy can be amended once feedback is assessed; this is the purpose of advertising prior to final adoption.</p> <p>Provisions within the Policy have been included to address amenity issues.</p>
<p>Opportunity: Increase consistency and establish a higher standard of extractive Industry proposals.</p>				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

21. There are no legal implications relating to resolving to advertise a draft Local Planning Policy.

ENVIRONMENTAL CONSIDERATIONS

22. The proposed *Extractive Industry Policy* is seeking to address issues, including amenity, visual impacts to the landscape and environmental impacts.

ALTERNATE OPTIONS

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

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

CONCLUSION

24. The City's policy has been amended and refined to better address the common issues which arise from extractive industries.

25. The revised policy aims to provide an emphasis on a much higher level of information being provided in support of proposals. The policy also aims provide the City of Albany a much greater level of flexibility to require detailed information where it is warranted.

26. The revised policy aims to provide clarification and more certainty on the required buffers.

27. Council is requested to accept the revised policy for the purpose of advertising.

Consulted References	:	1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i> 3. <i>Extractive Industry Local Law 2009</i>
File Number (Name of Ward)	:	All
Previous Reference	:	OCM April 2011 Item 1.1

DIS087: PROVISION OF REGIONAL HEALTH SERVICES – ENVIRONMENTAL HEALTH OFFICER RESOURCING

Land Description : N/A
Proponent / Owner : City of Albany.
Business Entity Name : City of Albany.
Supplementary Information & Councillor Workstation : *Confidential Briefing Note has been distributed under separate cover.*
Report Prepared By : Manager Building, Health and Compliance (S Reitsema)
Responsible Officers: : Executive Director Development Services (P Camins)

Note: A Confidential Briefing Note has been 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 or Corporate Business Plan informing plans or strategies:
 - **Theme: 5** – Civic Leadership
 - **Objective:** 5.2 To provide strong, accountable leadership supported by a skilled & professional workforce
 - **Strategy:** 5.2.2 Develop contemporary service delivery and staff development programs

In Brief:

- Employ additional Environmental Health Officer to backfill the provision of service to the Shires of Jerramungup, Plantagenet and Ravensthorpe.
- Income to offset servicing costs.
- Position to be in line with three year service contracts, with option to extend.

RECOMMENDATION

**DIS087: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPROVE: the proposal to employ an Environmental Health Officer (EHO) to service the hours required to provide a health service to the Shires of Jerramungup, Plantagenet and Ravensthorpe; in line with the relevant contracts of service; with the option to extend; and

NOTE: This will be at no cost to the City of Albany, as income from the provision of services will be used to cover the cost (including all overheads and on-costs).

DIS087: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS087: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE: the proposal to employ an Environmental Health Officer (EHO) to service the hours required to provide a health service to the Shires of Jerramungup, Plantagenet and Ravensthorpe; in line with the relevant contracts of service; with the option to extend; and

NOTE: This will be at no cost to the City of Albany, as income from the provision of services will be used to cover the cost (including all overheads and on-costs).

BACKGROUND

2. In July 2016 the City of Albany signed a ‘*Contract for the provision of services*’ with the Shire of Jerramungup to provide a technical health service. The income from this service was used to employ a part-time EHO to assist with the core functions of the Health Services team and to backfill the time committed to the Shire of Jerramungup. Based on the very positive feedback that has been received, it is anticipated that this arrangement will be extended as it is reaching the end of its 2 year term in July 2018.
3. The Shire of Plantagenet EHO resigned in early 2017 and they engaged the City of Albany Health team on an informal ‘fee for service’ arrangement. The Shire of Plantagenet has expressed a desire to continue for at least the next year or two. It is hoped that a more formal ‘*Contract for the provision of services*’ can also be secured with the Shire of Plantagenet to finalise this arrangement.
4. The Shire of Ravensthorpe currently has a contract with an independent EHO. The Shire is keen to formalise a new agreement for the City of Albany to provide a more ‘localised’ health service.
5. Currently our part time EHO works around 6 hours per week. This temporary employment has been professional and fruitful, however it is due to end in July 2018. In order to implement this proposal we would require these hours to form part of the new FTE position.
6. The City will advertise the position with the possibility of recruiting a recent graduate to the role. This will provide an important opportunity to upskill new staff. It is intended that this new staff member may be active in the other shires or to service the local role of EHO.
7. The City of Albany currently has one of the smallest Environmental Health teams per capita, compared to other ‘regional capitals’. Their amount of work output is continually increasing with a growing and ageing population, development growth, increased number of local businesses requiring inspections or compliance work and continual cost shifting from State and Federal Government all having a significant impact.
8. The City has received positive feedback from the Shires of Jerramungup and Plantagenet for the work already undertaken in areas such as Public Health Planning, inspections, compliance, development applications, mosquito control, events approval, education and administration.

DISCUSSION

9. The City is keen to continue and possibly extend the support that we provide to our neighbouring municipalities, however, this cannot be to the detriment of our own community. Therefore appropriately resourcing the team with additional resources on a cost recovery basis is proposed.

GOVERNMENT & PUBLIC CONSULTATION

10. Nil

STATUTORY IMPLICATIONS

11. Regulation 16 of the *Public Health Act 2016* outlines the functions that a Local Government has to carry out in relation to the administration of the Act.
12. Regulation 17 of the Act requires that Local Governments are to appoint a suitably qualified EHO to carry out these functions.

13. Voting requirement for this item is **ABSOLUTE MAJORITY**

POLICY IMPLICATIONS

14. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation – The Health Services team not operating as expected due to lack of staff if proposal not supported	Likely	Moderate	Medium	Media and communication strategy to manage community and customer expectations. Funds are allocated in future budgets or applied for, to accommodate resourcing requirements.
Financial – If any or all of the other Shires request to stop receiving service from City of Albany	Unlikely	Moderate to Major	Medium	Continue to provide high quality service and value for money.
Organisation's Operations – Increased demands from other Shires reduces available officer time for City of Albany.	Possible	Moderate	Medium	Continue to monitor workload, work efficiently and look for opportunities to work smarter. If needed, look at opportunities to employ additional staff as required on a cost recovery basis.

FINANCIAL IMPLICATIONS

16. As outlined in the Confidential Briefing Note, there will be no financial cost to the City of Albany as this service will be provided on a cost recovery basis.

LEGAL IMPLICATIONS

17. Following Council adopting this recommendation, the City will implement proposed contracts with the Shires of Jerramungup, Plantagenet and Ravensthorpe.

ENVIRONMENTAL CONSIDERATIONS

18. Nil.

ALTERNATE OPTIONS

19. Council may not support the proposal and the Environmental Health team would not be in a position to provide the full suite of proposed services to other LGA's; particularly in respect to Ravensthorpe.

CONCLUSION

20. On reviewing the proposal and the details outlined in the Confidential Briefing Note it is seen that the recommendation can be supported, with mutual benefits for all parties involved.

Consulted References	:	<ul style="list-style-type: none"> • Local Government (Functions and General) Regulations 1995 • Public Health Act 2016
File Number	:	TBA
Previous Reference	:	Nil

**DIS088: CONSIDERATION OF ADOPTION OF THE CITY OF ALBANY
HERITAGE SURVEY.**

Land Description	: Multiple Properties throughout the City of Albany Municipal Area
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Attachments	: Heritage Survey Listing Place Records
Supplementary Information & Councillor Workstation	: Municipal Heritage Inventory Scheme Heritage List
Report Prepared by	: Senior Planning & Development Compliance Officer (T Wenbourne)
Responsible Officer	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - a. **Theme:** 5 - A connected and safe built environment.
 - b. **Objective:** 5.1 - To develop vibrant neighbourhoods which retain local character and heritage.
 - c. **Community Priority:** 5.1.2 - Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.

In Brief:

- The Municipal Heritage Inventory (MHI) was last reviewed and updated in 2000. The current review commenced in 2010 and is now required be finalised in order to allow the preparation of the City's Heritage List.
- New assessment criteria has been used to assign a level of significance to each place on the current MHI, as well as for any new nominated places and places from the 2000 review list.
- The assessment and grading of the places have been reviewed by the City's community working group – the Heritage Reference Working Group.
- The new document will be known as the City of Albany Heritage Survey.
- Inclusion of a place on the Heritage Survey does not provide any statutory protection to the place or impose any burden on the owner of the property.

RECOMMENDATION

**DIS088: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council: ADOPT the City of Albany Heritage Survey.

DIS088: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR DOHERTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS088: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council: ADOPT the City of Albany Heritage Survey.

BACKGROUND

4. The City of Albany Municipal Heritage Inventory (MHI) was last reviewed in December 2000. This multiple volume document represented a combination of the 1994 Heritage Inventories of the Town and Shire following the 1998 amalgamation.
5. The Municipal Heritage Inventory was compiled following the guidelines of the time and assigned management categories to the assessed places. The management categories used were A+, A, B, C, D and E.
6. At the time of the 2000/2001 Review, there were a number of places that could not be assessed for various reasons. Rather than these nominated places being lost or forgotten, they were placed on a Review List with the intention that they would be assessed at the next review.
7. The City of Albany commenced a review of the MHI in 2010. Due to a limited budget and to minimise costs, it was intended that most of the work would be undertaken in-house. Other priorities and changes in State Legislation delayed this review to some extent.

DISCUSSION

8. At a State level (through the Heritage Council and State Heritage Office) the guidelines for local heritage lists and inventories have been reviewed and amended. Two new guiding documents have been produced to assist Local Governments:
 - Basic Principles for Local Government Inventories; and
 - Criteria for the Assessment of Local Heritage Places and Areas.
9. The six management categories of A+ through to E have been replaced with four descriptive levels of significance – Exceptional Significance, Considerable Significance, Some/Moderate Significance, and Little Significance.
10. The City of Albany has followed the guidance of the abovementioned documents and used its Heritage Consultant resource to update the individual place records. The A+ to E management categories of the existing MHI have been revised using the suggested descriptive levels of significance for each place.
11. As there were six management categories in the old format and a recommended four levels in the revised system, there was not a simple 'one size fits' all conversion applied. Each Place was evaluated, with any new or revised information taken into account. Using the assessment criteria and grading, a level of significance has been suggested for each place.
12. The place forms, in conjunction with the recommended levels of significance, have then been referred to the City's Heritage Reference Working Group (consisting of members of the community with an interest in heritage - Item PD024 OCM 25/02/2014).

13. The Heritage Reference Working Group raised a few minor queries in relation to some properties and questioned the suggested levels of a small number of properties. However, overall, the levels of significance suggested by the City's Heritage Consultant were accepted and agreed by the group. The queries raised were addressed and clarified, resulting in some minor changes to a small number of place record forms.
14. The place record forms now presented to Council for consideration to create the City of Albany Heritage Survey represent the final revised assessments and recommendations of the City's Heritage consultant, in collaboration with the members of the Heritage Reference Working Group.
15. Council is requested to accept and adopt the place record forms together with the Thematic Framework from Volume 1, Part B, of the current MHI as the new City of Albany Heritage Survey.
16. As the City of Albany Heritage Survey is not a statutory document, it will carry no additional implications for property owners over and above the standard town planning regulations which apply to all properties in Albany. The Heritage Survey is not a protection mechanism for properties included in the Survey, it is a resource document for planners and others to use as a base for further decision making.
17. For the places in the Survey to be protected or conserved, they will need to be included in the Heritage List under the Local Planning Scheme. Work on updating the Heritage List will commence once the Heritage Survey has been adopted by Council.

GOVERNMENT & PUBLIC CONSULTATION

18. No consultation with Government Agencies or Departments is required, although the Department of Planning, Lands and Heritage, through the State Heritage Office, is aware that this MHI review and conversion to Heritage Survey format is occurring. The final adopted document is required to be sent to the State Heritage Office for their records.
19. The City sought new place nominations from the Albany community as well as contacting all the owners of properties on the MHI to seek any updates or correction of any errors in the information currently recorded for each property.
20. The City also held community information sessions for anyone interested to come in to discuss heritage matters, including any new or existing places on the MHI. Through the information sessions, City staff engaged with approximately 30 owners of properties on the MHI. A significant level of information was obtained from this consultation, requiring the information about a particular property to be amended and updated.
21. Following adoption of the Heritage Survey, City staff will commence preparing the Local Planning Scheme Heritage List. There is a set process for updating the Heritage List, which includes consultation with the individual property owners. This process is set out under Clause 7.1 of the Local Planning Scheme No.1.

STATUTORY IMPLICATIONS

22. Section 45 of the *Heritage of Western Australia Act 1990* requires local governments to compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance. The inventory is required to be updated annually and reviewed every 4 years.
23. This Review was commenced 7 years ago to review and update the MHI which was last reviewed in 2000/2001. As such, this review is long overdue.
24. The City of Albany is not alone in not meeting the review cycle set in the Heritage Act. The *Heritage Bill 2017* recognises this, and as part of the proposed update of the Heritage Act, it is proposed to remove the timeframes, but require local governments to have and maintain a current inventory/survey.
25. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

26. There are no policy implications relating to the adoption of the Heritage Survey.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Community, Organisational Operations and Reputation</p> <p><i>Inclusion on the Heritage Survey may attract objections from property owners or members of the public or other public authorities.</i></p>	Possible	Minor	Medium	<p><i>Inclusion in the Heritage Survey carries no statutory protection or additional planning implications to owners. This misconception can be addressed/avoided through clear explanation as part of the process.</i></p> <p><i>The selection and assessment criteria is an established process. The City's assessment has been carried out in accordance with the State guidelines and the recommendations are robust and justified.</i></p>
<p>Community, Organisational Operations and Reputation</p> <p><i>Non - inclusion on the Heritage Survey may attract objections from property owners or members of the public or other public authorities.</i></p>	Possible	Minor	Medium	<p><i>The selection and assessment criteria is an established process. The City's assessment has been carried out in accordance with the State guidelines and the recommendations are robust and justified.</i></p> <p><i>There may be further nominations that arise which have not yet been considered. These can be held on a review list for future consideration.</i></p>
<p>Organisational Operations and Reputation.</p> <p><i>The City of Albany does not complete its review of the MHI to produce an updated Heritage Survey as legislated in the Heritage of Western Australia Act 1990. The complete record of Albany's heritage assets will be incomplete, the creation of the Heritage List will be delayed and there will be no statutory protection of some of Albany's heritage places that deserve protection and preservation until this is progressed.</i></p>	Possible	Moderate	Medium	<p><i>Complete the Heritage Survey and proceed to the Heritage List process.</i></p>
<p>Opportunity: Update the City's local heritage survey to facilitate an update of the Heritage List under the Scheme.</p>				

FINANCIAL IMPLICATIONS

28. There are no financial implications relating to the proposal to adopt the City of Albany Heritage Survey. The preparation of the Heritage Survey has been carried out within established budgets.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

30. There are no environmental considerations directly relating to this item.

ALTERNATE OPTIONS

31. Council may consider alternate options in relation to this item, such as resolving:
- a) To adopt the Heritage Survey subject to modifications; and
 - b) Not to adopt the Heritage Survey.

CONCLUSION

32. The City of Albany has reviewed its Municipal Heritage Inventory (MHI). As part of this review, staff have followed the latest guidance and assessment criteria from the State Heritage Office to assign each place to one of the four levels of significance in lieu of the previous six (6) management categories.
33. The places already on the MHI have been updated and assessed to reflect their position within the hierarchy of significance. New places nominated and places from the review list have also been assessed and graded.
34. The place record forms and proposed levels of significance have been reviewed by the City’s Heritage Reference Working Group, which is made up of community volunteers with an interest in local heritage.
35. The Heritage Survey is not a statutory document and inclusion of a property in the Survey does not place any additional burden or have any implication for the owner.
36. The Heritage Survey is required to inform development of the Heritage List under the Local Planning Scheme. Inclusion in the Scheme Heritage List provides statutory protection of a place. The consultation process with owners of places proposed to be included in the Scheme Heritage List is set out in Clause 7.1 of the Scheme and will occur in due process.
37. Council is requested to agree to adopt the Heritage Survey as proposed. Adoption will enable work to commence on updating the Scheme Heritage List.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2010)</i> 3. <i>City of Albany Municipal Heritage Inventory (2000)</i> 4. <i>Basic Principles for Local Government Inventories (2012)</i> 5. <i>Criteria for the Assessment of Local Heritage Places and Areas (2012)</i>
File Number (Name of Ward)	:	LP.PRG.1
Previous Reference	:	DIS 031

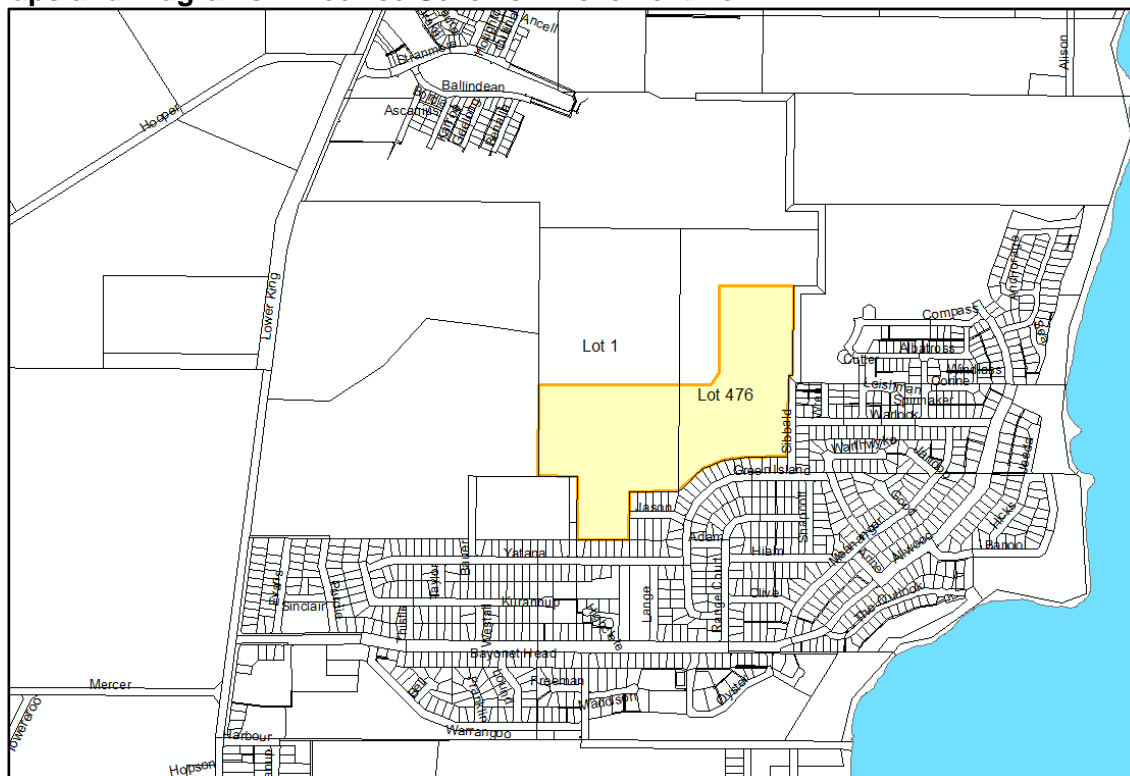
DIS089: CONSIDERATION OF MODIFICATION TO LOCAL PLANNING SCHEME AMENDMENT 22 – LOT 1 JASON RD, LOT 476 SIBBALD RD AND LOT 1001 LOWER KING RD, BAYONET HEAD.

Land Description	: Lot 1 Jason Rd, Lot 476 Sibbald Rd and Lot 1001 Lower King Rd, Bayonet Head.
Proponent	: Edge Planning & Property
Owner	: Lots 1 & 1001 – LOWE PTY LTD Lot 476 – E & M Cameron
Business Entity Name	: Lowe Pty Ltd, Heath Developments
Attachments	: Maps - Amendment No.22 and Modified Amendment No.22
Supplementary Information & Councillor Workstation:	: Legal Advice (confidential)
Report Prepared by	: Senior Planning Officer – Strategic Planning (A Nicoll)
Responsible Officer	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is requested to consider a Modified Scheme Amendment No.22.
2. Council previously approved Scheme Amendment No. 22 that rezoned land to ‘Future Urban’ and ‘Environmental Conservation’.
3. The Modified Scheme Amendment No.22 proposes rezoning affected land to only the ‘Future Urban’ zone and not the reservation of the land to the ‘Environmental Conservation’.
4. Council is required to exercise its quasi-judicial function in this matter.
5. In making a decision on the proposed modified amendment, the Council is obliged to draw conclusion from its adopted *Community Strategic Plan – Albany 2030*. The proposed modified amendment complies with strategic planning for the following reasons:
 - a) The *Albany Community Strategic Plan – Albany 2030* recommends implementing systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations (Community Priority: 1.1.1).

Maps and Diagrams – Modified Scheme Amendment No.22



In Brief:

- Council previously adopted Scheme Amendment No.22, which proposes to rezone land from 'General Agriculture' to 'Environment Conservation' and 'Future Urban'.
- Having sought subsequent legal advice on the proposal, there can be no doubt that owners of land that is subject to an Environment Conservation zoning, may seek compensation pursuant to s.173(1) of the P & D Act.
- Council is requested to agree to a Modified Scheme Amendment No.22, which involves only rezoning the portion of the subject land earmarked for development to the 'Future Urban' zone and leaving the Conservation reserve land as 'General Agriculture'
- The land to be conserved (as per Ministerial Statement No.942) will be indicated as such in a future structure plan and ceded free of charge to the Crown during the subsequent subdivision process.

RECOMMENDATION

**DIS089: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council: pursuant to section 75 of the *Planning and Development Act 2005*, resolves to:

1. **Adopt, Modified Amendment No. 22** to amend *City of Albany Local Planning Scheme No. 1* by:
 - a) Rezoning portion of Lot 1 Jason Road and portion of Lot 476 Sibbald Road, Bayonet Head from 'General Agriculture' zone to 'Future Urban' zone; and
 - b) Amending the Scheme Maps accordingly.
2. **Forward the Modified Amendment No.22 map to the Western Australian Planning Commission with a request that the Hon. Minister for Planning grant approval to the modified amendment and its gazettal.**
3. **Advise the applicant/owner of the Council decision accordingly.**

DIS089: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS089: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council: pursuant to section 75 of the *Planning and Development Act 2005*, resolves to:

1. **Adopt, Modified Amendment No. 22** to amend *City of Albany Local Planning Scheme No. 1* by:
 - a) Rezoning portion of Lot 1 Jason Road and portion of Lot 476 Sibbald Road, Bayonet Head from 'General Agriculture' zone to 'Future Urban' zone; and
 - b) Amending the Scheme Maps accordingly.
2. **Forward the Modified Amendment No.22 map to the Western Australian Planning Commission with a request that the Hon. Minister for Planning grant approval to the modified amendment and its gazettal.**
3. **Advise the applicant/owner of the Council decision accordingly.**

BACKGROUND

6. Local Planning Scheme No. 1 was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
7. The Council resolved in June 2017 to approve the Scheme Amendment No.22, which was prepared to enable urban growth and to also conserve land in accordance with a Ministerial Statement No.942, prepared by the Minister for the Environment.
8. The Ministerial Statement No.942 declares that any development or subdivision of a declared area in Bayonet Head shall ensure that a Conservation Area is endorsed to the satisfaction of the office of the Environmental Protection Authority.
9. Having sought legal advice on the proposed Scheme Amendment No.22, and specifically the status of the ministerial statement it is clear that the reservation of land as 'Environmental Conservation' reserve may result in injurious affection claims against the City pursuant to s.174(1)(a) of the P & D Act, entitling the owners of the injuriously affected land to compensation pursuant to s.173(1) of the P & D Act.

DISCUSSION

10. In order to avoid the possibility of a compensation claim, it is proposed that Council agree to a Modified Scheme Amendment No.22, which only involves rezoning land likely to be developed, to the 'Future Urban' zone and not the reservation of the land to the 'Environmental Conservation'.
11. It is proposed that the areas originally proposed for 'Environmental Conservation' remain unchanged in the 'General Agriculture' zone.
12. While the zoning of a portion of the land will be 'General Agriculture', it will remain subject to Ministerial Statement No.942 (MS 942) and its associated protections.
13. The land to be conserved (as per MS 942) will have to be indicated as such in a future structure plan and ceded free of charge to the crown as part of any subsequent subdivision process. The whole of lot 1001 is earmarked for conservation and has been removed from this amendment.

GOVERNMENT & PUBLIC CONSULTATION

14. The City consulted with the Environmental Protection Authority, the Department of Planning, Lands and Heritage and all affected landholders. These parties are in general support of this change.

STATUTORY IMPLICATIONS

15. Any future development or subdivision proposal within the Ministerial Statement 942 area, should be referred to the EPA.
16. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

17. There are no policy implications relating to the proposed modified scheme amendment.

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
<p>Reputation. The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</p>	Low	Minor	Low	<p>The City consulted with the Department of Planning, Lands and Heritage (DPLH) on the idea of modifying the Scheme Amendment No.22. The City provided the DPLH with legal advice, which effectively states that land holders may claim injurious affection under the current proposed scheme amendment No.22. Subsequently, the DPLH gave in-principle support to the Modified Scheme Amendment No.22.</p>
<p>Opportunity: Overcome possible injurious affection and claim for compensation.</p>				

FINANCIAL IMPLICATIONS

19. There are no financial implications relating to the proposed modified scheme amendment.

LEGAL IMPLICATIONS

20. There are no legal implications directly relating to the proposed Modified Scheme Amendment No.22.

ENVIRONMENTAL CONSIDERATIONS

21. The EPA's preference is that all land within the Strategic Proposal area is zoned consistent with the Strategic Proposal.
22. The Ministerial Statement includes various conditions of subdivision, including requirements for a Conservation Area Management Plan and Construction Management Plan.

ALTERNATE OPTIONS

23. Council may consider alternate options in relation to this item, such as:
- To resolve to support the Modified Scheme Amendment No.22, with modification; or
 - To resolve not to support the Modified Scheme Amendment No.22 and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

SUMMARY CONCLUSION

24. The Modified Scheme Amendment No.22 avoids possible claim for compensation caused by injuriously affecting land.
25. Relevant government agencies and affected landholders were consulted and support in-principle the proposed Modified Scheme Amendment No.22.
26. The City recommends that Council adopt, the Modified Scheme Amendment No. 22, which proposes to rezone land to 'Future Urban' and not rezone land to 'Environmental Conservation' reserve.

Consulted References	:	1. Local Planning Scheme No. 1 2. City of Albany Strategic Community Plan 2023 3. Planning and Development Act 2005
File Number (Name of Ward)	:	LAMD22 (Breaksea Ward)
Previous Reference	:	DIS029 June 2018

DIS090: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT NO.28 – LOT 312 BAY VIEW DRIVE, LITTLE GROVE.

Land Description	: Lot 312 Bay View Drive, Little Grove
Proponent / Owner	: Ayton Baesjou
Business Entity Name	: Horizon Holdings Pty Ltd Mark Zafir James Tjhouw Njin Lie
Attachments	: Local Planning Scheme Amendment No. 28 Amendment Document
Report Prepared by	: Senior Planning Officer – Strategic Planning (A Nicoll)
Responsible Officer	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. The application for consideration proposes an amendment to the City's *Local Planning Scheme No.1*. The amendment proposes to enable the development of grouped and multiple housing at Lot 312 Bay View Drive, Little Grove (vacant lot adjacent to local shop).
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*. The amendment complies with strategic planning for the following reasons:
 - a) The *Albany Local Planning Strategy 2010* recommends development of the subject land as a local centre. Shops, offices and residential development is encouraged in local centres to serve the local community; and
 - b) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

Maps and Diagrams:



In Brief:

- Council is requested to finally adopt the Scheme Amendment No. 28, which proposes to support additional uses at the Lot 312 Bay View Drive, Little Grove.
- Council previously initiated and then advertised the scheme amendment. A total of five submissions were received. No issues were raised as a result of submissions.
- City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy and Activities Centre Planning Strategy (2010)*.
- Council is requested to consider submissions and to recommend that the Western Australian Planning Commission support the amendment without any modifications.

RECOMMENDATION

**DIS090: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council: pursuant to section 75 of the *Planning and Development Act 2005* and regulation 50. (3) (standard amendment) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. Adopt, without modifications, proposed Amendment No.28 to *Local Planning Scheme No.1*, by:

a) Designating Lot 312 Bay View Drive as ‘Additional Use’ site No. 33 and including it in Schedule 2 of the Scheme Text in the following manner:

Schedule 2 – Additional Uses (CI 4.5)			
No.	Description of land	Additional Use	Conditions
AU 33	Lot 312 Bay View Drive, Little Grove	Grouped Housing ('A') Multiple Housing ('A')	<p>I. At the time of subdivision and/or development, the local government may request the provision of a Local Area Plan (to be adopted as a Local Planning Policy) to guide development of ‘Additional Uses’.</p> <p>II. The R30 code and Mixed Use Development requirements, as set out in the Residential Design Codes (Part 6) shall apply to the development of dwellings in conjunction with commercial and/or other non-residential uses.</p> <p>III. Where residential development is proposed separate to commercial use, detailed design provisions are to be provided showing how the residential development can accommodate commercial use in the future.</p>

b) Amending the Scheme Map accordingly.

2. **Forward amendment documentation and submissions to the Western Australian Planning Commission with a request that the Hon. Minister for Planning grant approval to the amendment and its gazettal - without modifications.**
3. **Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.**

Note: The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is consistent with the Albany Local Planning Strategy, which sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity;
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

DIS090: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS090: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council: pursuant to section 75 of the *Planning and Development Act 2005* and regulation 50. (3) (standard amendment) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. Adopt, without modifications, proposed Amendment No.28 to *Local Planning Scheme No. 1*, by:
 - a) Designating Lot 312 Bay View Drive as 'Additional Use' site No. 33 and including it in Schedule 2 of the Scheme Text in the following manner:

Schedule 2 – Additional Uses (CI 4.5)			
No.	Description of land	Additional Use	Conditions
AU 33	Lot 312 Bay View Drive, Little Grove	Grouped Housing ('A') Multiple Housing ('A')	IV. At the time of subdivision and/or development, the local government may request the provision of a Local Area Plan (to be adopted as a Local Planning Policy) to guide development of 'Additional Uses'. V. The R30 code and Mixed Use Development requirements, as set out in the Residential Design Codes (Part 6) shall apply to the development of dwellings in conjunction with commercial and/or other non-residential uses. VI. Where residential development is proposed separate to commercial use, detailed design provisions

			<p>are to be provided showing how the residential development can accommodate commercial use in the future.</p>
<p>b) Amending the Scheme Map accordingly.</p> <p>2. Forward amendment documentation and submissions to the Western Australian Planning Commission with a request that the Hon. Minister for Planning grant approval to the amendment and its gazettal - without modifications.</p> <p>3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.</p>			
<p>Note: The amendment is standard under the provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for the following reasons:</p> <ul style="list-style-type: none"> • The amendment is consistent with the Albany Local Planning Strategy, which sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity; • The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and • The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area. 			

BACKGROUND

3. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
4. The Council resolved in December 2017 to advertise Amendment No.28, which is prepared to enable the development of group and/or multiple dwellings at the Lot 312 Bay View Drive, Little Grove.
5. Prior to advertising, the amendment was referred to the Environmental Protection Authority, where it was determined that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act.
6. Following notice from the EPA, the amendment was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. At the close of advertising, five submissions were received. No issues were raised as a result of the submissions received.

DISCUSSION

7. The subject Lot 312 is currently vacant and zoned 'Local Centre'. An adjacent Lot 1, is also zoned 'Local Centre' and is currently developed to provide various uses, including fast food, service station, general goods (shop) and liquor sales (shop).
8. The amendment proposes to retain the 'Local Centre' zone and to designate Lot 312 with an 'Additional Use' opportunity, enabling the development of 'Grouped Housing' and 'Multiple Housing'.
9. The establishment of high density housing adjacent to commercial centres helps to improve commercial viability, walkability and social interaction.

10. Conditions which are proposed to be incorporated in the scheme to guide development on the site include:
 - a) A ‘Local Development Plan’ is to be provided prior to development to illustrate expectations for the site and to prevent development occurring in an ad hoc basis; and
 - b) Where residential development (grouped and multiple housing) is proposed separate to commercial use, detailed design provisions are to be provided showing how the residential development can accommodate commercial use, if required in the future.
11. In accordance with a Bushfire Attack Level Assessment Report completed for the site, it has been determined that compliance with the bushfire protection criteria can be achieved at subsequent planning stages. Compliance is to be achieved by developing to a BAL 12.5 construction as per the Section 3 and 5 of the AS3959-2009.

GOVERNMENT & PUBLIC CONSULTATION

12. The Amendment No.28 was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
13. Five submissions were received from agencies and members of the public. A ‘Schedule of Submissions’ has been developed to summarize comments. A copy of each submission is also available (see attachments). No modifications are recommended to address comments.

STATUTORY IMPLICATIONS

14. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
15. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.
16. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a standard amendment, with or without modification.
17. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

18. There are no policy implications relating to the proposed amendment.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>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 not supported by the WAPC or Minister, the amendment will not be progressed and the City may be required to make modifications.</i>
Opportunity: <i>Increase opportunity for development and ultimately an active local centre.</i>				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

22. There are no environmental implications relating to the proposal to amend the *Local Planning Scheme No.1*.
23. As per Section 48(A) of the *Environmental Protection Act 1986*, the proposal was referred to the Environmental Protection Authority and environmental assessment was not deemed necessary.

ALTERNATE OPTIONS

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

CONCLUSION

25. Amendment No.28 proposes to enable the development of grouped and multiple housing, in addition to the commercial activities allowed under the current zoning.
26. The proposed Amendment No. 28 is consistent with the current strategic direction set within the *Albany Local Planning Strategy (2010)*, the *Activity Centres Planning Strategy (2010)*
27. The amendment was advertised, with no issues were raised during the consultation process.
28. It is recommended that Council adopt Local Planning Scheme Amendment No. 28, without modification.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i>
File Number (Name of Ward)	:	LAMD28 (Vancouver Ward)
Previous Reference	:	OCM – 19/12/2017 - DIS067

DIS091: PLANNING AND BUILDING REPORTS MARCH 2018

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

RECOMMENDATION

DIS091: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

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

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