



MINUTES

Ordinary Meeting of Council

Tuesday 26 June 2018

6.00pm

City of Albany Council Chambers

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



ORDINARY COUNCIL MEETING
MINUTES 26/06/2018

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1. DECLARATION OF OPENING

The Mayor declared the meeting open at 6.00pm.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

We would also like to pay respect to Elders 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:

Nil.

4. DISCLOSURES OF INTEREST

| Name | Report Item Number | Nature of Interest |
|------|-----------------------|--------------------|
| Nil | | |

5. REPORTS OF MEMBERS

Councillor Sutton

Summary of key points:

- Thanked Volunteer Bush Fire Brigade members, the Albany community, City staff and Councillors for their support during and after the recent bush fires in Albany and surrounds.
- Attended a community Fundraiser at the Napier Hall, which raised \$6000 for a local family who lost their home in the bush fire.

Councillor Moir

Summary of key points:

- Attended Road Safety breakfast. Messages taken away from the meeting were that there needs to be a shift in the way we view and respond to road trauma.
- Attended the Regional Capitals Alliance meeting in Kalgoorlie. Strong regional voice advocating on behalf of regional area, infrastructure, liveability, environment.

Councillor Goode

Summary of key points:

- Thanked Councillor Sleeman for her work in organising the recent Thank You event for volunteers. Female Councillors initiated the event in conjunction with City staff.

Councillor Sleeman

Summary of key points:

- Said that the Thank You was a team effort, and thanked the City's Event Coordinator Simone Klose, for her assistance.

Councillor Shanhun

Summary of key points:

- Councillor Shanhun is a member of the South Coast Volunteer Bush Fire Brigade.
- Stated that Volunteer Bush Fire Brigades have over 27,000 volunteer fire fighters, who are well organised and well trained and play a vital role in protecting assets and the community.
- Councillor Shanhun said that the conditions experienced in Albany during the recent bush fires were the same as those experienced during the Ash Wednesday fires, with 140 fires fanned by winds of up to 110 kilometres per hour.
- Volunteer and career fire fighters spent long hours on the fire ground, with all agencies working together. Communications and coordination were exceptional. Councillor Shanhun expressed his thanks for the generosity of the community in providing support, including food, to firefighters.
- Councillor Shanhun said that he was amazed and proud of the people of Albany, and that the Volunteer Bush Fire Brigades were humbled by the community recognition and thanks.

Councillor Hollingworth

Summary of key points:

- Councillor Hollingworth endorsed the sentiments expressed by Councillors around the recent fire emergency and community support.
- Attended the Trails Forum, which had a large attendance and overwhelming support for the development of trails both in Albany and across the region.
- Attended the 2018 Car Classic, which had over 12,000 spectators.
- Attended the Joint Development Assessment Panel meeting, which has approved the Goode Beach Resort.
- Also attended the Roadwise Committee meeting. Stated that a reduction in speed to 40kph on the main roundabout (intersection of Chester Pass Road, Albany Highway, North Road and Hanrahan Road) during the recent road works has resulted in zero accidents and incidents.
- Attended the Lower Great Southern Alliance meeting, and the recent renewable energy meeting with Western Power.

Councillor Stocks

Summary of key points:

- Councillor Stocks stated that Car Classic saw an increase in spectators this year, and that the popularity of the event will guarantee its ongoing status as an Iconic Event in Albany.
- The Middleton Road upgrade is complete except for some minor works and commended City staff and the contractors on a job well done.
- Gave an update on the status of the Artificial Surf Reef project. City is waiting on funding for the detailed design phase. Environmental approval requirements have been satisfied by the environmental studies already completed.

Councillor Stephens

Summary of key points:

- Attended the Great Southern Grammar School 20th Anniversary cocktail reception at the Albany Entertainment Centre.
- The school now has 750 students, 180 staff, and has invested \$31m in infrastructure, including the recently completed six new multisport courts.
- The school continues to bring economic benefit to the community.

Councillor Terry

Summary of key points:

- Congratulated Great Southern Grammar School on their 20th anniversary.
- Paid tribute to Councillor Sutton for his bravery in alerting his neighbours to fire.
- Attended Road Safety Breakfast, and suggested that the City trial a speed limit of 40kph in the city centre.
- Attended Albany Trail Town workshop, which included a fantastic presentation about the positive impact of trails on local and regional areas.
- Attended the WA Industry Link Roadshow, which was informative, and provided information about linking local businesses and encouraging local business to tender for State Government contracts.
- Attended the Spencer Park community pop up garden, and thanked Tammy Flett from the City for her dedication and enthusiasm for the project, and IGA Spencer Park for the donation of planter boxes.

Councillor Hammond

Summary of key points:

- Encouraged by the continued progression of the push for sustainable and renewable energy in our region. More exciting still are the innovations in energy storage.
- Had the opportunity recently to provide a member of the community with feedback on how much time he devoted to Council commitments, which for Councillor Hammond was 52 hours for the month.

Mayor Wellington

Summary of key points:

- On behalf of City thanked volunteers. Also thanked female Councillors for driving the Thank You event which was well organised and attended.
- Attended a Debrief on the Torndirrup fire event.

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

7. PUBLIC QUESTION TIME

6.30pm Mr Roland Paver, 12 La Perouse Court, Goode Beach

Summary of key points:

- Addressed Council regarding Structure Plan No. 9. Mr Paver was opposed to the approval of the Structure Plan.
- Mr Paver tabled his address which includes 11 questions which were taken on notice. Mr Paver's tabled address is detailed at Appendix A.
- Thanked Council for facilitating the address by Frenchman Bay Association tomorrow evening.

There being no further speakers the Mayor declared Public Question Time closed at **6.35pm**.

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SHANHUN

SECONDED: COUNCILLOR SLEEMAN

THAT the minutes of the Ordinary Council Meeting held on 22 May 2018, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 13-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

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

CCS056: FINANCIAL ACTIVITY STATEMENT – APRIL 2018

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

RECOMMENDATION

CCS056: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council:

1. **RECEIVE** the Financial Activity Statement for the period ending 30 April 2018, and
2. **APPROVE** a budget variation to recognise the successful award of funding of \$65,000 for the development of an Aged Care Charter for the Great Southern.

CARRIED 12-1
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillor Sutton

CCS056: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR HOLLINGWORTH

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

CARRIED 11-0

CCS056: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. **RECEIVE** the Financial Activity Statement for the period ending 30 April 2018, and
2. **APPROVE** a budget variation to recognise the successful award of funding of \$65,000 for the development of an Aged Care Charter for the Great Southern.

BACKGROUND

1. The Statement of Financial Activity for the period ending 30 April 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.
7. In addition to receiving the Financial Activity Statement for the period ending 30 April 2018, Council is asked to approve a budget variation to recognise the successful award of funding of \$65,000 for the development of an Aged Care Charter for the Great Southern. This follows Council's decision of 24 April 2018 to participate in the development of an Aged Care Charter and if successful, a further report would be presented to Council to consider and approve necessary variations to the Budget. For 2017/18, the only variation to the Budget is to recognise the receipt of the funding. The expenditure has been included in the draft Operating Budget for 2018/19.

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

STATUTORY IMPLICATIONS

8. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
 - I. A local government is to prepare each month a statement of financial activity reporting on the 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

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

FINANCIAL IMPLICATIONS

11. Expenditure for the period ending 30 April 2018 has been incurred in accordance with the 2017/18 proposed budget parameters.
12. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.
13. The successful award of \$65,000 for the development of an Aged Care Charter will result in this revenue being received in June 2018 with subsequent expenditure being incurred in the first half of 2018/19. The budget for this expenditure has been included in the draft 2018/19 Annual Budget.

| | |
|-----------------------------------|----------------------|
| File Number (Name of Ward) | FM.FIR.7 - All Wards |
|-----------------------------------|----------------------|

CCS057: LIST OF ACCOUNTS FOR PAYMENT – MAY 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

CCS057: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DOUGHTY

THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 May 2018 totalling \$5,557,912.68.

CARRIED 13-0

CCS057: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN
 SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS057: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 May 2018 totalling \$5,557,912.68.

BACKGROUND

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

DISCUSSION

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

| Municipal Fund | |
|---------------------------|-----------------------|
| Trust | \$6,966.00 |
| Credit Cards | \$24,947.14 |
| Payroll | \$1,281,113.88 |
| Cheques | \$ 115,012.01 |
| Electronic Funds Transfer | \$4,129,873.65 |
| TOTAL | \$5,557,912.68 |

As at 15 May 2018, the total outstanding creditors, stands at \$1,063,383.94 and made up as follows:-

| | |
|--------------------------|-----------------------|
| Current | \$712,080.72 |
| 30 Days | \$348,302.99 |
| 60 Days | \$ 2,151.12 |
| 90 Days | \$849.11 |
| TOTAL | \$1,063,383.94 |
| 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 May 2018 has been incurred in accordance with the 2017/2018 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 May 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 |
|-----------------------------------|---|----------------------|

CCS058: 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

CCS058: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR STEPHENS

THAT Council RECEIVE the Delegated Authority Reports 16 April 2018 to 15 May 2018.

CARRIED 13-0

CCS058: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR DOUGHTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS058: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports 16 April 2018 to 15 May 2018.

CCS059: FREEMAN OF THE CITY POLICY

| | |
|------------------------------|--|
| Proponent / Owner | : City of Albany |
| Attachments | : Proposed Draft Policy Position - Honorary Freeman |
| Report Prepared By | : Manager Governance & Risk (S Jamieson) |
| Responsible Officers: | : Executive Director Corporate Services (M Cole) 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:
 - **Themes:** Leadership & Community Health & Participation
 - **Objectives:**
 - To establish and maintain sound business and governance structures.
 - Deliver programs that ... engender civic pride and leave a lasting memory.
 - **Community Priorities:**
 - Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.
 - Acknowledge...people who are proud to be part of the Albany community and promote the place we call home.

In Brief:

- Review and consider the adoption of the proposed policy and selection criteria.

RECOMMENDATION

**CCS059: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR TERRY**

THAT Council ADOPT the proposed policy, noting the objective of the policy is to establish the circumstances under which the City of Albany Council may bestow the title of “Honorary Freeman of the City of Albany” upon individuals who have made an outstanding and exceptional contribution to our community.

CARRIED 13-0

CCS059: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SLEEMAN**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS059: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the proposed policy, noting the objective of the policy is to establish the circumstances under which the City of Albany Council may bestow the title of “Honorary Freeman of the City of Albany” upon individuals who have made an outstanding and exceptional contribution to our community.

BACKGROUND

2. The title of Honorary Freeman is the most prestigious form of honour or recognition that can be conferred by a Council that governs a Town or City.
3. In modern times the granting of “Honorary Freeman” bestows no legal right nor privilege on the recipient so honoured, but is accepted that the conferment is the most honourable title that a Council of a City can bestow.
4. The Freeman tradition arose under the former Local Government Act 1960 of Western Australia which provided that a Council may, by resolution passed by an absolute majority confer upon any person the title of “Honorary Freeman of the Municipality”.
5. Even though the legislation was revoked, the City of Albany, like many other councils, has continued with the tradition with the last person bestowed in 2011, being Mrs Annette Knight, AM JP Cit. WA who has since passed.
6. The current only serving Freeman, is Mr Stan Negri, whose honour was bestowed in 1998.

DISCUSSION

7. Objective of the policy:

- a. The objective of the policy is to:

“Establish the circumstances under which the City of Albany Council may bestow the title of “Honorary Freeman of the City of Albany” upon individuals who have made an outstanding and exceptional contribution to our community.”

8. Policy Statement:

- a. From time to time members of the Albany community demonstrate outstanding commitment and contribution to our community and it is recognised that this contribution should be acknowledged.
- b. The Council will do this by, in special circumstances that meet the criteria of this policy, awarding to an individual the title of *“Honorary Freeman of the City of Albany”*.
- c. The title of Honorary Freeman is the most prestigious form of honour or recognition that can be conferred by the Council. This honour will therefore be conferred only in rare and exceptional circumstances to maintain both the significance and prestige of the title.

9. Selection and Nomination Criteria:

- a. The guidelines are:

(i) Service:

- The nominee must have given extensive and distinguished service to our community that goes beyond local government (e.g. service to other organisations, voluntary and community groups) in largely voluntary capacity.
- The nominee's contribution should be seen to stand above the contributions made by most other people.
- Bestowing the title of Honorary Freeman of the City will only be by an absolute majority decision of the Council and in accordance with this policy.
- Nomination Criteria: The following criteria shall be taken into account when consideration is being given to the conferring of the title of Honorary Freeman of the City of Albany:

- the nominee's exceptional service must be recognised as a matter of public record;
 - the nominee must have lived in, worked or served the City of Albany for a significant number of years (e.g. 20 years or more);
 - the nominee must have identifiable and long-standing connections with the community;
 - the nominee must have provided long and distinguished service to the local community;
 - the nominee's endeavours must have clearly benefited the Albany Community;
 - the nominee must have demonstrated both outstanding leadership and personal integrity;
 - it shall not be restricted to past Council Members or City of Albany employees;
 - preference shall be given to a person who performs in a voluntary capacity, but this should not preclude the honour being awarded to a person whose dedication and contribution is significantly above that expected from their occupation;
 - the contribution to the welfare of the community must involve one or more of the following factors:
 - significant contribution of the nominee's time in serving members of the Community for the improvement of their welfare;
 - the promotion, achievement and/or delivery of community services in which a real personal role and contribution is made;
 - whilst difficult to define, the contribution must be outstanding in that it can be seen to stand above the contributions of most other persons; and
 - the title shall not be bestowed on anyone who is holding the office of Council Member of the City of Albany.
- (ii) Nomination Procedure:
- A nomination may be submitted at any time provided that the nomination is in writing and clearly addresses the nomination criteria.
 - The nomination must clearly outline the history of the nominee in chronological order, outlining their history of the community service.
 - Nominations must be made in the strictest confidence without the nominee's knowledge.
 - A nomination must be sponsored by a Council Member and supported in writing by at least four other Council Members.
 - Nominations are to be submitted to the Chief Executive Officer.
 - The Chief Executive Officer will submit a confidential report to a Special and/or Ordinary Council Meeting with details of the nomination.
 - The Agenda for the Special Council Meeting shall be delivered at least two weeks prior to the meeting date to all Council Members.
 - If a Council Member expresses an objection to the nomination, that Council Member must give their reasons for the objection in writing to the Chief Executive Officer, at least one week before the Council Meeting. The Chief Executive Officer shall submit all objections (together with any other relevant information) to the Council Meeting.

- No record of the nominee's name shall be contained in the Agenda for the meeting, however, if the nominee is appointed as Freeman, their name shall be recorded in the minutes of the meeting.
 - In the event Council approves the nomination, it shall be by an absolute majority decision.
 - Prior to any announcement, the Chief Executive Officer shall make personal contact with the nominee to confirm their acceptance of the honour.
- (iii) Entitlements:
- Any person declared an Honorary Freeman of the City of Albany:
 - may designate themselves as a "Honorary Freeman of the City of Albany";
 - will be invited to all civic events and functions and be acknowledged as a dignitary;
 - will have their photograph hung in the City's Council Chambers;
 - will be provided with a plaque to commemorate receipt of their Award; and
 - will be conferred at an appropriate civic ceremony for the purpose hosted by the City of Albany.
- (iv) Limitations on Holders of the Award
- At any one time, a maximum of **four living persons only**, unless otherwise decided by an Absolute Majority decision of the Council, may hold the title "Freeman of the City of Albany".
 - For avoidance of doubt, the honour shall not be awarded posthumously.
- (v) Personal Conduct
- A person who has been conferred with the honour of "Honorary Freeman of the City of Albany" shall display high standards of personal conduct and behaviour at all times and shall not bring the City of Albany into disrepute.
 - The Council reserves the right to cancel the honour, in the event that the holder is convicted of a serious criminal offense or brings the City into disrepute. (Any such decision shall be by an absolute majority decision).

GOVERNMENT & PUBLIC CONSULTATION

10. The proposed policy position was presented for review and discussion at a Council Strategic Workshop held in May 2018.
11. Other similar policy positions were reviewed from across the local government sector.

STATUTORY IMPLICATIONS

12. There are no statutory implications related to this report.

POLICY IMPLICATIONS

13. *Local Government Act 1995*, section 2.7(2)(b) Council determines local government policies

RISK IDENTIFICATION & MITIGATION

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

- **Opportunity:** To promote recognition of people who make the place we call home special.

FINANCIAL IMPLICATIONS

15. No direct financial implications are associated with this report.

LEGAL IMPLICATIONS

16. There are no direct legal implications associated with this report.

ENVIRONMENTAL CONSIDERATIONS

17. Nil

ALTERNATE OPTIONS

18. The Committee and or Council may choose to either adopt the proposed policy, adopt with modification or refer to back to the Executive for further development.

CONCLUSION

19. It is recommended that the proposed policy position is adopted.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | • <i>Local Government Act 1995</i> |
| File Number (Name of Ward) | : | All Wards |
| Previous Reference | : | • Strategic Workshop – 15 May 2018 • OCM 13/12/2011 Resolution 15.1. |

**DIS099: COUNCIL POLICY - MAINTENANCE OF WATERCOURSES
AND DRAINAGE CHANNELS**

| | |
|------------------------------|---|
| Land Description | : City of Albany |
| Proponent / Owner | : City of Albany |
| Attachments | : Draft Council Policy - Maintenance of Watercourses and Drainage |
| Report Prepared By | : Manager City Engineering (D King) |
| Responsible Officers: | : Executive Director Infrastructure & Environment (M Thomson) |

STRATEGIC IMPLICATIONS

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

In Brief:

- This policy recognises that watercourses and drainage channels and their associated vegetation should be left in as undisturbed a state as possible, unless extraordinary circumstances apply.
- The City recognises that there are instances in which the condition of watercourses may deteriorate as a result of erosion and/or sedimentation, overgrowth with weeds or dumping or accumulation of rubbish. In such cases, it is recognised that maintenance and/or rehabilitation of these waterways may be required.

RECOMMENDATION

**DIS099: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SMITH**

THAT Council NOTE that the Policy for Maintenance of Watercourse and Drainage Channels will be advertised for public comment for a period of 21 days.

Following the public advertising period a further report will be presented to Council for adoption of the policy with or without amendments.

CARRIED 13-0

DIS099: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR DOUGHTY**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS099: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE that the Policy for Maintenance of Watercourse and Drainage Channels will be advertised for public comment for a period of 21 days.

Following the public advertising period a further report will be presented to Council for adoption of the policy with or without amendments.

BACKGROUND

2. Albany town site was developed over a number of decades when open drainage was accepted as suitable infrastructure. As community expectations change, some areas of Albany have been upgraded with kerb and pipe drainage systems.
3. However, there are a number of instances where drainage channels exist. Sometimes these channels exist as open drains alongside a roadway but more significantly, larger capacity truck drains exist to convey stormwater to a natural watercourse.
4. The City of Albany has a number of natural watercourses, the most significant example of this is the Yakamia Creek. The definition of a watercourse is 'A stream of water whether perennial or intermittent, flowing in a depression of a natural channel or a natural channel artificially improved or in an artificial channel, which has changed the course of the stream.'
5. Although a number of the above drains and channels sit within a City of Albany controlled land, there are many instances where they sit in private ownership
6. There is no current policy to guide officers in the decision making of maintenance of drainage channels and watercourse in private or City ownership.

DISCUSSION

7. The objective of the policy is to define Council's obligations and policy regarding the maintenance, improvements and rehabilitation of watercourses including Drainage Reserves and Channels.
8. The policy makes statements to maintenance and improvement issues regarding drainage easements and natural watercourses,

GOVERNMENT & PUBLIC CONSULTATION

9. If the Council resolves to support the Maintenance of Watercourse and Drainage Channels Policy. Formal advertising of the proposed policy via newspaper will be undertaken, 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.
10. 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

11. There are no statutory implications relating to resolving to advertise the proposed Policy.

POLICY IMPLICATIONS

12. The proposed policy aims to provide officers with guidance on decision making with respect to maintenance and improvements of drainage channels and natural watercourses.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|------------|-------------|---------------|--|
| <p>Reputation <i>Risk: Policy position may have an impact on property owners that have private drainage channels or watercourses.</i></p> <p><i>Advertising the proposed policy, could give rise to objectionable comments from the above noted owners</i></p> | Possible | Moderate | Medium | <p><i>Policy can be amended once feedback is assessed; this is the purpose of advertising prior to final adoption.</i></p> |
| <p>Opportunity: Increase consistency equity with regards to decision making</p> | | | | |

FINANCIAL IMPLICATIONS

14. Minimal advertising costs already budgeted for.

LEGAL IMPLICATIONS

15. There are no legal implications relating to resolving to advertise the proposed Policy.

ENVIRONMENTAL CONSIDERATIONS

16. Nil

ALTERNATE OPTIONS

17. 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

18. The proposed policy seeks to provide guidance and clarification on the application of City funds to maintain and improve drainage channels and natural watercourses.
19. Council is requested to support the new policy for the purpose of advertising.

| | | |
|-----------------------------------|---|----------------------------------|
| Consulted References | : | <i>Local Government Act 1995</i> |
| File Number (Name of Ward) | : | EM.PLA.26 (All Wards) |
| Previous Reference | : | Nil |

DIS100: STORMWATER MANAGEMENT STRATEGY

| | |
|------------------------------|---|
| Land Description | : City of Albany |
| Proponent / Owner | : City of Albany |
| Attachments | : Stormwater Management Strategy |
| Report Prepared By | : Manager City Engineering (D King) |
| Responsible Officers: | : Executive Director Infrastructure & Environment (M Thomson) |

STRATEGIC IMPLICATIONS

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

In Brief:

- The City of Albany has undertaken the development of the Stormwater Management Strategy.
- The strategy provides the frameworks for the renewal, upgrade and expansion of stormwater assets within the City of Albany.

RECOMMENDATION

DIS100: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SUTTON

THAT the Stormwater Management Strategy be ADOPTED.

CARRIED 13-0

DIS100: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS100: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Stormwater Management Strategy be ADOPTED.

BACKGROUND

2. Albany town site was developed over a number of decades when open drainage was accepted as suitable infrastructure. As community expectations change, some areas of Albany have been upgraded with kerb and pipe drainage systems. In many of these areas, the systems were sized for lower density housing and now have reduced capacity to effectively convey storm flows for increasing development densities.

3. As pipes reach the end of service life, the City evaluates the need for resizing pipe systems to manage infill development with higher density housing and fully paved road infrastructure of later development.
4. Historically, the City sought to discharge stormwater into waterways and estuaries (such as Yakamia Creek) and little provision was given to detention (holding) or attenuation (slowing) of stormwater. Landholders seeking to reduce water logging by connecting property drainage into the road drainage networks have altered catchment hydrology and storage capacities of existing catchments have reduced capacity to buffer major storm events.
5. Overland flow paths through private landholdings need to be formalised to inform landowners that major overland flows will pass through these holdings. Landowners need to gain an understanding that topography directs flood waters and stormflows that pass through private estates and this a natural consequence of water flowing downhill. Where possible, roads are utilised as overland flood routes, however not all water can be directed through City owned land.
6. Historically, funds to upgrade the City of Albany's Drainage systems have been driven from the Flood Management Strategy developed in 2010. This strategy was based around customer complaints and evidence obtained from large rainfall events.
7. Whilst effective in delivering immediate and long term solutions to a number of failure points this strategy suffered from a lack of a holistic view of the drainage systems and was reliant on landowner feedback only.
8. The Flood management strategy also focussed only on the conveyance of stormwater and did not address environmental issues.

DISCUSSION

9. The City of Albany Stormwater Management Strategy provides an overarching direction for managing the conveyance of stormwater and floodwater to protect the social, economic and environmental assets within the community.
10. The purpose of this strategy is to provide the City of Albany and its community with robust and objective criteria to guide local government decision making about stormwater planning and investment.
11. The Strategy is based around three pillars to address uncontrolled storm and flood waters:
 - Protect private and public infrastructure
 - Manage public safety
 - Protect environmental assets
12. The Strategy looks at the challenges around the above pillars and provides a response and guidance on addressing each pillar.
13. The Strategy is supported by an upgrade investment plan, asset management plan and Policy.
14. The upgrade investment plan identifies weaknesses in the existing infrastructure with regards to stormwater conveyance capacity. It also costs upgrade works and priorities them according to risk. Based on this information, the asset management plan then sets a base line service level and service level goals for future years.
15. A summary of the upgrade works is provided in Table 1 of the Stormwater Management Strategy 2017.

GOVERNMENT & PUBLIC CONSULTATION

16. Nil

STATUTORY IMPLICATIONS

17. Nil

POLICY IMPLICATIONS

18. Nil

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|------------|-------------|---------------|---|
| Environment <i>Risk: There is a risk that by not establishing clear direction with regards to water reuse and treatment opportunities will be missed.</i> | Possible | Moderate | Medium | <i>If the proposed strategy is not endorsed, staff will review and address areas of concern.</i> |
| Finance <i>Risk: There is a risk that by not establishing a clear direction with regards to upgrade expenditure, funds could be poorly allocated to lower priority works as a result of feedback from public.</i> | Likely | Severe | Extreme | <i>If the proposed strategy is not endorsed, staff will continue to use the pre-existing strategy in allocating upgrade funding.</i> <i>Note: Consequence Severe due to effect being in excess of \$150,000.</i> |
| Opportunity: <i>Reduction in environmental impacts of stormwater and optimisation of upgrade expenditure.</i> | | | | |

FINANCIAL IMPLICATIONS

- 19. The Long Term Financial Plan (LTFP) allocates funds to address priority upgrades to the City’s stormwater assets.
- 20. The current allowance for upgrades to stormwater assets (in the LTFP) does not cover the total value of remediation works. As such, works are scheduled as per the priority indicated in the upgrade investment plan.

LEGAL IMPLICATIONS

21. Nil

ENVIRONMENTAL CONSIDERATIONS

22. Nil

ALTERNATE OPTIONS

23. Nil

CONCLUSION

- 24. The City of Albany Stormwater Management Strategy provides an overarching direction for managing the conveyance of stormwater and floodwater to protect the social, economic and environmental assets within the community.
- 25. It is recommended that the strategy be adopted to provide officers with direction on addressing issues relating to storm and flood waters.

| | | |
|-----------------------------------|---|--------------------------------|
| Consulted References | : | Flood Management Strategy 2010 |
| File Number (Name of Ward) | : | EM.PLA.26 (All Wards) |
| Previous Reference | : | Nil |

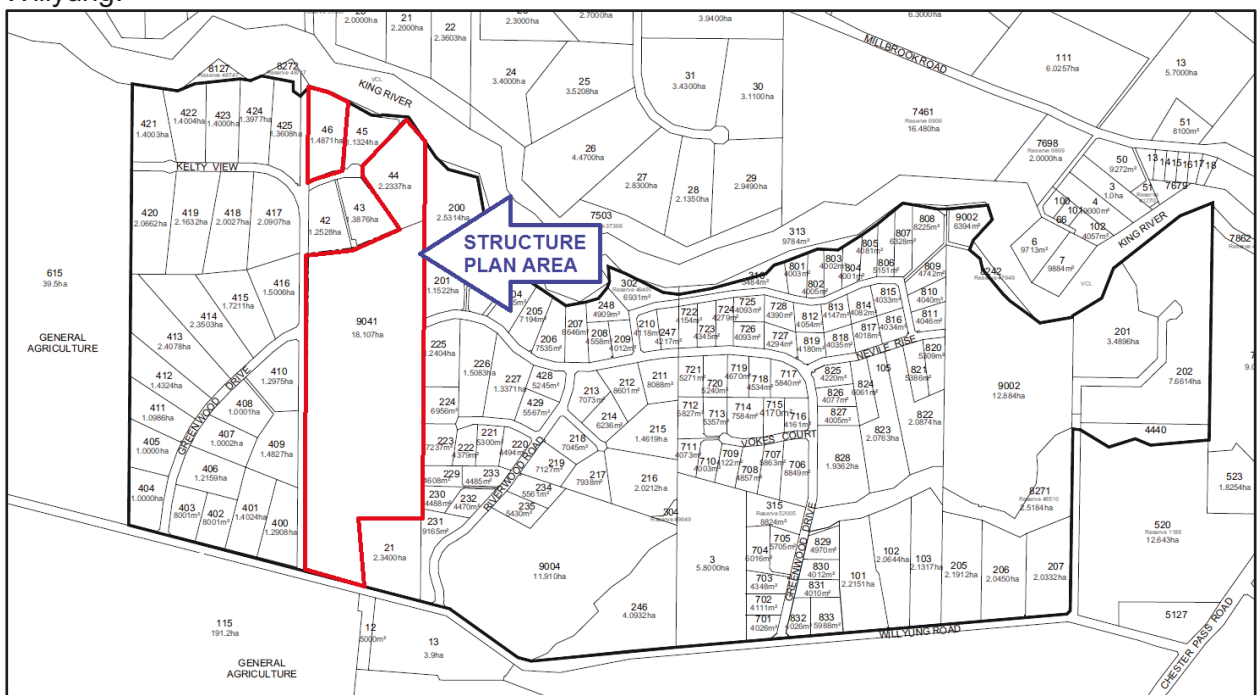
DIS101: RECOMMEND ADOPTION OF LOCAL STRUCTURE PLAN NO.16 – LOT 9041 WILLYUNG ROAD AND LOTS 44 & 46 BILABOYA PLACE, WILLYUNG.

| | |
|--|---|
| Land Description | : Lot 9041 Willyung Road and Lots 44 & 46 Bilaboya Place, Willyung. |
| Proponent | : Ayton Baesjou |
| Business Entity Name | : B & C Lowrie |
| Attachments | : Map - 1999 Subdivision Guide Plan Map - Local Structure Plan No.16 Report - Local Structure Plan No.16 Traffic Calming – Information Sheet Schedule of Submissions and Recommendations Copy of Submissions |
| Supplementary Information & Councillor Workstation Report Prepared By | : Senior Planning Officer – Strategic Planning (A Nicoll) |
| Responsible Officers: | : Executive Director Development Services (P Camins) |

STRATEGIC IMPLICATIONS

1. The application for consideration proposes a structure plan to guide future subdivision and development of land in the Willyung area.
2. In making a decision on the proposed structure plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*. The structure plan complies with strategic planning for the following reasons:
 - a) The Albany Local Planning Strategy (2010) seeks to encourage the development of the Structure Plan area for ‘Special Residential’ development (min 4000m² lots).
 - b) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

Maps and Diagrams: Subject Site – Lot 9041 Willyung Road and Lots 44 & 46 Bilaboya Place, Willyung.



In Brief:

- Local Structure Plan No.16 proposes 19 special residential lots ranging in size from 4600m² to 2.2ha.
- The structure plan proposes to modify a 1999 Subdivision Guide plan in order to increase the potential number of Special Residential lots from 17 to 27. The modification is consistent with consolidation that has been occurring within the area in response to the demand for smaller lots. The revision to smaller lot sizes has been supported by land suitability and capability assessments.
- Council is requested to consider submissions received on the Local Structure Plan No.16, and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

RECOMMENDATION

**DIS101 RESOLUTION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR STEPHENS**

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

- 1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No.16 subject to the following modifications:**
 - a) The Bushfire Attack Level Contour Map is annotated to:**
 - I. State clearly that Class G Grassland areas have not been contoured and that the lots are subject to BAL-40/BAL-FZ; and**
 - II. Include proposed lot numbers.**
 - b) The structure plan being amended as follows:**
 - I. Asset protection zones being marked on the structure plan, around building envelopes. ~~Building envelopes are renamed as 'developable areas' to ensure that an Asset Protection Zone can be located within the lot.~~**

~~Note; Lot boundaries may need to be modified to ensure capacity is available within lots, for building development and asset protection.~~
 - II. The following provisions being included on the structure plan map:**
 - ***At the subdivision/development stage, the proposed access way to Lot 1, Lot 13 and Lot 9041, being constructed and drained at the landowner/applicant's cost to the specifications of the local government.***
 - ***At the subdivision/development stage, a revegetation plan being prepared, approved and implemented for the revegetation of 'Drainage Line Protection' areas.***
 - ***At the development stage, the minimum habitable floor level height at proposed Lots 3, 4 and 8 shall be 500mm above the datum height at the adjacent 1:100 year flood boundary.***
 - ***At the subdivision stage, a financial contribution being provided for the upgrading of Willyung Road.***
 - III. As per an 'Amended Plan', provided as an attachment to this amended recommendation:**

- **Adjust the flood boundary in the northern section of the structure plan to reflect data recorded in the land capability assessment completed for the structure plan;**
 - **Adjust Lot 3 & 4 lot boundaries and building envelopes to accommodate for modified flood boundary;**
 - **Delete portion of the ‘Drainage Line Protection Area’ to reflect land characteristics;**
 - **Include a ‘100m Effluent Disposal Setback’ boundary to reflect land characteristics.**
- 2. Forward structure plan documentation and submissions to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan (with modifications).**
- 3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.**
- CARRIED 13-0**

Officers Reason (Executive Director Development Services):

Bushfire

In relation to recommendation b) I, during the advertising and referral process, the Department of Fire and Emergency (DFES) Services made the following comment:

Indicative APZs should be indicated to demonstrate that the lots can accommodate the necessary APZ.

Protection from flood events

On closer inspection of flood data, it has been revealed that the flood boundary on the map does not match the land capability assessment data (Table 6 p 29).

Table 6 shows that the predicted flood level for proposed lot 4 is 8.5m. It appears that the flood boundary on the map is not drawn on the 8.5m contour.

An area is incorrectly shown as a ‘Drainage Line Protection Area’. This land does not represent a creek. Portion of the land has been filled. The creek running west-east does not link to the northern section.

A recommended modified indicative layout for lots 3 and 4 that is consistent with the correct information is detailed below.

DIS101: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR HAMMOND

THAT Council defer a decision on this matter until the Ordinary Council Meeting in June 2018 pending further information and an amended recommendation from the responsible officer.

CARRIED 10-0

DIS101: RESPONSIBLE OFFICER RECOMMENDATION

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

1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No.16 subject to the following modifications:

- a) The Bushfire Attack Level Contour Map is annotated to:
 - i. State clearly that Class G Grassland areas have not been contoured and that the lots are subject to BAL-40/BAL-FZ; and
 - ii. Include proposed lot numbers.
- b) The structure plan being amended as follows:
 - i. Building envelopes are renamed as 'developable areas' to ensure that an Asset Protection Zone can be located within the lot.

Note; Lot boundaries may need to be modified to ensure capacity is available within lots, for building development and asset protection.
 - ii. The following provisions being included on the structure plan map:
 - *At the subdivision/development stage, the proposed access way to Lot 1 and Lot 9041, being constructed and drained at the landowner/applicant's cost to the specifications of the local government.*
 - *At the subdivision/development stage, a revegetation plan being prepared, approved and implemented for the revegetation of 'Drainage Line Protection' areas.*
 - *At the development stage, the minimum habitable floor level height at proposed Lots 3, 4 and 8 shall be 500mm above the datum height at the adjacent 1:100 year flood boundary.*
 - *At the subdivision stage, a financial contribution being provided for the upgrading of Willyung Road.*
2. Forward structure plan documentation and submissions to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan (with modifications).
3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

BACKGROUND

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.
4. In 1999, a subdivision guide plan was endorsed to guide the subdivision and development of land in Willyung. This guide plan is provided as an attachment to this report item.
5. Since 1999, various land parcels within the subdivision guide plan area have subdivided into 'Special Residential' size lots (>4000m²).
6. To support additional traffic culminating from proposed subdivision, the City has commenced an upgrading program of Willyung Road. In order to fund the upgrading, financial contributions are paid as subdivision occurs.
7. A new proposed structure plan has been submitted seeking to increase the number of lots capable of being subdivided by an additional 10, from 17 to 27.
8. The City of Albany advertised the proposed Local Structure Plan No.16 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
9. At the close of advertising, the City of Albany received nine (9) submissions in respect to the proposed structure plan.
10. Council is requested to consider the submissions received and determine whether to recommend that the Commission support the structure plan with modifications.

DISCUSSION

11. The subject land comprises of Lot 44 and 46 Bilaboya Place and Lot 9041 Willyung Road Albany. The land is located approximately 14km northwest of the Albany CBD in the Willyung area.
12. The subject site is bound by Willyung Road to the south, residential/lifestyle blocks to the east and west and rural properties to the south and north.
13. A land capability and geotechnical assessment undertaken in support of the proposed structure plan concludes that the site is suitable for the proposed special residential subdivision, subject to a minimum lot size of 4,000m².
14. The structure plan indicates:
 - a) Suitable location of building envelopes and effluent disposal systems considerate of:
 - i. 1:100 year flood level;
 - ii. 100m effluent disposal setback.
 - b) Extension of Greenwood Drive and emergency egress;
 - c) Stormwater management; and
 - d) Construction of dwellings considerate of bushfire threat.
15. The proposed building envelopes and effluent disposal systems are located on cleared land and outside of flood prone areas.
16. According to the structure plan report, the soil types are highly capable of accepting nutrient loading via alternative treatment units.
17. Essential infrastructure such as sealed bitumen roads, underground power and a scheme water supply are available to service the development. The City proposes to seek a contribution from the developer for the upgrade of Willyung Road. This is to be calculated on a per lot contribution at the subdivision stage, which adjusted for inflation totals around \$1,750/lot and is consistent with other recent developments in the precinct.
18. The extension of Greenwood Road will complete the main loop road serving the locality which will significantly improve the overall access and egress to the area.
19. Dwellings will be required to be constructed to manage stormwater and to protect property and occupants from bushfire.
20. The proposed lot density (minimum 4,600m² lot size) is compatible with the surrounding rural residential development and adopted legislation. The modest increase of a potential further 10 lots on the site represents a more efficient use of land, which ultimately helps reduce the pressure to subdivide additional rural land.
21. As part of the advertising process, the following key comments were received:
 - a) Identify indicative Asset Protection Zones within proposed properties (DFES);
 - b) Concern about traffic volume and speed along Greenwood Drive;
 - c) Additional and smaller lots will transform the character of the area from country to suburban; and
 - d) The 1:100 Year Flood Level has been moved. It appears this may be to support a larger building envelope, to assist in sub division in proposed lots 1, 3 and 4 of the new proposal.

Asset Protection Zones

22. The Department of Fire and Emergency Services requested that Asset Protection Zones are indicated on a plan to demonstrate that the lots can accommodate the necessary fire protection measures within each individual property boundary.

23. In support of the DFES comment, it is recommended that building envelopes are renamed as 'developable areas', to ensure that Asset Protection Zones can be located within proposed lots. Lot boundaries may need to be modified to ensure capacity is available within lots to achieve enough area for building development and asset protection.

Greenwood Drive

24. A landholder made the following comment in respect to Greenwood Drive:
- a) Greenwood Drive is used illegally for testing the speed of vehicles; and
 - b) Greenwood Drive is currently partly developed as a no-through road. The subdivision of the subject land assists the completion of Greenwood Drive as a through-road, which may attract illegal vehicle speed testing. The landholder recommends the development of traffic calming devices to slow traffic along Greenwood Drive.
25. In response, to these matters, and after careful consideration, the City recommends that traffic calming devices not be applied. This conclusion is in accordance with the City's '*Traffic Calming Devices – Information Sheet (Works and Services 2015)*' (attached).
26. There are numerous devices used to calm traffic. These include, but are not limited to:
- a) Speed humps - full width humps
 - b) Speed cushions - part width humps to allow large vehicles to travel unimpeded
 - c) Slow points/chicanes – kerbing treatments to break up traffic flow.
27. While the City of Albany receives numerous requests for traffic calming devices throughout the town, their application and use must be carefully considered in each situation. Installing traffic calming devices to control isolated users may create unnecessary inconvenience to the majority of users. Furthermore, history has shown that whilst speeds are often reduced, the isolated speed offender may use the device for other hazardous 'hooning' activities.
28. Rather than agreeing to install traffic calming devices, it is proposed that the City conduct monitoring to determine whether speeding is a pattern of behaviour or isolated users. However, ultimately, the police are responsible authority for illegal speeding matters.

Character of the Area

29. A landholder commented that additional lots will transform the character of the area from country to suburban and ultimately de-value property values.
30. In respect to this comment, the structure plan is proposing lot sizes (minimum 4,600m²) in-keeping with scheme standards. In addition to this, the existing developed lots are not dissimilar from the existing endorsed subdivision guide plan.
31. The subject land is zoned 'Special Residential' area No.11. The City's Local Planning Scheme states the following for the subject 'Special Residential' zone:
- *Subdivision of SR11 shall generally be in accordance with the Subdivision Guide Plan SR11 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.*
 - *The minimum lot size shall be 4,000m².*
32. While noting that the lot size is consistent with the scheme provisions, it is not expected that additional lots will impact on property values. Property values are generally based on location. In conjunction with location, changes to property values generally occur via building upgrades or building deterioration.

1:100 Year Flood Level

33. A landholder and the Department of Water and Environmental Regulation noted that the 1:100 year flood boundary provided for the proposed structure plan shows a change from the flood boundary shown on the 1999 subdivision guide plan.

34. The City consulted with the applicant on this matter and it was revealed that:
- a) Since 1999, more detailed assessments for the subject land has been undertaken to determine a new flood boundary. It has been concluded that, because the floodway widens out on the northern side of the creek, opposite lot 3, the original flood level was artificially high.
 - b) Predicted flood levels are conservative, noting also that the King River is not tidal at this location.
35. In line with the Department of Water and Environmental Regulation comment on development within floodplains, it is recommended that the following provision is included on the structure plan map:
- The minimum habitable floor level of proposed Lots 3, 4 and 8 shall be 500mm above the 1:100 year flood boundary.*

Drainage Line Protection Area

36. The Department of Water and Environmental Regulation commented that a foreshore management plan should be prepared to identify how drainage line protection areas are rehabilitated and managed.
37. In response to this comment, the City recommends that the following provision is included on the structure plan map:
- At the development subdivision stage, a revegetation plan being prepared, approved and implemented for the revegetation of 'Drainage Line Protection' areas.*

GOVERNMENT & PUBLIC CONSULTATION

38. The Structure Plan No.16 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Structure Plans require advertising in accordance with Part 4, cl.18 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Reg's).
39. Submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors in original form and as summarised in the attached Schedule of Submissions.
40. Commentary on the submissions has been provided in this report item and in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

45. The following applicable policies have been considered during the assessment of the structure plan:
- a) *Draft Government Sewerage Policy; and*
 - b) *State Planning Policy 3.7 Planning in Bushfire Prone Areas;*

Draft Government Sewerage Policy

46. This policy requires all subdivision and development to be connected to reticulated sewerage, unless exemptions to the policy apply.
47. As the subject land is zoned ‘Special Residential’ with a minimum lot size of 4000m², exemption is requested under provision 6.2 (6) which states that:

Land in a sewage sensitive area that is already zoned for urban use with a Residential R5 or R10 density coding based primarily on the provisions of the Government Sewerage Policy (Perth Metropolitan Area 1996) or draft Country/Sewerage Policy may be subdivided in accordance with the existing density coding providing that the minimum site requirements as outlined in provision 6.4 are met. A secondary treatment system with nutrient removal may be required.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

48. The publicly released Bushfire Prone Area Mapping (DFES, 2017) shows that the whole of the Subject Site is located within a Bushfire Prone Area (situated within 100m of >1 ha of bushfire prone vegetation).
49. An assessment of bushfire criteria, submitted as an appendix to the structure plan, confirms that subdivision and development may occur in accordance with the Commission’s Guidelines for Planning in Bushfire Prone Areas. The structure plan complies with the following acceptable solutions:
- a) The proposed location of development can achieve a BAL 29 or below;
 - b) Design allowing for two way traffic and safe egress from the subdivision via the existing road network of Willyung Road, the extension/linking of Greenwood Drive and Emergency Access Ways can be achieved; and
 - c) The development will be provided with reticulated scheme water in accordance with the specifications of the relevant water supply authority (Water Corporation) and DFES requirements.

RISK IDENTIFICATION & MITIGATION

50. 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 the Structure Plan is not supported by the WAPC the City may be required to make modifications.</i> |
| Opportunity: <i>Increase opportunity for efficient servicing and development consolidation.</i> | | | | |

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

53. Measures have been recommended to be implemented to address the following matters:

- a) Protect development from flooding;
- b) Manage weeds; and
- c) Rehabilitate drainage creek lines.

ALTERNATE OPTIONS

54. Council may consider alternate options in relation to the structure plan, including;

- a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed structure plan; or
- b) Recommend that the Western Australian Planning Commission approve the proposed structure plan without modification;
- c) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to additional modifications.

CONCLUSION

55. The structure plan proposes special residential lots ranging in size from 4,600m² to 2.2ha. The proposed lot sizes comply with the City's local planning scheme, which supports a minimum 4,000m² lot size for the Special Residential area No.11.

56. The structure plan was advertised for public comment and provisions have been recommended to address matters raised.

57. Council is requested to agree to recommend that the Western Australian Planning Commission approve the structure plan subject to modifications.

| | | |
|-----------------------------------|---|--|
| Consulted References | : | 1. <i>Local Planning Scheme No.1;</i> 2. <i>Local Planning Strategy 2010;</i> 3. <i>Draft Government Sewerage Policy;</i> 4. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas.</i> 5. <i>Traffic Calming Devices – Information Sheet (Works and Services 2015).</i> |
| File Number (Name of Ward) | : | LSP16 (Kalgan Ward) |
| Previous Reference | : | Nil |

DIS102: PLANNING AND BUILDING REPORTS MAY 2018

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

RECOMMENDATION

DIS102: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR SMITH

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

CARRIED 13-0

DIS103: WASTE LOCAL LAW 2017 - UNDERTAKING

- Attachments** : Letter from Joint Standing Committee on Delegated Legislation (Confidential) – Distributed separately.
- Report Prepared By** : Manager Governance & Risk (S Jamieson)
- Responsible Officers:** : Chief Executive Officer (A Sharpe)

CONFIDENTIAL REPORT

Extracts from the Joint Standing Committee are privileged. At the time of writing this report permission was not granted to use or disclose the material detailed in the letter.

In accordance with section 5.23(2) of the Local Government Act 1995 Council closed the meeting to members of the public.

STRATEGIC IMPLICATIONS

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

In Brief:

- Consider Committee's requested undertaking received on 14 June 2018.
- The Committee noted that Council is due to meet on 26 June 2018 and the Committee therefore requested that the undertakings be provided to the Committee by Friday 6 July 2018.

RECOMMENDATION

DIS103: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR MOIR

The Council ACCEPT this report as a late item in accordance with clause 3.5 of the Standing Order Local Law 2014 (As amended).

CARRIED 13-0
ABSOLUTE MAJORITY

Reason: To meet the Joint Standing Committee on Delegated Legislation request.

DIS103: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR SHANHUN

THAT the meeting be closed to members of the public in accordance with 4.1 of the City of Albany Standing Orders Local Law (Amended) 2014.

CARRIED 13-0

**DIS103: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR SHANHUN**

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

CARRIED 13-0

**DIS103: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR HAMMOND**

The Council of the City of Albany undertakes to the Joint Standing Committee on Delegated Legislation that the City will:

“(1) Within 6 months, amend the Local Law to:

(a) Delete the definition of 'refuse'

(b) Delete clause 2.7(1)

(c) Correct the typographical and formatting errors in the definitions of 'general waste' and 'occupier' and in clause 3.3

(d) Make all necessary consequential amendments.

(2) Until the Local Law is amended in accordance with undertaking (1):

(a) Not enforce the Local Law in a manner contrary to undertaking (1); and

(b) Where the Local Law is made publicly available, whether in hard copy or electronic form (including on the City's website), ensure that it is accompanied by a copy of these undertakings.”

**CARRIED 13-0
ABSOLUTE MAJORITY**

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

DIS103: WASTE LOCAL LAW 2017-UNDERTAKING

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16. REPORTS OF CITY OFFICERS Nil

17. MEETING CLOSED TO PUBLIC

18. CLOSURE

There being no further business the Mayor declared the meeting closed at **6.54PM**.



Dennis W Wellington
MAYOR

TABLED ADDRESS BY MR ROLAND PAVER

Questions on Notice for the City of Albany on Structure Plan No 9, Lot 660, Goode Beach.

(Tabled by Roland Paver of 12 La Perouse Road, Goode Beach at the Ordinary Council Meeting of 26th June 2018.)

- 1) Will the City of Albany please provide an example of another Structure Plan in Western Australia that, like Structure Plan No 9, Lot 660, Goode Beach, proposes a rezoning of a single special use zoned lot without proposing a subdivision of the lot into two or more lots?
- 2) Will the City of Albany please enumerate and list all the approvals that have been issued within the Albany municipality since 1987 for the development of chalets/cottages of more than 3 bedrooms?
- 3) Will the City of Albany please explain why, in the Agenda and Minutes of the Planning Committee Meeting of December 2017, it regarded the environmental approval given in MS 319 of 1993 to Loire Nominees 15 special residential lot subdivision of Lot 401, Goode Beach as a relevant matter in relation to Structure Plan No 9, Lot 660, Goode Beach?
- 4) Can the environmental approval given by the Minister for the Environment in MS 319 be relied upon as an environmental approval of the development proposed by Structure Plan No 9, Lot 660, Goode Beach?
- 5) Will the City of Albany please explain the purpose and outcome of the Section 45C EP Act application to the EPA by the proponents of Structure Plan No 9, Lot 660, Goode Beach?
- 6) Is the City of Albany aware that in the 1990's the Shire of Albany, the Planning Commission and the Minister for Planning all consistently rejected Loire Nominees proposals to rezone what is now Lot 660 from rural to special residential and that they did so because they were not prepared to compromise the natural features of the landscape, that is, the vegetated parabolic dunes?
- 7) Is the City of Albany aware that when the Planning Commission first suggested in 1998 the possibility of " a well-designed, low key tourist development (eg chalets) in a concentrated pocket of the site clear of steep slopes" it had the protection of the vegetated parabolic dunes on Lot 660 very clearly in mind?
- 8) Is the City of Albany aware that it prescribed building envelopes on the 9 special residential lots around La Perouse Court to protect the vegetated parabolic dunes on those lots?
- 9) Will the City of Albany please indicate what additional groundwater and lake water technical studies have been undertaken by the proponent since receiving all submissions on Structure Plan No 9, Lot 660, Goode Beach? If studies have been undertaken, what are the results?
- 10) Will the City of Albany please indicate the definition of the Lake Vancouver wetlands it has adopted in the context of deliberating on the merits of Structure Plan No 9, Lot 660 Goode Beach?
- 11) Will the City of Albany please indicate whether or not, in its deliberations on the merits of Structure Plan No 9, Lot 660, Goode Beach, it is treating access roadworks, car parks and drainage swales as included in the proposed development?