



AGENDA

Ordinary Meeting of Council

Tuesday 27 October 2015

6.00pm

City of Albany Council Chambers

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

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

All Councillors, Staff and Volunteers at the City of Albany will be...

Focused: on community outcomes

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

United: by working and learning together

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

Accountable: for our actions

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

Proud: of our people and our community

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

NOTICE OF AN ORDINARY COUNCIL MEETING

Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 27 October 2015 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.



Andrew Sharpe
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING
AGENDA 27/10/2015

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1. **DECLARATION OF OPENING** (As this is the first meeting post the election, this will be conducted by the Chief Executive Officer).

1.1 **DECLARATION OF COUNCILLORS ELECT & ELECTION OF DEPUTY MAYOR**

The Mayor will call Councillors Elect individually to make their declaration before Superintendent Wood of the WA Police.

"I, _____ of _____ having been elected to the office of Councillor of the City of Albany, declare that I take the office upon myself, and will duly, faithfully, honestly and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007."

Please note this will then be followed by a call for nominations and election of the Deputy Mayor in accordance with Schedule 2, Division 2 of the *Local Government Act 1995*.

Clause 8. How deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations.

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

Mayor Elect

Councillors:

Breaksea Ward

R Hammond

Breaksea Ward

Councillor Elect

Frederickstown Ward

Councillor Elect G Stocks

Kalgan Ward

J Price

Kalgan Ward

Councillor Elect

Vancouver Ward

Councillor Elect

Vancouver Ward

N Mulcahy

West Ward

A Goode JP

West Ward

Councillor Elect

Yakamia Ward

Councillor Elect

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate Services

D Olde

Executive Director Planning and
Development

D Putland

Executive Director Economic

Development and Commercial Services

C Woods

Executive Director Community Services

A Cousins

Executive Director Works and
Services

M Thomson

Meeting Secretary

J Williamson

Apologies:

Frederickstown Ward

C Dowling

ORDINARY COUNCIL MEETING
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4. DISCLOSURES OF INTEREST

Name	Committee/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

9. PETITIONS AND DEPUTATIONS Nil.

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 22 September 2015, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil.

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.

CS025: COMMUNITY GRANTS POLICY- REVIEW AND ADOPTION

- Attachments** : • Council Policy – Community Funding and Event Sponsorship (2013)
• Evaluation Report
• Council Policy – Community Funding (2015)
: Community Development Officer (R Param)
- Responsible Officer** : Acting Executive Director Community Services (A Cousins)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** Sense of Community
 - b. **Strategic Objectives:**
 - 4.1 – To build resilient and cohesive communities with a strong sense of community spirit.
 - 4.2 – To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.

In Brief:

- The Council Policy - Community Funding and Event Sponsorship (2013) expires on 30 June 2016.
- Updated Policy drafted, streamlined for clarity and enhanced understanding by prospective applicants.
- Review and consider the adoption of Council Policy - Community Funding (2015) for the financial years 2016/17, 2017/18 and 2018/19.

RECOMMENDATION

**CS025: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- (1) **NOTE that Council Policy – Community Funding and Event Sponsorship (2013) expires on 30 June 2016;**
- (2) **ENDORSES the Responsible Officer Recommendations detailed in the Policy Evaluation; and**
- (3) **ADOPT Council Policy – Community Funding (2015) to commence 1 July 2016.**

CS025: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

CS025: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) NOTE that Council Policy – Community Funding and Event Sponsorship (2013) expires on 30 June 2016;
- (2) ENDORSES the Responsible Officer Recommendations detailed in the Policy Evaluation;
and
- (3) ADOPT Council Policy – Community Funding (2015) to commence 1 July 2016.

BACKGROUND

2. The current Council Policy – Community Funding and Event Sponsorship (2013) was adopted in 2013 and covered the financial years 2013/14 to 2015/16 (Attachment 1).
3. This policy determined that a total budget allocation of \$405,000 for financial years 2013/14 to 2015/16.
4. The Policy (2013) was developed on the basis of an extensive review of previous Council financial assistance and funding programs.
5. The previous review and Policy development considered:
 - a. Review outcomes of the previous Funding Programs;
 - b. Review other Local Government Authorities funding policies and processes;
 - c. Review best practice principles related to funding and sponsorship;
 - d. Stakeholder consultation;
 - e. Development of a consolidated framework that met Council governance requirements;
and
 - f. Alignment to organisational structure and strategy.
6. The Policy (2013) contains four funding streams. Two of the funding streams (Community Enterprise Grants and Community Events Sponsorship) have been fully expended. The remaining two (Regional Events Scheme and Community Leadership Grants) are still disbursing funds.
7. Implementation of the Policy (2013) included applicant guidelines, application forms, assessment systems and acquittal processes.

8. Assessment panels comprised Elected Members (members of Community Services Committee), supported by City officers. Approval of funded applications is in accordance with the Delegations Register (2015).
9. Policy (2013) communication included; print and social media, radio, online, posters, and email communication to existing networks and subscriber lists.
10. Community Enterprise Grants and Community Events Sponsorship required approximately four months administering prior to the new financial year when funded activity could commence.
11. This administration process began in January/February each year in order for this to be completed by June. As Council is in recess for January each year, a new Council Policy requires adoption this year to allow for seamless transition.

DISCUSSION

Policy (2013) Outcomes and Processes

12. The objective of the Policy (2013) is “to provide an equitable and accessible framework for the provision of Community Funding and Event Sponsorship that aligns with Council’s strategic objectives”.
13. Under the Policy (2013) 37 applications were funded from a total of 60 applications received. Total funding requested was \$229,034 and \$117,176 was distributed to eligible applicants. The most common areas for which funding was approved were for arts/cultural and community education/awareness-raising activities.
14. City officers evaluated the Policy (2013) to determine its effectiveness. See [Attachment 2](#) for this evaluation report.
15. The Policy (2013) evaluation makes seven recommendations in the construction of a new Policy and its implementation.
16. The Policy (2013) evaluation concluded the Policy has improved the transparency and probity of distribution of Council funding. The Policy has enabled a clear and objective audit trail of decision-making, including objective measures of assessing funding applications which are made available to all applicants, thereby improving the transparency of decision-making.
17. Funded organisations are now required to acquit funding at the conclusion of funded activities, primarily through submission of copies of receipts to demonstrate funding was used for the purpose for which it was provided, as well as a description of the funded activity, and brief analysis of success or otherwise of funded activity.
18. The Policy (2013) has led to greater efficiency in approval of applications for funding through delegated authority, which has led to reduced administration and a more efficient decision-making process overall.
19. Events and activities funded through the Policy (2013) have translated to greater activation of City spaces, leading to enhanced use of public facilities such as the Town Square, Town Hall, Albany Public Library, the waterfront marina, and Leisure and Aquatic Centre. This has also provided community members with more opportunities to connect with local events and activities.
20. The distinction in the Policy (2013) between ‘funding’ and ‘sponsorship’ was found to be confusing for prospective applicants. A large number of inception calls to City officers were to enquire which stream of funding to apply for. While there may be valid reasons for this delineation from the point of policy clarity, in practice this has not translated to a clear understanding by potential applicants.

21. As the program was undersubscribed across the three years of the Policy (2013) a reduced budget could be considered for the new Policy. The recommended allocation takes into consideration what has approximately been distributed through the current Policy, balanced against the likelihood that a simpler policy and program will lead to an increase in applications.

Overview New Policy – Council Policy: Community Funding (2015) [Proposed]

22. Based on the evaluation of the current Policy processes and outcomes, a new Policy has been developed, Council Policy: Community Funding (2015). See Attachment 3 for the new Policy.
23. There is an expectation from community groups and organisations that their local government will offer some kind of funding or grant support for initiatives and activities delivered by the community group.
24. In the Great Southern region the Shires of Denmark, Plantagenet, Cranbrook, Gnowangerup, Kojonup, Katanning and Woodanilling allocate community funding and grants in their annual budgets.
25. The Community Funding Policy will not include other financial assistance programs delivered by the City including rates rebates, peppercorn rental or subsidised rental.
26. The Community Funding Policy will not include in-kind support or funding and in-kind support provided by City Business Units or programs that may be delivered from time to time.
27. Regional Event Sponsorship and Community Leadership Grants are not included in the Community Funding Policy as both streams are still disbursing funds.
28. The new Policy has been streamlined to remove content which is more appropriately detailed in Funding Guidelines.
29. It is proposed the new Policy operate for a period of three financial years: 2016/17, 2017/18, and 2018/19.

Key content from attached report:

30. Key recommendations from the attached Policy (2013) evaluation include:
 - a. A new three year Policy be developed and endorsed by Council.
 - b. The new Policy to simplify the current framework and exclude other financial assistance programs delivered by the City — Inclusive of rates rebates, peppercorn rental, subsidised rental, in-kind support, and funding and in-kind support provided by City Business Units, or programs that may be delivered from time to time;
 - c. Implementation of a new Policy to include two categories only (Quick Response and Community Funding);
 - d. Regional Event Sponsorship and Community Leadership Grants are still being disbursed and are not included in the 2015 Policy;
 - e. A budget allocation to the new Policy of \$150,000 over the three financial years 2016-17, 2017-18 and 2018-19;
 - f. Design funding application forms so all City of Albany in-kind support to applicants is clearly identified to assist in assessment; and
 - g. Explore options to further support the quality of applications and the capacity of the events sector through coaching, mentoring and events industry master-classes or workshops.

GOVERNMENT & PUBLIC CONSULTATION

- 31. All successful applicants to the Policy (2013) were asked for feedback. The majority of respondents offered no suggestions for improvements.
- 32. To further supplement these responses a number of applicants (successful and unsuccessful) were contacted directly for feedback. Applicants expressed satisfaction with the time allowed to submit applications, and that the process of assessment was relatively clear. Applicants thought the funding rounds could be better and more widely promoted. However, when asked how the City could do this, most identified methods already used to promote the funding availability (traditional and social media, City email networks, poster display and discussion in networking forums).
- 33. Applicants also identified the criteria for which funding can be used could be expanded to include minor capital works, equipment purchases, and recurrent funding. Eligibility terms will be considered through the development of the Funding Guidelines associated with the new Policy.

STATUTORY IMPLICATIONS

- 34. Nil.

POLICY IMPLICATIONS

- 35. Expiration of existing Council Policy – Community Funding and Event Sponsorship (2013) on 30 June 2016. See Attachment 1.
- 36. Adoption of Council Policy – Community Funding (2015) See Attachment 2.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>New Policy not adopted, leading to community dissatisfaction.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Comprehensive communications plan to inform stakeholders of the changes.</i>
Business Interruption. <i>Adoption of new Policy is delayed meaning community funding not available for eligible activities until well into the 2016-17 financial year.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Comprehensive communications plan to inform stakeholders of the delay.</i>
Compliance. <i>New policy implementation and application process leads to confusion by prospective applicants.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Comprehensive communications plan to inform stakeholders of the changes.</i>

FINANCIAL IMPLICATIONS

- 38. The total available funding allocation recommended for year one (2016-2017) is \$50,000.
- 39. Over the three financial years that it is recommended the Policy be implemented, the total financial investment by Council is \$150,000.
- 40. Management and oversight of the Council Policy – Community Funding (2015) will be undertaken using existing staff resources within Community Services within existing allocated budgets.

LEGAL IMPLICATIONS

41. Nil.

ENVIRONMENTAL CONSIDERATIONS

42. Nil.

ALTERNATE OPTIONS

43. Council could make alternate recommendations for the total pool of funding in the new Policy. The total funding pool recommended is based on assessment of the grant outcomes from the current Policy (2013) achieving equitable support for community groups while delivering optimal value for ratepayers, and has been reduced accordingly. A change to the total funding pool is not recommended.

44. Council could choose to allocate community funding but not adopt the new Policy. This is not recommended as Council would be acting as a grant-making body without an appropriate policy framework to establish strategic policy objectives or governance mechanisms.

SUMMARY CONCLUSION

45. Noting that the Community Funding and Event Sponsorship Policy (2013) is expiring and that it is good practice to work within a policy framework that the Responsible Officer's Recommendation be adopted.

Consulted References	:	Council Policy: Community Funding and Event Sponsorship (2013)
File Number (Name of Ward)	:	N/A
Previous Reference	:	OCM 20 April 2010 (Item 12.12.2) OCM 19 June 2012 (Item 1.5, No 51) OCM 21 May 2013 (Item 3.1)

PD098: APPROVAL OF MODIFIED DEVELOPMENT GUIDE PLAN FOR INDUSTRIAL AREA IA2 – PENDEEN GENERAL INDUSTRIAL ESTATE

Land Description	: Multiple lots within Industrial Area IA2
Proponent	: City of Albany
Owner	: Multiple owners (see Attachment 1)
Business Entity Name	: Multiple business entities (see Attachment 1)
Attachments	: 1. List of landowners and business entities : 2. Copy of advice from the Western Australian Planning Commission : 3. Modified Development Guide Plan
Councillor Workstation	: Nil
Report prepared by	: Planning Officer (C McMurtrie)
Responsible Officer:	: Executive Director Planning and Development (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

Maps and Diagrams:



In Brief:

4. A request was submitted to Council to consider a modified development guide plan for Pendeen General Industrial Estate, which has been updated to reflect the existing subdivision layout and to remove the 'Landscape Area' from the southern extent of Lots 61, 62, 163 and 64 Pendeen Road.
5. Following referral to the Western Australian Planning Commission, the Commission advised that they do not consider the proposed changes to the development guide plan to materially alter its intent and do not require it to be advertised for public comment. However, the Commission did request that a number of further modifications be made to the plan to reflect the current subdivision layout and changes that have resulted from the construction of Menang Drive.
6. The original proponent, Smithson Planning, has since withdrawn from the project and the City of Albany has produced an updated plan, incorporating the Western Australian Planning Commission's recommended modifications, in order to see it through to completion.
7. City planning Staff support the proposal, as it is a more accurate depiction of the subdivision layout than the current plan, and there is no planning reason for the retention of the 'Landscape Area' described above.

RECOMMENDATION

**PD098: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RESOLVES to approve the modified development guide plan for Industrial Area IA2 – Pendeen General Industrial Estate and advises the Western Australian Planning Commission of its decision.

PD098: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HORTIN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

PD098: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RESOLVES to approve the modified development guide plan for Industrial Area IA2 – Pendeen General Industrial Estate and advises the Western Australian Planning Commission of its decision.

BACKGROUND

8. The modified development guide plan for Industrial Area IA2 has been prepared primarily to remove the 'Landscape Area' from the southern extent of Lots 61, 62, 163 and 64 Pendeen Road. The plan also accurately reflects the existing subdivision layout.
9. When *Local Planning Scheme No. 1* was advertised for public comment, the proponent had lodged a submission on behalf of their client group, requesting the removal of the 'Landscape Area' from the southern extent of Lots 61, 62, 163 and 64 Pendeen Road.
10. City staff supported the submission in principle, although the Scheme review was not the appropriate process by which to adopt a modified development guide plan. It was recommended to the proponent that a modified development guide plan be lodged and assessed separately, following gazettal of the Scheme.
11. A modified development guide plan was subsequently lodged with City and Council considered this modified plan at its Ordinary Meeting on 16 December 2014 and resolved:

"THAT Council:

1. *ADOPT the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of referral to the Western Australian Planning Commission.*
 2. *ADOPT the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of public advertising, should the Western Australian Planning Commission deem it necessary."*
12. The modified development guide plan was subsequently referred to the Western Australian Planning Commission for their consideration, in accordance with clause 5.9.1.6.2 of *Local Planning Scheme No. 1*.

DISCUSSION

13. The original development guide plan was read in conjunction with clause 5.23 Elizabeth Street Special Industry Area (now known as IA2 – Pendeen General Industrial Estate) of former *Town Planning Scheme No. 3*, which stated that:

"Subdivision of the Elizabeth Street Special Industry Zone shall be generally in accordance with the Development Guide Plan endorsed by the Chief Executive Officer."

14. The eventual subdivision layout did not exactly mirror the original development guide plan, owing to the wording of the relevant Scheme clause being *"generally in accordance with"*, which permitted minor variations.
15. The modified development guide plan incorporates an updated subdivision layout that accurately reflects these variations.
16. However, the primary reason for seeking to modify the development guide plan is to remove the requirement for a 20m wide 'Landscape Area' across the southern extent of Lots 61, 62, 163 and 64 Pendeen Road.

17. When the original development guide plan was prepared, Lots 7 and 8 Chester Pass Road lay immediately to the south of Lots 61, 62, 163 and 64 Pendeen Road. Lots 7 and 8 each had an area of approximately 1.6ha, were zoned 'Rural' and were each occupied by a single house and associated outbuildings. The 'Landscape Area' was placed over the southern extent of Lots 61, 62, 163 and 64 Pendeen Road in an attempt to mitigate any adverse effects that the development of future industries may incur on the occupants of Lots 7 and 8. These may have included, but not been limited to, visual impacts, noise and dust nuisance.
18. However, after the adoption of the original development guide plan, Main Roads WA compulsorily purchased Lots 7 and 8 Chester Pass Road in order to develop stage one of the Albany Ring Road; namely Menang Drive. The construction of Menang Drive has led to the removal of all buildings on Lots 7 and 8 and a road verge measuring between 30 and 70m in width between the road and the back of Lots 61, 62, 163 and 64. The road verge has also been revegetated by Main Roads WA.
19. These changes have made the 'Landscape Area' redundant, because they have led to the removal of sensitive land uses adjacent to the industrial area and provided a wider landscaped area in the road verge than was provided on the lots. The removal of the 'Landscape Area' from the lots would also open up between 900 and 1400m² in useable space on each lot.
20. Following adoption of the modified development guide plan, it was referred to the Western Australian Planning Commission, who confirmed that the proposed changes do not materially alter the intent of the plan. However, the Commission recommended the following modifications to the plan:
 - Deletion of the Table of Lot Areas, as it serves no planning purpose and may restrict the subdivision of balance lots;
 - Deletion of the 'proposed' lot layout, as it may restrict the subdivision of balance lots;
 - Deletion of lot numbers, as they may change due to re-subdivision or amalgamation of lots;
 - Deletion of the road reserve connecting Pendeen Road to Chester Pass Road, as this will not be permitted by Main Roads WA;
 - Reconfiguration of the east-west road to the north of the subject area to reflect the current subdivision approval over the land;
 - Illustration of the northern loop road as indicative only, as this may change in response to future subdivision;
 - Reinstatement of the <200m Buffer Zone over Lots 90 and 9000 for reasons of consistency;
 - Extension of the <200m Buffer Zone over Lots 9 and 10 (south of Menang Drive) to reflect their inclusion in IA2 – Pendeen General Industrial Estate and ensure that consistent planning controls are applied; and
 - Application of a 60m wide Landscaped Buffer to Lots 9 and 10 to reflect their inclusion in IA2 – Pendeen General Industrial Estate and ensure that consistent planning controls are applied.
21. The City has since implemented the necessary changes to the plan, in order to satisfy the Western Australian Planning Commission's requirements, and Council's approval of the updated plan is now sought.

GOVERNMENT & PUBLIC CONSULTATION

22. The affected landowners have been involved in the preparation of the modified development guide plan and are supportive of the proposal. Following adoption by Council, the development guide plan was referred to the Western Australian Planning Commission for their consideration as to whether the changes to the plan materially alter its intent. The Commission advised that it does consider that the proposed changes to the plan materially alter its intent, and consequently do not require it to be advertised for public comment.

STATUTORY IMPLICATIONS

23. *Local Planning Scheme No. 1* contains various clauses that outline the process for the modification of a development guide plan.

24. Schedule 11 – Industrial Area IA2, clause 1.1 states that:

“Subdivision of the land shall generally be in accordance with Development Guide Plan IA2 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.”

25. Part 5.9.1.10 Structure Plans and other Planning Instruments Adopted or Initiated under Previous Schemes states that:

“5.9.1.10.1 Where, pursuant to the requirements of the former City of Albany Town Planning Scheme No. 1A or 3 (the “Previous Schemes”), a Structure Plan, Precinct Plan, Subdivision Guide Plan, Outline Development Plan, Detailed Area Plan or any similar instrument (a “Planning Instrument”) had been adopted and was operative at the date of the Gazettal of this Scheme, the planning instrument shall continue to have effect and may be amended or revoked as if it were a Plan under this Scheme.”

26. Part 5.9.1.6 Change and Departure from Structure Plan states that:

“5.9.1.6.1 The Local Government may adopt a minor change to or departure from a Structure Plan, if in the opinion of the Local Government, the change or departure does not materially alter the intent of the Structure Plan.

5.9.1.6.2 (a) The Local Government is to forward a copy of the minor change or departure to the Western Australian Planning Commission within 10 days from the date of adopting the minor change or departure.

(b) If the Western Australian Planning Commission considers that the change or departure adopted by the Local Government under clause 5.9.1.6.1 materially alters the intent of the Structure Plan, the Commission:

(i) May require the Local Government to follow the procedures set out in clause 5.9.1.5 in relation to the change or departure; and

(ii) Is to notify the Local Government of this requirement within 10 days.”

27. Regulation 79 of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that:

“(1) A planning instrument made under the Act before commencement day and in accordance with the repealed regulations or a State planning policy continues in force as if it were a planning instrument of the same type made under the Act in accordance with these regulations.

- (2) For the purposes of subregulation (1), an instrument of a type referred to in column 2 of the Table is to be taken to be a planning instrument of the type referred to in column 3 of the Table.”

Table

Item	Type of Instrument	Type of planning instrument
1.	Outline development plan Development plan Subdivision guide plan	Structure Plan
2.	Activity centre structure plan	Activity centre plan
3.	Detailed area plan	Local development plan

28. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

30. The following risk matrix is presented for consideration:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Organisational Operations and Reputation</p> <p>The City risks complications arising in the assessment of future subdivision and development applications, as a result of the variance between the original development guide plan and actual subdivision layout and the retention of a redundant 'Landscape Area'.</p>	Possible	Moderate	Medium	Approval of the modified development guide plan, which accurately depicts the existing subdivision layout and removes the redundant 'Landscape Area'.

FINANCIAL IMPLICATIONS

31. There are no financial implications directly relating to this item.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

33. The subject lots are located approximately 6.9km north of Albany town centre. The lots on the Industrial Estate range in area from approximately 4000m² to 4.2ha. They cover a cleared hillside that slopes gently downward to the east and north-east, toward Chester Pass Road. Many of the lots are already developed with large industrial buildings, silos and hardstands for the storage of vehicles, materials and equipment.
34. Lots 61, 62, 163 and 64 occupy the land immediately north of the Menang Drive alignment, between Copal Road and Chester Pass Road. They range in area from 6000m² to 1.23ha and all slope gently downward from west to east. Lot 61 is developed with a large workshop surrounded by hardstand with a smaller shed toward the south-eastern corner of the lot. The southern extent of the lot is occupied by a small stand of trees and a grassed area which is form the present 'Landscape Area'. Lots 62 and 163 are currently occupied by the same business, with Lot 62 used for the storage of plant and equipment, while Lot 163 is developed with a large workshop and hardstands. Lot 64 is currently vacant and bounded on its southern and eastern extents by a belt of trees forming the 'Landscape Area'.

ALTERNATE OPTIONS

35. Council has the following alternate options in relation to this item, which are:
- Not to approve the modified development guide plan for Industrial Area IA2 – Pendeen General Industrial Estate and advise the Western Australian Planning Commission of its decision.

SUMMARY CONCLUSION

36. It is recommended that Council approve the modified development guide plan for Industrial Area IA2 – Pendeen General Industrial Estate and advise the Western Australian Planning Commission of its decision, as the modified plan offers a more accurate depiction of the subdivision layout than the current plan and removes the 'Landscape Area' from the southern extent of Lots 61, 62, 163 and 64 Pendeen Road, which is now considered redundant, owing to the construction of Menang Drive.

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> 4. <i>City of Corporate Business Plan 2013-2017</i> 5. WA Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i>
File Number (Name of Ward)	:	LSP1 (Kalgan Ward)
Previous Reference	:	O.C.M. 16/12/2014 – Item PD064

PD099: ADOPTION OF SCHEME AMENDMENT – LOT 734 BARKER ROAD, CENTENNIAL PARK

Land Description : Lots 734 Barker Road, Centennial Park
Proponent : Harley Dykstra Pty Ltd
Owner : Jim Richards
Business Entity Name : Portstyle Enterprises Pty Ltd
Attachments : 1. Local Planning Scheme Amendment No. 16 report
Supplementary Information & : Nil
Councillor Workstation:
Report Prepared by : Planning Officer (C McMurtrie)
Responsible Officer : Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

Maps and Diagrams:



In Brief:

- A request has been submitted for Council to initiate a Local Planning Scheme amendment to modify Schedule 4 – Special Use Zones No. SU17 to include ‘Park Home Park’ as a land use with ‘D’ permissibility under Condition 1, and to insert a new Condition 6 stating that:

‘The development of the Park Home Park use will be subject to demonstrating compliance of proposed park homes with the *Residential Design Codes* as well as the *Caravan Parks and Camping Grounds Regulations 1997*’.

- City planning Staff support the proposal, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
- The proposal will allow the management of the approved ‘Grouped Dwelling’ development on the subject lot as a ‘Park Home Park’ or ‘lifestyle village’, while ensuring that the development is to a permanent residential standard, in accordance with the *Residential Design Codes*.
- Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

RECOMMENDATION

**PD099: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to adopt Amendment No. 16 to amend *City of Albany Local Planning Scheme No. 1* by:

- (1) Modifying Schedule 4 – Special Use Zones No. SU17, Condition 1 to include ‘Park Home Park’ as a land use with ‘D’ permissibility; and**
- (2) Modifying Schedule 4 – Special Use Zones No. SU17, to insert a new Condition 6 stating ‘The development of the Park Home Park use will be subject to demonstrating compliance of proposed park homes with the *Residential Design Codes* as well as the *Caravan Parks and Camping Grounds Regulations 1997*’.**

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 objective identified in the scheme for the zone, which is to provide for residential or tourist residential uses;**
- **The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as part of the ‘City Centre’ area and sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity; and**
- **The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**

PD099: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

PD099 RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to adopt Amendment No. 16 to amend *City of Albany Local Planning Scheme No. 1* by:

- (1) Modifying Schedule 4 – Special Use Zones No. SU17, Condition 1 to include ‘Park Home Park’ as a land use with ‘D’ permissibility; and
- (2) Modifying Schedule 4 – Special Use Zones No. SU17, to insert a new Condition 6 stating ‘The development of the Park Home Park use will be subject to demonstrating compliance of proposed park homes with the *Residential Design Codes* as well as the *Caravan Parks and Camping Grounds Regulations 1997*’.

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 objective identified in the scheme for the zone, which is to provide for residential or tourist residential uses;
- The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as part of the ‘City Centre’ area and sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity; and
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. Amendment No. 16 has been prepared to seek modifications to Schedule 4 – Special Use Zones No. SU17 to include ‘Park Home Park’ as a land use with ‘D’ permissibility under Condition 1, and to insert a new Condition 6 stating that:

‘The development of the Park Home Park use will be subject to demonstrating compliance of proposed park homes with the *Residential Design Codes* as well as the *Caravan Parks and Camping Grounds Regulations 1997*’.
6. The subject lots are located approximately 1.1km north-west of Albany town centre and have an area of approximately 2.7ha. The land is relatively flat, with only a very slight fall to the north, toward Yakamia Creek. An area of approximately 6000m² is occupied on the south-eastern corner of the lot by an existing indoor volleyball centre and associated car park, while the development of approved ‘Grouped Dwellings’, using transportable units, is underway on the north-eastern portion of the site.

7. The subject lot is separated from the lots to the west by an open drain that feeds into Yakamia Creek, and is covered by the 'Parks and Recreation' local scheme reserve. The three lots to the west of the drain are zoned, from north to south, as 'Special Use' (No. SU16), 'Tourist Residential' with an R30/50 split density code and 'Caravan and Camping'. These lots are developed with a place of worship, a park home park and a caravan park respectively. The land to the south of the subject lot is zoned 'Regional Centre Mixed Business' and most lots are developed with light industrial units. The land to the east of the subject lot is zoned 'Light Industry' and developed with a mixture of commercial and light industrial land uses. The land to the north is covered by the 'Parks and Recreation' local scheme reserve and is developed with the Albany Leisure and Aquatic Centre, a public car park and sports ovals.
8. The amendment document states that:

"The purpose of the proposal is to simplify the management of the subject site in the long term and not to modify the form of development that will eventuate. In simple terms, the difference between a grouped dwelling and park home park is summarised in the following:

- Within a park home park, the owner of the park will pay for the ownership of the park home, with a lease being paid to the manager for upkeep of common area and facilities as well as the use of the site. It is then the manager's responsibility to organise park home park maintenance.*
- Within a grouped dwelling, each of the dwellings can either be leased and remain under a single ownership, or should a survey-strata subdivision be completed, each of the individual units can be owned as a separate entity. An annual payment is made to the body corporate for upkeep and maintenance of the facility.*

The predominant benefit of a park home park is that it is a lock and leave facility. In most cases, all gardens and common areas are managed separate to the owners of the park homes, thus removing responsibility and providing for a well maintained facility in the long run. This type of development is well suited to retirees, as it enables them to have a home at a relatively cheap price, whilst allowing them to leave and travel should they wish. In many cases, park home park development results in better management and maintenance of landscaping and infrastructure to ensure that the whole complex maintains a high amenity at all times, which is not always achieved in large grouped housing development with individual strata owners.

Within a survey-strata subdivision, the arrangement can be more complicated. These properties are normally managed by a body corporate, which is usually composed of owners, who arrange and determine maintenance, manage the budget of spending to be undertaken and other tasks. In a park home park, this is all managed separate to the owners of the dwellings, whilst still allowing them to own and occupy a permanent home".

DISCUSSION

9. The City's planning Staff support the modifications to Schedule 4 – Special Use Zones No. SU17 to include 'Park Home Park' as a land use with 'D' permissibility under Condition 1, and to insert a new Condition 6 stating that:

'The development of the Park Home Park use will be subject to demonstrating compliance of proposed park homes with the Residential Design Codes as well as the Caravan Parks and Camping Grounds Regulations 1997.

These modifications will allow the management of the approved 'Grouped Dwellings', which utilise transportable units, as a 'Park Home Park' or 'lifestyle village', while ensuring that the development is to a permanent residential standard, in accordance with the Residential Design Codes. The proponent has outlined the various benefits to

the 'lifestyle village' model, rather than a more traditional 'Grouped Dwelling' development:

- The development of the site as a 'lifestyle village' will facilitate the provision of communal facilities, such as a clubhouse. It will also allow the establishment of a village park liaison committee that would maintain better standards for the village, consider the use of facilities, such as a clubhouse, organise activities for residents, etc.
 - 'Lifestyle villages' are administered under the *Residential Parks (Long-stay Tenants) Act 2006*, which provides clearer guidance for both the operator and tenants in terms of obligations and benefits. The Act provides more clearly for 'park rules' to be made for the communal benefit of the residents and may address matters such as noise management, parking and the use of communal areas.
 - Home alterations and additions can be controlled more effectively through the 'lifestyle village' model, by setting rules and requirements. The proponent considers that this more effective form of management will lead to higher standards of design and residential amenity.
 - The 'lifestyle village' model can allow residents to access rent assistance, dependent on their circumstances.
10. The proponent has also stated that the developer has no intention to run 'short-stay' or caravan park-style rental. The intention is to develop the site as a 'lifestyle village' comprising long-term tenants who own their home, but lease the home site. The tenants will be owner-occupiers and have a vested interest in how the development is managed.
11. The proposal is considered to be consistent with the current strategic direction set by the *Albany Local Planning Strategy*, which identifies the site as part of the 'City Centre' area and sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity. The Strategy states that it is expected that the Albany City Centre will support new medium-density (R30 to R60) residential developments.

GOVERNMENT & PUBLIC CONSULTATION

12. The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment is adopted by a resolution of Council, prior to the proposal being advertised for public comment. Consequently, no consultation has been undertaken at this stage.

STATUTORY IMPLICATIONS

13. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
14. 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. Section 81 of the Act requires a local government to refer an adopted local planning scheme amendment to the Environmental Protection Authority to determine if should be assessed. Council resolution is sought for the adoption of a local planning scheme amendment.
15. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.

16. The proposal is considered to be a standard scheme amendment for the following reasons:
- The amendment is consistent with the objective identified in the scheme for the zone, which is to provide for residential or tourist residential uses;
 - The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as part of the ‘City Centre’ area and sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity; and
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
17. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

18. There are no policy implications directly relating to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Organisational Operations and Reputation</p> <p><i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i></p>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.</i>
<p>Community, Organisational Operations and Reputation</p> <p><i>The proposal may attract objections from members of the public or other public authorities.</i></p>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be requested from the proponent as part of the amendment process.</i>

FINANCIAL IMPLICATIONS

20. There are no financial implications directly relating to this item.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

22. The undeveloped portion of the subject lot is cleared of native vegetation and covered in grass. Stormwater drainage and its potential impact on Yakamia Creek was addressed as a component of the development application for the approved ‘Grouped Dwellings’ on the northern portion of the lot. There are no environmental issues affecting this proposal.

ALTERNATE OPTIONS

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

- To resolve not to adopt the scheme amendment.

SUMMARY CONCLUSION

24. It is recommended that Council adopt Local Planning Scheme Amendment No. 16, as the proposal is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will allow the management of the approved 'Grouped Dwellings' as a 'Park Home Park' or 'lifestyle village', while ensuring that the development is to a permanent residential standard, in accordance with the *Residential Design Codes*.

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 Strategic Community Plan 2023</i> 4. <i>City of Corporate Business Plan 2013-2017</i> 5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i>
File Number (Name of Ward)	:	LAMD16 (Frederickstown Ward)
Previous Reference	:	Nil

**PD100: ADOPTION OF SCHEME AMENDMENT – LOT 103
COCKBURN ROAD AND LOT 104 CAMPBELL RD, MIRA MAR**

Land Description : Lot 103 Cockburn Road, Mira Mar and Lot 104 Campbell Road, Mira Mar

Proponent : Edge Planning & Property

Owner : R Stockdale and L Stockdale (Lot 103), T and O Management Pty Ltd (Lot 104)

Business Entity Name : T and O Management Pty Ltd

Attachments : 1. Schedule of Submissions
2. Local Planning Scheme Amendment No. 8 report

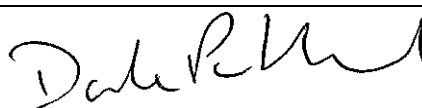
Supplementary Information & : Copy of submissions

Councillor Workstation:

Report Prepared by : Planning Officer (C McMurtrie)

Responsible Officer : Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

Maps and Diagrams:



In Brief:

- At its Ordinary Meeting on 24 March 2015, Council initiated a local planning scheme amendment to rezone Lot 103 Cockburn Road, Mira Mar from the 'Residential' zone to the 'Regional Centre Mixed Business' zone; rezone Lot 104 Campbell Road, Mira Mar from the 'Residential' zone with Additional Use AU17 – Medical Clinic to the 'Regional Centre Mixed Business' zone; and amend the Scheme Maps accordingly.
- The local planning scheme amendment has been advertised for public comment and referred to public authorities in accordance with the requirements of the *Town Planning Regulations 1967*.
- The proposal is considered to be a natural extension of an existing mixed use precinct that will bring community benefit and potential for economic development, and it is consistent with the current strategic direction set within the *Albany Local Planning Strategy*.
- Council is requested to consider the submissions received following public advertising and referral and to support the local planning scheme amendment.

RECOMMENDATION

**PD100: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, without modification, Amendment No. 8 to *City of Albany Local Planning Scheme No. 1* for the purposes of:

- (1) Rezoning Lot 103 Cockburn Road, Mira Mar from the 'Residential' zone to the 'Regional Centre Mixed Business' zone;**
- (2) Rezoning Lot 104 Campbell Road, Mira Mar from the 'Residential' zone with Additional Use AU17 – Medical Centre to the 'Regional Centre Mixed Business' zone; and**
- (3) Amending the Scheme Maps accordingly.**

PD100: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HOLLINGWORTH**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

PD100 RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, without modification, Amendment No. 8 to City of Albany Local Planning Scheme No. 1 for the purposes of:

- (1) Rezoning Lot 103 Cockburn Road, Mira Mar from the 'Residential' zone to the 'Regional Centre Mixed Business' zone;
- (2) Rezoning Lot 104 Campbell Road, Mira Mar from the 'Residential' zone with Additional Use AU17 – Medical Centre to the 'Regional Centre Mixed Business' zone; and
- (3) Amending the Scheme Maps accordingly.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. Amendment No. 8 has been prepared to seek the rezoning of Lot 103 Cockburn Road, Mira Mar from the 'Residential' zone to the 'Regional Centre Mixed Business' zone and the rezoning of Lot 104 Campbell Road from the 'Residential' zone with Additional Use AU17 – Medical Clinic to the 'Regional Centre Mixed Business' zone.
6. Lots 103 and 104 are located approximately one kilometre north-east of Albany town centre and have respective areas of 2060m² and 1712m². They are relatively flat and are occupied by existing consulting rooms (Lot 103) and a medical centre (Lot 104), sealed parking areas and formal landscaping.
7. The land to the north and east of the subject lot is zoned 'Residential', with the lots to the north each occupied by a single house, while the land to the east is occupied by a unit development. The land to the south and west is zoned 'Regional Centre Mixed Business' and supports a range of commercial and light industrial land uses.
8. The amendment document states that:

"The site's proximity to the Albany city centre and other facilities and that it is adjacent to commercial development highlight its suitability for mixed business use. The scheme amendment will address a historic anomaly in the zoning of Lot 103. Lot 103 has previously being used for commercial purposes (including labour hire and training services). The generous parking, the large building size and the internal layout of the main building all suggest Lot 103 is suitable for commercial development. Amending the zoning on Lot 104 will ensure there is a consistent approach to the zoning of the site and for commercial development in the area. A medical centre use is a "D" (discretionary use) in the Regional Centre Mixed Business zone".

DISCUSSION

9. The City's planning Staff support the rezoning of Lot 103 Cockburn Road, Mira Mar from the 'Residential' zone to the 'Regional Centre Mixed Business' zone and the rezoning of Lot 104 Campbell Road from the 'Residential' zone with Additional Use AU17 – Medical Clinic to the 'Regional Centre Mixed Business' zone.
10. The proposal is also considered to be consistent with the current strategic direction set by the *Albany Local Planning Strategy*, which identifies the site as part of the 'City Centre' area and states that Albany should remain the commercial centre of the Lower Great Southern. The *Albany Local Planning Strategy* indicates support for a mix of businesses within the city centre to diversify the local economy and provide jobs.
11. The proposed rezoning would allow the existing buildings to be utilised, or the sites redeveloped, for a range of commercial or light industrial uses. This would be consistent with the objectives of the *Albany Local Planning Strategy* and would strengthen the function of the Cockburn/Campbell Road commercial precinct as a local centre.
12. A small number of submissions were received from public authorities and members of the public, expressing no objection to the proposed amendment. Telstra and Water Corporation have provided subdivision and development advice, which will be relevant to the future subdivision and development of the land; however, it has no bearing on the proposed zoning change itself.
13. The members of the public who have lodged submissions have indicated support for the proposal, as they consider that it will compliment the adjoining land uses and will create employment opportunities. They have also noted that the existing buildings are set up for commercial purposes.

GOVERNMENT & PUBLIC CONSULTATION

14. The amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 25 June 2015 to 6 August 2015 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners and public authorities, and advertisement in the local newspaper.
15. Four (4) submissions were received from public authorities and members of the public and are summarised in the attached Schedule of Submissions. Staff comments and recommendations are also provided in the schedule and the broad issues are discussed in paragraphs 12 and 13 above.

STATUTORY IMPLICATIONS

16. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*, which replaced the *Town Planning Regulations 1967* on 19 October 2015.
17. 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.
18. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a standard amendment, with or without modification.
19. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

20. There are no policy implications directly relating to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Organisational Operations and Reputation</p> <p><i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i></p>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.</i>

FINANCIAL IMPLICATIONS

22. There are no financial implications directly relating to this item.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

24. The subject lots are developed with consulting rooms and a medical centre, sealed parking areas and formal landscaping. A number of mature trees stand on the eastern boundary and in the north-western corner of Lot 103. However, there are no environmental issues directly relating to this item.

ALTERNATE OPTIONS

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

- To resolve to support the scheme amendment with modification; or
- To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

SUMMARY CONCLUSION

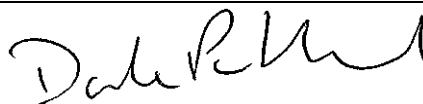
26. It is recommended that Council support Local Planning Scheme Amendment No. 8, as the proposal is a natural extension to an existing mixed use precinct, will allow more flexibility in the use of the existing buildings on the subject lots and is consistent with the current strategic direction set within the *Albany Local Planning Strategy*.

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 Strategic Community Plan 2023</i> 4. <i>City of Corporate Business Plan 2013-2017</i> 5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i>
File Number (Name of Ward)	:	LAMD8 (Frederickstown Ward)
Previous Reference	:	OCM – 24/03/2015 – Item PD076

PD101: ADOPTION OF SCHEME AMENDMENT – LOTS 312 AND 1315 COCKBURN ROAD, MIRA MAR

Land Description : Lots 312 and 1315 Cockburn Road, Mira Mar
Proponent : Edge Planning & Property
Owner : J, NF & G Boccamazzo
Business Entity Name : Three of a Kind Pty Ltd
Attachments : 1. Schedule of Submissions
2. Local Planning Scheme Amendment No. 11 report
Supplementary Information & Councillor Workstation: : Copy of submissions
Report Prepared by : Planning Officer (C McMurtrie)
Responsible Officer : Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

Maps and Diagrams:



In Brief:

- At its Ordinary Meeting on 24 March 2015, Council initiated a local planning scheme amendment to rezone Lots 312 and 1325 Cockburn Road, Mira Mar from the 'Residential' zone to the 'Special Use' zone; amend Schedule 4 – Special Use Zones to incorporate provisions relating to Lots 312 and 1315 Cockburn Road, Mira Mar; and amend the Scheme Maps accordingly.
- The local planning scheme amendment has been advertised for public comment and referred to public authorities in accordance with the requirements of the *Town Planning Regulations 1967*.
- The proposal is considered to be a natural extension of an existing mixed use precinct that will bring community benefit and potential for economic development, and it is consistent with the current strategic direction set within the *Albany Local Planning Strategy*.
- Council is requested to consider the submissions received following public advertising and referral and to support the local planning scheme amendment.

RECOMMENDATION

**PD101: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, without modification, Amendment No. 11 to *City of Albany Local Planning Scheme No. 1* for the purposes of:

- (1) Rezoning Lot 312 and Lot 1315 Cockburn Road, Mira Mar from the 'Residential' zone to the 'Special Use' zone;**
- (2) Amending Schedule 4 – Special Use Zones to incorporate provisions relating to Lots 312 and 1315 Cockburn Road, Mira Mar; and**
- (3) Amending the Scheme Maps accordingly.**

PD101:COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HORTIN**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

PD101: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, without modification, Amendment No. 11 to *City of Albany Local Planning Scheme No. 1* for the purposes of:

- (1) Rezoning Lot 312 and Lot 1315 Cockburn Road, Mira Mar from the 'Residential' zone to the 'Special Use' zone;
- (2) Amending Schedule 4 – Special Use Zones to incorporate provisions relating to Lots 312 and 1315 Cockburn Road, Mira Mar; and
- (3) Amending the Scheme Maps accordingly.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. Amendment No. 11 has been prepared to seek the rezoning of Lots 312 and 1325 Cockburn Road, Mira Mar from the 'Residential' zone to the 'Special Use' zone, to create a health precinct that will also facilitate a number of complimentary and ancillary land uses. The Special Uses and associated development conditions would be inserted into Schedule 4 – Special Use Zones of *Local Planning Scheme No. 1*.
6. The subject lots are located approximately 890m north-east of Albany town centre and have an area of approximately 1.2ha. The land is relatively flat, with only a very slight fall to the north, toward Cockburn Road.
7. The land to the west of the subject lots is zoned 'Residential' with the R30 density code and is occupied by a unit development. An unconstructed road reserve bounds the southern extent of the subject lots, while the land beyond is also zoned 'Residential' with the R30 density code and has been developed with a mixture of units and single houses. A 'notch' in the north-east corner of Lot 1315 is occupied by Lot 4 Cockburn Road, which is also zoned 'Residential' with the R30 density code and occupied by a unit development. The remainder of the land to the east and to the north of the subject lots is zoned 'Regional Centre Mixed Business' and supports a range of commercial and light industrial land uses.
8. The amendment document states that:

"The site's proximity to the Albany city centre, Albany Regional Hospital and other facilities (outlined in Figure 1) and that is adjacent to commercial development (Figure 2) highlight its suitability for the proposed health precinct use.

The expected health related uses include a day or general hospital, medical centre, health practitioner offices and complementary uses such as a pharmacy and a café.

It is envisaged that there would be a component of residential development which borders existing residential units in the western portion of the site. The residential uses may include providing short-stay accommodation for visiting health specialists, nurses and others along with the provision of accommodation for palliative/respice care".

DISCUSSION

9. The City's planning Staff support the rezoning of Lots 312 and 1315 Cockburn Road, Mira Mar from the 'Residential' zone to the 'Special Use' zone, in order to facilitate the establishment of a health precinct incorporating complimentary and ancillary land uses, as it is a natural extension of the mixed use precinct around the intersection of Cockburn and Campbell Roads. The location of private healthcare facilities in close proximity to the city centre and well-established residential areas will bring both community benefit and an opportunity for economic development.
10. The proposal is also considered to be consistent with the current strategic direction set by the *Albany Local Planning Strategy*, which identifies the site as part of the 'City Centre' area and states that Albany should remain the commercial centre of the Lower Great Southern. The *Albany Local Planning Strategy* indicates support for a mix of businesses within the city centre to diversify the local economy and provide jobs. It further indicates support for the development of health care facilities within or near major centres to cater to community needs.
11. The size, topography and location of the subject lots mean that they are well suited to the development of a health precinct. They form one of the few large, relatively level gap sites close to the city centre and they are also in close proximity to a number of residential areas and less than 2km from Albany Health Campus.
12. A small number of submissions were received from public authorities and adjoining landowners, expressing no objection to the proposed amendment. ATCO Gas, Telstra and Water Corporation have provided subdivision and development advice, which will be relevant to the future subdivision and development of the land; however, it has no bearing on the proposed zoning change itself.
13. The adjoining landowners who have lodged submissions have indicated support for the proposal, as they consider that it will be good for the local economy and strengthen healthcare provision within the region, potentially providing important facilities and easing pressure on the public health system.

GOVERNMENT & PUBLIC CONSULTATION

14. The amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 25 June 2015 to 6 August 2015 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners and public authorities, and advertisement in the local newspaper.
15. Six (6) submissions were received from public authorities and adjoining landowners and are summarised in the attached Schedule of Submissions. Staff comments and recommendations are also provided in the schedule and the broad issues are discussed in paragraphs 12 and 13 above.

STATUTORY IMPLICATIONS

16. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*, which replaced the *Town Planning Regulations 1967* on 19 October 2015.
17. 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.
18. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a standard amendment, with or without modification.

19. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

20. There are no policy implications directly relating to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Organisational Operations and Reputation</p> <p><i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i></p>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.</i>

FINANCIAL IMPLICATIONS

22. There are no financial implications directly relating to this item.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

24. The subject lots are cleared of native vegetation and covered in kikuyu grass. Three open drainage ditches run across the subject lots; the first across Lot 312, approximately 5m inside the western lot boundary in a northerly direction; the second across Lot 312, approximately 40m from the western lot boundary and also in a northerly direction; and the third across Lot 1315 from a point approximately 19m from the eastern lot boundary in a north-westerly direction. All three drainage lines converge at a point approximately 3.5m from the northern boundary and 24m from the western boundary of Lot 312. They are then piped under Cockburn Road and into the district stormwater drainage system. A Local Water Management Strategy has been prepared for the subject lots to determine the most appropriate method of stormwater attenuation and disposal.

ALTERNATE OPTIONS

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

- To resolve to support the scheme amendment with modification; or
- To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

SUMMARY CONCLUSION

26. It is recommended that Council support Local Planning Scheme Amendment No. 11, as the proposal is a natural extension to an existing mixed use precinct that will bring community benefit and potential for economic development, and is consistent with the current strategic direction set within the *Albany Local Planning Strategy*.

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 Strategic Community Plan 2023</i> 4. <i>City of Corporate Business Plan 2013-2017</i> 5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i>
File Number (Name of Ward)	:	LAMD11 (Frederickstown Ward)
Previous Reference	:	OCM – 24/03/2015 – Item PD077

PD102: PLANNING AND BUILDING REPORTS SEPTEMBER 2015

Proponent : City of Albany
Attachment : Planning and Building Reports September 2015
Report Prepared By : Administration Officer-Planning (K Smith)
Information Officer-Development Services (R Sutton)
Responsible Officer(s): : Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



RECOMMENDATION

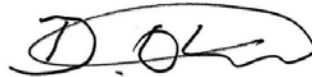
PD102: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE the Planning and Building Reports for September 2015.

CSF197: FINANCIAL ACTIVITY STATEMENT – AUGUST 2015

Attachment : Financial Activity Statement
Responsible Officer : Acting Executive Director Corporate Services (D Olde)

Responsible Officer's Signature:



**CSF197: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 August 2015.

CSF197: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR GREGSON**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CSF197: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 August 2015.

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 August 2015 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 \$50,000 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.

FINANCIAL IMPLICATIONS

8. Expenditure for the period ending 31 August 2015 has been incurred in accordance with the 2015/16 proposed budget parameters. Details of any budget variation in excess of \$50,000 (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.

POLICY IMPLICATIONS


9. The City's 2015/16 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.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CSF198: LIST OF ACCOUNTS FOR PAYMENT – SEPTEMBER 2015

Proponent : City of Albany
Attachments : List of Accounts for Payment
Report Prepared by : Financial Accountant (S Beech)
Responsible Officer : Executive Director Corporate Services (Duncan Olde)

Responsible Officer's Signature:



RECOMMENDATION

**CSF198: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 SEPTEMBER 2015 totalling \$5,418,462.89.

CSF198: COMMITTEE RECOMMENDATION

**MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR PRICE**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CSF198: RESPONSIBLE OFFICER RECOMMENDATION

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 SEPTEMBER 2015 totalling \$5,418,462.89.

BACKGROUND

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

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 September 2015. Please refer to the Attachment to this report.

Municipal Fund

Trust	\$0.00
Credit Cards	\$21,766.07
Payroll	\$1,186,640.14
Cheques	\$88,017.52
Electronic Funds Transfer	\$4,122,039.16
TOTAL	<u>\$5,418,462.89</u>

3. As at 15 September 2015, the total outstanding creditors, stands at \$444,785.99 and made up as follows:-

Current	\$400,282.23
30 Days	\$83,953.18
60 Days	-\$178.50
90 Days	-\$458.00

TOTAL **\$483,598.91**

Cancelled cheques: Cheque 30749 incorrect creditor.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

7. Expenditure for the period to 15 September 2015 has been incurred in accordance with the 2015/2016 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 September 2015 has been incurred in accordance with the 2015/2016 budget parameters.

SUMMARY CONCLUSION

9. That list of accounts have been authorised for payment under delegated authority.
10. 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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CSF199: DELEGATED AUTHORITY REPORTS

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

Responsible Officer's Signature:



RECOMMENDATION

CSF199: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the Delegated Authority Reports up until 15 September 2015.

CSF199: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

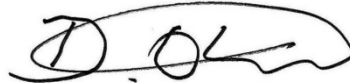
CSF199: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports up until 15 September 2015.

**CSF200: QUARTERLY REPORT – TENDERS AWARDED – JULY
TO SEPTEMBER 2015**

Proponent : City of Albany
Attachments : Quarterly Report – Tenders Awarded – July to September
2015
Report Prepared by : Procurement Officer (M Kirk)
Responsible Officer : Executive Director Corporate Services (D Olde)

Responsible Officer's Signature:



RECOMMENDATION

CSF200: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – July to September 2015.

CSF200: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CSF200: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – July to September 2015.

CSF201: COUNCIL RESPONSE TO INCREASING ELECTED MEMBER PARTICIPATION IN TRAINING

Attachments : Nil
Report Prepared by : Manager Governance & Risk Management (S Jamieson)
Responsible Officer : Chief Executive Officer (A Sharpe)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 5. Civic Leadership
 - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:** 5.1.1 Develop informed and transparent decision making processes.

In Brief:

- A Council response was originally due by Friday, 13 November 2015; however this was brought forward by WALGA to Friday 30 October 2015 to meet the WALGA Zone and State Council Agenda cut-off dates.
- The purpose of this report is to present the consolidated feedback and comments received from the elected group.
- Council is requested to provide a Council response to WALGA.

RECOMMENDATION

CSF201: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE:

- (1) That the City of Albany has historically extended induction and professional development training to elected members, with attendance being voluntary.
- (2) That an enhanced elected member professional development program is currently being scoped, which will include workshops run by the Australian Institute of Company Directors (AICD) and other specialist presentations. This program will run over a twelve month period and invitations will be extended to neighbouring local governments in the Great Southern.
- (3) The need to assess the consequential impact of non attendance and penalty provisions, however;

SUPPORTS in principle:

- (a) **Best Practice Induction Programs.** Local Governments adopting and delivering a structured and thorough Council induction program and that legislation be changed to make this a requirement.
- (b) **Training and Development Policy.** Legislative amendments to require all Councils to review and adopt an Elected Member Training and Development Policy following every biennial election.
- (c) **Candidate Requirements.** Legislative amendment to require candidates to attend an information session or complete an equivalent online information session prior to nominating for election.

CSF201: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR PRICE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CSF201: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE:

- (1) That the City of Albany has historically extended induction and professional development training to elected members, with attendance being voluntary.
- (2) That an enhanced elected member professional development program is currently being scoped, which will include workshops run by the Australian Institute of Company Directors (AICD) and other specialist presentations. This program will run over a twelve month period and invitations will be extended to neighbouring local governments in the Great Southern.
- (3) The need to assess the consequential impact of non attendance and penalty provisions, however;

SUPPORTS in principle:

- (a) Best Practice Induction Programs. Local Governments adopting and delivering a structured and thorough Council induction program and that legislation be changed to make this a requirement.
- (b) Training and Development Policy. Legislative amendments to require all Councils to review and adopt an Elected Member Training and Development Policy following every biennial election.
- (c) Candidate Requirements. Legislative amendment to require candidates to attend an information session or complete an equivalent online information session prior to nominating for election.

BACKGROUND

2. At the ordinary meeting of Council held on 25 August 2015, Council resolved, in part:

“THAT Council RECEIVE the attached WALGA discussion paper titled: “Discussion Paper: Policy Options to Increase Elected Member Training Participation” and with the assistance of the Chief Executive Officer, prepare a Council response....”

DISCUSSION

3. Post the Council meeting a questionnaire was circulated to all elected member to gain individual feedback. Individual comments follow this report.

Question	Yes	No
(1) Best Practice Induction Programs – do you support Local Governments adopting and delivering a structured and thorough Council induction program?	11	
(2) If yes to question 1, should legislation be changed for this to be a requirement (Mandatory Attendance), or should it remain voluntary?	8	3
(3) Training and Development Policy – do you support legislative amendments to require all Councils to review and adopt an Elected Member Training and Development Policy following every biennial election?	11	
(4) Candidate Requirements – do you support legislative amendment to require candidates to attend an information session or complete an equivalent online information session prior to nominating for election?	10	1

**Note: 1 Councillor currently on leave of absence.*

Induction/Training Courses Available

4. The City of Albany has had an induction program in place since 2011.
5. An initial induction will be conducted on an individual basis following the election.
6. Feedback from elected members indicates that attendance also assists in building a strong Council team, both as a governance body and as a “social” team.

Councillor Professional Development Program

7. An enhanced elected member professional development program is currently being scoped, which will include workshops run by the Australian Institute of Company Directors (AICD) and other specialist presentations on relevant subjects.
8. This program will run over a twelve month period and invitations will be extended to neighbouring local governments in the Great Southern.
9. An overview of the proposed Elected Member Professional Development Program 2015/16 follows this report.

Candidate Information Session

10. Complimented by a prospective candidate information pack, a fully revised and updated candidate information session was conducted for the current election, which included presentations from:
 - Western Australian Electoral Commission (WAEC) Returning Officer;
 - The Chief Executive Officer;
 - Current Serving Councillor (Councillor Mulcahy); and
 - Former Mayor of Mandurah (Ms Paddi Creevey).

GOVERNMENT & PUBLIC CONSULTATION

11. As previously reported following feedback from the sector, WALGA will prepare an item for future Zone and State Council consideration.
12. No additional public or public consultation has been conducted in preparation of this report.

STATUTORY IMPLICATIONS

13. The state government and other stakeholders, in Western Australia, have suggested policy or legislative change to increase Elected Member participation in training.
14. There are no current statutory implications related to this report.

POLICY IMPLICATIONS

15. The discussion paper proposes a number of options.
16. Council may also consider it appropriate to formally adopt the City’s current Elected Member training and induction program implemented in October 2013 and fully revised and updated for the October 2015 local government election.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. Council consideration and feedback is not provided before the cut of date.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>City Officers administer the feedback and meet the WALGA new requested submission date.</i>

FINANCIAL IMPLICATIONS

18. The City of Albany currently allocates funds to for Elected Member training in the Annual Budget.
19. There are no direct financial implications related to this report.

LEGAL IMPLICATIONS

20. Nil.

ENVIRONMENTAL CONSIDERATIONS

21. Nil.

ALTERNATE OPTIONS

22. Council may chose to provide a response either as an elected group; individual; or both.
23. Council may chose to provide additional feedback.

SUMMARY CONCLUSION

24. Based on the responses received and concerns raised it is recommended that the Responsible Officer’s Recommendation be considered for endorsement.

Consulted References	:	WALGA Discussion Paper: <i>Policy Options to Increase Elected Member Training Participation.</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 25/08/2015 Report Item CSF190

Elected Member Responses

Question	Yes	No	Comment
(1) Best Practice Induction Programs – do you support Local Governments adopting and delivering a structured and thorough Council induction program?	11		<ul style="list-style-type: none"> Unfortunately it is usually those councillors that could benefit from training who don't attend.
(2) If yes to question (1), should legislation be changed for this to be a requirement (Mandatory Attendance), or should it remain voluntary? <i>Note: No response mean, the view is that training should remain voluntary.</i>	8	3	<ul style="list-style-type: none"> Mandatory training should also apply to state and federal politicians, though how much some would take notice may be debatable. Remain voluntary, noting what incentives would be provided to encourage attendance. Cost maybe prohibitive for small councils. Mandatory, as long as flexible delivery models are used, in particular for elected members that have a full time job and are unable to attend training scheduled during business hours. Remain voluntary, noting the need to assess the consequential impact of non attendance and penalty provisions.
(3) Training and Development Policy – do you support legislative amendments to require all Councils to review and adopt an Elected Member Training and Development Policy following every biennial election?	11		<ul style="list-style-type: none"> The City's current Training and Development program is good, however could be tweaked. Especially, if they do the same for state and federal politicians.
(4) Candidate Requirements – do you support legislative amendment to require candidates to attend an information session or complete an equivalent online information session prior to nominating for election?	10	1	<ul style="list-style-type: none"> Personal attendance and assessment. Candidates should be made aware of the commitment required and responsibilities under the LG Act. Most people do not have a good understanding of their role when they nominate. They should! Might save the cost of and for some potential candidates when they know the facts. Should follow the Australian Institute of Company Directors (AICD) Training. Councillors are a long way short of requirements for board directors. Need to assess the consequential impact of non attendance and penalty provisions.


CITY OF ALBANY ELECTED MEMBER DEVELOPMENT PROGRAM 2015-16 (Draft)

Session Title	Date & Venue	Time	Attendees
Orientation and Tour, delivery of iPads, security tags and Induction Manual	Monday 19 October 2015, North Road Building	Individual Appointments to be advised	Councillors Elect
Ordinary Council Meeting	Tuesday 27 October 2015, Council Chambers - Declaration, Nomination and Appointment to Committees, appoint Deputy Mayor.	6.00pm	All Elected Members, EMT, support staff
Executive Management Team (EMT) Presentation	Tuesday 27 October 2015, Civic Rooms	Immediately following the OCM	All Elected Members, EMT, invited staff
Civic Reception to welcome new Councillors and thank and farewell retiring Councillors	Monday 2 November 2015, Civic Rooms	6.00pm	Elected Members, retiring Elected Members, EMT, Managers and invited guests
“One Council One Voice” facilitated by Bridget Williams-Stephen	Tuesday 17 November 2015, Margaret Coates Boardroom	5.30pm	All Elected Members, Executive Management Team
“Values and Behaviours, Team Building and Rules of Engagement” facilitated by Bridget Williams-Stephen	Thursday 26 November 2015, Margaret Coates Boardroom	5.30pm	All Elected Members, Executive Management Team
AICD Elected Member Training	Saturday 28 November 2015, Margaret Coates Boardroom	9.00am to 4.30pm	All Elected Members
AICD Elected Member Training	Saturday 12 December 2015, Margaret Coates Boardroom	9.00am to 4.30pm	All Elected Members
Serving On Council-WALGA Training Module	Thursday 4 February 2016, Civic Rooms	9.00am to 5.00pm	All Elected Members & Great Southern Councils
Meeting Procedures and Debating-WALGA Training Module	Friday 5 February 2016, Civic Rooms	9.00am to 5.00pm	All Elected Members & Great Southern Councils
Land Use Planning-WALGA Training Module	Thursday 17 March 2016, Civic Rooms	9.00am to 5.00pm	All Elected Members & Great Southern Councils
Strategy and Managing Risk-WALGA Training Module	Friday 18 March 2015, Civic Rooms	9.00am to 5.00pm	All Elected Members & Great Southern Councils

- **Other topics that are currently being considered:** “Conflict of Interest”, What Does it Mean to be a Leader in Local Government”.

CSF202: REQUEST FOR NOMINATIONS TO COMMITTEES OF COUNCIL AND EXTERNAL COMMITTEES

Proponent : City of Albany
Attachments : 1. Council Policy: Governance & Risk Framework
 2. Council Policy: CEO Performance Review Process
Responsible Officers: : Chief Executive Officer (A Sharpe)
Report Prepared By : Manager Governance, Risk & IT Services (S Jamieson)

Responsible Officer's Signature:	
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STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objectives:**
 - 5.1. To establish and maintain sound business and governance structures.
 - 5.3 To engage effectively with our community.
 - c. **Strategic Initiative:** 5.3.2. Councillor Forums

In Brief:

- Re-appointment to Committees of Council are required to be conducted post the Ordinary Council Election.
- Request that nominations be received prior to the 27 October 2015 ordinary meeting of Council.

RECOMMENDATION

**CSF202: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPOINT the nominated elected members to the following committees:

a. **Committees of Council:**

- Airport Emergency Committee:

1.
2.
3.

- Audit and Risk Committee:

1.	4.	7.
2.	5.	
3.	6.	

- Bushfire Advisory Committee:

1.	4.
2.	
3.	

- Chief Executive Officer Review Panel:

Mayor	3.
1.	
2.	

- Community Services Committee:

1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	
5.	10.	

- Corporate Services & Finance Committee:

1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	
5.	10.	

- Economic Development Committee:

1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	
5.	10.	

- Local Emergency Management Committee (LEMC):

1.
2.

- Planning & Development Committee:

1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	
5.	10.	

- Works & Services Committee:

1.	4.	7.
2.	5.	
3.	6.	

b. External Committee Representation:

- Albany Entertainment Centre (AEC) Operational Advisory Committee:

1.
2.
3.

- Great Southern Joint Development Assessment Panel:

1.
2.
3.

- Great Southern Recreational Advisory Group (GSRAG):

1.
2.

- Great Southern Regional Road Group. (GSRRG):

1.
2.

- Road Wise Advisory Committee:

1.
2.

- South Coast Management Group:

1.
2.

- WA Local Government Association (WALGA) – Great Southern Zone:

1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	
5.	10.	

BACKGROUND

- In accordance with section 5.11(1)(d) of the *Local Government Act 1995* (the Act), a person's membership of a Committee continues until the next ordinary election.
- Therefore, all Committee members must be reappointed after the 17 October 2015 ordinary election.

4. The role and tasks of committees are varied however committees are generally established to:
 - a. inquire into matters and to provide and make recommendations to Council on matters within Council's responsibilities;
 - b. carry out a specific project or task on behalf of Council; or
 - c. exercise, perform or discharge delegated powers, functions or duties.
5. The purpose of each committee (terms of reference) is defined in the Governance and Meeting Framework Policy (attached).
6. Committees are charged with the responsibility of reporting to the whole of Council with recommendations on matters it considers.
7. Committees report to Council, and are subject to the requirements of the *Local Government Act 1995* (the Act).

DISCUSSION

Call for nominations

8. At the Council meeting the Mayor will call for Councillors to nominate for each committee.
9. In the event Councillor Nominations exceed the number of vacancies on a particular Committee, a ballot will be conducted and membership will be determined by vote.

Appointment of Chair and Deputy Chair

10. Committees appoint the Chair and Deputy Chair at their first Committee meeting.

Mayor's Right to Committee membership

11. Please note that if the Mayor informs the local government of their wish to be a member of a committee, the local government is to appoint the Mayor as a member of the committee.

Committee Terms of Reference

12. Detailed terms of reference for each Committee are detailed in the attachment. Generally, the Committees are responsible for:
 - Developing policies and strategies;
 - Establishing ways to measure progress;
 - Receiving progress reports;
 - Considering officer advice;
 - Debating topical issues;
 - Providing advice on effective ways to engage and report progress to the Community; and
 - Making recommendations to Council.
13. An abridged terms of reference for each Council Committee follows:
 - a. Internal Standing Council Committees. These committees are made up of elected members only making recommendations to Council on specific issues as provided in their terms of reference. Meeting are held at the City of Albany's, North Road Administration Building.

- **Audit and Risk Committee.** (Statutory Requirement).The Audit and Risk Committee is responsible for assisting Council discharge its responsibilities with regard to the exercise of due care, diligence and skill in relation to:
 - the reporting of financial information;
 - the application of accounting policies;
 - the management of the financial affairs of the City; and
 - the assessment of the adequacy of the management of risk.

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

Meeting Schedule: As required, minimum three meetings per year.

Nominations: Open to all Councillors | **Membership:** Minimum of 4 and a maximum of 7 elected members.

Past Chairperson and Committee Members: *Councillor Stocks (Chair), Councillor Hammond (Deputy Chair), Mayor Wellington, Councillor Sutton, Councillor Calleja and Councillor Hollingworth.*

- **Chief Executive Officer Review Panel.** The Performance Review Panel is responsible for reviewing the performance of the Chief Executive Officer in accordance with the CEO Performance Review Process Policy.

Executive Officers: Manager Human Resources & an external Council appointed facilitator.

Meeting Schedule: As required, minimum three meetings per year.

Nominations: Open to the three (3) Councillors | **Membership:** The Mayor and three Councillors appointed by Council resolution.

Note: All Councillors seeking appointment to the CEO review panel must undertake the relevant CEO performance review training course provided by WALGA within six months of appointment to the panel; it is important for those actually involved in the appraisal interview to feel comfortable with their skill level and role.

Past Chairperson and Committee Members: *Mayor Wellington, Councillor Bowles, Councillor Price and Councillor Stocks.*

- **Community Services Committee.** The Community Services Committee is responsible for the delivery of the following Sense of Community Objectives contained in the City of Albany Strategic Plan:
 - To build resilient and cohesive communities with a strong sense of place and community spirit;
 - To create interesting places, spaces and events that reflect our community's identity, diversity and heritage
 - To develop and support an inclusive and accessible community.

Executive Officers: Executive Director Corporate Services & Executive Director Economic Development and Commercial Services

Meeting Schedule: 1st Tuesday of the Month.

Nominations: Open to all Councillors | **Membership:** Open to all Councillors.

Past Chairperson and Committee Members: *Councillor Bowles (Chair), Councillor Hortin JP (Deputy Chair), Councillor Williams, Councillor Goode JP and Councillor Hollingworth.*

- **Corporate Services & Finance Committee.** The Corporate Services and Finance Committee will monitor and comment on the financial health and strategies of Council and will be responsible for the delivery of the following Civic Leadership Objectives contained in the City of Albany Strategic Plan:
 - To establish and maintain sound governance structures;
 - To provide strong, accountable leadership supported by a skilled and professional workforce;
 - To engage effectively with our community.

Executive Officer: Executive Director Corporate Services

Meeting Schedule: 2nd Tuesday of the Month.

Nominations: Open to all Councillors | **Membership:** Open to all Councillors.

Past Chairperson and Committee Members: *Councillor Stocks (Chair), Councillor Calleja (Deputy Chair), Councillor Mulcahy (Deputy Chair), Mayor Wellington, Councillor Bowles, Councillor Dowling, Councillor Hortin, Councillor Sutton, Councillor Price, Councillor Hammond and Councillor Hollingworth.*

- **Economic Development Committee.** The Economic and Development Committee is responsible for:
 - Considering and recommending to Council ways to strengthen the local Albany economy; and
 - Delivering the following Smart, Prosperous and Growing Objectives contained in the City of Albany Strategic Plan:
 - To foster links between education, training and employment that support economic development.
 - To strengthen our region's economic based.
 - To develop and promote Albany as a unique and sought after visitor destination.

Executive Officers: Chief Executive Officer & Executive Director Economic Development and Commercial Services

Meeting Schedule: 1st Tuesday of the Month.

Nominations: Open to all Councillors | **Membership:** Open to all Councillors.

Past Chairperson and Committee Members: *Councillor Hammond (Chair), Mayor Wellington (Deputy Chair), Councillor Calleja, Councillor Price, Councillor Sutton, Councillor Dowling, Councillor Bowles, Councillor Hortin, and Councillor Stocks.*

- **Planning and Development Committee.** The Planning and Development Committee is responsible for the delivery of the following Liveable Environmental Objectives contained in the City of Albany Strategic Plan:
 - To advocate, plan and build connected, liveable communities;
 - To create a community that supports people of all ages and backgrounds; and
 - To create vibrant neighbourhoods which are safe, yet retain our local character and heritage.

Executive Officers: Executive Director Planning & Development & Manager Planning Services

Meeting Schedule: 1st Wednesday of the Month.

Nominations: Open to all Councillors | **Membership:** Open to all Councillors.

Past Chairperson and Committee Members: *Councillor Calleja JP (Chair), Mayor Wellington (Deputy Chair), Councillor Hammond, Councillor Mulcahy, Councillor Sutton, Councillor Goode JP, Councillor Bowles, Councillor Gregson, Councillor Hortin JP and Councillor Hollingworth.*

- **Works & Services Committee.** The Works & Services Committee will be responsible for the delivery of the following Clean and Green Objectives contained in the City of Albany Strategic Plan:
 - To protect and enhance our pristine natural environment;
 - To promote environmental sustainability; and
 - To promote our region as clean and green.

Executive Officers: Executive Director Works & Services

Meeting Schedule: 2ND Wednesday of the Month.

Nominations: Open to all Councillors | **Membership:** Minimum of 4 and a maximum of 7 elected members.

Past Chairperson and Committee Members: *Councillor Hortin JP (Chair), Councillor Bowles (Deputy Chair), Mayor Wellington, Councillor Gregson, Councillor Dowling and Councillor Hollingworth.*

- b. **Internal Council Advisory Committees:** The following advisory committees are comprised of representatives from the community and councillors:

- **Airport Emergency Committee.** (Statutory Requirement). This Committee is established under the *Civil Aviation Act (1998)* and the *Emergency Management Act 2005*. This Committee is responsible for ensuring the currency of the Airport Emergency Plan and associated procedures in support of response and recovery agencies plans.

Executive Officers: Executive Director Economic Development and Commercial Services, Manager Tourism Development & Services

Meeting Schedule: Meets quarterly.

Nominations: Open to all Councillors.

Membership: Minimum of 2 and a maximum of 3 elected members.

Past Chairperson and Committee Members: *Councillor Gregson and Councillor Hammond.*

- **Bushfire Advisory Committee.** This Committee is responsible for reviewing administrative and resourcing decisions and recommendations from the Bushfire Advisory Group and provide advice to Council on *Bush Fires Act 1954* matters.

Executive Officers: Executive Director Planning & Development and the Community Emergency Services Manager (CESM).

Meeting Schedule: Meets quarterly.

Nominations: Open to all Councillors | **Membership:** Minimum of 2 and a maximum of 4 elected members. Membership to the Committee is prescribed under the Council adopted Strategic Bush Fire Plan 2014 to 2019.

Past Chairperson and Committee Members: *Councillor Gregson (Chair), Councillor Hollingworth (Deputy Chair), Councillor Goode, JP and Councillor Sutton.*

- **Local Emergency Management Committee.** (Statutory Requirement). The *Emergency Management Act 2005* requires that local governments are to ensure that local emergency management arrangements are prepared and maintained for the local government district.

Executive Officers: Executive Director Planning & Development and the Community Emergency Services Manager (CESM).

Meeting Schedule: Meets quarterly.

Nominations: Open to all Councillors | **Membership:** Minimum of 1 or 2 elected members.

Notes:

- (1) *The local emergency management arrangements contain the overarching emergency management arrangements relevant to that local government district.*
- (2) *Committee membership is extended to include representatives from agencies, organisations and community groups with expertise relevant to the identified community hazards and risks and emergency management arrangements.*
- (3) *One of the councillors appointed by Council will assume the position of Chairperson, whilst the position of Deputy Chairperson is reserved for the Officer in Charge (OIC), from the Albany Police Station.*

Past Chairperson and Committee Members: *Councillor Gregson (Chair) and Councillor Hammond.*

14. Councillors also represent Council on external Committees. Background information and terms of references follow:

- **Albany Entertainment Centre (AEC) Operational Advisory Committee.** The Perth Theatre Trust has statutory responsibilities in relation to the governance and management of venues, including the Albany Entertainment Centre. The Committee will receive reports on the overall operational and financial activities and performance of the Albany Entertainment Centre and will report to the Chair of the Operational Advisory Committee to the Perth Theatre Trust to enable it to fulfil its governance and management responsibilities pursuant to the *Perth Theatre Trust Act 1973* and the Perth Theatre Trust Strategic Plan, noting that the strategic objectives of the Perth Theatre Trust in its Strategic Plan include optimizing the use of the venue and services for the benefit of the whole community and excellence in continuous improvement in customer service and management.

The AEC Operational Advisory Committee considers programming activities for the AEC and make recommendations for the usage of allocated funds for programming activities. The programming activities are assessed in the context of the Perth Theatre Trust programming policy which requires that program activities should aim to be commercially viable and promote innovation in the use of venues, approaches to particular audience segments, and the potential to reach new audiences.

In addition programming activities are to include a suitable scale performing arts activities not presently provided by existing companies and for which there is a perceived local interest and demand, including events which would bypass Albany if not supported through Perth Theatre Trust programming activities. They should also include suitable events which will foster performing arts practice development and audience development along with events which provide opportunities for the arts industries generally.

The AEC Operational Advisory Committee reviews and oversees the strategic marketing and promotional policies and practices for the Albany Entertainment Centre, which includes promoting the centre as an arts/cultural venue and as a community facility available for broader community uses including major community events and commercial conferencing functions and events.

Meeting Schedule/Location: As required at the City of Albany.

Past Representatives: *Mayor Wellington, Councillors Bowles and Calleja.*

Executive Officer: Executive Director Corporate Services

Nominations: Open to all Councillors | **Membership:** Minimum of 2 and maximum of 3 elected members.

- **Great Southern Joint Development Assessment Panel.** The panel is an independent decision-making body comprised of 3 technical experts and 2 elected local government representatives. These panels determine development applications made under local and region planning schemes, in the place of the City of Albany Council.

Meeting Schedule/Location: As required at the City of Albany.

Past Representatives: *Councillors Hortin, Hammond and Sutton.*

Executive Officer: Executive Director Planning & Development

Nominations: Open to all Councillors | **Membership:** Minimum of 2 and maximum of 3 elected members.

Note: Compulsory training must be completed to be a member of this committee.

- **Great Southern Recreational Advisory Group (GSRAG).** The Great Southern Recreation Advisory Group meets regularly to discuss and develop community sport and recreation opportunities for residents (and visitors) of the Great Southern.

Meeting Schedule/Location: Quarterly various locations in Great Southern.

Past Representative: *Councillor Bowles*

Executive Officers: Executive Director Economic Development and Commercial Services and Manager Recreation Services.

Nominations: Open to all Councillors | **Membership:** 1 Elected Member, Maximum 2 Elected Members.

Note: The Department of Sport and Recreation is the responsible agency.

- **Great Southern Regional Road Group (GSRRG).** Responsible for allocating State Government funding for regional road maintenance and construction and oversee the implementation of State Government 'Black spot' funding.

Meeting Schedule/Location: Quarterly meetings 10.00am – 3.00pm, at locations throughout the Great Southern.

Past Representative: *Councillors Hortin and Gregson.*

Executive Officers: Executive Director Works & Services and Manager City Engineering.

Nominations: Open to all Councillors | **Membership:** 2 Elected Members, Maximum 2 Elected Members.

Note: GSRRG Elected Members must be elected Council Representatives (External Committee Motion passed 25 August 2003).

- **Road Wise Advisory Committee.** The aim of WA Local Government Association's (WALGA's) road safety programs is, on a state-wide basis, to facilitate the active engagement and involvement of Local Governments and the community (through the community road safety network) in effectively contributing to the adoption and application of the safe system approach and the implementation of specific initiatives of the Towards Zero, Western Australian Road Safety Strategy 2008-2020.

Meeting Schedule/Location: Meets on the third Tuesday of every month at the City of Albany, North Road, Albany.

Past Representatives: *Councillors Hortin and Mulcahy.*

Executive Officers: Executive Director Works & Services and Senior Civil Engineering Officer Roads.

Nominations: Open to all Councillors | **Membership:** 2 Elected Members, Maximum 2 Elected Members.

Notes:

(1) *Coordinated by WALGA.*

(2) *Website:* http://www.roadwise.asn.au/roadsafety/great_southern/city_of_albany.aspx

- **South Coast Management Group.** To bring together people, organisations and information, so that communities in the South Coast Region are able to work in partnership, to improve the quality of the coastal and marine environment, resulting in environmental, social and economic sustainability. Goals:
 - Preparing a regional strategy between Denmark and Esperance for Coastal issues.
 - Focus on local government and Community groups.

Meeting Schedule/Location: Bi Monthly (March, July, September and December) various locations throughout the South Coast.

Past Representative: *Councillor Bowles.*

Executive Officers: Manager Reserves and Reserves Officers.

Nominations: Open to all Councillors | **Membership:** 2 Elected Members, Maximum 2 Elected Members.

Notes:

(1) *Coordinated by the management group.*

(2) *Website:* <http://southcoastmanagementgroup.org.au>

- **WA Local Government Association (WALGA) – Great Southern Zone.** The WA Local Government Association is the voice of Local Government in Western Australia. As the peak industry body WALGA advocates on behalf of the State's 142 Local Governments and negotiates service agreements for the sector.

Meeting Schedule/Location: Monthly meetings, conducted via teleconference and face to face throughout the Great Southern.

Past Representatives: *Open to All Councillors to represent the City; however Councillor Dowling attended the majority of meetings.*

Executive Officers: Chief Executive Officer and PA to the CEO.

Nominations: Open to all Councillors | **Membership:** Open to All Councillors to be representatives of the City.

Notes:

(1) *Coordinated by WALGA.*

- (2) *Please note that WALGA is not a government department or agency.*
- (3) *Website: <http://www.walga.asn.au> ;*
- (4) *At the OCM 22 April 2015 (Resolution CSF076), Council nominated All Elected Members to represent the City.*

GOVERNMENT & PUBLIC CONSULTATION

- 15. Public. Public consultation was conducted during the formulation of the Community Strategic Plan, which resulted in Council adopting a new Committee Structure.
- 16. Government. The legislation and Department of Local Government Guidelines were consulted.

STATUTORY IMPLICATIONS

- 17. There is a statutory requirement for Council to have an Audit Committee.
- 18. In accordance with s5.11(1)(d) of the *Local Government Act 1995* (the Act), a person’s membership of a Committee continues until the next ordinary election.
- 19. Division 2, Part 5 of the *Local Government 1995* deals with Council Meetings, committees and their meetings.
- 20. In accordance with s5.10(4) of the Act, if the Mayor informs the local government of his wish to be a member of a committee, the local government is to appoint the mayor to be a member of the committee.
- 21. For the purposes of s5.98 (2) of the Act and the *Local Government (Administration) Regulations 1996*, s32 (1) (c) and s32 (2), travel and child care cost are reimbursable in full for attendance at all meetings and briefings provided for in this policy as well as site inspection visits arising from agenda briefing requests.
- 22. Appointment to Committees is by ABSOLUTE MAJORITY (s5.10 of the Act).

POLICY IMPLICATIONS

- 23. There are no policy implications related to this item, unless the Terms of Reference to a Committee is amended. (For example: The number of Committee Members).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational: Council does not appoint members to Committees	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<p><i>Council appoints elected members at a future meeting of Council.</i></p> <p><i>Officer reports will be submitted without Committee</i></p> <p><i>Recommendations to the monthly ordinary meeting of Council for resolution.</i></p> <p><i>Noting this would not mitigate appointing Council representatives to external committees, such as the Great Southern Regional Roads Group to ensure City of Albany has input into funding allocation decisions.</i></p>

FINANCIAL IMPLICATIONS

- 25. Appropriate budget line exists for the cost of administering Council Committees, including representation on external Committees.
- 26. Note: No sitting fees are paid to elected members as this is covered in the Annual Allowance.

LEGAL IMPLICATIONS

- 27. There are no legal implications related to this item except for compliance with specific provisions of the *Local Government Act 1995*, including subdivision 2 – Committees and their meetings.

ENVIRONMENTAL CONSIDERATIONS

- 28. There are no direct environmental considerations related to this item; however an efficient meeting schedule will reduce wasted resources (time, travel, and office consumables).

ALTERNATE OPTIONS

- 29. Elected members can reserve the right not to nominate to Committees until a later date.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Planning and Development (Development Assessment Panels) Regulations 2011</i> • Department of Local Government Guideline – Audit Committees in Local Government, Their Appointment, Function and Responsibilities • Council adopted Governance & Meeting Framework Policy • Independent Review into improving support to the Volunteer Bush Fire Brigades and overall Emergency Management • Great Southern Regional Road Group (GSRRG) Policy and Procedure Manual, last updated 15 October 2012 • Council adopted Strategic Bush Fire Plan 2014 – 2019
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	<ul style="list-style-type: none"> • OCM 22/04/2014 Resolution CSF076 • SCM 24/10/2013 Resolution SCM001 • OCM 29/10/2013 Report Item 16.1

WS087: CONTRACT C15016 – PROVISION OF SECURITY SERVICES

Proponent : City of Albany
Owner : City of Albany
Report Prepared by : Depot Administration Coordinator (T Sudran)
Responsible Officer : Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 2. Clean, Green & Sustainable
 - b. **Strategic Objective:** 2.2 To maintain a renew city assets in a sustainable manner
 - c. **Strategic Initiative:** 2.2.2 Deliver effective asset maintenance programs

In Brief:

- Council approval is sought to appoint the preferred tenderer to provide security services for the City of Albany
- The contract is to commence from 1st November 2015 for an initial two (2) year period with an option to extend for a further one (1) year and then a further (1) year after that.

RECOMMENDATION

WS087: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ACCEPT the tender from Southcoast Security and AWARD Contract C15016 – Provision of Security Services.

WS087: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR GREGSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED4-0

WS087: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ACCEPT the tender from Southcoast Security and AWARD Contract C15016 – Provision of Security Services.

BACKGROUND

2. Tenders were called for the Provision of Security Services for a period of up to four years (including options). The tender is seeking to engage an experienced and licensed Security Services Contractor to provide various security services and offer an on call response service 24 hours per day, 365 days per year.
3. The services include:
 - Security Patrols & Public Convenience Inspections
 - Cash Collection Services
 - Static Guard/Doorman/Security Escort/Crowd Control Services
 - Alarm and Emergency Callouts
4. The current contract expires 31st October 2015.

DISCUSSION

5. A request for tender was published in the West Australian 29th July 2015 and the Albany Weekender on 30th July 2015.
6. Tender documents were evaluated using the weighted attribute method. This method scored the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:-

Criteria	% Weight
Cost	40
Relevant Experience	20
Key Personnel skills and experience	15
Tenderer's Resources	20
Corporate Social Responsibility	5
Total	100

7. A total number of twenty nine (29) tender documents were issued with five (5) completed tender documents submitted on or before the stipulated closing date and time.
8. The following table summarises the tenderers and the overall evaluation scores applicable.

Tenderer	Weighted Score
Southcoast Security	842.93
M & C Security	716.65
Hawk Eye Protection	655.14
Gentleman Guards	611.23
Swift Security	181.50

9. Southcoast Security is the City's incumbent contractor and has provided a reliable service during the term of the current contract.

GOVERNMENT & PUBLIC CONSULTATION

10. Not applicable.

STATUTORY IMPLICATIONS

11. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$150,000.00 (recently amended).

12. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
13. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

14. The City of Albany Tender Policy and Regional Price Preferences Policy are applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Property <i>Contract personnel have access to facilities after hours and could access confidential information, cause damage or steal items</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Importance is given to the experience and reliability of the tenderer in the evaluation process</i>
Financial & Organisational Operations <i>Non compliance, delays or failure to carry out contracted works or business failure</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply services</i>
Reputation <i>Community dissatisfied with the standard of behaviour demonstrated by the contractor</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply services</i>
People Health & Safety <i>Failure to report potential hazards within the community</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Specific contract performance compliance clauses have been included in the contract</i>

FINANCIAL IMPLICATIONS

16. Each facility maintains individual budgets for security services with the tendered price being shared across the organisation. Each directorate and facility manager has provided for security services in their respective budgets as required.
17. The value of this tender is in excess of \$500,000.00 which exceeds officer delegation and therefore the approval is referred to Council for consideration.

LEGAL IMPLICATIONS

18. Nil.

ENVIRONMENTAL CONSIDERATIONS

19. Nil.

ALTERNATE OPTIONS

20. Council can accept or reject the tenders as submitted.

SUMMARY CONCLUSION

21. On reviewing the submissions, the evaluation team assessed Southcoast Securities as being the most advantageous tenderer across the evaluation criteria for the provision of the City's security services. It is recommended that the nominated tenderer be accepted.

Consulted References	:	<i>Local Government (Functions and General) Regulations 1995</i> <i>Council Policy – Purchasing (Tenders & Quotes)</i> <i>Council Policy – Buy Local (Regional Price Preference)</i>
File Number (Name of Ward)	:	<i>C15016</i>
Previous Reference	:	<i>C11004</i>

**WS088: CITY OF ALBANY PROPERTY LOCAL LAW 2011
DETERMINATION – PROHIBITION OF MOTORISED WATERCRAFT**

Land Description : City of Albany Managed Reserves (Vested in the Care and Control of the City of Albany)
Proponent : City of Albany
Owner : Crown land – City of Albany Management Order
Report Prepared by : Reserves Officer (A Tucker)
Responsible Officer : Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Themes:** 2 - Clean, Green & Sustainable and 5 - Civic Leadership.
 - b. **Strategic Objectives:** 2.1 - To protect and enhance our natural environment and 5.1 - To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:**
 - 2.1.3 - Protect and enhance the health of our catchments and waterways.
 - 5.1.2 – Develop informed and transparent decision making processes that meet our legal obligations.

In Brief:

- Make a determination under the City of Albany Property Local Law 2011, which will control the use of motorised watercraft on dams/lakes/rivers within the Albany municipality.

Purpose & Effect:

- **Purpose:** Protection of the waters placed in the care and control of the City of Albany and public safety.
- **Effect:** Where water depth and/or condition poses a risk to the natural environment and/or public safety authorised officers will be empowered to restrict the use of motorised watercraft.

RECOMMENDATION

**WS088: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- (1) APPROVE the following determination under the City of Albany Property Local Law 2011, for the purpose of Public Consultation:**

Determination: Motorised Watercraft

- (i) A person is prohibited from operating a motorised watercraft on bodies of water (rivers, lakes, dams) located on local government property except on water which is gazetted by the Department of Transport or approved by the City of Albany.**
 - (ii) An authorised person shall have the authority to close a dam/lake/river to motorised watercraft if the water depth or condition may result in damage to the natural environment or pose a threat to public health and safety.**
 - (iii) Definition: Motorised Watercraft means a craft propelled by an inboard or outboard motor powering a water jet pump or propeller. This includes the following watercraft vessel descriptions: Powerboats, Personal Water Craft (Jet Ski), Recreational Vessels.**
- (2) Pending no objections being received during the public consultation period, ADOPT the determination detailed above.**

WS088: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR GREGSON
SECONDED: MAYOR WELLINGTON**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 4-0

WS088: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. APPROVE the following determination under the City of Albany Property Local Law 2011, for the purpose of Public Consultation:

Determination: Motorised Watercraft

- (i) A person is prohibited from operating a motorised watercraft on bodies of water (rivers, lakes, dams) located on local government property except on water which is gazetted by the Department of Transport or approved by the City of Albany.
 - (ii) An authorised person shall have the authority to close a dam/lake/river to motorised watercraft if the water depth or condition may result in damage to the natural environment or pose a threat to public health and safety.
 - (iii) Definition: Motorised Watercraft means a craft propelled by an inboard or outboard motor powering a water jet pump or propeller. This includes the following watercraft vessel descriptions: Powerboats, Personal Water Craft (Jet Ski), Recreational Vessels.
2. Pending no objections being received during the public consultation period, ADOPT the determination detailed above.

BACKGROUND

3. Use of motorised water craft (Jet Skis, Water skiing) is a popular recreational activity; however it does pose risks to the natural environmental and public safety if it is uncontrolled.
4. The indiscriminate use of motorised watercraft, in particular water skiing on water bodies not suitable for the activity is both an environmental hazard and a public safety concern.

DISCUSSION

5. All Water Ski areas within the State must be gazetted by the Department of Transport (DoT) under Regulation 48 (a) of the *Navigable Waters Regulations 1958*.
6. The following information is considered by DoT when making a determination for a gazettal:
 - local government support;
 - DoT regional office support;
 - Department of Parks & Wildlife (DPaW) support; and
 - Department of Water (DoW) support, minimum water depth and water body size as well as other aquatic usage.
7. The City of Albany currently has five sites gazetted for water skiing activities:
 - Shoal Bay;
 - Northern end of Oyster Harbour;
 - Southern end of Oyster Harbour;
 - Waterbay Point (King George Sound); and
 - Kalgan River (which is set aside for the Albany Water Ski club).

8. One such area that people are using for water skiing currently is Lake Mullocullup (also known as Warriup Lake), Reserve Number: R16367.
9. This freshwater lake is a remote City of Albany managed reserve to the east of the City centre. The City, via the DoT, received a complaint on 7 May 2015 regarding the increase use of the reserve by water skiers.
10. In discussion with DoT, it was determined that the lake does not meet the minimum standards required for gazettal and therefore it is suggested that Council prohibit motorised watercraft from this reserve.

GOVERNMENT & PUBLIC CONSULTATION

11. Should Council agree, in principle, to the proposed determination public consultation will be undertaken to seek the necessary feedback from the community.

STATUTORY IMPLICATIONS

12. Clause 2.8 of the City’s Local Government Property Local Law 2011 stipulates inter alia:
 - (3) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property –
 - (e) taking or using a boat, or a particular class of boat;
13. Voting Requirement: **Simple Majority.**

POLICY IMPLICATIONS

14. There is no specific Council policy position, as boating on crown land is dealt with under the Local Government Property Local Law 2011.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community, People Health and Safety <i>Indiscriminate water skiing on water bodies not suitable for the activity</i>	<i>Almost certain</i>	<i>Moderate</i>	<i>High</i>	<i>Proceed with recommended determination under the City’s Local Law, to allow Council Rangers to provide public education and enforcement if necessary.</i>

FINANCIAL IMPLICATIONS

16. Costs for installation of signage and closing of access to the water using physical barriers will be funded, as required per site, within the natural reserves budget. Any signage installed will be placed on the City’s register for capital maintenance and replacement.

LEGAL IMPLICATIONS

17. Determinations under the Local Government Property Local Law 2011 must be implemented in accordance with the *City of Albany Local Government Property Local Law 2011*, clause 2.2

ENVIRONMENTAL CONSIDERATIONS

18. It is likely that inland water bodies suitable for water skiing activity will also have some level of environmental value. These values will be fully considered at the time of making a determination whether to prohibit motorised watercraft or not in that area.

ALTERNATE OPTIONS

19. Council may resolve to:
- Not support the determination; or
 - Support the determination with modification.

SUMMARY CONCLUSION

20. In principle support for the proposed determination under the Property Local law 2011 will allow staff to prohibit the use of motorised watercraft on unsuitable dams/lakes/streams under the management of the City of Albany as necessary.

Consulted References	:	<i>City of Albany Local Government Property Local law 2011</i>
File Number (Name of Ward)	:	<i>Kalgan Ward</i>
Previous Reference	:	<i>Not applicable.</i>

**WS089: WA TOURISM – CARAVAN AND CAMPING ACTION PLAN
OVERFLOW ALLOCATION PROJECT**

Land Description	: Various
Proponent	: City of Albany
Owner	: Crown lands – management orders City of Albany
Attachments	: WA Tourism Funding Agreement - signed
Report Prepared by	: Facilitator Strategy & Improvement (S Grimmer)
Responsible Officer	: Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 2 Clean, Green & Sustainable
 - b. **Strategic Objective:** 2.1 To protect and enhance our natural environment
 - c. **Strategic Initiative:** 2.1.2 Sustainably protect and enhance our iconic coastline and reserves

In Brief:

- WA Tourism has provided funding to six Great Southern local governments (Shire of Plantagenet, Shire of Denmark, City of Albany, Shire of Jerramungup, Shire of Ravensthorpe and Shire of Esperance) as a part of the Caravan and Camping Action Plan Overflow Allocation Project.
- The City of Albany is to be the facilitator of the grant and is responsible for devolving the money to the other Councils.
- The funding totals \$1,000,000, with \$255,000 being allocated to the City of Albany.
- This report recommends that the offer be NOTED.

RECOMMENDATION

**WS089: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council:

- (1) NOTE the acceptance of funding totalling \$1,000,000 from WA Tourism for the Caravan and Camping Action Plan Overflow Allocation Project;**
- (2) ENDORSE that the 2015/16 budget be amended to include additional income of \$1,000,000, expenditure of up to \$255,000 for projects within the City of Albany, as identified, and for remaining funds to be distributed as follows:**
 - a) Shire of Denmark \$60,000**
 - b) Shire of Esperance \$230,000**
 - c) Shire of Jerramungup \$120,000**
 - d) Shire of Ravensthorpe \$215,000**
 - e) Shire of Plantagenet \$120,000**

WS089: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR HOLLINGWORTH**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED4 -0

**WS089: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council:

- (1) NOTE the acceptance of funding totalling \$1,000,000 from WA Tourism for the Caravan and Camping Action Plan Overflow Allocation Project;**
- (2) ENDORSE that the 2015/16 budget be amended to include additional income of \$1,000,000, expenditure of up to \$255,000 for projects within the City of Albany, as identified, and for remaining funds to be distributed as follows:**
 - a) Shire of Denmark \$60,000**
 - b) Shire of Esperance \$230,000**
 - c) Shire of Jerramungup \$120,000**
 - d) Shire of Ravensthorpe \$215,000**
 - e) Shire of Plantagenet \$120,000**

BACKGROUND

2. The six councils within the Great Southern Region (Shires of Denmark, Esperance, Jerramungup, Ravensthorpe and Plantagenet) were presented with an opportunity by WA Tourism to apply for \$1,000,000 to contribute to the cost of installing basic camping infrastructure to meet visitor requirements at existing nature based camping grounds and overnight rest stops.
3. During negotiations with WA Tourism and the other five councils, City representatives volunteered the City of Albany to act as the facilitator of the grant and will devolve the required funds to each of the other five local governments (project partners) as per the grant agreement.
4. As the facilitator, the City of Albany signed the funding agreement with Tourism WA, on behalf of the participant Councils, on 18 August 2015 (attachment one).

DISCUSSION

5. This project provided a great opportunity to upgrade nature based camping facilities to a similar standard over the entire South Coast region.
6. The following table shows the budget breakdown between each of the six Councils

Project Partners	Grant Amount (GST Exclusive)
<i>City of Albany</i>	\$255,000
Shire of Denmark	\$60,000
Shire of Esperance	\$230,000
Shire of Jerramungup	\$120,000
Shire of Ravensthorpe	\$215,000
Shire of Plantagenet	\$120,000
Total Project Budget:	\$1,000,000

7. The projects identified for City of Albany, based on community consultation are listed a below:

City of Albany Project	Allocated Funds	Project Description
Cape Riche Campground	\$85,000	Improve internal road network, improve drainage, delineate camp sites, fire mitigation works, upgrade information bay and signage
Cosy Corner East Campground	\$58,000	Install speed humps, upgrade track from Perkins Beach, realign 4X4 track around site, improve day use area, install information bay and signage
Betties Beach Campground	\$8,000	Install information bay and signage
East Bay Campground	\$8,000	Install information bay and signage

Normans Beach Campground	\$8,000	Install information bay and signage
Torbay Inlet Campground	\$8,000	Install information bay and signage
Amity Quays Overnight Parking Bays	\$28,000	Delineate bays for overnight parking, install information bay and signage. (note: to be established as a trial initially, works will not be abortive. If to remain permanently subject to further community consultation and report to Council.)
Signage	\$12,000	Develop interpretive signage appropriately branded.
Wellstead Chemical Dump Point and Day Parking Bays	\$40,000	Install a chemical dump point for caravans and recreational vehicles with access to water and power
Total	\$255,000	

8. As a priority due to the upcoming National Campervan and Motor Home Club of Australia event being held in Albany from 26 October to 1 November 2015, it is intended to complete works at Amity Quays for Overnight Parking and Wellstead for a Chemical Dump Point and Day Parking.

GOVERNMENT & PUBLIC CONSULTATION

9. The works that are planned to be undertaken for these projects have been referred to the Noongar Consultative Committee on 14 September 2015 and are awaiting clarification of any conditions.
10. A Camping Ground Working Group was formed in 2014, to ensure public consultation with the various local communities affected, via the Bornholm, Torbay, Wellstead and Youngs Siding Progress Associations, to determine their needs and preferences regarding camping ground facilities. Local caravan park owners were also consulted to seek their input into the tourism proposals.
11. Public meetings were held from October 2014 to July 2015 to gauge community support and identify agreed infrastructure priorities for the program.

STATUTORY IMPLICATIONS

12. Under the *Local Government Act 1995*, Section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
- Is incurred in a financial year before the adoption of the annual budget by the local government
 - Is authorised in advance by a resolution (absolute majority required) or
 - Is authorised in advance by the Mayor in an emergency.

POLICY IMPLICATIONS

13. There are no policy implications relating to this matter.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Property, Environment, Community, Reputation, and Financial: If the project is not pursued, an opportunity to improve public infrastructure upgrade and funding will be missed.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Proceed with project.</i>

FINANCIAL IMPLICATIONS

15. The City's contribution to this project comprises in-kind staff time for project management and facilitation, which can be accommodated within current operational budgets.
16. There is no net impact of the current budget resulting from this funding.

LEGAL IMPLICATIONS

17. There are no legal implications relating to this matter.

ENVIRONMENTAL CONSIDERATIONS

18. An internal City of Albany environmental assessment has been completed for all City of Albany work sites and no major concerns were raised. However all works will follow the City of Albany Environmental Code of Conduct – Guidelines for works on Council controlled land.

ALTERNATE OPTIONS

19. Council may elect not take any further part in the program and not receive the funding as provided.

SUMMARY CONCLUSION

20. This project provided a great opportunity to upgrade nature based camping facilities to a similar standard over the entire South Coast region. More specifically it will allow for the infrastructure within the six existing City of Albany nature based campgrounds to be brought up to standard and for the upgrade of the two campervan parking bays and dump points to ensure the City can provide excellent service to visiting tourists.

Consulted References	:	<i>AMT15192250</i>
File Number (Name of Ward)	:	<i>GS.APC.173</i>
Previous Reference	:	<i>Nil</i>

WS090: CONTRACT C15024 CONSTRUCTION OF CRICKET & SOCCER PAVILION - CENTENNIAL PARK

Land Description : Centennial Park Sporting Precinct
Proponent : City of Albany
Owner : City of Albany
Report Prepared by : Manager Major Projects (A. McEwan)
Responsible Officer : Executive Director Works & Services (M. Thomson)

Responsible Officer’s Signature:

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme 3: A Connected Built Environment**
 - b. **Strategic Objective 3.3:** To develop vibrant neighbourhoods which retain our local character and heritage.
 - c. **Strategic Initiative 3.3.2:** Provide proactive planning and building services

Maps and Diagrams:



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Thursday, 13 August 2015

1:2656



In Brief:

- Following a competitive tender process, Council approval is sought to award the tender for the Cricket and Soccer Pavilion construction, Centennial Park to Tectonics (alternative tender submission).

RECOMMENDATION

**WS090: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council ACCEPT the tender from Tectonics and AWARD Contract C15024 - Cricket and Soccer Pavilion Construction, Centennial Park subject to minor negotiations of final terms.

WS090: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR GREGSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 4-0

WS090: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ACCEPT the tender from Tectonics and AWARD contract C15024 - Cricket and Soccer Pavilion Construction, Centennial Park subject to minor negotiations of final terms.

BACKGROUND

2. The Centennial Park Sporting Precinct (CPSP) is an ongoing project tied to various funding agreements with execution timetables related to funding conditions and other practical issues around scheduling of sporting clubs.
3. It is preferable to commence works at the earliest possible time, to ensure practical completion in accordance with funding requirements and to minimise disruption to the sporting clubs affected by the works. The Western Precinct construction (fields and irrigation) has already commenced.

DISCUSSION

4. The standard tender process was applied, ensuring the necessary accountability and transparency when considering submissions. The tender was evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall point score for the tender.
5. The City of Albany advertised locally and at a state level seeking tenders for the Cricket and Soccer Pavilion construction, Centennial Park.
6. A total of 32 sets of documents were downloaded from the City of Albany tender website.
7. The City received 7 completed tender documents and these were submitted to the Procurement and Contracts Office on/before the stipulated closing date and time. Tenders were subsequently opened, the name of the tenderer/s were recorded in the tender register and logged into Records.

8. Evaluation of Tenders.

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

Criteria	% Weighting
Relevant Experience	30%
Tenderer's Resources	5%
Demonstrated Understanding	20%
Corporate Social Responsibility	5%
Cost	40%
Total	100%

9. The following table summarises the tenderers and the overall evaluation scores applicable.

Tenderer	Total
Tectonics Construction	656.18
Smith Constructions	647.32
CPD Group	603.33
BGC Construction	599.60
Wauters Enterprises	535.27
Safeway Building and Renovations	402.42
Devlyn Constructions	324.29

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

GOVERNMENT & PUBLIC CONSULTATION

- 11. There is no government consultation required for the award of the Cricket and Soccer Pavilion construction, Centennial Park.
- 12. The funding bodies will be contacted with regard to the outcome of the award and timeframe for construction.

STATUTORY IMPLICATIONS

- 13. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$100,000.
- 14. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
- 15. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisation's Operations <i>Failure to deliver project within specified timeframe</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Award construction tenderer as soon as possible to satisfy funding conditions for project completion</i>
Business Interruption <i>Council rejects/fails to support recommendation for tender award</i>	<i>Possible</i>	<i>Major</i>	<i>Medium</i>	<i>Council makes a timely decision and awards the tender to the recommended tenderer</i>

FINANCIAL IMPLICATIONS

18. The value of this tender is in excess of \$500,000 and therefore the approval is referred to Council for consideration.
19. The recommended tender is within budget.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

21. There are no clearing permits required for the works.

ALTERNATE OPTIONS

22. The options are:
- Council can elect to accept the recommended tender
 - Not approve any tender, or
 - Appoint a different submitted tender.

SUMMARY CONCLUSION

23. On reviewing the submissions, Tectonics was assessed as being the most suitable tenderer across the evaluation criteria for the construction of the Cricket and Soccer Pavilion construction, Centennial Park. Their tender was well detailed and demonstrated a good understanding of the tender objectives.
24. This report recommends that the City accept the tender from Tectonics be accepted and that the contract be awarded subject to final negotiations.

Consulted References	:	<i>Local Government Act 1995 Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing Council Policy – Buy Local (Regional Price Preference)</i>
File Number (Name of Ward)	:	<i>CP.DEC.1</i>
Previous Reference	:	<i>N/A</i>

WS091: SHARK BARRIER - FEASIBILITY

Land Description : Middleton Beach
Attachments : Middleton Beach Shark Exclusion Barrier Feasibility (Draft)
Report prepared by : Executive Director Works & Services (M Thomson)
Responsible Officer : Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 2. Clean, Green and Sustainable.
 - b. **Strategic Objective:** 2.1. To protect and enhance our natural environment.
 - c. **Strategic Initiative:** 2.1.2. Sustainably protect and enhance our iconic coastline and reserves.
 - d. **Strategic Outcome:** Projects and programs that reflect the importance of our coastline and natural reserves.

In Brief:

- The City of Albany has been offered part-funding from the State Government to install a shark barrier enclosure at Middleton Beach in 2015/16.
- At the Ordinary Council Meeting (OCM) on 25 August 2015, Council adopted the Officers recommendation to conduct a feasibility study into the installation of a shark barrier enclosure at Middleton Beach for future consideration, and agreed to undertake relevant stakeholder and community consultation in respect to the installation of a shark barrier enclosure at Middleton Beach in conjunction with the feasibility study.
- The feasibility study into the proposed installation at Middleton Beach and associated community consultation has been undertaken (see attachment) and is provided for Council consideration.
- This report recommends that Council proceed to tender for the design, supply and installation of a shark barrier at Middleton Beach.

RECOMMENDATION

WS091: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- 1) **NOTE the Shark Barrier feasibility report and the recommendations therein;**
- 2) **CALL tenders for the design, supply and installation of a shark barrier at Middleton Beach inclusive of statutory approvals;**
- 3) **ENDORSE the amendment of the 2015/2016 budget to include income of \$200,000 and expenditure of \$200,000 for the purpose of installing a Shark Barrier at Middleton Beach, noting that consideration for ongoing maintenance of the barrier will need to be provided for in subsequent budget considerations;**
- 4) **Following evaluation of tenders and selection of a suitable product, ACCEPT the funding of \$200,000 from the State Government noting that the barrier is installed on a trial basis for a period of up to 3 years;**
- 5) **IMPLEMENT a monitoring and environmental education plan during the trial period.**
- 6) **NOTE that City staff will continue to seek further funding for the project.**

BACKGROUND

2. Council considered a report on this matter at the OCM August 2015.
3. At the OCM it resolved that Council:
 - a. Support conducting a feasibility study into the installation of a Shark Barrier enclosure at Middleton Beach for future consideration.
 - b. Agree to undertake relevant stakeholder and community consultation in respect to the installation of a Shark Barrier enclosure at Middleton Beach in conjunction with the feasibility study.
4. City staff have completed the feasibility (see attached) and the consultation has concluded, the results of which are detailed in the report.

DISCUSSION

5. The feasibility report has concluded that the installation of a shark barrier is feasible, however, it is noted that there remain concerns about the impacts of seagrass (wrack) and ongoing maintenance issues with the installation.
6. Should Council proceed it is proposed that once installation is complete that the barrier remain in place on a trial basis, with further monitoring undertaken during this period. It is envisaged that the trial will be for up to 3 years however if it is necessary the barrier can be removed if there are issues.
7. At the conclusion of the trial, Council may wish to continue leave the barrier in place, seek further funding, trial another type of barrier or remove altogether.

GOVERNMENT & PUBLIC CONSULTATION

8. Various face to face meeting were held with stakeholders and other Council's who have experience with similar installations. The details of these face to face meetings is contained in appendix E of the feasibility report.
9. A Community Engagement Plan was developed by the City of Albany to ensure broad consultation and increase participation from community.
10. Consultation was undertaken by inviting members of the community to complete an online survey and make comment on their perceptions surrounding a shark barrier.
11. Advertising included local newspaper adverts, extensive social media promotions, newsletters, database mail out, iPad beach survey, media release and weekly City News.
12. Outcomes from the community consultation included:
 - 63.33% of participants are in support of the installation of a shark barrier at a section of Middleton Beach;
 - The data showed that while the main of respondents understood that there would be a cost associated with the barrier they were prepared to support the idea (55.83%);
 - Community attitudes centred on the safety of children and families (79.83%), in the additional comments as strong environmental theme emerged which showed concern for the marine environment and build up of seaweed;
 - Respondents showed they were only a bit concerned about shark encounters which affected their enjoyment of the water (40.83%);
 - Qualitative data (additional comments) showed that respondents who both supported and did not support the barrier feared environmental damage (18.33%), showing the largest theme in the comments;
 - Other interesting points raised in the data showed that respondents suggested a trial or temporary installation as solutions in responding to environmental and financial impacts.
13. Based on data from the online survey, it can be said that community understand the ongoing costs and are prepared to support the installation of a shark barrier at Middleton Beach.
14. The installation would need to respond to concerns on environmental and financial impacts. A trial installation may address those concerns.
15. There is a need for an ongoing environmental education to be incorporated into the installation (signage, media, community news) this would assist communities to accept and understand concerns, and an evaluation of community perceptions is reviewed as part of a trial.
16. Two community consultation survey respondents the Sea Shepherd Albany and Albany Paddle Boarding School have offered to assist the City of Albany with installation and monitoring of the installation should it proceed.

STATUTORY IMPLICATIONS

17. Various approvals may be required from various agencies, including
 - a. Southern Ports Authority
 - b. Department of Fisheries
 - c. Department of Transport
 - d. Department of Environment
 - e. WA Planning Commission
 - f. Department of Lands
 - g. Department of Parks and Wildlife
 - h. Surf Life Saving WA.

18. These approvals will need to be fast tracked but it is hoped that they can be obtained within 3 months.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk Category	Likelihood	Consequence	Risk Analysis	Mitigation
People Health & Safety: <i>The integrity of the barrier could be compromised after an encounter with a large shark or storm, therefore exposing swimmers to shark attack.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Work with stakeholder groups, community and consider appropriate resources to inspect the integrity of the structure in the feasibility.</i>
Legal & Compliance: <i>Failure to comply with conditions of insurance coverage, could expose the City of Albany to public liability litigation in the event of an injury/shark attack.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Put in processes and assign appropriate compliance checks.</i>
Community: <i>Current community swimming activities may be disrupted or impacted by the installation of a shark barrier.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Work with stakeholder groups in the feasibility and design phase.</i>
Reputation: <i>Regardless of course of action taken (to proceed or not to proceed) negative and positive public opinions will result.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Conduct robust community and stakeholder consultation in conjunction with a feasibility study.</i>
Financial: <i>Uncertainty of capital and recurrent costs due to location suitability and product life.</i>	<i>Almost certain</i>	<i>Moderate</i>	<i>High</i>	<i>Conduct a thorough feasibility and coastal assessment to ensure suitability for this type of infrastructure is suitable. Conduct whole of life cost analysis.</i>

FINANCIAL IMPLICATIONS

21. The indicative costs of the three types of barrier are contained in the table below.

	Rigid Barrier Mesh System	Exclusion Net System	Tensioned Rope (Hybrid) System
Cost Items	(\$)	(\$)	(\$)
Capital			
Planning, survey, design and approvals	6,000	6,000	6,000
Barrier, supply and install	224,000	40,000	175,000
Capital cost for piles, supply and install	100,000	100,000	100,000
Sundries (inc. licenses, marine safety etc)	10,000	10,000	10,000
Total	340,000	\$156,000	\$291,000
Annual/Recurrent Costs			
Maintenance/routine inspections	30,000	25,000	24,000
Barrier installation/removal	-	9,000	-
Replacement cost (depreciated over expected life up to 10yrs)	20,000	4,000	6,000
Total	\$50,000	\$38,000	\$40,000

22. The above costs do not include GST and are indicative only. Replacement costs are for the barrier only (not piles) as the pile life exceeds the barrier life significantly.
23. Council's attention is drawn to the ongoing maintenance costs and eventual replacement costs.
24. It is envisaged that the State Government Funding will funding the initial capital costs of the installation and that Council will need to provide the funds for the ongoing maintenance.
25. All three of the above types of installation are considered suitable, the ultimate selection will be determined through the evaluation process.
26. The 2015/2016 budget requires amendment to include the \$200,000 income and the \$200,000 expenditure. Council needs to be aware that by proceeding with the project, it is committing to ongoing maintenance of the facility over the trail period. The voting requirement is **ABSOLUTE MAJORITY**.
27. City staff will continue to pursue other funding opportunities.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

29. In the context of this proposal it is important to establish the difference between shark 'barriers' and shark nets used to capture and control sharks. The terminology 'barrier nets' or 'beach enclosure' refer to non-lethal/non shark-capture nets. The deployment of barrier nets to prevent the movement of sharks into bathing areas is a method for mitigating the risk of shark attack and provides peace-of-mind to beach goers who feel unsafe in this environment.
30. Given the results of both the City of Cockburn and the City of Busselton trials and the demonstration that there is minimal impact on the marine environment it is suggested at this initial stage that the environmental impact is minimal.
31. Based on experience of City of Busselton and City of Cockburn approval will be required by the Department of Parks & Wildlife relating to installation of piles on the sea floor.
32. The issue of "Bio Fouling" will require monitoring; however it is not expected to be a significant issue.
33. There may be some loss of visual amenity due to the installation of piles.

ALTERNATE OPTIONS

34. Council can chose to not pursue this initiative and decline the offer of funding.

SUMMARY CONCLUSION


35. The City has concluded its feasibility study and community consultation on the installation of a shark barrier at Middleton Beach.
36. The study has concluded that the installation is feasible, although there are some concerns about the impacts of seagrass (wrack) and its overall effectiveness.
37. This report recommends that the offer of funding be accepted from the state government, and that barrier be installed on a trial basis for up to 3 years.

Consulted References	:	OCM August 2015 Item WS084
File Number (Name of Ward)	:	Frederickstown Ward & Breaksea Ward
Previous Reference	:	Nil

**LEMC006: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY
MANAGEMENT COMMITTEE**

Attachment : LEMC Minutes 18 June 2015
Responsible Officer : Executive Director Planning & Development (D Putland)
Report Prepared By : Administration Coordinator-Rangers and Emergency Services
(S Lees)

Responsible Officer(s):



In Brief:

- Receive the Confirmed Minutes of the Local Emergency Management Committee meeting held on 18 June 2015.

RECOMMENDATION

**LEMC006: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the confirmed minutes of Local Emergency Management Committee meeting held on 18 June 2015 be RECEIVED.

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