



MINUTES

Ordinary Meeting of Council

Tuesday 28 February 2023

6.00pm

Council Chambers



STRATEGIC COMMUNITY PLAN 2032

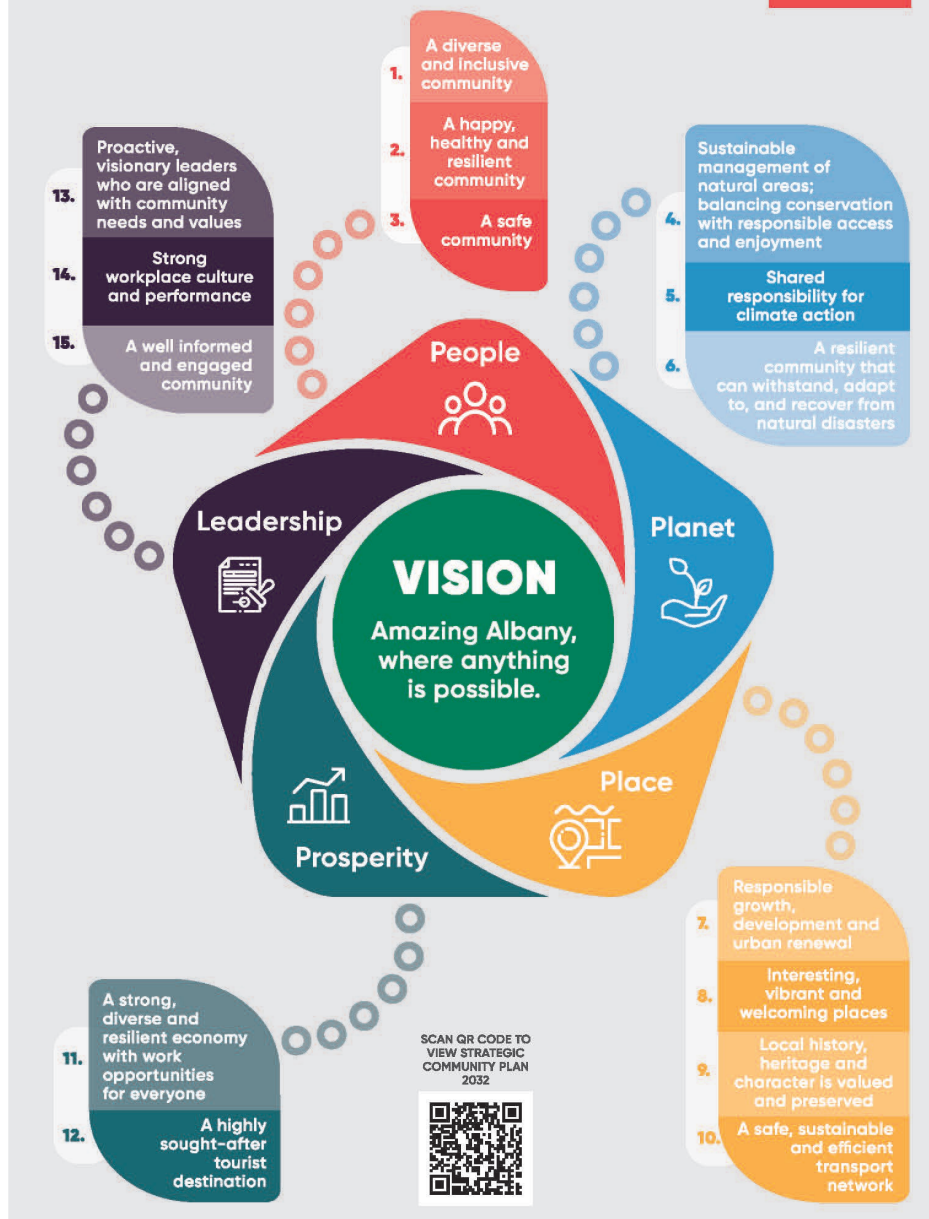


TABLE OF CONTENTS

Item	Details	Pg#
1.	DECLARATION OF OPENING	4
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	4
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	4
4.	DISCLOSURES OF INTEREST	5
5.	REPORTS OF MEMBERS	5
6.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
7.	PUBLIC QUESTION TIME	7
8.	APPLICATIONS FOR LEAVE OF ABSENCE	10
9.	PETITIONS AND DEPUTATIONS	10
10.	CONFIRMATION OF MINUTES	11
11.	PRESENTATIONS	11
12.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	11
13.	MINUTES AND RECOMMENDATIONS OF COMMITTEES	
CCS	Corporate and Community Services Committee	
CCS501	FINANCIAL ACTIVITY STATEMENT-DECEMBER 2022	12
CCS502	LIST OF ACCOUNTS FOR PAYMENT-DECEMBER 2022	15
CCS503	LIST OF ACCOUNTS FOR PAYMENT-JANUARY 2023	17
CCS504	DELEGATED AUTHORITY REPORTS-16 NOVEMBER 2022 TO 15 JANUARY 2023	19
CCS505	QUARTERLY TENDERS REPORT OCTOBER 2022 TO DECEMBER 2022	20
CCS506	ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD ENDING 31 DECEMBER 2022	21
CCS507	CALL FOR NOMINATION TO FILL AUDIT AND RISK COMMITTEE VACANCY	24
CCS508	NATIONAL ANZAC CENTRE-Q2 2022-23 REPORT	26
CCS509	COMMUNICATION AND ENGAGEMENT STRATEGY PROGRESS REPORT	30
CCS510	ACCESS AND INCLUSION PLAN	34
CCS511	CORPORATE SCORECARD-Q2 – 2022-23	40
CCS512	ANNUAL REPORT 2021-2022	43
DIS	Development and Infrastructure Services Committee	
DIS331	CORPORATE POWER PLAN 2023-2028	47
DIS332	DRAFT LOCAL PLANNING POLICY 2.1: NON-RESIDENTIAL DEVELOPMENT IN THE RESIDENTIAL ZONE	51
DIS333	ADOPTION OF DRAFT LOCAL PLANNING SCHEME NO. 2	58
DIS334	ROAD RATIONALISATION-LEDGE BEACH ROAD, GULL ROCK AFFECTING RESERVE 27107 GULL ROCK NATIONAL PARK	78
DIS335	PLANNING AND BUILDING REPORTS DECEMBER 2022	83
DIS336	PLANNING AND BUILDING REPORTS JANUARY 2023	84
DIS337	ADELAIDE STREET PATHWAY CONSTRUCTION TENDER AWARD AND BUDGET AMENDMENT REQUEST	85
LEMC	Local Emergency Management Committee	
LEMC031	RECEIVE THE MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 29 SEPTEMBER 2022.	90
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	91
15.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	91
15.1	NOTICE OF MOTION BY COUNCILLOR STOCKS	91
16.	REPORTS OF CITY OFFICERS Nil	93
17.	MEETING CLOSED TO PUBLIC	93
18.	CLOSURE	93

ORDINARY COUNCIL MEETING MINUTES
28/02/2023

	Appendix A	
	<i>Appendix A - Tabled Address by Mr Jon Doust</i>	94
	<i>Appendix A – Tabled Address by Ms Sonia Emery</i>	96
	<i>Appendix A – Tabled Address by Annabel Paulley</i>	97
	<i>Appendix A – Tabled Address by Ms Gloria Bartoli</i>	99
	<i>Appendix A – Tabled Address by Mr Keith Allen</i>	101
	<i>Appendix A – Tabled Address by Ms Patricia Marie</i>	102
	<i>Appendix A – Tabled Address by Mr Eddy Wajon</i>	104
	<i>Appendix A – Tabled Address by Mr David Picton-King</i>	106

1. DECLARATION OF OPENING

The Mayor declared the meeting open at 6.00pm.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

We would also like to pay respect to Elders past, present and emerging".

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward

P Terry

Breaksea Ward

A Cruse

Frederickstown Ward

G Stocks

Frederickstown Ward

M Traill

Kalgan Ward

T Brough

Kalgan Ward

M Benson-Lidholm JP

Vancouver Ward

J Shanhun

Vancouver Ward

D Baesjou

West Ward

S Smith

West Ward

S Grimmer

Yakamia Ward

C Thomson

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

M Gilfellon

Executive Director Infrastructure, Development
& Environment

P Camins

Executive Director Community Services

N Watson

Manager Planning and Building Services

J Van Der Mescht

Meeting Secretary

J Williamson

Apologies:

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Brough	DIS333	Impartiality. The nature of the interest being that Councillor Brough is a Managing Director of a forestry company. LPS2 does not impact on existing tree farm interests. Councillor Brough remained in the Chamber and participated in the discussion and vote for this item.

5. REPORTS OF MEMBERS

6.01pm Councillor Sutton

Summary of key points:

Councillor Sutton commented that this was possibly the driest summer in over 30 years, however it was gratifying to see that the City's sporting facilities were still looking magnificent despite the weather.

6.02pm Councillor Thomson

Summary of key points:

Councillor Thomson said that he had recently learned that 1080 poison not used by the City of Albany to control foxes or rabbits, and he fully supported that position due to the risk of collateral damage to native fauna. Councillor Thomson requested that if that position should change in future that its use should be a decision of Council and not the administration.

Councillor Thomson attended the dedication of the Karen Baptist Church site on Newbey Street Milpara. Councillor Thomson said that Albany's Karen community had grown significantly over the years.

6.05pm Councillor Grimmer

Summary of key points:

Councillor Grimmer thanked his fellow Councillors for their warm welcome. Councillor Grimmer also thanked the Executive Management Team for their support.

6.05pm Councillor Smith

Summary of key points:

Councillor Smith recently toured the Albany Ring Road. Councillor Smith said that the Ring Road would bring many benefits to the road transport industry, particularly those that utilised the Albany Port.

Councillor Smith said that there has been a \$29m direct spend into the local community for products and services, with 52 indigenous workers employed on the project and 20% of the work hours so far have been through indigenous labour hire. The project has so far injected \$4.4m into local indigenous owned businesses.

6.07pm Councillor Shanhun

Summary of key points:

Councillor Shanhun said that there was a very high fire danger this year due to the drier than normal conditions and high fuel loads. Councillor Shanhun reported that local Volunteer Bush Fire Brigades had dealt with a number of fires, with a higher than normal number of lightning fires. Councillor Shanhun said that the high fire danger could extend to June.

Councillor Shanhun also stressed the importance of progressing a fire refuge for Goode Beach residents.

Councillor Shanhun also said that with a rapidly increasing population, the Range Road project would provide a vital transport link.

6.09pm Councillor Benson-Lidholm

Summary of key points:

Councillor Benson-Lidholm welcomed the increased Lotterywest funding for the RSL Albany Anzac Day commemorations.

Councillor Benson-Lidholm also commented on the Green Range Country Club fundraising efforts to upgrade their sporting facilities. Councillor Benson-Lidholm said that with rural depopulation it was important to provide recreation opportunities for local communities.

6.12pm Councillor Traill

Summary of key points:

Councillor Traill commented that no wards would lead to better governing for our community.

Councillor Traill paid tribute to Raylee Rose who has recently passed away. Ms Rose was a stalwart of Albany Darts, Albany City Dance Club and Albany Community Radio.

Councillor Traill also paid tribute to Trevor Mackintosh, who also recently passed away, and Mr Mackintosh's contribution to Youngs Siding community.

Councillor Traill congratulated 2023 Community Citizen of the Year Award Recipients:

- Geoff Bastyan;
- Angus Bowles; and
- Bob Rees.

Councillor Traill also congratulated Susan Hunt, Chair of the National Anzac Advisory Group, on becoming a Member of the Order of Australia.

6.16pm Councillor Terry
Summary of key points:

Councillor Terry commended the City's events team on the successful Australia Day Binalup Festival which was very well attended by the community. Councillor Terry also congratulated the 2023 Community Citizen of the Year Award Recipients.

Councillor Terry stated that the recent spate of dog attacks causing injury or death was a timely reminder of how important it is that dogs are appropriately controlled and leashed when in public.

In addition, Councillor Terry said that control of foxes and feral cats was vital to protect local native fauna, and that a review of cat legislation by the State government was long overdue.

Councillor Terry also commented on the State government planning reforms which are moving to centralise planning decisions with the State government.

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

7. PUBLIC QUESTION TIME

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

Clause 5) The Presiding Member may decide that a public question shall not be responded to where—

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

6.21pm Ms Sonia Emery, 11 Finlay Street Albany
Summary of key points:

Ms Emery addressed Council regarding the Notice of Motion by Councillor Stocks, and the Yakamia bush land.

Ms Emery's tabled address is detailed at Appendix A. Ms Emery also asked the following question which was taken on notice:

"In formulating the LPS2, and making decisions about developments in the City, in what ways are you guided by the issues of climate change, the loss of habitat and the consequently the loss of fauna and flora species and biodiversity. Can you explain how you are addressing these compelling problems?"

The Executive Director Infrastructure, Development and Environment provided the following response:

Every five years or so, the City reviews its Local Planning Strategy.

The Albany Local Planning Strategy (ALPS) review was completed in 2019. As part of this review, the City, in collaboration with the State government, took a wide range of factors into consideration, including amendments to state laws, policies, strategies, and position statements. This included issues relating to conservation and climate change, such as coastal risk considerations.

The recommendations/actions from ALPS, as well as additional recommendations from the State and locally adopted guiding documents, were incorporated into the creation of Local Planning Scheme 2.

We are aware that the State Government is also currently developing a "Climate Adaptation Strategy", which should provide a useful contribution to the future review of the Local Planning Strategy.

This response has also been provided to Ms Emery by email. Synergy Reference EF23282009.

6.23pm Mr Jon Doust, 132 Angove Road, Spencer Park
Summary of key points:

Mr Doust addressed Council regarding the Yakamia bush land. Mr Doust's tabled address is detailed at Appendix A.

6.27pm Ms Diane Evers, 58 Bindaree Road, Cuthbert
Summary of key points:

Ms Evers addressed Council regarding mining exploration within the municipal boundaries of the City of Albany, particularly in priority and general agricultural areas to the west of the City.

Ms Evers requested that Council advocate on behalf of those landowners who may be affected by mining exploration, particularly for mineral sands.

6.31pm Mr Robin Budden, 94 La Perouse Road, Goode Beach
Summary of key points:

Mr Budden addressed Council as a member of the Goode Beach Bush Fire Ready Group, which is a community program to assist residents in becoming bush fire ready. The group was formed in October 2020.

Mr Budden requested that the City provide immediate assistance to ensure that the emergency access track from Goode Beach, which is currently in very poor condition, be upgraded to provide accessibility and an alternative route for evacuation of Goode Beach in the event of a bush fire.

6.36pm Ms Sylvia Leighton, Wellstead and Albany
Summary of key points:

Ms Leighton addressed Council regarding DIS333: Adoption of Draft Local Planning Scheme No. 2, and urged Council to retain and preserve bush land for future generations.

6.40pm David Picton-King 7 Callistemon View, Yakamia
Summary of key points

Mr Picton-King addressed Council regarding DIS333: Adoption of Draft Local Planning Scheme No. 2.

Mr Picton-King's tabled address is detailed at Appendix A.

6.44pm Annabel Paulley, Parker Street, Lockyer
Summary of key points:

Ms Paulley addressed Council regarding DIS333: Adoption of Draft Local Planning Scheme No. 2.

Ms Paulley's tabled address is detailed at Appendix A.

6.49pm Ms Gloria Bartoli, 75a Sydney Street, Yakamia
Summary of key points:

Ms Bartoli addressed Council regarding DIS333: Adoption of Draft Local Planning Scheme No. 2.

Ms Bartoli's tabled address is detailed at Appendix A.

6.52pm Ms Sandra Swain, 21 Leslie Street, Yakamia
Summary of key points:

Ms Swain addressed Council regarding DIS333: Adoption of Draft Local Planning Scheme No.2. Ms Swain requested that Council consider rezoning of Lot 4743 North Road, Albany to Environmental Conservation zone.

6.55pm Mr Keith Allen, 79/22 Wellington Street, Centennial Park
Summary of key points:

Mr Allen addressed Council regarding DIS333: Adoption of Draft Local Planning Scheme No. 2. Mr Allen's tabled address is detailed at Appendix A.

6.59pm Ms Patricia Marie, 22 Wellington Street, Centennial Park
Summary of key points:

Ms Marie addressed Council regarding DIS333: Adoption of Draft Local Planning Scheme No. 2. Ms Marie's tabled address is detailed at Appendix A.

7.03pm Mr Andrew Jackson, 18 The Foreshore, Churchlands
Summary of key points:

Mr Jackson addressed Council regarding his proposed development at 504 The Esplanade, Lower King.

7.05pm Mr Peter Drygan, Kalgan
Summary of key points:

Mr Drygan addressed Council regarding DIS333: Adoption of Draft Local Planning Scheme No. 2. Mr Drygan stressed the importance of tree farming within the municipality.

7.09pm Mr Tony Demarteau, 40 Celestial Drive, McKail
Summary of key points:

Mr Demarteau addressed Council regarding the open drains on Boundary Road, which he said are an ongoing safety concern.

Mr Demarteau said that the increased funding from Lotterywest for the RSL Anzac Day Commemorations was very welcome.

Mr Demarteau also expressed concern over a recent spate of dog attacks in the community. Mr Demarteau suggested that City of Albany Rangers should be increasing patrols and issuing more infringements when dogs are found to be off-leash in areas that required them to be leashed.

Mr Demarteau commended a City of Albany staff member working at Fossiker's Tip Shop for their outstanding customer service.

7.13pm Mr Tony Harrison, Little Grove

Summary of key points:

Mr Harrison addressed Council regarding DIS333: Adoption of Draft Local Planning Scheme No. 2. Mr Harrison requested that Council consider rezoning of Lot 4743 North Road, Yakamia to conserve the existing remnant bushland.

7.18pm Dr Eddie Wajon, Perth

Summary of key points:

Dr Wajon addressed Council regarding DIS333: Adoption of Draft Local Planning Scheme No. 2, and supported the proposed amendment by Councillor Brough concerning tree farming.

Dr Wajon's tabled address is detailed at Appendix A.

7.22pm Ms Sally Moir 48 Hill Street, Mount Clarence

Summary of key points:

Ms Moir addressed Council regarding DIS333: Adoption of Draft Local Planning Scheme No. 2, and spoke in support of retaining the existing remnant bushland on Lot 4743 North Road, Yakamia.

7.23pm Diana Caley, 12 Franklin Court, Bayonet Head

Summary of key points:

Ms Caley addressed Council regarding DIS333: Adoption of Draft Local Planning Scheme No. 2, and requested that Council consider rezoning Lot 4743 North Road, Yakamia to protect existing remnant bush land.

7.27pm Mr Hugh Waite, Butts Road, Yakamia

Summary of key points:

Mr Waite requested that Council consider new laws to enforce the containment, confinement and control of dogs, cats and rabbits to reduce their impact on native fauna and flora.

7.29pm Mr David Wettenhall, Frenchman Bay Road, Robinson

Summary of key points:

Mr Wettenhall addressed Council regarding DIS333: Adoption of Draft Local Planning Scheme No. 2. Mr Wettenhall spoke in support of Councillor Brough's amendment regarding tree farming. Mr Wettenhall said that further clarification of priority and general agricultural zoning would be helpful.

There being no further speakers the Mayor declared Public Question Time closed at **7.32pm**.

8. APPLICATIONS FOR LEAVE OF ABSENCE Nil

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR TRAILL

THAT the minutes of the Ordinary Council Meeting held on 13 December 2022, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 13-0

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR SHANHUN

THAT the minutes of the Special Council Meeting held on 20 December 2022, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 13-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS501: FINANCIAL ACTIVITY STATEMENT – DECEMBER 2022

Proponent / Owner : City of Albany
Attachments : Financial Activity Statement - December 2022
Report Prepared By : Manager Finance (S van Nierop)
Authorising Officer: : Executive Director Corporate & Commercial Services
(M Gilfellon)

STRATEGIC IMPLICATIONS

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

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany's Statement of Financial Activity for the period ending 31 December 2022 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the financial activity statement for the period ended 31 December 2022 is preliminary and has not yet been audited.

RECOMMENDATION

CCS501: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

Moved: Councillor Sutton
Seconded: Councillor Terry

THAT the Financial Activity Statement for the period ending 31 December 2022 be RECEIVED.

CARRIED 13-0

CCS501: COMMITTEE RECOMMENDATION

Moved: Councillor Brough
Seconded: Councillor Traill

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS501: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 December 2022 be RECEIVED.

DISCUSSION

2. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
3. In order to fulfil statutory reporting obligations, the Financial Activity Statement prepared provides a snapshot of the City's year to date financial performance. The report provides:
 - (a) Statement of Financial Activity by Nature or Type;
 - (b) Explanation of material variances to year to date budget;
 - (c) Net Current Funding Position;
 - (d) Investment Portfolio Snapshot;
 - (e) Receivables; and
 - (f) Capital Acquisitions.
4. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS457, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2022/2023.
5. The Statement of Financial Activity may be subject to year-end adjustments and has not been audited by the appointed auditor.
6. It is noted that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The 'errors' may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect."

STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
 - 34(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
 - 34(2) Each statement of financial activity is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
 - 34(3) The information in a statement of financial activity may be shown –
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.

- 34(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- 34(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances

POLICY IMPLICATIONS

- 8. The City's 2022/23 Annual Budget provides a set of parameters that guides the City's financial practices.
- 9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

- 10. Expenditure for the period ending 31 December 2022 has been incurred in accordance with the 2022/23 proposed budget parameters.
- 11. Details of any budget variation in excess of \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

LEGAL IMPLICATIONS

- 12. Nil.

ENVIRONMENTAL CONSIDERATIONS

- 13. Nil.

ALTERNATE OPTIONS

- 14. Nil.

CONCLUSION

- 15. The Authorising Officer's recommendation be adopted.
- 16. It is requested that any questions regarding this report are submitted to the Executive Director Corporate & Commercial Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.7 - All Wards

CCS502: LIST OF ACCOUNTS FOR PAYMENT – DECEMBER 2022

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Manager Finance (S Van Nierop)
Authorising Officer: : Executive Director Corporate and Commercial Services
(M Gilfellon)

STRATEGIC IMPLICATIONS

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

IN BRIEF

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

RECOMMENDATION

CCS502: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR BROUGH

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 December 2022 totalling \$10,921,869.40 be RECEIVED.

CARRIED 13-0

CCS502: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS502: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 December 2022 totalling \$10,921,869.40 be RECEIVED.

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 December 2022. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$18,426.41
Payroll	\$2,771,392.94
Cheques	\$0.00
Electronic Funds Transfer	\$8,132,050.05
TOTAL	<u>\$10,921,869.40</u>

3. The table below summaries the total outstanding creditors as at 15 December 2022.

Current	\$229,072.35
30 Days	\$86,980.30
60 Days	\$7,502.00
90 Days	-\$1,331.18
TOTAL	<u>\$322,223.47</u>
Cancelled Cheques	Nil

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 December 2022 has been incurred in accordance with the 2022/2023 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 December 2022 has been incurred in accordance with the 2022/2023 budget parameters.

LEGAL IMPLICATIONS

9. Nil

ENVIRONMENTAL CONSIDERATIONS

10. Nil

ALTERNATE OPTIONS

11. Nil

CONCLUSION

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

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.2 – All Wards

CCS503: LIST OF ACCOUNTS FOR PAYMENT – JANUARY 2023

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Manager Finance (S Van Nierop)
Authorising Officer: : Executive Director Corporate and Commercial Services
(M Gilfellon)

STRATEGIC IMPLICATIONS

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

IN BRIEF

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

RECOMMENDATION

CCS503: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 January 2023 totalling \$5,607,680.44 be RECEIVED.

CARRIED 13-0

CCS503: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS503: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 January 2023 totalling \$5,607,680.44 be RECEIVED.

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 January 2023. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$12,190.31
Payroll	\$1,810,785.02
Cheques	\$11,043.70
Electronic Funds Transfer	\$3,773,661.41
TOTAL	<u>\$5,607,680.44</u>

3. The table below summaries the total outstanding creditors as at 15 January 2023.

Current	\$96,622.35
30 Days	\$44,106.28
60 Days	\$27,472.50
90 Days	\$3,972.10
TOTAL	\$172,173.23
Cancelled Cheques	Nil

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 January 2023 has been incurred in accordance with the 2022/2023 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 January 2023 has been incurred in accordance with the 2022/2023 budget parameters.

LEGAL IMPLICATIONS

9. Nil

ENVIRONMENTAL CONSIDERATIONS

10. Nil

ALTERNATE OPTIONS

11. Nil

CONCLUSION

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

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.2 – All Wards

**CCS504: DELEGATED AUTHORITY REPORTS – 16 NOVEMBER 2022 to
15 JANUARY 2023**

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

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

CCS504: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SHANHUN

THAT the Delegated Authority Reports 16 November 2022 to 15 January 2023 be RECEIVED.
CARRIED 13-0

CCS504: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS504: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 November 2022 to 15 January 2023 be RECEIVED.

BACKGROUND

2. In compliance with Section 9.49A of the *Local Government Act 1995* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:
 - **Delegation: 006** – Sign Documents on Behalf of the City of Albany (Authority to Executive Deeds & Agreements and apply the Common Seal)
 - **Delegation: 009** – Provide Donations, Sponsorship, Subsidies & Authority to Apply for Grant Funding (Including the provision of sponsorship through the waiver of fees & charges)
 - **Delegation: 018** – Award Contracts (Supply of Equipment, Goods, Materials & Services)

CCS505: QUARTERLY REPORT – TENDERS AWARDED – OCTOBER TO DECEMBER 2022

Proponent	: City of Albany
Attachments	: Quarterly Report – Tenders Awarded – October to December 2022
Report Prepared by	: Senior Procurement Officer (H Hutchinson)
Authorising Officer	: Executive Director Corporate & Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

CCS505: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Quarterly Report – Tenders Awarded – October to December 2022 be RECEIVED.

CARRIED 13-0

CCS505: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS505: AUTHORISING OFFICER RECOMMENDATION

THAT the Quarterly Report – Tenders Awarded – October to December 2022 be RECEIVED.

CCS506: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD ENDING 31 DECEMBER 2022

Proponent	:	City of Albany
Attachments	:	Budget Review for the period ending 31 December 2022
Report Prepared by	:	Business Analyst/Management Accountant (D Harrison)
Authorising Officer	:	Executive Director Corporate & Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

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

In Brief:

- Local governments are required to conduct a budget review between 1 January and 31 March each financial year in accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996.
- This review is for the period ending 31 December 2022, and achieves a Balanced Budget inclusive of the proposed Budget Review allocations

RECOMMENDATION

CCS506: RESOLUTION VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TERRY SECONDED: COUNCILLOR BROUGH

THAT the Revised Budget Review for the period ending 31 December 2022, as detailed in the attachment to this report, be ADOPTED.

**CARRIED 13-0
ABSOLUTE MAJORITY**

Officer Comment:

A balanced budget will still be achieved after the proposed amendments to general ledger accounts 15984 and 14555.

CCS506: ADDENDUM

At the Community and Corporate Services Meeting held on 14 February 2023, the consensus from the Committee was that the recommended amendments to general ledger accounts 15984 and 14555 should not proceed.

The implications to this agenda item as a result of these proposed amendments are as follows:

5. Under this Revised Budget, the proposed budget of \$130.2m is comprised of:
 - a. \$43.4m capital works;
 - b. \$2.2m debt reduction; and
 - c. \$84.6m in operating expenditure (includes \$19.0m of non-cash items).

The attachment to this agenda item has been amended to reflect the consensus.

CCS506: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Budget Review for the period ending 31 December 2022 be ADOPTED.

CCS506: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS506: AUTHORISING OFFICER RECOMMENDATION

THAT the Budget Review for the period ending 31 December 2022 be ADOPTED.

BACKGROUND

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

DISCUSSION

3. Council adopted the 2022/2023 Budget on 26 July 2022. The total adopted budget of \$134.9M comprised of:
 - a. \$56.2M capital works;
 - b. \$ 2.2M debt reduction; and
 - c. \$76.5M in operating expenditure (includes \$18.5m of non-cash items).
4. The Current Budget (inclusive of budget amendments already endorsed by Council throughout FY2022/23) has a budget of \$133.0M.
5. Under this Revised Budget, the proposed budget of \$125.4M is comprised of:
 - a. \$38.6m capital works;
 - b. \$ 2.2M debt reduction; and
 - c. \$84.6M in operating expenditure (includes \$19.0m of non-cash items).
6. The net reduction in funding required (relative to the current budget) of \$7.5M (inclusive of reduction in expenditures, adjustment of grant funding, additional revenue and reserve funding) has been identified in this review to maintain a balanced position for the 2022/2023 financial year.
7. This Budget Review identifies an additional \$2.7m in new expenditure for general works, variations and new projects.
8. A copy of the Budget Review for the period ending 31 December 2022 is attached.
9. Budget adjustments thereafter of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of this review.

GOVERNMENT & PUBLIC CONSULTATION

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

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.
13. If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of 7 days and (a) its intention to do so; and (b) the date from which it is proposed the fees or charges will be imposed.
14. The voting requirement of Council is **Absolute Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

17. Please refer to the attachment: Budget Review for the period ending 31 December 2022.

LEGAL IMPLICATIONS

18. Nil.

ENVIRONMENTAL CONSIDERATIONS

19. Nil.

ALTERNATE OPTIONS

20. For the period ending 31 December 2022, Council may consider:
- Adopting the Budget Review as recommended; or
 - Adopting the Budget Review with amendments (as specified by Council)

SUMMARY CONCLUSION

21. That the Authorising Officer's Recommendation to adopt the Budget Review for the period ending 31 December 2022 be supported.

Consulted References		<ul style="list-style-type: none">Adopted Budget 2022/2023Local Government Act 1995
File Number (Name of Ward)	:	FM.BUG.12
Previous Reference	:	Adopted Budget 2022/2023 – OCM 26/7/2022 Resolution CCS457

CCS507: CALL FOR NOMINATION TO FILL AUDIT AND RISK COMMITTEE VACANCY

Report Prepared By : Senior Team Leader (J Williamson)
Authorising Officer: : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcomes:** Provide strong, accountable leadership.

In Brief:

- The Audit and Risk Committee has a membership of 7 elected members (in accordance with the Terms of Reference for this committee).
- One vacancy now exists for this committee following the passing of committee member Councillor Goode.
- A call for nominations will be conducted to fill that vacancy, the term of which ends at the next Ordinary Local Government election to be held on 21 October 2023.

RECOMMENDATION

CCS507: RESOLUTION VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON

THAT Councillor Brough's nomination be ACCEPTED and he is APPOINTED as a member of the Audit and Risk Committee.

**CARRIED 13-0
ABSOLUTE MAJORITY**

CCS507: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR THOMSON

THAT:

1. Nominations be called for to fill one vacancy on the Audit and Risk Committee.
2. THAT Councillor Brough be APPOINTED to the Audit and Risk Committee.

CARRIED 13-0

Councillor Brough was the only nominee for the vacancy.

CCS507: AUTHORISING OFFICER RECOMMENDATION

THAT:

1. Nominations be called for to fill one vacancy on the Audit and Risk Committee.
2. The successful nominee be APPOINTED to the Audit and Risk Committee.

BACKGROUND

2. The Audit and Risk Committee has a membership of seven elected members, in accordance with the Terms of Reference for this committee.
3. A vacancy now exists on the Audit and Risk Committee following the passing of Councillor Goode, who was a member of this committee.

DISCUSSION

4. Nominations are called for from elected members who may wish to sit on the Audit and Risk Committee to fill one vacancy.
5. Should no nominations be received, the Audit and Risk Committee is able to function appropriately with the current membership of six (quorum for this committee is 4).
6. Elected Members may reserve the right to nominate, if there still exists a vacancy, at a later date.
7. Membership for all Council committees expire at the next Ordinary local government election to be held 21 October 2023.

STATUTORY IMPLICATIONS

8. In accordance with s5.11(1)(d) of the *Local Government Act 1995*, a person's membership of a committee continues until the next ordinary local government election.
9. Division 2, Part 5 of the *Local Government Act 1995* deals with Council meetings and committees and their meetings.
10. Appointment to committees is by **Absolute Majority**.

POLICY IMPLICATIONS

11. There are no policy implications related to this report unless the Terms of Reference for the Audit and Risk Committee are to be amended to either:
 - a. Increase; or
 - b. Decreasethe membership.

CONCLUSION

12. Call for nominations to fill one vacancy on the Audit and Risk Committee. The term of that membership will expire on 21 October 2023.

Consulted References	:	<i>Local Government Act 1995</i> <i>Terms of Reference for the Audit and Risk Committee</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Report Item CCS388 OCM 26 October 2021 Report Item CCS404 OCM 14 December 2021

CCS508: NATIONAL ANZAC CENTRE – Q2 2022-23 REPORT

Proponent / Owner	: City of Albany
Attachments	: National Anzac Centre (NAC) – Quarter 2 (Q2) 2022/23 Operational Report
Report Prepared By	: Manager Facilities (L Stone)
Authorising Officer:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity.
 - **Outcomes:** A highly sought-after tourist destination.
 - **Objectives:** Create a competitive and sustainable tourism offer.

In Brief:

- To provide Council with an update on Q2 2022/23 performance of the NAC.

RECOMMENDATION

CCS508: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR TRAILL

THAT the NAC Operational Report for Q2 2022/23 be RECEIVED.

CARRIED 13-0

CCS508: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS508: AUTHORISING OFFICER RECOMMENDATION

THAT the NAC Operational Report for Q2 2022/23 be RECEIVED.

BACKGROUND

2. The NAC is the City of Albany's most significant tourism asset.
3. The NAC represents a \$10.6 million dollar investment from the Federal and State Government with an additional \$1.5 million invested by Wesfarmers for the construction of the Convoy Walk and Lookout.
4. The City of Albany manages this national museum and understands the importance of generating economic outcomes for the region using the NAC and the Albany Heritage Park (AHP) assets to encourage increased visitation and extended stays to the region.

5. The City established an independent NAC Advisory Group during the 2016/17 financial year to meet quarterly and assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards.
6. The NAC Advisory Group agreed in November 2018 that the group would meet twice a year. The next meeting is scheduled for May 2023.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of the NAC and the AHP and has established a reserve on the understanding that any surplus funds be reinvested and used to leverage additional grant funding to improve the asset.
8. This report template is reviewed regularly to ensure that the Community & Corporate Services Committee and the NAC Advisory Group receive all relevant information to assess its performance.

DISCUSSION

9. Q2 2022/23 achieved overall total visitation numbers of 492,309 visitors to the NAC since opening in November 2014. This equates to an average annual visitation of 60,283 visitors per year.
10. NAC Visitation of 14,916 for Q2 is an increase of 1,196 compared with the same period in 2021/22 which recorded 13,720.
11. October NAC visitation numbers of 6,213 were the highest performing October figures for the past 3 years.
12. November NAC visitation numbers of 4,617 were the highest performing November figures for the past 3 years.
13. The visitation in Q2 2022/23 from the Great Southern Region totalled 571 people, equating to 7.1% of Western Australia's overall visitation of 6,323 (slight decrease from previous quarter being 8.4%).
14. The total visitation in Q2 2022/23 originated from Western Australia (59%), interstate (41%) and international (6.9%).
15. Visitors from other States and Territories consisted of 32% from NSW, 25% from VIC, 27% from QLD, 9% from SA, followed by TAS 3%, ACT and NT all on 1-3%.
16. Interstate visitation of 5,591 (37.5% of overall visitation) aligns to percentages from several previous years (pre-covid) of interstate visitation.
17. Revenue generated in Q2 2022/23 by the NAC was \$2,970 more compared to the same period in 2021/22.
18. The Forts Store revenue of \$131,105 was \$4,673 higher than same period in 2021/22 and \$18,386 higher compared to the same period in 2020/21.
19. As at the end of Q2 2022/23, 7,912 households hold memberships to the NAC League of Local Legends program, an increase of 365 from the previous quarter.
20. This continuing increase in memberships is attributed to the ongoing free-entry membership benefit for residents from the Great Southern region.
21. NAC has become a Children's University learning destination. Children aged seven to 14 from partnering primary schools can now participate in unique learning activities while exploring the award-winning site, as part of the UWA program.
22. NAC has embraced the opportunity to support John Calvin School with the development of an App that provides information on The Avenue of Honour.

GOVERNMENT & PUBLIC CONSULTATION

23. Not Applicable.

STATUTORY IMPLICATIONS

24. Not Applicable.

POLICY IMPLICATIONS

25. Not Applicable.

RISK IDENTIFICATION & MITIGATION

26. Nil.

RISK IDENTIFICATION & MITIGATION

27. Nil.

FINANCIAL IMPLICATIONS

28. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as of December 31, 2022.

29. Full year operating expenditure budget includes:

- a. \$199,000 of costs from accounts that are “shared” across the AHP. A total of \$774,000 of budgeted costs reported under the AHP have been deemed to be a shared cost, across the four reporting areas under the AHP (NAC, Retail, Forts, and AHP Precinct). For the purpose of presenting a standalone view of the NAC, managers have used their best judgement to notionally allocate the \$774,000 across the four areas. Significant shared expenses attributed to the NAC include shared employee costs (\$77,000 of the \$199,000), marketing, ground maintenance, internal service delivery, security, electricity, and insurance.

National ANZAC Centre	FY2022/23 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Income	\$850,000	\$410,934	\$451,360	\$40,426
Operating Expenditure	\$(556,691)	\$(235,308)	\$(240,802)	(\$5,949)
Net Operating Income/(Expense) before Indirect Costs	\$293,309	\$175,626	\$210,558	\$34,932
Indirect Expenses	\$(225,076)	\$(101,559)	\$(102,907)	(\$1,348)
Net Operating Income/(Expense)	\$68,233	\$74,068	\$107,651	\$33,584
Capital Expense	\$(373,835)	\$(186,840)	59,236	\$127,604
Total	\$(305,602)	\$(112,773)	\$48,415	\$161,188

30. The \$373,835 capital expense budget above is the balance of an initial reserve drawdown in 2020-2021 for the NAC refresh. Further works did not progress in 2021-2022 and the amount has been carried-forward to the 2022-2023 Budget to progress.

LEGAL IMPLICATIONS

31. Nil.

ENVIRONMENTAL CONSIDERATIONS

32. Nil.

ALTERNATE OPTIONS

33. Council may request further development and refinement of the quarterly reporting tool including both content and frequency of reporting

CONCLUSION

34. Overall, Q2 2022/23 has shown steady visitation to the NAC, and is showing some patterns in line with pre covid years. Q2 has demonstrated an increase and steady interstate visitation.
35. The NAC has continued to welcome a slow return of international visitors in Q2. Although only 1,033 visitors, this represents 6.9% of visitation and an improvement from the 3% the previous quarter.
36. International visitation continues to recover post pandemic and the latest annual tourism forecast has predicted that international tourism to Australia will not bounce back to pre-pandemic levels until 2025.
37. Great Southern visitation to the NAC was 7.1% of overall WA visitation during the Oct – Dec period in Q2 2022/23.
38. This is 1.3% lower than the previous quarter (Q1 of 2022/23) and remains significantly higher than the average 1% of overall WA visitation prior to the League of Local Legends introducing a free-entry membership benefit.
39. Interest in the Princess Royal Fortress and exhibitions continues with 1,225 people taking part in 119 Princess Royal Fortress Tours.
40. Overall Q2 generated higher figures compared to Q2 in 2021/22 in the NAC and in the Fort Store sales, which could be attributed to increase of interstate and international visitation and is hoped this can continue.
41. NAC revenue of \$240,490 for Q2 2022/23 was an increase of \$2,970 compared to 2021/22.
42. Fort Store revenue of \$131,105 for Q2 2022/23 was an increase of \$13,438 compared to 2021/22.

Consulted References	:	Nil.
File Number (Name of Ward)	:	RC.SPV.8 (All Wards)
Previous Reference	:	OCM Nov 2022 Resolution CCS490

CCS509: COMMUNICATIONS & ENGAGEMENT STRATEGY PROGRESS REPORT

Proponent / Owner	: City of Albany
Attachments	: City of Albany Communications & Engagement Strategy 2022-2023 Progress Report (November 2022)
Report Prepared By	: Community Development Coordinator (T Flett) Communications Coordinator (L Condon)
Authorising Officer:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

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

In Brief:

- Note the City of Albany Communications & Engagement Strategy November progress report.

RECOMMENDATION

CCS509: RESOLUTION VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR CRUSE
SECONDED: COUNCILLOR GRIMMER**

THAT the City of Albany Communications & Engagement Strategy progress report for the period September 2022 to November 2022 (Q1) and its endorsement by the Communications & Engagement Advisory Group be NOTED.

CARRIED 13-0

CCS509: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR CRUSE**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS509: AUTHORISING OFFICER RECOMMENDATION

THAT the City of Albany Communications & Engagement Strategy progress report for the period September 2022 to November 2022 (Q1) and its endorsement by the Communications & Engagement Advisory Group be NOTED.

BACKGROUND

2. Council adopted the Communications & Engagement Strategy at the May 2019 OCM. The Strategy sets a clear direction for communication and engagement activities by the City. The Strategy is underpinned by an Action Plan.
3. The Strategy implementation and annual action plan is overseen by a Communications and Engagement Advisory Group comprising community representatives, Elected Members and City officers. The Advisory Group is scheduled to meet quarterly to review and endorse the progress report.

DISCUSSION

Progress Report

4. The Advisory Group previously met and endorsed the 2021-2022 progress report ending August 2022 on 24 August 2022 (Q4), and this was tabled and noted at the OCM of 27 September 2022.
5. The Advisory Group endorsed the 2022-2023 progress report for the period September-November 2022 (Q1) at its meeting on 30 November 2022.
6. The Advisory Group noted new updates to the progress report and City engagement projects, including the Ward review.
7. Youth Advisory Council member K. Ford and the City's Community Development Coordinator provided a briefing on the engagement to develop the recently adopted inclusivity logo.
8. The City's Communications Coordinator provided an update on the Christmas Light promotional campaign which was aimed at reducing damage to the light sculptures.
9. Manager City Reserves provided an update regarding the City of Albany Horse Exercise Area review, and engagement in relation to:
 - a. Campground enhancement – Bettys Beach, Normans Beach and East Beach;
 - b. Cheyne Beach masterplan; and
 - c. Lawley Park redevelopment.
10. This report includes 65 actions, 44 which have been completed, 17 remain ongoing or underway, and 4 are on hold.

Strategy Review

11. The Communications and Engagement Strategy is now due for review.
12. The Advisory Group has supported reviewing the Strategy utilising feedback collected in recent engagements to inform the review and achieve stronger alignment with the Community Strategic Plan and Corporate Business Plan.
13. The Advisory Group will participate in a workshop to review the current Strategy and Advisory Group Terms of Reference with the aim to make the group more effective and proactive in providing feedback on proposed engagement activities.
14. Part of the review will be focused on how to increase engagement with groups who currently have low engagement with the City including residents with English as a second language, younger generations of indigenous residents, and people living with a disability.
15. Feedback from these low engagement groups will be shared with the Advisory Group and used to finalise a new draft Terms of Reference.

16. The current membership scope of the Advisory Group will also be reviewed in line with the Strategy review and Terms of Reference review. The City aims to bolster the community representation within the group to include a larger cross-section of community in tandem with less staff representation to allow the voice of community to be better heard.
17. Undertaking a review of the Communications & Engagement Strategy, the supporting Action Plan, the Advisory Group Terms of Reference, and Advisory Group Membership aims to make better use of the opportunities this Advisory Group offers for engagement.
18. The Community Development Team and Communications Team aim to have a draft revised Strategy and terms of reference finalised by mid-2023.

GOVERNMENT & PUBLIC CONSULTATION

19. Extensive community consultation was undertaken during the development of the Communications & Engagement Strategy and at the time achieved the highest reach of any engagement project undertaken by the City.
20. The progress report has been reviewed and supported by the Advisory Group, which includes members representing community.

STATUTORY IMPLICATIONS

21. Nil

POLICY IMPLICATIONS

22. This item aligns with the Council's adopted policy position: Community Engagement Policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational: Community engagement expectations are not met due to budget, viability, funding agreements, safety, or legislative constraints.	Likely	Moderate	High	Clearly define and communicate to community instances where project engagement is constrained by non-negotiable factors.
Reputational: Communications or engagement activity is ad-hoc, untimely, inaccurate, or untargeted.	Unlikely	Major	Low	Follow best practice engagement framework and provide timely, informative, and accurate communications to the community through effective channels as outlined in the Communications & Engagement Strategy.
Operational: Some aspirations of the Strategy may not be fully realised due to budget funding, or resource constraints.	Possible	Moderate	Medium	Prioritise budget allocation where necessary and explore all options to achieve objectives.
Operational: Government re-introduces COVID-19 restrictions within communities, and this impacts City operations and priorities.	Possible	Major	High	Follow Federal and State public health directions as informed and re-prioritise actions as necessary to align with City's operational priorities and capacity.

FINANCIAL IMPLICATIONS

24. Nil.

LEGAL IMPLICATIONS

25. Nil.

ENVIRONMENTAL CONSIDERATIONS

26. Nil.

ALTERNATE OPTIONS

27. Council may request a more comprehensive review of the Communications and Engagement Strategy using an external consultant. Additional budget would be required to support this option.

CONCLUSION

28. The Communications & Engagement Strategy is overseen by an Advisory Group comprising the community, Elected Members and City staff representatives.
29. Community representation on the Advisory Group ensures that community needs, and priorities remain central to the implementation of the Communications and Engagement Strategy.
30. Regular progress reports of achievements against the Strategy is endorsed by the Advisory Group and submitted to Council for information. The progress report against the Strategy's Action Plan for the period September 2022 to November 2022 (Q1) is submitted to Council for noting.

Consulted References	:	City of Albany Communication and Engagement Strategy 2019 Council Policy – Community Engagement
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 27 September 2022, Resolution CCS475

CCS510: ACCESS AND INCLUSION PLAN

Proponent / Owner	: City of Albany
Attachments	: <ul style="list-style-type: none">• Access & Inclusion Engagement Report• Access & Inclusion Plan 2023-2027• Access & Inclusion Action Plan 2023-2027
Report Prepared By	: Community Development Coordinator (T Flett) Community Development Officer (C Jameson)
Authorising Officer:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** People
 - **Outcomes:** A diverse and inclusive community; and
A happy, healthy and resilient community.
 - **Pillar:** Place
 - **Outcomes:** Interesting, vibrant and welcoming places; and
A safe, sustainable and efficient transport network.
 - **Pillar:** Prosperity
 - **Outcome:** A strong, diverse, and resilient economy with work opportunities for everyone.
 - **Pillar:** Leadership
 - **Outcomes:** Proactive, visionary leaders who are aligned with community needs and values; and
A well informed and engaged community.

In Brief:

- The City is required to implement a Disability Access and Inclusion Plan in accordance with the Disability Services Act (1993), to demonstrate how it intends to become more accessible to and inclusive of people with disability.
- Access and inclusion planning is the most appropriate way for public authorities, including local governments, to address barriers people with disabilities face in accessing public services, information, and facilities. This is consistent with the approach taken by other local governments.
- Planning for access does not just benefit people with disability, but the wider community, including seniors, parents with young children, and people from culturally diverse backgrounds.

RECOMMENDATION

CCS510: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR BAESJOU

THAT the Access and Inclusion Plan, which will be implemented over the period 2023-2027, be RECEIVED.

CARRIED 13-0

CCS510: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR BAESJOU

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS510: AUTHORISING OFFICER RECOMMENDATION

THAT the Access and Inclusion Plan, which will be implemented over the period 2023-2027, be RECEIVED.

BACKGROUND

2. In order to meet its statutory obligations, the City is required to implement a Disability Access and Inclusion Plan and to review this plan at least once every five years.
3. The City's existing Disability Access and Inclusion Strategy fell due for review in 2022.
4. The City's Community Development Team has now undertaken this review and developed an updated Access and Inclusion Plan 2023-2027 for Council's adoption.

DISCUSSION

Access and Inclusion Planning

5. Access and Inclusion Plans assist public authorities to identify access and inclusion issues that preclude people with disability from participating in the community.
6. In addition, Access and Inclusion Plans outline how a public authority will make its information, services, and facilities accessible to people with disability. As such, Plans are an important mechanism for public authorities to be more accessible and inclusive of people with disabilities.
7. The Australian Bureau of Statistics 2018 Survey of Disability, Ageing and Carers states that 17.7 percent of Australia's population live with a disability, and around 10.8 percent of its population are carers.
8. In Western Australia, 16.4 percent of the population live with a disability and an estimated 12 percent of people provide unpaid care and support to a family member or friend who requires help due to illness, disability, or frail age.
9. When families of people with disability are included, this is a significant proportion of the population directly or indirectly affected by barriers to access and inclusion within the community.
10. There is a direct, linear relationship between disability and age; The prevalence of disability generally increases with age, which leads to a larger population of people with disability who are aged 65 and over.
11. As a regional centre with a growing proportion of aged residents, it is in the City's interests to be more accessible to and inclusive of people with disability, including seniors living with a disability.

Legislative Requirements

12. Since State Parliament passed the Disability Services Act (1993), public authorities in Western Australia have been required to implement Disability Service Plans. The City of Albany has had a Disability Service Plan in place since 1 September 1998 (since 1 January 1996 for the former Shire and Town of Albany).
13. In 2004 the Act was amended to require public authorities to implement Disability Access and Inclusion Plans which must be reviewed at least once every five years. The City of Albany implemented a Disability Access and Inclusion Strategy in 2007. The Act was further amended in 2014.
14. In accordance with the 2014 amendments, Plans are required to address seven outcome areas, outlining how people with disability will have access to a public authority's:
 - i. Services and events;
 - ii. Buildings and other facilities;
 - iii. Accessible Information;
 - iv. Same level and quality of service;
 - v. Complaints;
 - vi. Consultations; and
 - vii. Employment.
15. The Act stipulates that public authorities are required to consult widely in the development and/or review of Plans.
16. The City is required to lodge its Access and Inclusion Plan with the Department of Communities (formerly Disability Services Commission) for final approval once adopted by Council, and to report annually to the Department on implementation progress. Plans and progress reports are tabled in State Parliament by the Minister for Disability Services.
17. The City's Access and Inclusion Plan was due for review in 2022. As stipulated by the Act, public consultation underpinned the review process, led by the City's Community Development Officers. Consultation occurred with the following groups and is further outlined at Point 30 of this report:
 - People with disability;
 - Families and carers of people with disability;
 - Agencies and organisations which provide services to people with disability;
 - The City's Access and Inclusion Working Group; and
 - City of Albany staff.
18. The review process also included identifying achievements under the Plan, and what barriers or issues remained outstanding.
19. While the Disability Services Act does not prescribe any punishment to public authorities who do not implement Access and Inclusion Plans, the City would be in breach of the Act should Council not adopt the Plan. The Act states that public authorities must develop and implement a Disability Access and Inclusion Plan.
20. The Act requires the Disability Services Commission (DSC) to provide the Minister for Disability Services with a report on the effectiveness of Plans, which is tabled in Parliament each year. The information contained in annual progress reports submitted by public authorities is used to inform the Minister's report.
21. The State Government has a legal obligation to provide information on Plans, and those public authorities without a Plan in place can be identified to the Minister.
22. Importantly, adopting an Access and Inclusion Plan tells the community, in particular people with disability, that the City is committed to reducing access and inclusion barriers to its services and facilities.

Draft Access and Inclusion Plan 2023-2027

23. Using the feedback and information collected through the review process, a draft Access and Inclusion Plan for the next four-year reporting period has been prepared. The Plan is in two sections: introductory material (about the City, people living with disability in Albany, strategic and legislative implications), and the strategies proposed to become more accessible and inclusive.
24. Based on feedback from those with lived experience, the Plan includes an eighth outcome which is over and above what is required in the legislation.
25. This additional outcome enables the City to address within the scope of local government, concerns raised that fall outside of the seven outcome areas listed in the legislation.
26. Other local governments including the City of Rockingham and City of Stirling have also added an eighth outcome with similar objectives based on feedback from their community.
27. An operational Action Plan has been developed to assist Directorates and Business Units implement the Plan.
28. In accordance with the Act, agents and contractors who have dealings with the public are required to implement the City's Plan in order to ensure that services provided to the public on behalf of the City are provided in an accessible manner.
29. The City is required by the Act to report on strategies used to inform agents and contractors about its Plan and to report annually on progress of the Plan's implementation by contractors and agents.

GOVERNMENT & PUBLIC CONSULTATION

30. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)
Inform	Mail out Social media posts City of Albany newsletter Newspaper Radio advert	8/8/2022 – 12/9/2022	
Consult	Lived experience Survey (online, hard copy or verbal)	22/8/22 – 30/9/2022	26
Consult	Stakeholder/agency survey (online)	22/8/22 – 30/9/2022	11
Consult	Engagement workshop	2/9/22	7 lived experience 1 carer
		23/8/22	6 lived experience 7 carers, 2 advocates
		25/8/22	4 lived experience, 4 carers
		14/9/22	5 lived experience, 1 carer/advocate
		19/9/22	5 lived experience, 7 carers
		21/9/22	11 lived experience
		11/10/22	10 advocates
Consult	A & I Summit	15/9/2022	22 lived experienced 9 carers/advocators 4 staff
Collaborate	Workshops with Internal staff to address data	26/9/2022 – 22/12/22	22

STATUTORY IMPLICATIONS

41. The City is required to implement a Disability Access and Inclusion Plan in accordance with the Disability Services Act (1993). In addition, the following State and Commonwealth legislation also underpin the City's Access and Inclusion Plan:
- *Western Australian Equal Opportunity Act 1984;*
 - *Commonwealth Human Rights and Equal Opportunity Act 1992;*
 - *Commonwealth Disability Discrimination Act 1992;*
 - *Commonwealth Disability Access to Premises Standards 2010;*
 - *National Disability Insurance Scheme Act 2013;*
 - *A Western Australia for Everyone State Disability Strategy 2020-2030; &*
 - *Australia's Disability Strategy 2021-2031.*

POLICY IMPLICATIONS

42. The Access and Inclusion Plan 2023-2027 is a City-wide Plan, and as such applies across the whole organisation. The policy implications in relation to this item are set out in the Plan, particularly the strategies designed to address the seven outcome areas.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational and Financial: <i>Implementation of the Access and Inclusion Plan 2023-2027 places capacity strain on the City's general operations and budget.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Substantial internal consultation has occurred in developing the Action Plan and will continue, with the Action Plan to be reviewed annually to align with operational and budget priorities.</i>
Reputational: <i>The City is unable to address all the strategies outlined in the Access and Inclusion Plan 2023-2027</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Directorates and business units will report regularly on their progress implementing the Access and Inclusion Plan.</i>
Opportunity: <i>Implementing an Access and Inclusion Plan signals to the community that the City is committed to addressing barriers to participation in community, social and civic life for people of all abilities. The actions within the plan also will improve the community for seniors, residents who speak English as a second language, and parents of young children.</i>				

FINANCIAL IMPLICATIONS

44. There are no direct financial implications in relation to this item.

LEGAL IMPLICATIONS

45. Not applicable

ENVIRONMENTAL CONSIDERATIONS

46. Not applicable.

ALTERNATE OPTIONS

47. As a public authority, the City has a statutory obligation to implement an Access and Inclusion Plan. There is no alternative option.

CONCLUSION

48. The City is required to implement a Disability Access and Inclusion Plan in accordance with the Disability Services Act.
49. The City's current Access and Inclusion Plan has been reviewed and updated following consultation with the target community, agencies, and service providers, internally, and having sought wider public comment.
50. It is recommended that Council ADOPT the Access and Inclusion Plan 2023-2027.

Consulted References	:	City of Albany Access and Inclusion Plan 2018-2022
File Number (Name of Ward)	:	CS.PLA.21 (All Wards)
Previous Reference	:	Not applicable

CCS511: CORPORATE SCORECARD – Q2 2022-23

Attachments : CS Dashboard Q2 2022-23
Report Prepared By : Business Planning and Performance Coordinator
(A Olszewski)
Authorising Officer: : A/Manager People & Culture (D Waugh)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany's Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:

- **Pillar:** Leadership.
- **Outcome:** Proactive, visionary leaders who are aligned with community needs and values.

In Brief:

- The Strategic Community Plan 2032 (SCP) and Corporate Business Plan 2021-2025 (CBP) were adopted by Council in August 2021.
- The CBP outlines a comprehensive suite of actions that effectively form Council's priority commitments to the community.
- The Corporate Scorecard (CS) Dashboard concept was developed to provide a quarterly update to Council on the status of these actions.

RECOMMENDATION

CCS511: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SHANHUN

THAT the Corporate Scorecard Dashboard be NOTED.

CARRIED 13-0

CCS511: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS511: AUTHORISING OFFICER RECOMMENDATION

THAT the Corporate Scorecard Dashboard be NOTED.

BACKGROUND

2. The SCP establishes the results the community expects Council to achieve through the City, while the CBP describes the specific actions necessary to achieve those results.
3. These actions are monitored through Business Unit Plans, which define (on a minimum quarterly basis) associated service levels and enable assignment of a simple 'traffic light' status to each action.
4. The first iteration of the CS Dashboard was presented to Council at the November 2021 CCS Committee meeting for feedback, and subsequently endorsed at the December OCM.

DISCUSSION

5. The 'CS Dashboard Q2 2022-23' (attached) provides an update on the status of CBP actions for the October to December 2022 Quarter, identifying those actions potentially 'at-risk.'
6. 'At-risk' actions include those assigned with a traffic light status of either:
 - Red (a service *not meeting* its service level, or a project *not on track*), or;
 - Orange (a service *under strain*, or a project that has *stalled*).
7. Commentary on any 'at-risk' actions is provided at the conclusion of the CS Dashboard.

GOVERNMENT & PUBLIC CONSULTATION

8. N/A.

STATUTORY IMPLICATIONS

9. There are no direct statutory implications, however the CS Dashboard supports the City's obligations under *Local Government (Administration) Regulations 1996*, regulation 19DA in relation specifically to the Corporate Business Plan:

Corporate Business Plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in *accordance with section 5.56*, which states:

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. *Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

POLICY IMPLICATIONS

10. N/A.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational/Business Operations: <i>Loss of reputation from not following through on commitments outlined in CBP.</i>	<i>Likely</i>	<i>Minor</i>	<i>Moderate</i>	<i>Staff to review and address areas of concern prior to reconsideration by Council.</i>
Opportunity: <i>Significantly enhanced oversight of CBP Actions, leading to improved community perception of Council leadership.</i>				

FINANCIAL IMPLICATIONS

12. N/A.

LEGAL IMPLICATIONS

13. N/A.

ENVIRONMENTAL CONSIDERATIONS

14. N/A.

ALTERNATE OPTIONS

15. Council may choose not to review progress of commitments made in the CBP through the proposed CS Dashboard, and delegate this oversight to the City's Executive.

CONCLUSION

16. It is recommended the CS Dashboard be noted.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995, s5.56</i> • <i>Local Government (Administration) Regulations 1996, Reg. 19D</i> • <i>IPR Framework and Guidelines 2019</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	<ul style="list-style-type: none"> • OCM 25/10/2022 - Report Item CCS483 • CCS 11/10/2022 – Report Item CCS483

CCS512: ANNUAL REPORT 2021 - 2022

Proponent / Owner	: City of Albany
Attachments	: City of Albany Annual Report 2021-2022 (which includes the City of Albany Annual Financial Report & Independent Auditors Report conducted by KPMG on behalf of the Office of the Auditor General for the year ended 30 June 2022)
Report Prepared By	: Communications Coordinator (L Condon)
Responsible Officers:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
 - **Pillar:** Leadership.
 - **Outcome:** Proactive, visionary leaders who are aligned with community needs and values.
 - **Outcome:** A well informed and engaged community.

In Brief:

- Consider the acceptance of the City of Albany Annual Report 2021/22.
- Approve the proposed date for the conduct of the Annual Electors Meeting.

RECOMMENDATION

**CCS512: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

THAT Council:

- (1) In accordance with the requirements of section 5.54 of the *Local Government Act 1995* **ACCEPT** the City of Albany Annual Report 2021-2022 (which includes the Auditors Report for the year ended 30 June 2022).
- (2) In accordance with section 5.27 of the Act, the Annual Electors Meeting for the purpose of receiving the City of Albany Annual Report 2021-2022 and other General Business will be held on Monday 27 March 2023, commencing at 6.30pm in the City of Albany Council Chambers, 102 North Road, Albany.

**CARRIED 13-0
ABSOLUTE MAJORITY**

CCS512: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR SMITH**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS512: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

- (1) In accordance with the requirements of section 5.54 of the *Local Government Act 1995* ACCEPT the City of Albany Annual Report 2021-2022 (which includes the Auditors Report for the year ended 30 June 2022).
- (2) In accordance with section 5.27 of the Act, the Annual Electors Meeting for the purpose of receiving the City of Albany Annual Report 2021-2022 and other General Business will be held on Monday 27 March 2023, commencing at 6.30pm in the City of Albany Council Chambers, 102 North Road, Albany.

BACKGROUND

2. The City of Albany is required to prepare annual financial reports in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.
3. There are also statutory annual reporting requirements under the Local Government (Administration) Regulations, such as the disclosure of the number of employees within certain salary bands.
4. In meeting these legal requirements, the City of Albany also takes the opportunity to provide the community with a broad report profiling its activities and achievements for the financial year.

DISCUSSION

Annual Financial Report for year ended 30 June 2022

5. The complete Financial Annual Report was presented to Council at the Ordinary Council Meeting on Wednesday, 13 December 2022 (AR123) with a signature from the Auditor General on the Memorandum confirming that the City's audit was complete and satisfactory.
6. In accordance with Section 5.27 of the Act, an Annual Electors Meeting must be held no later than 56 days after the local government has accepted the annual report for the previous financial year, and 14 days public notice of the meeting must be given.
7. An Annual Financial Report is required to be compiled and subsequently audited, under the *Local Government Act 1995* (the Act) and various Local Government regulations.
8. The Annual Electors Meeting will be held on Monday 27 March 2023, commencing at 6.30pm in the City of Albany Council Chambers, 102 North Road, Albany.
9. Local public notice will be given 14 days in advance of the Annual Electors Meeting in accordance with Section 5.27 of the Act.

Annual Report

10. In accordance with the Act, in addition to the Annual Financial Report, the annual report must contain:
 - a. A report from the Mayor and CEO;
 - b. An overview of the plan for the future of the district made in accordance with section 5.56 of the Act, including major initiatives that are proposed to commence or to continue in the next financial year; and
11. The following prescribed matters must be included in the Annual Report:
 - a. Payments made to employees;
 - b. Disabilities Services Act 1993 – Report made under sections 29(2);
 - c. Number of Complaints recorded in the Register of Complaints.
12. The 2021-22 Annual Report follows the structure and design of recent years with a style, look and feel that is consistent with a number of City Strategies and Plans that celebrate achievements and set a framework for the future of the City.
13. Highlights and achievements of the 2021-22 Annual Report include the Strategic Community Plan 2032, Christmas Lights Trail, Binalup/Middleton Beach Foreshore Enhancement, Youth Challenge Park, Bicentenary 2026 planning, and the successful roll out of the FOGO (Food Organics Garden Organics) waste service.
14. The 2021-22 Annual Report links into the Strategic Community Plan by reporting against outcomes under the key themes of People, Planet, Place, Prosperity and Leadership.

GOVERNMENT & PUBLIC CONSULTATION

15. Post acceptance of the Annual Report, Council is required to convene an Annual Electors Meeting as soon as practicable after the Local Government has accepted the report.
16. The CEO is to ensure the Annual Report is published on the local government's official website within 14 days after the report has been accepted by the local government.
17. **Electors' general meetings:** Section 5.27 of the Act requires that a Meeting of the electors of a district be held once every financial year, not more than 56 days after the local government accepts the annual report for the previous financial year.
18. The CEO is required to give at least 14 days local public notice of an electors meeting.
19. As a result of previous feedback from the community, Elector's Meetings commence no earlier than 6.30pm to allow members of the public the opportunity to attend.

STATUTORY IMPLICATIONS

20. In accordance with section 7.9 of the Act, an audit is required to examine the accounts and Annual Financial Report prepared for the Mayor, the CEO, and the Minister.
21. In accordance with the Audit and Risk Committee Terms of Reference, the committee is to review the audit report and make appropriate recommendations to Council.
22. Section 5.54 of the Act, states in part: The Annual Report (which includes auditor's report) is to be accepted by the local government no later than 2 months after the auditor's report becomes available.
23. Section 5.27 of the Act requires that a Meeting of the Electors of a district be held once every financial year, not more than 56 days after the local government accepts the annual report for the previous financial year, and any other nominated general business.
24. The CEO is required to give at least 14 days local public notice of an electors meeting.
25. The voting requirement for this item is **Absolute Majority**.

POLICY IMPLICATIONS

26. There are no policy implications related to this item

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational. Management Audit Report not accepted by the Audit & Risk Committee.	Unlikely	Minor	Low	Audit & Risk Committee and Officers work with the auditors to address areas of concern to come to position of acceptance.
Statutory Non-Compliance. Council does not accept the Annual Report.	Unlikely	Minor	Low	City Officer will work with Council to come to a position of acceptance. Council set an alternate date to ensure compliance with the prescribed time period in accordance with the Act.
Reputation. Lack of community engagement.	Possible	Insignificant	Low	Notice of Annual Electors Meeting published, but not limited to, newspapers circulating throughout the district, on the City's website and notices placed on community notice boards.

FINANCIAL IMPLICATIONS

28. There are no budget financial implications related to this report.

LEGAL IMPLICATIONS

29. The City has received an unqualified auditor's report (OCM 13/12/2022 AR123), therefore there are no legal implications related to this report.
30. In accordance with section 29(2) of the *Disability Services Act 1993*, a local government that has a disability access and inclusion plan must include in its annual report prepared under section 5.53 of the Act, a report about the implementation of the plan.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

32. The Council may accept as presented, or accept with modification, or reject the Annual Report.

SUMMARY CONCLUSION

33. As no matters of concern have been noted in the auditor's report, it is recommended that the Authorising Officer's Recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 (the Act); Local Government (Administration) Regulations 1996
File Number (Name of Ward)	:	<ul style="list-style-type: none"> IM.PUB.24 (All Wards) – Publication - Annual Budget – City of Albany FM.MEE.3 (All Wards) – Meetings – Audit & Risk Committee
Previous Reference	:	<ul style="list-style-type: none"> OCM: AR123 13/12/2022

DIS331: CORPORATE POWER PLAN 2023-2028

Attachments	: Corporate Power Plan 2023-2028
Report Prepared By	: Environmental Sustainability Officer (K Outhwaite) and Manager Engineering and Sustainability (R March)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Planet
 - **Outcomes:** Shared responsibility for climate action
 - **Objective:** Work towards net zero greenhouse gas emissions

In Brief:

- The proposed Corporate Power Plan 2023-2028 (Plan) is a five-year plan designed to provide a framework for the management and minimization of corporate power at the City of Albany.
- The purpose of the Plan is to guide the transition of City assets to 100% renewable energy by 2030.
- The Plan supersedes the *Carbon Footprint Reduction Strategy* (2021) and is one of the outcomes of the *Climate Change Action Declaration* (2020).

RECOMMENDATION

DIS331: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SHANHUN

THAT Council ADOPT the Corporate Power Plan 2023-2028.

CARRIED 11-2

Record of Vote

Against the Motion: Councillors Brough and Benson-Lidholm

DIS331: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Brough

DIS331: AUTHORISING OFFICER RECOMMENDATION

THAT Council ADOPT the Corporate Power Plan 2023-2028.

BACKGROUND

2. The Corporate Power Plan is one of the outcomes of the City of Albany Climate Change Action Declaration (2020), developed in collaboration with the Youth Advisory Council.
3. This plan supersedes the Carbon Footprint Reduction Strategy (2021).
4. While the greenhouse gas emissions produced from the City of Albany's corporate operations are a fraction of the total community emissions, actions undertaken represent strong commitment and demonstrated leadership to act on climate change.
5. The title 'Corporate Power Plan' has been chosen to represent the scope of the plan, which is focused on the transition of corporate buildings and facilities to 100% renewable energy.

DISCUSSION

6. The plan outlines major achievements to date and opportunities and challenges going forward.
7. There are four key priorities, these being:
 - Renewable Energy
 - Energy Efficiency
 - Data and Reporting
 - Engagement
8. Corporate Fleet has not been included under Key Priorities as this plan is focused on the transition of City-owned buildings to 100% renewable energy.
9. Corporate Fleet is however discussed under the "Challenges and Opportunities" section and will be addressed in further detail in the Corporate Net Zero Plan.
10. It is intended that this document will be replaced by a Corporate Roadmap to Net Zero.
11. The Strategy's Actions will be monitored on an Action Plan Scorecard and reported on annually.

GOVERNMENT & PUBLIC CONSULTATION

12. No government consultation is required for this item.
13. The Draft Corporate Power Plan was presented to Elected Members at the Strategic Workshop on the 6 December 2022.
14. There has been no specific community consultation in relation to this item, although consideration has been given to outcomes of consultation for the City of Albany Community Strategic Plan 2030.

STATUTORY IMPLICATIONS

15. Nil

POLICY IMPLICATIONS

16. This item relates to the City of Albany Environmental (Climate Change) Policy (2017) and the City of Albany Climate Change Action Declaration.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community: There is a risk that community expectations raised by the Corporate Power Plan are not met.	Possible	Moderate	Medium	If adopted, Council allocates resources to accommodate actions identified in the Strategies in a timely manner.
Operations: There is a risk of additional costs and not achieving goals set out in the Climate Change Action Declaration if there is no clear direction.	Likely	High	High	Adopt the Plan and communicate progress regularly to Council and stakeholders.
Reputation: There is a risk that Future Council decisions are inconsistent with the Climate Change Action Declaration resulting in a lack of community confidence.	Possible	High	High	All future waste planning to be informed by current best-practice and up-to-date research, with Strategy reviewed as required.
Opportunity: Demonstrate the City's commitment to climate change action, its leadership on greenhouse gas reduction and support of energy efficiency measures. Opportunity: Develop a Corporate Roadmap to Net Zero Action Plan to further reduce corporate emissions beyond the scope of this plan				

FINANCIAL IMPLICATIONS

18. The most significant costs of delivering actions under the four key priorities have previously been approved.
19. Budget for rooftop solar PV installation has been previously approved through endorsement of the Business Case: Renewable Energy Installation on City Facilities (Phase 1) and is due for completion in 2024-25.
20. The LED Street Lighting Bulk Replacement (DIS311) was endorsed on 10/08/2022, with the expected cost of the replacement program of \$2,615,000 to be considered as part of the 2023/24 and 2024/25 budgets
21. The Power Purchase Agreement is a 3-year contract, current until 31 March 2025.
22. Funding for the WALGA South Coast Alliance Project Grant was received and the 'Sustainable Built Design Audit' is underway
23. Costing for additional projects to be undertaken as part of the Corporate Power Plan will be outlined as part of the Action Plan

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

25. The Climate Change Action Declaration states that 'climate change is occurring and requires immediate and urgent action'
26. This plan demonstrates a commitment to action on climate change through corporate emissions reduction
27. The next step is to implement the actions in the Plan and transition towards a Corporate Net Zero Plan

ALTERNATE OPTIONS

28. Council may elect to request amendments to the proposed Corporate Power Plan 2023-2028.

CONCLUSION

29. It is recommended that Council adopt the proposed Corporate Power Plan 2023-2028.

Consulted References	:	<i>Carbon Footprint Reduction Strategy (2021)</i> <i>Climate Change Action Declaration (2020)</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Nil

DIS332: DRAFT LOCAL PLANNING POLICY 2.1: NON-RESIDENTIAL DEVELOPMENT IN THE RESIDENTIAL ZONE

Land Description	: City of Albany
Proponent	: City of Albany
Business Entity Name	: City of Albany
Attachments	: 1. Draft LPP 2.1: Non-Residential Development in the Residential Zone
Supplementary Information & Councillor Workstation	: 2. State Planning Policy 7.3 – Residential Design Codes Volume 1 (July 2021) 3. State Planning Policy 7.3 – Residential Design Codes Volume 2 (May 2019) 4. Designing Out Crime Guidelines (June 2006)
Report Prepared By	: Acting Senior Planning Officer (D Ashboth) Acting Coordinator Planning Services (J Anderson)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (the Planning Strategy) and *Strategic Community Plan – Albany 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcome:** Interesting, vibrant and welcoming places.
 - **Pillar:** Place
 - **Outcome:** Responsible growth, development and urban renewal.
4. The item relates to the following objectives and strategic directions of the Planning Strategy.
Objectives:
 - Consolidate existing urban form and improve land use efficiency.

In Brief:

- City officers have recently commenced a periodic review of the City's existing Local Planning Policy Manual. As part of this review, the City has identified the need for a further policy guidance in relation to non-residential development in the Residential Zone.
- Officers have subsequently prepared draft Local Planning Policy (LPP) 2.1 Non-Residential Development in the Residential Zone which aims to:
 - Provide development standards for non-residential development in the Residential Zone.
 - Ensure that non-residential development is compatible with the existing scale and character of the surrounding residential area.
 - Ensure undue impacts of non-residential development on surrounding residences is appropriately managed.
- Draft LPP 2.1 is proposed to replace the existing Consulting Rooms, Public Worship & Child Care Centres LPP.
- Council is requested to endorse the draft LPP2.1 for advertising.

RECOMMENDATION

**DIS332: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SMITH**

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to ENDORSE draft Local Planning Policy 2.1: Non-residential Development in Residential Zones for the purpose of advertising.

CARRIED 13-0

DIS332: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS332: AUTHORISING OFFICER RECOMMENDATION

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to ENDORSE draft Local Planning Policy 2.1: Non-residential Development in Residential Zones for the purpose of advertising.

BACKGROUND

5. City officers have recently commenced a periodic review of the City's existing LPPs. The last in-depth policy review occurred in 2014.
6. As part of this review, staff identified a number of key matters relating to non-residential development in the Residential Zone, which will benefit from clarification and refinement, in the form of the proposed draft Local Planning Policy 2.1: Non-Residential Development in the Residential Zone (LPP2.1).
7. The provisions of *State Planning Policy 7.3 Residential Design Codes* (R-Codes) apply to all zones with an R-Coding in the State. For this reason, the *City of Albany Local Planning Scheme No.1* (LPS1) contains limited development standards applicable to the Residential Zone.
8. However, the provisions contained within the R-Codes are only applicable to 'Residential Development' which is defined as:
"Development of permanent accommodation for people, and may include all dwellings, the residential component of mixed-use development, and residential buildings proposing permanent accommodation."
9. In addition to residential development, LPS1 allows the City to consider applications for land uses such as Aged Persons Village, Child Care Premise, Civic Use, Community Purpose, Consulting Rooms, Educational Establishment, Nursing Home, Place of Worship and Recreation – Private in the Residential Zone.
10. Given that development standards for non-residential development uses are not covered under the R-Codes, it is considered that development standards for non-residential development should be addressed through a Local Planning Policy.
11. The City has an existing LPP that partially address this shortfall (Consulting Rooms, Public Worship & Child Care Centres), however a review of the existing LPP found it no longer adequately address this shortfall and requires substantial update.

12. A number of recent decisions by the State Administrative Tribunal have highlighted the lack of policy or shortcomings of existing local policies relating to non-residential development in Residential Zones, particularly in regards to Child Care Centres.

DISCUSSION

Land use

13. The existing LPP (see above) applies only to Consulting Rooms, Public Worship and Child Care Centres in Residential Zones. Given there are a number of additional non-residential land uses that can be considered in the Residential Zone under LPS1 that have no associated development controls (see background), it was considered appropriate to expand the application and title of the LPP to include all non-residential development within the Residential Zone.
14. Non-residential development is defined as any form of development or land use that does not meet the definition of 'Residential development' under *State Planning Policy 3.7 – Residential Design Codes*.
15. The proposed LPP will not apply to Home Occupation, Home Business or Home Office given these land uses are either exempt from the requirements of obtaining development approval under cl. 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and/or are considered a low impact use able to be undertaken in association with the primary use of the site for residential purposes.
16. The amended LPP will also not apply to Holiday Houses or Bed and Breakfasts.

Advertising

17. The proposed LPP2.1 proposes to allow the City to advertise applications for non-residential uses in the Residential Zone at the officer's discretion. This will allow the City to determine whether aspects such as noise, traffic, built form or overlooking are likely to have any impact on surrounding residential land uses and warrant adjoining landowner comment.

Location

18. The proposed LPP2.1 also addresses preferred locations for non-residential development in the Residential Zone, with development located on a corner lot looked upon favourable as this allows for improved traffic distribution, provides a buffer to surrounding residences and reduce the impact on the streetscape.
19. The proposed LPP2.1 also states that battle-axe lots will generally not be supported for non-residential development as they limit the opportunity for the provision of car parking and can potentially cause traffic issues due to the concentration of activity.
20. LPP2.1 also contains a provision stating the City may take into consideration the likely impacts of both the proposed non-residential use and an overall cumulative effect of a concentration of non-residential uses. This will allow the City to consider possible impacts on matters such as existing amenity, social cohesion and situational crime in the area.

Building Design and Site Layout

21. The LPP also provides development standards for the construction of new buildings for non-residential land uses, to ensure built form is compatible with the surrounding residences.
22. To achieve this, LPP provisions state that built form and open space should be consistent with the surrounding area, taking into consideration the built form requirements of the R-codes.
23. Within the draft LPS2, it is stated that setback requirements for all buildings in the Residential Zone shall be consistent with R-Code requirements. Given the unknowns surrounding the content of LPS2 and the timeline for this document to become operational, it was decided that setbacks should also be addressed within LPP2.1. Provisions relating to setback can be revisited upon the subsequent adoption of LPS2.

24. LPS2 also provides development standards relating to site works, however for similar reasons to the above, a provision requiring development to be designed to minimise earthworks/retaining has been proposed within LPP2.1.
25. In order to ensure the privacy or surrounding residences is maintained, the draft LPP2.1 requires non-residential land uses to be designed in order to limit overlooking of any part of an adjoining residential property behind its street setback line, with R-code provisions adapted to the context of non-residential development.
26. Consistent with CPTED (Crime Prevention Through Environmental Design) principles, LPP2.1 requires facades of non-residential development fronting streets or the public domain to incorporate major openings to facilitate passive surveillance.
27. In addition to the above, LPP2.1 states that fencing to the secondary street or public open space should be visually permeable above 1.2m, with solid fencing portions assessed on their individual merit taking into account the need for noise mitigation and security. This provision has been developed to address presentation to secondary streets given corner lots have been identified as desirable within LPP2.1, and to ensure compliance with CPTED principles.
28. Due to traffic volumes normally associated with non-residential development, LPP2.1 states that car parking is to be contained entirely within the site and arranged in such a way that all vehicles can leave the site in a forward gear, in accordance with Australian Standards.
29. The LPP also encourages the provision of bicycle and end of trip facilities to reduce vehicular traffic in residential areas.
30. The draft LPP also requires service and bin storage areas, air conditioners and plant equipment to be screened from the street and adjoining residential development, in order to ensure visual impacts on the streetscape and adjoining residences is minimised.
31. The requirements for a Waste Management Plan is not addressed in LPP2.1 as this is proposed to be addressed within LPP1.9 (Waste Management), which was approved for advertising at the August 2022 OCM.
32. The R-Codes do not contain provisions that directly require a percentage of the site to be landscaped. There are also no landscaping provisions for Residential Zones under LPS1 nor the draft LPS2.
33. It is considered important that minimum landscaping requirements are established for non-residential uses in Residential Zones, just as they are in other zones that accommodate non-residential uses. Therefore, a 10% landscaping requirement is proposed within the draft LPP, which is comparable to the landscaping requirements of 'centre' zones.
34. For mixed use development, the above landscaping rate applies to the proportion of the development, which is for non-residential purposes only. Landscaping of the residential portion will be addressed under SPP 3.7 – Residential Design Codes.

Mitigating impact on residential land uses

35. The primary purpose of the Residential Zone is to accommodate residential land uses therefore, LPP2.1 will require the applicant to demonstrate that the proposal will not have any undue impact on surrounding residences.
36. In order to demonstrate impacts on adjoining residences have been considered, draft LPP2.1 contains a provision stating City may request a management plan to accompany any development application. If approved, compliance with the management plan will be on ongoing condition of approval.
37. It should be noted that management plans are currently requested for applications for non-residential development in the Residential Zone in most instances, however this requirement will now be supported by policy provisions. Capturing this requirement through a policy provision will provide additional certainty and clarity to applicants preparing their application.

38. Whilst it is expected that a management plan will be requested in most instances, LPP2.1 allows for officer discretion as this may not be considered necessary in all instances.
39. In addition to management plan requirements, draft LPP2.1 contains a provision stating that the City may also request a noise impact/acoustic assessment or a traffic impact assessment/statement in certain circumstances.
40. Noise impact assessments have commonly been requested for uses likely to generate substantial noise impacts such as childcare centres, whilst traffic management assessment are likely to be requested where the use abuts a major/primary roads and the use generates more vehicle movements than what would be expected from a residential use.

GOVERNMENT & PUBLIC CONSULTATION

41. Approval is sought to advertise the draft LPP2.1 in accordance with Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
42. If the Council resolves to support the draft LPP2.1 for advertising, a notice of the proposed policy will be placed in a newspaper circulating in the LPS1 area for 2 consecutive weeks.
43. The policy will also be published on the City of Albany website for 21 days.
44. Both the newspaper and the website will give details of:
 - a) Where the draft Local Planning Policy can be inspected;
 - b) The subject and nature of the draft Local Planning Policy; and
 - c) In what form and during what period (21 days from the day the notice is published) submissions may be made.
45. A copy of the policy will also be made available for inspection at the City of Albany.
46. After expiry of the period within which submissions may be made, the Local Government is to:
 - a) Review the draft Local Planning Policy in light of any submissions made; and
 - b) Resolve to adopt the Local Planning Policy with or without modification, or not to proceed with the Local Planning Policy.

STATUTORY IMPLICATIONS

47. Voting requirement for this item is **Simple Majority**.

City of Albany Local Planning Policy Review

48. The City of Albany has a suite of LPP's which it uses to augment the provisions contained under LPS1 to guide land use and development across the City, and inform the exercise of discretion when determining applications.
49. The State Administrative Tribunal has previously determined that the age of an LPP has direct relevance to the weight afforded to it. Therefore regular reviews are warranted and necessary, to ensure validity and relevance when used in decision-making.
50. Furthermore, it is critical that LPP's are maintained to be consistent with the latest legislation and State Planning Policies.

Preparation and adoption of new Local Planning Policies

51. The City of Albany *Local Planning Scheme No. 1* (LPS1) is a prescriptive instrument that sets out the statutory provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of development under all circumstances is not always practical.

52. To address this, the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations) contains provisions enabling local governments to adopt local planning policies (LPP's) in order to:
- address specific planning and development matters unique to the local government's context.
 - amend or augment provisions set out by State Planning Policy, including the application of additional development controls or considerations for specific sites.
53. New or amended LPP's must be advertised in accordance with Schedule 2, clause 4 of the Planning Regulations prior to their formal adoption.
54. Following completion of advertising and review of submissions, a report must be prepared for council requesting formal adoption of the LPP, subject to modifications.

POLICY IMPLICATIONS

55. Adoption of proposed LPP2.1 will add an additional LPP to the City of Albany Local Planning Policy Manual.
56. An LPP may be revoked by:
- a) A subsequent LPP adopted in accordance with the Planning Regulations, that expressly revokes the local planning policy; or
 - b) A notice of revocation prepared and published by the local government, in accordance with the Planning Regulations.
57. Draft LPP2.1 aims to update relevant provisions from the existing Consulting Rooms, Public Worship and Child Care Centres LPP, with this policy to be revoked following formal adoption of LPP2.1.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Advertising the proposed policy could give rise to objectionable comments from developers and landowners owners concerned with additional requirements that may apply to them.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Built form outcomes are generally consistent with the development provisions contained within State Planning Policy 7.3 – Residential Design Codes.</i> <i>The Policy can be amended once feedback is assessed; this is the purpose of advertising prior to final adoption.</i>
Opportunity: <i>Ensure non-residential development in the residential zone is compatible with adjoining residences and does not detract from residential amenity.</i>				

FINANCIAL IMPLICATIONS

59. There are no financial implications beyond what will be used for advertising.

LEGAL IMPLICATIONS

60. There are no legal implications relating to endorsing the proposed draft LPP2.1 for advertising.

ENVIRONMENTAL CONSIDERATIONS

61. There are no environmental implications relating to endorsing the proposed draft LPP2.1 for advertising.

ALTERNATE OPTIONS

62. Council has the following alternate options in relation to this item, which are:
- To resolve to proceed with advertising the policy without modification;
 - To resolve to proceed with advertising the policy subject to modification; and
 - To resolve not to proceed with advertising the policy.

CONCLUSION

63. The City has identified the need for the Non-Residential Development in Residential Areas Local Planning Policy to address a gap in development control.
64. The proposed Local Planning Policy 2.1: Non-Residential Development in Residential Zones seeks to address this gap by identifying development standards and additional information requirements for non-residential development to ensure that these uses do not adversely impact surrounding residential land uses.
65. Draft LPP 2.1 is proposed to replace the existing Consulting Rooms, Public Worship & Child Care Centres LPP.
66. Council is requested to resolve to endorse draft Local Planning Policy 2.1: Non-Residential Development in Residential Zones for advertising.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme 1</i> 2. <i>Draft Local Planning Scheme 2</i> 3. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 4. <i>State Planning Policy 7.3 – Residential Design Codes Volume 1</i> 5. <i>State Planning Policy 7.3 – Residential Design Codes Volume 2</i> 6. <i>Designing Out Crime Guidelines</i>
File Number (Name of Ward)	:	All
Previous Reference	:	N/A

DIS333: ADOPTION OF DRAFT LOCAL PLANNING SCHEME NO. 2

Land Description	: City of Albany.
Proponent / Owner	: City of Albany.
Attachments	: 1. Advertised Local Planning Scheme No.2 – Text 2. Advertised Local Planning Scheme No.2 – Maps 3. DPLH Decision Modifications – prior to advertising 4. EPA Decision and Modifications – prior to advertising 5. City Submissions 6. Schedule of Submissions 7. Schedule of Modifications
Supplementary Information & Councillor Workstation	: Agency Attachments Public Attachments
Report Prepared By	: Senior Planning Officer – Strategic Planning (A Nicoll)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

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

**RESOLUTION (PROCEDURAL MOTION)
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SUTTON**

THAT Report Item DIS333: Adoption of Draft Local Planning Scheme No. 2 be considered prior to all other reports.

CARRIED 13-0

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcome:**
 - Responsible growth, development and urban renewal.
 - Interesting, vibrant and welcoming places.
 - Local history, heritage and character is valued and preserved.
 - A safe, sustainable and efficient transport network.
 - **Pillar:** Planet
 - **Outcome:**
 - Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.
 - A resilient community that can withstand, adapt to, and recover from natural disasters.
 - **Pillar:** Prosperity
 - **Outcome:**
 - A strong, diverse and resilient economy with work opportunities for everyone.
 - A highly sought-after tourist destination.
 - **Pillar:** Leadership
 - **Outcome:** Grow awareness, understanding and engagement in City projects, activities and decisions.

2. The *Albany Local Planning Strategy 2019* (the Planning Strategy) is the local planning strategy that sets out the long-term planning directions for the Scheme area. The draft Local Planning Scheme No. 2 (LPS2) is developed to align with the strategic objectives and actions identified under the Planning Strategy.

In Brief:

- The draft LPS2 has been developed in accordance with the Planning and Development (Local Planning Schemes) Regulations (Planning Regulations), and upon gazettal will replace current Local Planning Scheme No. 1.
- The draft LPS2 aligns with the recommendations of the City's Planning Strategy and will provide consistency between the state and local planning frameworks, that includes state and local planning policies, plus local structure plans and local development plans.
- The draft LPS2 was advertised in accordance with the Planning Regulations, and agency and public submissions were received during the comment period. Following close of advertising, issues raised in the submissions have been considered, with a number of modifications proposed to draft LPS2 to address these.
- Staff recommend Council resolve to support draft City of Albany Local Planning Scheme No. 2 subject to modifications, and to advise the Western Australian Planning Commission (WAPC) accordingly.

RECOMMENDATION

DIS333: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH

SECONDED: COUNCILLOR THOMSON

THAT Council Pursuant to Regulation 25(3) of the Regulations, advise the Western Australian Planning Commission (WAPC) that it SUPPORTS the draft scheme with proposed modifications to address issues raised during the advertising process, including the following amendments:

- 1) *Include the following modifications to the schedule of submissions and update the schedule of modifications accordingly;***
 - a) *In the Table 3, Zoning Table, change:
'Tree Farm' from 'D' to 'P' use in the Rural zone.***
- 2) *Recommendation 62:
Modify the Schedule 1, Table 8, AR12, 'Description of Land', by deleting the following text:***

~~R 50239 (Location 8099) and~~
- 3) *Recommendation 63:
Modify Schedule 1, Table 8, AR12, (5)(c) as follows:***
 - *All development shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their designs, materials and colour. Wherever metal cladding, the finish used shall be of green dark tones.***
- 4) *Recommendation 64:
Include a new provision at Schedule 1, Table 8, AR12, as follows:***
 - (1) *The use of the land as an exhibition centre may include the exhibiting of marine heritage, flora and fauna and tourism facilities.***

***Note: The above recommendation overrides Recommendation 34 in the schedule of submissions and schedule of modifications which state:**

Schedule of Submissions

34. Rather than modifying the model scheme definition, it is recommended that a new provision is included at Schedule 1, Table 8, AR12 as follows:

(1) The use of the land as exhibition centre may include the exhibiting of marine heritage and flora and fauna.

5) Recommendation 65:

In Table 3 – Zoning Table change:

- **‘Lunch Bar’ from ‘X’ to ‘D’ use in the ‘Industrial Development’ Zone.**
- **‘Motor Vehicle, Boat or Caravan Sales’ from ‘X’ to ‘D’ use in the ‘Industrial Development’ Zone.**
- **‘Motor Vehicle Wash’ from ‘X’ to ‘D’ use in the ‘Industrial Development’ Zone.**
- **‘Recreation-Private’ from ‘X’ to ‘A’ use in the ‘Industrial Development’ Zone.**

6) THAT Tree Farm Use remain a “D” Use instead of an “A” Use in Priority Agriculture Zones, as originally advertised during the LPS2 advertisement period.

CARRIED 13-0

**DIS333: AMENDMENT BY COUNCILLOR GRIMMER
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR TERRY**

THAT:

1. The following recommendations be INCLUDED in the City of Albany Schedule of Submissions:

- **Recommendation 62:
Modify the Schedule 1, Table 8, AR12, ‘Description of Land’, by deleting the following text:**

~~R-50239 (Location 8099) and~~

- **Recommendation 63:
Modify Schedule 1, Table 8, AR12, (5)(c) as follows:**

All development shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their designs, materials and colour. Wherever metal cladding, the finish used shall be of green dark tones.

- **Recommendation 64:**

Include a new provision at Schedule 1, Table 8, AR12, as follows:

(2) The use of the land as an exhibition centre may include the exhibiting of marine heritage, flora and fauna and tourism facilities.

Note: the above recommendation overrides Recommendation 34 in the schedule of submissions and schedule of modifications which state:

Schedule of Submissions

34. Rather than modifying the model scheme definition, it is recommended that a new provision is included at Schedule 1, Table 8, AR12 as follows:

(2) The use of the land as exhibition centre may include the exhibiting of marine heritage and flora and fauna.

- **Recommendation 65:**

In Table 3 – Zoning Table change:

- **‘Lunch Bar’ from ‘X’ to ‘D’ use in the ‘Industrial Development’ Zone.**
- **‘Motor Vehicle, Boat or Caravan Sales’ from ‘X’ to ‘D’ use in the ‘Industrial Development’ Zone.**
- **‘Motor Vehicle Wash’ from ‘X’ to ‘D’ use in the ‘Industrial Development’ Zone.**
- **‘Recreation-Private’ from ‘X’ to ‘A’ use in the ‘Industrial Development’ Zone.**

And

- 2. Pursuant to Regulation 25(3) of the Regulations, advise the Western Australian Planning Commission (WAPC) that it supports the draft scheme with proposed modifications (Schedule of Submissions, Schedule of Modifications and City of Albany Submissions) to address issues raised during the advertising process.**

CARRIED 13-0

Councillor Reason:

Recommendation 62: Whale World Request. The Reserve 50293 does not form part of Whale World.

Recommendation 63: Whale World Request: To give a little flexibility but maintaining the intent.

Recommendation 64: Whale World Request. For clarity.

Recommendation 65: Harley Dykstra Request. Industrial Development Zone-To achieve compliance with the aims of the zone.

Officer Comment:

Officers have no objection to any of these proposed amendments as they do not change the intent of LPS2.

Councillor Grimmer then moved a further amendment to the Committee Recommendation.

**DIS333: AMENDMENT BY COUNCILLOR BROUGH
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT Tree Farm Use remain a “D” Use instead of an “A” Use in Priority Agriculture Zones, as originally advertised during the LPS2 advertisement period.

CARRIED 11-2

Record of Vote

Against the Motion: Councillors Cruse and Smith

Councillor Reason:

1. LPS2 was advertised to the community with tree farming being a “D” use in priority agriculture land.
2. A “D” use enables City of Albany officers to refuse the establishment of a tree farm at the development application stage to ensure that the tree farm is not established on land that is of local, regional or state significance for food production.
3. DPIRD made a submission recommending tree farm use in priority agriculture be changed from “D” use to “A” use, to ensure that there was more time for consideration to refuse an application with regard to carbon farming threatening food production.
4. The DPIRD recommendation was upheld, however in citing reasons why, DPIRD’s two sentences of justification were quoted verbatim without additional analysis as to why DPIRD’s request should be upheld.
5. Regarding DPIRD’s moot concerns about food security in priority agricultural land:
 - (i) None of the activities in the Albany region are critical for food security of our local society, or regionally or for the state of WA; most of the agriculture in our region is focussed on export products that compete in a world market with producers who have less government red tape; and
 - (ii) With a “D” use, City of Albany still reserves the right to not grant development approval on the basis of carbon farms gobbling up strategic food-producing lands
6. Regarding concerns about carbon farms, current federal legislation dictates plantation cycles of 25 years (the same duration as a pine plantation cycle), or 100 years. Although 100-year plantation cycles tie up land for a century, they are currently unable to economically compete with other priority agriculture pursuits within City of Albany, and would nevertheless be able to be refused by planning officers under a “D” use on the basis of interference with food production purposes.
7. State Government policy is that tree plantations are an agricultural pursuit like any other; indeed they are a plant-based crop.
8. A ubiquitous aspect of planting any crop, be it canola, wheat, or eucalypts, is that planting must be timed in accordance with the seasons. Just as wheat is not planted in midsummer, nor are eucalypts or pines. Yet the lead time for preparing tree plantations is long. Seedlings must be ordered and raised late in the year, and planting must occur in the coming June-July.

9. Delays in planting due to complications arising from advertising will result in flow-on effects include wasted stock (unlike cereal seeds, infant trees can't be saved for next year and net a total financial loss) or plantation failure due to establishment too late in the season.
10. By requiring an advertisement process in addition to a discretionary use development application, there is:
 - (i) A net increase in administrative burden on the farmer; and
 - (ii) Risk of impairment of establishment of the crop with potential lost outlays for seedlings and/or the need to postpone planting for a year.
11. To contextualise, at current market rates, the real economic cost to a farmer wanting to establish a 100Ha eucalypt plantation, who is forced to delay planting by one year due to a lost planting window because of advertising requirements is ~\$150,000 in lost earnings (rainfall band ~800mm/yr), excluding any unrecoverable costs in seedlings purchased.
12. Property owners have a right to decide how they use their land, provided it is consistent with the zoning; tree farms, as an agricultural pursuit like any other, are consistent with a priority agriculture zoning.
13. Establishment of an advertising process for a specific type of agricultural development that vests power in the opinions of adjacent landowners' on essential food production, is inconsistent with good planning principle.
14. By reverting the Priority Agricultural land use to "D", City of Albany officers remain empowered to refuse any tree farm development application in priority agricultural land on the basis of the inappropriate location, as well as DPIRDs concerns for food security.
15. Simultaneously, the "D" use will deliver justice to farmers through allowing the approval/refusal process to occur in a timely fashion, respectful of the nature of the seasons and the agricultural enterprise.

Officer Comment:

As stated in the draft scheme, the purpose of the 'Priority Agriculture' zone is:

*'To identify land of State, regional or local significance for **food production purposes.**'*

The Department of Primary Industries and Regional Development (DPIRD) works to protect the sustainability of agriculture, including food production and made a submission on the scheme

DPIRD provided the following in their submission;

'Tree Farm can remain a 'D' use in the Rural zone but should be an 'A' use in the Priority Agriculture zone to ensure that a tree farm is not established on land that is of local, regional, or state significance for food production. This is especially important if the tree farm is for carbon storage (carbon farming) as this has the potential to exclude the land from being used for food production in permanently.'

Staff recommend upholding the DPIRD submission.

- Both classifications 'D' and 'A', allow for development refusal.
- The 'A' classification requires advertising.
- Advertising gives the DPIRD the opportunity to assess any impact on food security.

In support of this position the Lower Great Southern Strategy 2016 states (section 2.8):

- Given that agriculture is the cornerstone of the economy in the Lower Great Southern, planning should ensure that its agricultural base is protected from loss of agricultural land due to unplanned subdivision and **permanent** land use changes.
- In order to protect agricultural land and guide future land use, zoning, subdivision and development in these areas, WAPC rural planning policy (SPP 2.5) requires priority agricultural land to be zoned priority agriculture in local planning schemes.
- A key difference between priority agriculture and general agriculture zones is the way land uses are treated through local planning schemes. In general, land uses that provide for food production should be given greater permissibility than other land uses in priority agricultural areas.
- From 1988 to the mid-2000s, there was rapid growth in the plantation timber industry in the higher rainfall belt of the Great Southern region. This growth resulted in changes to the landscape, transport usage and rural populations in the Lower Great Southern. More recently farm forestry production has declined following issues with investment schemes: however, there are signs that the industry is stabilising in the region. In addition carbon sequestration plantations may increase into the future. This land use can have impacts from a visual landscape perspective, can result in long term land use change and **can compete with food production land uses on priority agricultural land**. As such there remains a need for State and local planning to manage tree plantations through policies, strategies and schemes.

And State Planning Policy SPP 2.5 Rural Planning also support this position;

- “5.6: Tree farming Tree farming is an umbrella term used to describe the planting of trees to generate economic return and/or environmental benefits. It has been a rapidly emerging industry in a number of rural locations across the State. Usually this has involved the planting of trees for harvest. However, more recently the planting of trees for carbon sequestration has emerged as a new rural land use. Tree farming which involves harvesting is a primary production activity that also sequesters carbon. The different types of tree farms, i.e., integrated, chip logs or saw logs, require varied planning approaches.
(a) tree farming is supported and encouraged on rural land as a means of diversifying rural economies and providing economic and environmental benefit;
(b) tree farming should generally not occur on priority agricultural land;
(c) tree farming should generally be a permitted use on rural land, except where development of a tree farm would create an extreme or unacceptable bushfire risk or when responding to specific local circumstances as identified in a strategy or scheme;
(d) local governments should manage the location, extent and application requirements for tree farming in their communities through local planning strategies, schemes and/or local planning policies;
(e) in planning for tree farming, local government considerations should include but are not limited to, potential bushfire risk, environmental and economic factors, water availability and recharge, visual landscape impacts, transport impacts of tree farming (where harvesting is proposed), planting thresholds, appropriate buffers, and location relative to conservation estates and sensitive land uses;
(f) where tree farm proposals are integrated with farm management for the purpose of natural resource management and occupy no more than 10 per cent of the farm, the proposal should not require local government development approval; and
(g) the establishment of tree farms does not warrant the creation of new or smaller rural lots.”

It should also be noted that, the Department of Planning Lands and Heritage is unlikely to support a position that will contradict their policy, the Lower Great Southern Strategy and the advice from DPIRD.

Councillor Brough then moved an amendment to the Substantive Motion.

DIS333: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR THOMSON

THAT Council Pursuant to Regulation 25(3) of the Regulations, advise the Western Australian Planning Commission (WAPC) that it SUPPORTS the draft scheme with proposed modifications to address issues raised during the advertising process, including the following amendment:

- 1) *Include the following modifications to the schedule of submissions and update the schedule of modifications accordingly;*
 - a) *In the Table 3, Zoning Table, change:
‘Tree Farm’ from ‘D’ to ‘P’ use in the Rural zone.*

And

- b) *Pursuant to Regulation 25(3) of the Regulations, advise the Western Australian Planning Commission (WAPC) that it to supports the draft scheme with proposed modifications to address issues raised during the advertising process.*

DIS333: COMMITTEE RECOMMENDATION (AMENDMENT BY COUNCILLOR BROUGH)

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SMITH

THAT Council Pursuant to Regulation 25(3) of the Regulations, advise the Western Australian Planning Commission (WAPC) that it SUPPORTS the draft scheme with proposed modifications to address issues raised during the advertising process, including the following amendment:

- 1) *Include the following modifications to the schedule of submissions and update the schedule of modifications accordingly;*
 - a) *In the Table 3, Zoning Table, change:
‘Tree Farm’ from ‘D’ to ‘P’ use in the Rural zone.*

And

- b) *Pursuant to Regulation 25(3) of the Regulations, advise the Western Australian Planning Commission (WAPC) that it to supports the draft scheme with proposed modifications to address issues raised during the advertising process.*

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Grimmer

DIS333: AMENDMENT NO.2 BY COUNCILLOR BROUGH

MOVED: COUNCILLOR BROUGH

SECONDED: COUNCILLOR SUTTON

THAT the following amendments be made to Local Planning Scheme No. 2:

- 1) Include the following modifications to the schedule of submissions and update the schedule of modifications accordingly;
 - a) In the Table 3, Zoning Table, change:
‘Tree Farm’ from ‘D’ to ‘P’ use in the Rural zone.

And

- 2) Pursuant to Regulation 25(3) of the Regulations, advise the Western Australian Planning Commission (WAPC) that it supports the draft scheme with proposed modifications to address issues raised during the advertising process.

CARRIED 8-4

Record of Vote

Against the Motion: Councillors Smith, Shanahun, Terry and Cruse

Councillor Reason:

1. Tree farming in general agricultural/rural land is currently a permitted use (P).
2. City of Albany planning officers have justified the land use change from (P) to (D) on the basis of fear that someone will lodge a tree farm DA on rural land that planning officers deem inappropriate.
3. City of Albany planning officers have reported that there has never been an instance of a general agriculture/rural tree farm DA being lodged in an area deemed inappropriate by planning by officers.
4. (P) means that the use is permitted if it complies with any relevant development standards and requirements of a Scheme.
5. To establish a tree farm in any location in the state, a farmer must comply with 62 pieces of separate legislation - 17 federal government Acts, and 45 WA state government Acts.
6. Examples of the legislation include:
 - o Land Drainage Act 1925 (WA) governing land drainage
 - o Bushfires Act 1954 (WA) explicitly limiting plantation establishment within town site influence zones
 - o Country Areas Water Supply 1947 (WA) ensuring protection of water catchments
 - o Civil Aviation Regulations (AUS) limiting tree farm establishment around airstrips
7. With 62 separate pieces of legislation already governing the establishment of tree farms, the addition of an extra layer of local government red tape is unwelcome and, as suggested by the absence of precedence of problems, unnecessary.
8. A consequence of making tree farming in rural land (D) rather than (P) is that local government will have greater powers to limit freedom of land use in agriculture areas.
9. A possible unintended consequence of this change of use may be price inflation of existing tree farms due to additional red tape for establishment.

Officer Comment:

If a use of land is identified in a zone as being a class 'P' use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

Works, in relation to land, includes, *the carrying out on the land of any excavation or other works*.

Under LPS1, the works associated with a tree farm are not exempt under the regulations and Development Approval is already required. No additional requirements (aka red tape) are being introduced, only the permissibility is being changed.

Tree farming may have a detrimental impact on the visual landscape, adjacent watercourses, adjacent sensitive uses and the bushfire regime of an area.

A 'D' use allows the local government to carefully consider the potential impacts associated with a tree farm.

The level of assessment is also similar to the majority of other Local Governments in lower part of Western Australia.

Shire/LGA	Land use	Priority Ag	Rural/General Ag
Shire of Denmark	Plantation		AA (similar to D)
Shire of Augusta-Margaret River	Plantation	Priority – D	Gen Ag - D
Shire of Manjimup	Plantation	Priority Ag – A	Gen Ag – A.
Shire of Boyup Brook	Tree Farm		
Shire of Esperance	Tree Farm	No Priority Ag.	Rural – D
Shire of Harvey	Forestry	No Priority Ag	Gen Farming – AA Forestry zone - P
Shire of Cranbrook	Plantation/ agroforestry	No Priority Ag	Rural – D
Shire of Nannup	Tree farm	D	Rural – D
Shire of Kojonup	Plantation/Agroforestry	No priority Ag	Special rural & rural - IP
Shire of Plantagenet	Tree Farm		P

This modification could be made without resulting in readvertising.

DIS333: AMENDMENT NO. 1 BY COUNCILLOR BROUGH

MOVED: COUNCILLOR BROUGH

SECONDED: COUNCILLOR SUTTON

1) Pursuant to Regulation 26 of the Regulations, agree to advertise the following proposed modifications to the draft Local Planning Scheme No.2.

a) At Schedule 4, Table 11, insert the Special Use (SU13) zone classification, pertaining to Lot 12 (No. 516), Lot 13 (No. 512), Lot 14 (No. 508) and Lot 15 (No. 504) Albany Highway, Milpara, as follows:

No.	Description of Land	Special Use	Conditions
SU13	Lot 12 (No. 516), Lot 13 (No. 512), Lot 14 (No. 508) and Lot 15 (No. 504) Albany Highway, Milpara	<p>Bulky Goods Showroom (A)</p> <p>Caretaker's Dwelling (D)</p> <p>Car Park (D)</p> <p>Civic Use (A)</p> <p>Commercial Vehicle Parking (D)</p> <p>Community Purpose (D)</p> <p>Exhibition Centre (A)</p> <p>Funeral Parlour (A)</p> <p>Garden Centre (P)</p> <p>Industry – Light (A)</p> <p>Liquor Store – Large (A)</p> <p>Liquor Store – Small (D)</p> <p>Lunch Bar (P)</p> <p>Market (A)</p> <p>Motel (A)</p> <p>Motor Vehicle, Boat or Caravan Sales (D)</p> <p>Motor Vehicle Repairs (A)</p> <p>Motor Vehicle Wash (D)</p> <p>Office (I)</p> <p>Recreation – Private (D)</p> <p>Telecommunication Infrastructure (D)</p> <p>Trade Display (D)</p> <p>Trade Supplies (D)</p> <p>Veterinary Centre (D)</p> <p>Warehouse/Storage (A)</p>	<p>(1) A change of use requires development approval. Provided there is no intensification (including traffic generation), in the opinion of the local government, no Local Development Plan is required.</p> <p>(2) Prior to intensification of development on the site, in the opinion of the local government, a Local Development Plan is to be approved by the local government. The Local Development Plan shall address:</p> <p>(a) Rationalising vehicle access to/from Albany Highway from two crossovers to one crossover to maximise the safety of road users;</p> <p>(b) Access, loading/servicing areas and car parking;</p> <p>(c) Bushfire management;</p> <p>(d) Sewage disposal;</p> <p>(e) Stormwater management;</p> <p>(f) Building height, bulk and orientation;</p> <p>(g) Building setbacks;</p> <p>(h) Landscaping; and</p> <p>(i) Rectifying historic encroachment into Reserve 43653.</p> <p>(3) All development shall be generally in accordance with the Local Development Plan approved by the local government.</p> <p>(4) No subdivision of the site, to create additional lots, is permitted until a Structure Plan is approved by the Western Australian Planning Commission. Any Structure Plan is required to address relevant matters including vehicle access (including consolidation of crossovers/access points to/from Albany Highway), traffic generation, car parking, servicing and landscaping.</p> <p>(5) Upon approval of the Structure Plan, development and/or subdivision of the site is to be generally in accordance with the Structure Plan.</p>

MOTION LOST 1-11

Record of Vote

For the Motion: Councillor Sutton

Councillor Reason:

1. I refer all councillors to the reasons outlined by the proponent, especially in their planning justification comments.
2. The land has served industrial uses for at least 50 years.
3. The landowners have been paying rates to the city for industrial land use
4. There is no reticulated sewerage in the area, nor are there plans for this to occur any time soon.
5. The lack of sewerage precludes effective development as urban development.
6. Rezoning to SU13 will harmonise the zoning with the actual land use, and enable the properties to be redeveloped in ways that address the concerns of the planning officers, and encourage economic development in the area.
7. Rezoning will not change the land use - rather it will facilitate enhancement of the area through further development of the area.
8. Concerns about property owners being able to profit from sale of land after rezoning are moot in this instance given that the land is not able to be developed for residential purposes.
9. It has been expressed that rezoning these four blocks makes common sense, which warrants reasonable consideration of this proposed amendment in the chamber before elected members.

Officer Comment:

1. During development of the Local Planning Strategy 2019, the Department of Planning Lands and Heritage / WAPC decided not to support a commercial zone classification for the subject site. The following reasons were provided:
 - a. No strategic basis. Has been zoned residential at least since TPS 3. Rezoning should only be considered if there is actually an identified need for additional commercial land, which Activity Centre review suggests there isn't and floorspace needs to be carefully managed to ensure viable productivity.
 - b. Milpara is identified as an area for infill sewerage in order to make infill viable - lack of services cited as a reason residential is not viable. Zoning to formalise existing non-conforming unsewered development not supported.
 - c. Providing additional commercial land uses only on the basis of pre-existing non-conforming uses adjacent to Orana local centre would undermine the future viability of this centre as well as other land already zoned for commercial and light industrial purposes and discourage the current businesses operating on the site to relocate to suitably zoned land should they wish to expand.
 - d. ALPS discusses education precincts - question whether encouraging the existing land uses are suitable here - potential for student accommodation under Residential zoning?
 - e. Would be a major modification that would warrant readvertising (if City provides sufficient justification for DPLH to consider supporting)
2. The proposed change in zoning is therefore clearly a departure from the Albany Local Planning Strategy
3. The proper process to deal with an amendment that is not aligned with a Local Planning Strategy is via the Complex Scheme Amendment process post LPS 2 finalization.
4. Such an amendment should include all the relevant studies required to make an informed decision. including a water management plan, a traffic impact assessment and a servicing report detailing how reticulated sewer can be provided.
5. There is also not sufficient strategic justification to support the rezoning of the subject site to allow for industrial and commercial type land uses.

6. Additionally, without including supporting information and justification the advertising of this proposal would not be appropriate. We would therefore have to wait for the required information to be prepared or prepare this information on the proponents' behalf, causing considerable delays to the processing of the Scheme.
7. Contrary to Councillor points 4 and 5 there is an aspiration for sewer to be provided to this area and advocacy for construction of sewerage is a reason for the development of the North Albany District Structure plan.
8. Please note that some of the recommended uses proposed as part of SU13 would also require Sewerage.

DIS333: AUTHORISING OFFICER RECOMMENDATION

THAT Council Pursuant to Regulation 25(3) of the Regulations, advise the Western Australian Planning Commission (WAPC) that it SUPPORTS the draft scheme with proposed modifications to address issues raised during the advertising process.

BACKGROUND

3. The purpose of this report is for Council to pass a resolution to support the draft scheme subject to proposed modifications recommended to address issues raised during advertising.
4. Council resolved in November 2019, to recommend to the WAPC, that the City's Local Planning Scheme No. 1 (LPS1) be repealed, and a new scheme prepared in accordance with the outcomes of a review that was commenced in early 2019. For more information and background on the scheme review process to date, refer item DIS285 presented to the November 2021 Council meeting.
5. Draft LPS2 was subsequently developed, and at the November 2021 meeting, Council resolved to:
 - Proceed to advertise draft LPS2; and
 - Delegate the CEO to progress the required actions outlined under the Planning Regulations, including seeking WAPC certification of LPS2 and referral to the Environmental Protection Authority (EPA) to consider if LPS2 needed to be assessed pursuant to Section 48A of the *Environmental Protection Act 1986* (EP Act).
6. In May 2022, certification was granted by the WAPC, outlining their support for the advertising of the draft LPS2, subject to modifications (refer Attachment 3). The modifications generally involved ensuring consistency with the manner and form of the model provisions set out under the Schedule 1 of the Planning Regulations.
7. Following receipt of certification from the WAPC, draft LPS2 was subsequently referred to the EPA for consideration in late May 2022. As part of their preliminary consideration of draft LPS2, the EPA requested a number of modifications to address areas of concern, prior to undertaking their formal referral. Modifications included (refer Attachment 4):
 - Additional provisions in relation to the use and development of land that incorporates or is in proximity to land with existing environmental values and/or constraints. These provisions related to matters such as improving habitat protection and retaining and protecting wildlife corridor connectivity, managing outcomes on unmanaged local reserves, siting and use of building envelopes, on-site effluent disposal, keeping of livestock and pets, setbacks from water resources, restricting dams in waterways, minimising risk of contamination and limiting further clearing of remnant vegetation.
 - Reinstating scheme 1 provisions and mapping associated with Special Use zone 12 (Lot 7250 Gwydd Close, Elleker).

8. In September 2022 the EPA notified the City that draft LPS2 should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) as it was concluded that environmental objectives could be appropriately managed through the proposed scheme text and maps.
9. The EPA also noted in their advice that as the scheme provides for land uses which may generate trade waste, such as breweries, it was recommended that Schedule 6 of draft LPS2 be modified to include a requirement for the City to consider trade waste disposal at development approval stage.
10. As per the City's schedule of modifications, it has been recommended that the following notation is included in the draft scheme (at Schedule 6, Table 12, Sewerage disposal):

Note: The Environmental Protection Act 1986 (EP Act) currently regulates some types of premises that generate trade wastes. Prescribed premises under the EP Act require a licence for the discharge of the trade waste back into the environment. Trade waste includes any wastewater, discharged from a business or industry, aside from that which comes from staff amenities or office facilities.

11. With certification received from the WAPC and a response from the EPA not requiring further assessment, the public consultation period commenced in late September 2022 for a minimum period of 90 days, concluding on 23 December 2022.
12. Formal public advertising included:
 - Letters to ratepayers and state government authorities and agencies
 - Notice in the newspaper and media release
 - Publication and Distribution of Scheme Brochure and Frequently Asked Questions (FAQ) information.
 - Publication of the LPS2 consultation page on the City's website, that included
 - Copies of scheme text and map to download
 - Online mapping portal
 - Online submission form
 - Supporting information including brochure and FAQs
 - Two drop-in information sessions at the Waterfront in October and November.
 - Hard copies of draft LPS2 scheme text and map at City of Albany North Road offices and Albany library.
13. Public and agency submissions were received during the advertising period, primarily submitted through the online submission form that was made available on the City's LPS2 consultation page.

DISCUSSION

14. A schedule of submissions (refer Attachment 6) and a schedule of modifications (refer Attachment 7) are attached to this report item.
15. The schedule of submissions is divided into two sections:
 - a) Agency submissions
 - b) Public submissions
16. The schedule of submissions includes a response to each comment.
17. There is also a schedule dealing with City staff recommended modifications (refer to Attachment 5)

18. The schedule of modifications outlines suggested changes to the advertised scheme (combination of staff recommendations and recommendations stemming from the advertising process).
19. The proposed modifications are not considered significant in accordance with the Planning Regulations, and therefore additional advertising is not warranted.
20. Proposed modifications include:
 - Zone and reserve map classification changes for various properties to make it consistent with current scheme classifications and current land uses
 - Text changes to strengthen provisions and correcting terminology
 - Permissibility changes for various land uses for different zones
 - Text changes to provisions dealing with the management of domestic animals covered by other legislation
 - Within public drinking water resource areas, allowing the consideration of uses, that are considered incompatible with other agency land use compatibility tables
 - Exempting the need for approval to undertake tree farming, which is incorporated with agriculture (agroforestry) or is for environmental restoration.

Zone and Reserve Map changes

21. Modifications have been recommended for the scheme maps, in-particular where discrepancies exist between the current and draft new schemes and between land use characteristics and zone or reserve classifications.

General text changes

22. Modifications have been recommended for some scheme provisions to provide clarity and consistency with current scheme standards, policy position statements and state legislation.

Land Use Permissibility

23. Modification to the permissibility of some land uses has been recommended, especially where the land use conforms with zone objectives.

Pets

24. It has been recommended that provisions dealing with the keeping of pets are deleted.
25. The planning system does not manage the keeping of domestic pets. Pets are managed in accordance with the Animals Local Law 2020, Dog Local Law 2017, the Dog Act 1976 and Cat Act 2011.
26. The provisions associated with the keeping of pets were suggested during early discussions with the Environmental Protection Authority. The WAPC may subsequently liaise with the EPA on this matter.

Land Uses in Public Drinking Water Source Areas

27. The Department of Water and Environmental Regulation (DWER) has adopted a land use compatibility table, which outlines land uses and activities that need to be avoided in drinking water source areas.
28. For example, floriculture, market garden (horticulture), turf farm, garden centre, transport depot, restaurant/café, brewery, workforce accommodation, golf course and grouped dwellings are considered incompatible for areas within the Priority 2 Public Drinking Water Source Areas.
29. Some of the land uses identified as being incompatible in the DWER land use compatibility table, may be considered in accordance with the draft new scheme (Table 3. – Zoning Table), for the 'Rural Residential', 'Rural Smallholdings', 'Priority Agriculture' and 'Rural' zones, which are located within Priority 2 public drinking water source areas.

30. The Draft new scheme, at schedule 8, Table 17, Special Control area 2, (3)(b) states:
“Notwithstanding the land use permissibility set out in Table 3. – Zoning Table, a use which is identified as incompatible within the relevant priority area classification shall not be approved, unless exceptional circumstances apply.”
31. The Table 3 in the scheme lists permissibility for land uses. The provision (3)(b) contradicts the permissibility classifications in Table 3. The provision (3)(b) has the potential to create uncertainty.
32. It has been recommended that the provision (3)(b) be modified to state:
“Notwithstanding the land use permissibility set out in Table 3. – Zoning Table, a use which is identified as incompatible within the relevant priority area classification shall not be approved, Unless risks or impacts associated with the proposed land use to the satisfaction of the Local Government in consultation with relevant referral agency can be adequately managed or mitigated.”
33. The provisions associated with DWER land use compatibility table were suggested during early discussions with the Environmental Protection Authority. The WAPC may subsequently liaise with the EPA on this matter.

Tree Farming

34. The new scheme seeks to change the ‘General Agriculture’ name classification to the ‘Rural’ name classification, in-line with the State’s model scheme. For both the ‘Rural’ and ‘Priority Agriculture’ zoned areas, the new scheme proposes that tree farms (greater than 4ha) are not permitted unless the local government has exercised its discretion by granting development approval.
35. Land holders and the tree farming industry objected to the proposed permissibility change for tree farming in the ‘Rural’ zone, believing that this creates a level of unnecessary “red tape” and affects their ability to plant trees for shelter belts, corridor plantings or revegetation of degraded areas.
36. In the current scheme, tree farming is permitted (‘P’) in the ‘General Agriculture’ zone and not permitted in the ‘Priority Agriculture’ zone. Note that if a use of land is identified in a zone as being a P use, the local government may not refuse an application for development approval for that use on a lot in that zone. It does not mean that a development application for the works is not required.
37. Under LPS1, the works associated with a tree farm are not exempt under the regulations and Development Approval is required. The Development Application must comply with the standards of the scheme which include the industry developed code of conduct. LPS1 also includes a list of matters (Section 4.7.3 Tree Plantation Activities page 68) that should be taken into consideration when an application for the works (planting and provision of infrastructure) is lodged and assessed.
38. For the new scheme, it is proposed that tree farms in the ‘Rural’ zone are not permitted unless the local government has exercised its discretion by granting development approval (“D” use). The discretionary decision-making process gives the local government the opportunity to assess plantation management plans and fire management plans to ensure development occurs in accordance with scheme and industry standards, including:
- Appropriate setbacks to sensitive uses (bushfire risk)
 - Management of public roads
 - Development of water tanks for a permanent source of water for firefighting purposes
 - Appropriate management of weeds
 - Appropriate development of plantation cells and including firebreaks (max cell sizes)
 - Appropriate development of internal access (min widths and passing bays)
 - Visual amenity to key tourist locations

39. The proposed level of assessment is fairly consistent throughout Planning Schemes of the Local governments in the South West, Great Southern and along the South Coast (e.g. Esperance) as per the following Land use comparison table;

Shire/LGA	Land use	Priority Ag	Rural/General Ag
Shire of Denmark	Plantation	No Priority Ag	AA (similar to D)
Shire of Augusta-Margaret River	Plantation	D	Gen Ag - D
Shire of Manjimup	Plantation	A	Gen Ag – A.
Shire of Boyup Brook	Tree Farm	No Priority Ag	Rural - A
Shire of Esperance	Tree Farm	No Priority Ag	Rural – D
Shire of Harvey	Forestry	No Priority Ag	Gen Farming – AA Forestry zone - P
Shire of Cranbrook	Plantation/ agroforestry	No Priority Ag	Rural – D
Shire of Nannup	Tree farm	D	Rural – D
Shire of Kojonup	Plantation/Agroforestry	No Priority Ag	Special rural & rural - IP
Shire of Plantagenet	Tree Farm	No Priority Ag	P

'IP' means that a use is not permitted unless it is determined by the Council to be incidental to the predominant use.

"Plantation" has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;

40. Tree farming can potentially tie up the land for long periods of time (20 years), which may conflict with the aim of the priority agriculture zone, which is to protect the use of the land for food production. The "A" use allows for consideration of agency and neighbouring landholder comment and ensures that development and on-going management occur in a manner that meets the objective of the zone.
41. It has been recommended that approval is not required, where the planting of trees is for environmental restoration or is incorporated with broadacre farming (agroforestry). E.g. shelter belts or corridor plantings or revegetation of degraded areas.

It is important to clarify this in the new Planning Scheme and a modification is being made to include these uses as a specific Scheme exemption, thus identifying that a discretionary approval is only required for tree farms that are of a commercial scale and nature.

Clearing of Native Vegetation (in mainly the Yakamia area).

42. The scheme has identified areas for 'Urban Development' in accordance with endorsed structure and strategic planning documents. The purpose of the 'Urban Development' zone is to allow for residential expansion. Areas of native vegetation exist within some areas identified for 'Urban Development' e.g. Yakamia.
43. Comments were submitted seeking modifications to the scheme to ensure native vegetation is protected, especially on land in the Yakamia area and on freehold land owned by the City.
44. It has been recommended that consideration regarding protection of native vegetation or clearing of native vegetation to accommodate residential expansion, first occur via a review of the Local Planning Strategy 2019 and the Yakamia/Lange Structure Plan.
45. The Department of Planning, Lands and Heritage is currently undertaking a review of the Yakamia/Lange Structure Plan.
46. If strategic documents (such as Structure Plans) identify alternative recommendations after Local Planning Scheme 2 is approved, the Scheme can be amended.

GOVERNMENT & PUBLIC CONSULTATION

47. Draft LPS2 was advertised in accordance with r. 22 of the Planning Regulations.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Notice in Advertiser	22/09/22	180 public submissions received 15 state government agency submissions received	Yes
Consult	Public comment – City website	Between 22/09/2022 and 23/12/2022		Yes
Consult	Mail out to ratepayers and state government agencies and authorities	Comment period held between 22/09/2022 and 23/12/2022		No
Consult	Drop-in information sessions	9am-12pm 15 October 2022 & 5 November 2022		No
Note: Nil				

48. The drop-in information sessions were held at the Waterfront, across from the Albany Entertainment Centre, with staff available to answer queries about LPS2.
49. Draft LPS2 was referred to various relevant state government agencies and authorities for comment, with individual responses outlined under the attached Scheduled of Submissions.
50. In accordance with the Planning Regulations, submissions on draft LPS2 were required to be made in writing, in a form approved by the WAPC, and had to include a minimum level of information, such as the submitter's name, address and a statement about the capacity in which the person was making the submission.
51. In considering the submissions, it is important to note the consultation period was not designed to gather quantitative, representative data but to gather qualitative data. Accordingly, all submissions were given due regard.
52. Details and discussion on the most pertinent and broader themes arising from the submissions received and specific modifications proposed are outlined above.
53. Details on individual submissions, associated officer comment and where a specific modification is proposed in response to a submission, are outlined under the attached Schedule of Submissions.
54. All proposed modifications are outlined under the attached Scheduled Modifications.

STATUTORY IMPLICATIONS

55. Regulation 25 the Planning Regulations outline requirements for local government consideration of submissions received during advertising of a new draft local planning scheme, and subsequent consideration of proposed modifications to the draft new local planning scheme in response to submissions.
56. In accordance with r. 25 of the Planning Regulations, local governments are required to consider all submissions received during advertising and pass a resolution to either support a draft scheme with or without modification, or otherwise not support a draft scheme, within 120 days after the end of the submission period for the draft scheme, or otherwise a day approved by the WAPC.
57. In this instance, the proposed modifications are not considered significant to warrant further advertising. It is therefore recommended that Council resolve to support draft LPS2 subject to modifications in their current form, which will then be referred to the WAPC for formal consideration.

58. Regulation 26 of the Planning Regulations sets out the process and timeframes local governments are required to follow, should Council consider that a proposed modification is significant to warrant further advertising and therefore defer the current item to allow for this process to be undertaken.

POLICY IMPLICATIONS

59. Draft LPS2 has been prepared in alignment with the requirements of relevant state planning policies. Where variations to state planning policy requirements are identified under draft LPS2, these have been addressed through specific provisions.
60. As outlined in item DIS285 presented to Council in November 2021, provisions from a number of local planning policies are recommended to be incorporated into draft LPS2, in accordance with state direction and recent changes to the Planning Regulations. Where these provisions are progressed under draft LPS2, the applicable local planning policies will subsequently be reviewed upon gazettal of LPS2, and either updated where appropriate and referred to Council for consideration, or otherwise revoked in their entirety.
61. The suite of remaining existing local planning policies will also be updated to reflect relevant administrative changes required, following gazettal of LPS2.

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

63. The proposed scheme has been developed within budget, with estimated future administrative costs adequately catered for within the current and forecasted budget.

LEGAL IMPLICATIONS

64. The proposed scheme has been developed to minimise the potential for any legal implications, including claims for injurious affection.
65. A landholder may make a claim for compensation for injurious affection for land that is reserved in a scheme or subject to a special control. A claim for compensation for injurious affection can be made if:
- Private Sale – the landholder sells the property on the open market at a reduced price (due to the effect of the reservation or special control); or
 - Refused development – the City has either refused a development application over the property or approved it subject to conditions that are unacceptable to the applicant.

ENVIRONMENTAL CONSIDERATIONS

66. A number of matters were identified by the EPA in their preliminary consideration of draft LPS2 that resulted in modifications to address various environmental considerations. These modifications were subsequently incorporated into draft LPS2 for EPA's final consideration for certification.
67. In the EPA's certification notice from September 2022, Schedule 6 of draft LPS2 was recommended for further modification to allow for the consideration of trade waste disposal. A scheme modification has been recommended to deal with this matter.
68. There are two recommended modifications, which vary from previous discussions with the Environmental Protection Authority. These include the management of domestic pets and uses in public drinking water resource areas. The WAPC may subsequently liaise with the EPA on this matter.

ALTERNATE OPTIONS

69. In accordance with r. 25 of the Planning Regulations, Council may resolve to:
 - a) support the draft advertised scheme without modification; or
 - b) support the draft advertised scheme subject to modifications proposed to address issues raised during the advertising process; or
 - c) not support the draft advertised scheme.
70. Where Council consider that a proposed modification is significant and that advertising should therefore be undertaken, the item currently before Council should be deferred, until the relevant process outlined under r. 26 of the Planning Regulations are completed.

CONCLUSION

71. Draft LPS2 has now been advertised.
72. Submissions received during the public advertising period have been duly considered and the schedule of submissions includes a response to each comment.
73. The schedule of modifications outlines suggested changes to the advertised scheme.
74. The proposed modifications are not considered significant in accordance with the Planning Regulations, and therefore additional advertising is not warranted.
75. As there was an acceptable level of engagement and general support of the document, it is recommended that draft LPS2 is supported by Council, to allow submission to the Western Australian Planning Commission and subsequent endorsement by the Minister.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Planning Scheme No.1.</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i> • <i>Local Planning Strategy 2019.</i> • <i>City of Albany Strategic Community Plan.</i>
File Number (Name of Ward)	:	DB.PLA.8
Previous Reference	:	DIS184 26/11/2019 DIS268 24/08/2021 DIS271 24/08/2021 DIS285 23/11/2021

DIS334: ROAD RATIONALISATION – LEDGE BEACH ROAD, GULL ROCK AFFECTING RESERVE 27107 GULL ROCK NATIONAL PARK

Land Description	: Ledge Beach Road and unused road reserves, Gull Rock.
Proponent	: Department of Planning Lands & Heritage & Department of Biodiversity Conservation & Attractions
Attachments	R27107 Map Ledge Beach Ablution Location Map
Report Prepared By	: Lands Officer (A. Veld)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P. Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Place.
 - **Outcomes:** A safe, sustainable and efficient transport network.
 - **Pillar :** Planet
 - **Outcomes:** Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.

Maps and Diagrams:



In Brief:

- The Department of Biodiversity Conservation & Attractions (DBCA) is seeking Council support to establish the road reserve over the long-constructed Ledge Beach Road. Unused road reserves in the vicinity will also be closed and incorporated into the adjacent Reserve 27107, Gull Rock National Park.
- This Council recommendation is an administrative process only and does not require any on-ground works.
- This administrative change will allow for DBCA to construct an ablution block within the Ledge Beach carpark area and resolve a historical road anomaly matter.

RECOMMENDATION

**DIS334: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TRAILL**

THAT Council:

1. **REQUEST** the Minister for Lands to excise 10.6Ha of land from Reserve 27107 for dedication as Ledge Beach road reserve, pursuant to section 56 of the *Land Administration Act 1997*, subject to final survey;
2. **INDEMNIFY** the Minister for Lands from any claims for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request, pursuant to section 56(4) of the *Land Administration Act 1997*;
3. **REQUEST** the Minister for Lands to close 12.3Ha of the original road reserve for Ledge Beach, in addition to 8Ha of unnamed, unused road reserves, pursuant to section 58 of the *Land Administration Act 1997*, subject to final survey;
4. **REQUEST** the Minister for Lands to incorporate the closed roads into Reserve 27107, Gull Rock National Park.

CARRIED 13-0

DIS334: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TRAILL**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS334: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. **REQUEST** the Minister for Lands to excise 10.6Ha of land from Reserve 27107 for dedication as Ledge Beach road reserve, pursuant to section 56 of the *Land Administration Act 1997*, subject to final survey;
2. **INDEMNIFY** the Minister for Lands from any claims for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request, pursuant to section 56(4) of the *Land Administration Act 1997*;
3. **REQUEST** the Minister for Lands to close 12.3Ha of the original road reserve for Ledge Beach, in addition to 8Ha of unnamed, unused road reserves, pursuant to section 58 of the *Land Administration Act 1997*, subject to final survey;
4. **REQUEST** the Minister for Lands to incorporate the closed roads into Reserve 27107, Gull Rock National Park.

BACKGROUND

2. The Department of Biodiversity Conservation & Attractions (DBCA) intends to install an ablution block at the Ledge Beach carpark.
3. As part of their due diligence, they have identified that the area under consideration for the location of the toilet block is within a road reserve. The City of Albany Planning Scheme does not permit public infrastructure of this nature to be installed within a road reserve.
4. Furthermore, it was identified that almost the entire Ledge Beach Road has been built outside of this designated road reserve. There are also two other road reserves that have remained unconstructed, with no intentions to develop these for future access.
5. The land containing the currently constructed Ledge Beach Road must be excised from Reserve 27107 and the undeveloped road reserves must be closed to allow for the proposed infrastructure installation and to resolve this historical road alignment anomaly.

DISCUSSION

6. In April 2022, the City of Albany received a formal request from the Department of Planning Lands & Heritage (DPLH) on behalf of the DBCA to create a road reserve over the constructed Ledge Beach Road as it has been built through Reserve 27107, Gull Rock National Park.
7. In addition, DPLH are requesting the City to close the original, unconstructed road reserve for Ledge Beach as well as two other unmade road reserves for inclusion into Gull Rock National Park.
8. These actions will better reflect the current use of the land and allow for the construction of an ablution block in the carpark in a suitable location with minimal disturbance to the existing vegetation.

GOVERNMENT & PUBLIC CONSULTATION

9. Pursuant to section 58 of the *Land Administration Act 1997*, the City of Albany is required to undertake public consultation on the proposed road closures.
10. Public advertising of the proposal was undertaken, with the public comment period being open for 36 days from 17 November to 23 December 2022. Two community members sought further clarification of the proposal however no further comments or any objections were received.
11. Service providers were asked to provide comment from 6 December 2022 to 10 January 2023. Four replies were received with no objections to the proposal.
12. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Public Notice in locally distributed newspaper	17 November 2022 - 23 December 2022		Yes
Consult	Public Comments page on City of Albany website	17 November 2022 - 23 December 2022		Yes
Consult	Letters and email to public service providers	6 December 2022 – 10 January 2023	7	Yes

STATUTORY IMPLICATIONS

13. Section 56 of the *Land Administration Act* allows a local government to request the Minister for Lands to dedicate land acquired for use by the public as a road under the care, control and management of the local government.
14. Section 58 of the *Land Administration Act* allows for a local government to request the Minister for Lands to close a road permanently.

POLICY IMPLICATIONS

15. There are no policy implications relating to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance. Risk: There is a risk that by not having a designated road reserve over the constructed road that the City doesn't have legal jurisdiction over the care, control and management of the road reserve.	Almost Certain	Major	Extreme	Council supports the rationalisation of the Ledge Beach road reserve by excising land along the current alignment of the constructed road and closure of the unused road reserves for inclusion into R27107.
Environmental Risk: That by keeping the current alignment of the existing road reserve, DBCA will either not be able to install an ablution block or have to situate the infrastructure in a less desirable location.	Almost Certain	Moderate	High	Council supports the road closure to allow for infrastructure installation.
Opportunity: To clear up a historical land tenure anomaly to better reflect the current use of the land. Opportunity: Allow much needed infrastructure to be built which will reduce the current detrimental impacts the lack of ablution facilities is having on this area of National Park and adjoining coastal assets and with minimal disturbance to existing vegetation.				

FINANCIAL IMPLICATIONS

17. The costs of advertising the road closures have been allocated out of the Lands budget 1142970. Any associated costs for surveying the new road reserve will be jointly shared between the DBCA and the City of Albany, with the City's apportioned costs being allocated from the Lands budget 1142970.

LEGAL IMPLICATIONS

18. There are no legal considerations relating to this item.

ENVIRONMENTAL CONSIDERATIONS

19. Public health concerns in relation to certain activities of visitors to Ledge Beach and the adjoining National Park would be mitigated by being able to have ablution facilities installed at this location.
20. Currently the most appropriate location for this infrastructure is in a high traffic area that is currently degraded and will minimise the need for further vegetation clearing.

ALTERNATE OPTIONS

21. Council may choose to;
- Refuse this request; or
 - Support this request with modifications.

CONCLUSION

22. Rationalisation of Ledge Beach Road will allow for the constructed road to be contained within a designated road reserve.
23. It will also allow for much needed ablution facilities to be installed at the Ledge Beach carpark.
24. Officer recommendation is for Council to support the proposed road rationalisation.

Consulted References	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i>
File Number (Name of Ward)	:	Kalgan
Previous Reference	:	none

DIS335: PLANNING AND BUILDING REPORTS DECEMBER 2022

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports December 2022
Report Prepared By : Technical Support Officer (P Ruggera)
Authorising Officer: : Manager Planning and Building Services
(J Van Der Mescht)

RECOMMENDATION

DIS335: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SUTTON

THAT the Planning and Building Reports for December 2022 be NOTED.

CARRIED 13-0

DIS336: PLANNING AND BUILDING REPORTS JANUARY 2023

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports January 2023
Report Prepared By : Technical Support Officer (P Ruggera)
Authorising Officer: : Manager Planning and Building Services
(J Van Der Mescht)

RECOMMENDATION

DIS336: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR CRUSE

THAT the Planning and Building Reports for January 2023 be NOTED.

CARRIED 13-0

DIS337: ADELAIDE STREET PATHWAY CONSTRUCTION TENDER AWARD AND BUDGET AMENDMENT REQUEST

Land Description	: Adelaide Street, Milpara, Albany
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Attachments	: Commercial in Confidence - Confidential Briefing Note under separate cover.
Report Prepared By	: Civil Engineering Officer (K Sutherland)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

CONFIDENTIAL ATTACHMENT

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

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcomes:** 10: A safe, sustainable and efficient transport network.
 - **Objective:** 10.1: Improve road safety, connectivity and traffic flow.

In Brief:

- Tender award for the reconstruction of a pathway on Adelaide Street from Rufus Street to Henry Street.
- One (1) complying tender was received.
- Construction is expected to commence in March 2022 with completion in late May 2023.
- The Adelaide Street Pathway Construction project cost has been reviewed and the current estimate to complete the project exceeds the original estimate.
- A Budget Review is required in order to fund this project to completion.

RECOMMENDATION

DIS337: RESOLUTION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SHANHUN

THAT Contract C23004 – ADELAIDE STREET PATHWAY CONSTRUCTION be AWARDED to WPC Civil Contractors as recommended by the evaluation panel in the Confidential Briefing Note attached to this report.

CARRIED 13-0

DIS337: RESOLUTION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SMITH

THAT the Pathways Expenditure and Revenue Budgets be AMENDED as follows:

- 1. INCREASE the Expenditure Budget for project number 0980: Adelaide Street Cycle Link from \$455,000 to \$605,000.**
- 2. The unallocated funding of \$150,000 be transferred to project number 0980: Adelaide Street Cycle Link from the 'Roadwork's, Drainage & Bridge Reserve' account 13244.**

CARRIED 13-0
ABSOLUTE MAJORITY

BACKGROUND

2. Adelaide Street is a local distributor road providing a link between Albany Highway and Chester Pass Road and caters for a considerable number of heavy vehicles.
3. Given that much of the verge width is occupied by open drains, pedestrians are compelled to traverse on the road which is undesirable particularly due to it being in close proximity to North Albany Senior High School.
4. The proposed work involves the upgrading of existing open drains on the southern side of Adelaide Street to new piped drainage and new kerb and footpath from Rufus Street to Henry Street.
5. Design and specification documentation was prepared by the City of Albany to the stage of 'Issued for Tender'.
6. The tender was open from 18th January 2023 to 9th February 2023.
7. A budget review has been undertaken and additional budget is required in order to complete the works.
8. Adelaide Street Cycle Link (Project Number 0980) is WA Bicycle Network (WABN) funded which is part of a three phase project that will link Rufus Street, Adelaide Street and Henry Street. It forms part of the missing link in the Cycle Network across northern suburbs and is a future Local Distributor in the City Path hierarchy.
9. The work on Adelaide Street will widen existing 1.5m wide concrete path and provide additional connectivity between Albany Highway to Henry Street (which is a future project).
10. WA Bicycle Network (WABN) projects are 50% funded by Department of Transport (DoT) who administer the funding.
11. The Department of Transport approved funding for this project is \$153,750.
12. The cost of this project has been revised and is now estimated to be \$605,000, an increase of \$150,000 from the original estimate.
13. A budget review is required to address the short fall of \$150,000 required to deliver this project to completion.

DISCUSSION

14. A total of five (5) tender documents were issued by City of Albany.
15. One (1) complete tender document was submitted on or before the stipulated closing date and time.
16. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below:

Criteria	% Weighting
Cost	45%
Relevant Experience	25%
Demonstrated ability to meet the required time frame	25%
Corporate Social Responsibility	5%
Total	100%

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

Tenderer	Weighted Score
WCP Civil Contractors	588.33

GOVERNMENT & PUBLIC CONSULTATION

18. All relevant stake holders have been consulted including Adelaide Street residents, North Albany Senior High School and Department of Transport.
19. A request for tenders was published in the West Australian on Wednesday 18th January 2023 and locally in The Extra on Friday 20th January 2023.

STATUTORY IMPLICATIONS

20. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.
21. 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.
22. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.
23. Under the *Local Government Act 1995* (the Act), 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.
24. The voting requirement of Council is **Absolute Majority**.

POLICY IMPLICATIONS

25. Council's Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health and Safety <i>A pedestrian accident occurs due to lack of footpath and open drains utilising the majority of verge space</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Install dedicated pathway, utilising external funding if available.</i>
Finance <i>Non-compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Standard general conditions of contract protect the City by allowing for contract termination on the basis of failure to supply goods and services.</i>
Business Operation, Reputation & Financial. <i>Risk: Community perception that savings realised should be used for other purposes</i>	<i>Possible</i>	<i>Moderate</i>	<i>High</i>	<i>Clear communication of City's current financial position, noting that the payment will not impact on the City's ability to adequately service its obligations and achieve its operational and financial objectives this financial year.</i>
Opportunity: <i>To complete projects already in progress</i>				

FINANCIAL IMPLICATIONS

27. The value of this tender is in excess of \$500,000 and therefore approval is referred to Council for consideration.
28. More detailed information regarding the financial implications is contained in the Confidential Briefing Note.
29. Funding of \$153,750 for this project has been received from Western Australian Bicycle Network Funds.
30. The original cost of this project (\$455,000) has been revised and it is now estimated to be \$605,000, an increase of \$150,000.
31. It is proposed to transfer \$150,000 from the 'Roadwork's, Drainage & Bridge Reserve' account to fund the shortfall and allow this project to be completed.
32. The revised costing includes a contingency of 10% to cover site supervision costs and unforeseen site costs.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

34. The works are contained within existing cleared areas and are not anticipated to have any detrimental environmental impact.

ALTERNATE OPTIONS

35. The options are:
- Council may elect to accept the recommended tender; or
 - Not approve any tender.
36. Council may:
- Adopt the budget amendment as requested;
 - Adopt the budget amendment with alterations as specified by Council; or
 - Reject the budget amendment.

CONCLUSION

37. It is recommended, based on the evaluation scoring, clarification and financial check processes that the tender be awarded to WCP Civil Contractors.
38. That Authorising Officer Recommendation 2 to adopt the Budget Amendment be supported.

Consulted References	:	<ul style="list-style-type: none">Local Government (Functions and General) Regulations 1995Council Policy – PurchasingCouncil Policy – Buy Local (Regional Price Preference)DIS322: Budget Amendment Request – Drainage, Building and Pathway Sub Programs
File Number (Name of Ward)	:	C23004 (West Ward)
Previous Reference	:	N/A

**LEMC031: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY
MANAGEMENT COMMITTEE – 29 SEPTEMBER 2022**

Attachments : Confirmed Minutes of the LEMC Meeting held 29/09/2022
Report Prepared By : Personal Assistant to the ED Corporate & Commercial
Services (H Bell)
Authorising Officer: : Executive Director Corporate and Commercial Services
(M Gilfellon)

STRATEGIC IMPLICATIONS

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

In Brief:

- Receive the minutes of the Local Emergency Management Committee meeting held on 29 September 2022.

RECOMMENDATION

LEMC031: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BROUGH

THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 29 September 2022 be RECEIVED.

CARRIED 13-0

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

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR SUTTON

THAT 15.1: Notice of Motion by Councillor Stocks be considered immediately following DIS333: Adoption of Draft Local Planning Scheme No. 2.

CARRIED 13-0

15.1: NOTICE OF MOTION BY COUNCILLOR STOCKS

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR SMITH

THAT:

- 1. Council agrees not to progress any development on any vegetated portion of Lot 4743 North Road, Yakamia, except that which is already subject to previous agreements and the approved Range Road alignment. Further, this position will be reviewed only when the Range Road Subdivision, Local Planning Scheme No. 2 are completed and during development of the North Albany District Structure Plan.**
- 2. Subject to (1) above, after the Range Road Subdivision, Local Planning Scheme No. 2 are completed and the North Albany District Structure Plan is being developed, Council will consider all options for Lot 4743 North Road, Yakamia, including relinquishing portions of this land for conservation purposes.**

CARRIED 13-0

Councillor Reason:

Council have a series of priorities that must be achieved before any consideration can be given to rezoning Lot 4743 to Conservation. Those non negotiable priorities include:

1. Lodgement of LPS2 and its approval.

Considerable time and effort have been expended by the City and the community in progressing LPS2 for submission to the WAPC. Requesting the reservation of Lot 4743 to Conservation, whilst it is currently zoned to facilitate structure planning, is not the appropriate planning process for a single lot that also incorporates the City of Albany Administration offices, a drainage function and Range Road.

The allocation of land use of Lot 4743 will be considered in the development of the North Albany District Structure Plan (NADSP). A year's delay to undertake further detailed investigations that will be considered as part of the NADSP anyway, is not justifiable in the context of the entirety of finalising LPS2.

2. Completion of negotiations for the Range Road subdivision.

Range Road Reserve is very important to the future growth of Albany and any associated subdivision clearance for Range Road must be secured by the City before any alteration to the current zoning of 4743 could be considered. To rezone any part of Lot 4743 to Conservation prior to the City securing all approvals for the Range Road subdivision is unwise and premature.

3. Allowing previous agreements to run their course.

This is a matter of procedural fairness to the applicant and there is a live resolution of Council which has been relied upon. The previous agreement, which is currently before the appropriate agencies and previously supported by the Council in its application for subdivision, must be allowed to run its course. Any intervention at this stage would expose the City to claims for injurious affection.

As an elected member, I have heard the community concern regarding the clearing of vegetation on 4743. Similarly, I have heard the calls from the community asking for the rezoning of Lot 4743 to Conservation.

This motion, if accepted by the Council, would provide a level of comfort to the community that no clearing of vegetation will occur on Lot 4743, except for the Range Road reserve and agreements made with the adjoining owner, and not before the NADSP is finalised. It allays community concerns that the City has unspoken desire for future development of the Lot 4743 prior to the full process having been completed.

The NADSP will provide an opportunity for Council to examine the merit of rezoning portions of Lot 4743 to Conservation. These deliberations can occur in the full knowledge that no clearing can occur on Lot 4743 before NADSP is complete for submission, because this motion would protect the Lot in the meantime.

I believe the motion allows all parties to see that concerns have been noted and that the path forward allows the City to achieve its primary objectives as well as that of the Community.

Finally, the call to rezone all of Lot 4743 immediately is not logical. The Lot encompasses the North Road City of Albany Administration offices and the Range Road Reserve. Hence the reason my motion refers to portions of Lot 4743 being considered for rezoning at some time in the future.

Officer Comment:

Concur with Councillor Reason. This provides certainty to the community that until orderly and proper planning is undertaken, Council cannot make a considered decision on this matter.

- 16. **REPORTS OF CITY OFFICERS** Nil
- 17. **MEETING CLOSED TO PUBLIC** Nil
- 18. **CLOSURE**

There being no further business the Mayor declared the meeting closed at 8.42pm.



Dennis W Wellington
MAYOR

TABLED ADDRESS BY MR JON DOUST

Jon Doust, 132 Angove Road, Spencer Park ... on the cusp of Yakamia. Respect, Noongar Menang, past, present, and those coming through.

Councillors, Mayor, thank you.

I note with sadness that some of you, Councillors, do not seem to grasp that this Yakamia Forest campaign is not about us.

It's about the jarrah, marri, condil, bantji, it's about the Kurruk, Nowjir, Koomal.

It's about the waterway.

In the old days the Roads Boards were primarily concerned with roads. Some in local government still seem locked in those days long gone.

It's about insects.

The older among you will well remember when we drove to Perth and our windscreens and grills would be black with insects.

Now you might have to wipe off three or 4, maybe 20.

The insect population worldwide is in dramatic decline. Insects are the Krill of the land.

You may not also know that creatures you imagine are in abundance, such as the koorlbardi, the magpie, are also in decline.

It is estimated that the world's population will peak around 2040 2050 And then it will begin a steady decline.

Western world life expectancy is already in a steady decline.

Chances are that your children will not live as long as you.

Everything is in decline. Except, well, the WA wheat crop and other things you know about. Like roads.

This need to save the Yakamia Forest is not about us. It's about Nukum, Yabbi, Bulyiup, Mokare, Munyat, Galypert, Patiart, Mullet.

Apparently the Yakamia Forest would be hard to protect because it is part of the block on which we stand, which includes these Council Buildings.

May I ask, who created 4743 with buildings attached to Forest?

Was it a giraffe from the moon?

Are they naturally occurring phenomenon?

No, human beings did it and that's what great about being human - we create technical bureaucratic messes.

Which we can then fix.

This block can be separated from that block.

It is all about us, Councillors.

We humans are in control. We are in command. Of the technical bureaucratic messes. Of these nightmares of our own making.

We can fix it. You can fix it.

In short, I support all the points raised in the address by the Friends of Yakamia Forest Boodja and strongly urge Council to rezone Lot 4743 to an environmental conservation reserve.

Not for us ...

For the climate, water, vegetation, creatures, and all the humans who follow us.

Kya

TABLED ADDRESS BY MS SONIA EMERY

*My name is Sonia Emery of 11 Finlay St , Mt Clarence
I acknowledge the Menang people as the traditional owners of this land, and pay
respects to elders past present and emerging.*

Mayor and Councillors.

*The motion by Councillor Stocks is the first small action which Council has taken since
concerned Albany residents and ratepayers started lobbying you about the Yakamia
forest issue in May last year.*

*Although it is a welcomed improvement, I am still concerned that it doesn't go far
enough to give the old growth forest and endangered wildlife habitat on Lot 4743 the
long term protection it so desperately needs.*

*I support all the points raised in the address by the Friends of Yakamia Forest Boodja
and strongly urge Council to rezone Lot 4743 to an environmental conservation reserve
in the LPS2 without delay.*

I would also like to ask a question of the Councillors and the City executive,
and to receive a response. In formulating the LPS2, and making decisions
about developments in the City, in what ways are you guided by the issues of
climate change, the loss of habitat and the consequently the loss of fauna and
flora species and biodiversity. Can you explain how you are addressing these
compelling problems ?

Yours sincerely, Sonia Emery

TABLED ADDRESS BY ANNABEL PAULLEY

Friends of Yakamia Forest Boodja address to City of Albany Ordinary Council Meeting on 28 February 2023

My name is Annabel Paulley, I live in Parker Street, Lockyer, and I am speaking on behalf of the Friends of Yakamia Forest Boodja.

We have read Councillor Stocks' motion regarding Lot 4743 in Yakamia and consider it to be a small step in the right direction. Thank you. However, it will only give short-term protection to this endangered wildlife habitat and old growth forest which is still under threat of destruction in the medium to long term because it is all still zoned for housing development.

In relation to Range Road, our group has received advice that nothing in the planning framework can prevent a Local Government from doing a public work. Under the Public Works Act 1902, a road is classed as a public work and so it would appear that rezoning Lot 4743 to an Environmental Conservation reserve would not hinder the Range Road subdivision process.

We have also received advice that says that a Local Government decides whether or not a scheme amendment is major and would lead to the re-advertising of a scheme.

We believe that the rezoning of Lot 4743 would not be a major amendment because the City owns the lot, it has the power to rezone it in the LPS2 and it would not stop Range Road being built. Council is already aware of the considerable community support for this rezoning so there would be no need to re-advertise LPS2 for this amendment.

The scheme is the right place to rezone Lot 4743 to a reserve.

The scheme is the statutory planning document which flows through to all of the various structure plans. It's important that the scheme reflects the appropriate zooming so that the structure plans can, in turn, reflect the same scheme classification.

We are extremely concerned that when we make our submissions to the draft North Albany District Structure Plan, we risk being told that Lot 4743 cannot be rezoned to a reserve because it's still zoned Future Urban Residential in the LPS2! We would like a clear assurance from the City that this will not be the case, as we have been respectful in following Council's processes at all times.

We would therefore like Council to provide details of how a rezoning of Lot 4743 to a reserve can be achieved in the North Albany District Structure Plan while the LPS2 still has it zoned as Future Urban Residential?

To reiterate our point, the scheme is the right place to rezone Lot 4743 to achieve "proper and orderly planning" because it is the statutory planning document. We therefore strongly urge Council to amend the LPS2 by rezoning Lot 4743 to an Environmental Conservation reserve.

We agree that a reserve is not the appropriate zoning for the City administration buildings and therefore request the following amendment to Cr Stocks' motion:

'That the process to subdivide the City of Albany administration buildings and land to the south of the Yakamia Creek from the rest of Lot 4743 be actioned immediately.'

In conclusion, an ever-growing number of people in the Albany community want the Mayor and Councillors to more seriously value the biodiverse vegetation in their care. We consider it is overdue for Council to undertake a review of what is needed ecologically to maintain nature in the urban area and across the Albany local government area. Our group is willing to assist in this.

We will continue to campaign for the protection of the Yakamia forest and bushland. We hope that City staff and councillors will be open, accountable and flexible in reducing all impact on this important and highly-valued native forest remnant.

Thank you.

TABLED ADDRESS BY MS GLORIA BARTOLI

28th February 2023

Mr Mayor and Councillors

My name is Gloria Bartoli and I live at 75a Sydney Street Yakamia and have recently moved to Albany. I'm enjoying Yakamia Forest and the beautiful environment Albany has to offer.

I support all the points raised in the address by The Friends of Yakamia Forest Boodja and strongly urge Council to rezone Lot 4743 to an environmental conservation reserve in the LPS2 without delay.

Yakamia Forest is not just a bit of bush....it it was, Bulldoze it !! It is a magnificent forest full of flora and fauna and the home to the endangered ringtail possums and various black cockatoos. It is not until you enter the forest that you can really appreciate what an asset this is. In the future people will come to Albany to have this experience. I would be interested to know how many councillors have actually been through the forest??

We have an obligation to future generations.....it's not just about DEVELOPMENT NOW !!

Albany will grow and new housing must be provided. But at the same time you don't destroy something as precious as this!! IT CAN'T BE REGROWN !!

TABLED ADDRESS BY MS GLORIA BARTOLI

The group has been lobbying since May last year with a limited response from Council. More and more people are becoming involved (look at the numbers at the meetings !!). They are ANGRY. They feel the Council is not listening to them. People in Perth are becoming involved, too, and want to know how they can support the cause. Ask yourselves “What is it that we see that you apparently don’t?!”

My Mayor and Councillors.....don’t let your legacy be, being remembered for the destruction of Yakamia Forest.

I HOPE YOU ARE LISTENING.

TABLED ADDRESS BY MR KEITH ALLEN

My Name is Keith Allen and I live at 22 Wellington St. Centennial Park.

Good Evening Mayor and Councillors.

I support all the points presented by the Friends of Yakamia Forest Boodja and I welcome the motion by Councillor Stocks regarding Lot 4743 North Road Yakamia although I believe that it does not go far enough to address the concerns of the Community.

I have some concerns regarding the speed with which this Submission of LPS2 is being progressed.

With respect to the lodgement of LPS2 I agree that considerable time and effort by Council and the Community has gone into progressing LPS2 for submission to W.A.P.C. and I congratulate you, but I disagree that a year's delay to undertake further detailed investigations into the flora and fauna over the six traditional Noongar seasons is a waste of time. It has been stated by Council that it will be some time before any works will be commenced in part due to the lack of finance for sewerage. The world will not end if there is further investigation carried out to get it right first time.

I can see the need for Range Road regarding access from North Albany to Albany city but the alignment of Range Road is a contentious point.

1. I believe that the alignment of Range Road could be moved further down Lot 4743 nearer North Road to avoid cutting a swathe through the forest. Doing this now will satisfy a lot of concerns.
2. As the speed limit on that road will be 60 kph I do not see the need for a dual carriage way along Range Road alongside Lot 4743 as I do not think that traffic volume will support this. A single lane will also help control traffic speed approaching the new roundabout to be constructed at North Road / Sanford Road new.
3. To me increasing access to Brooks Gardens (Chester pass Mall) would be much more beneficial to the North Albany development plan and to the businesses and residents there.

Thank you for listening and I trust that we can come to a agreement which satisfies everyone.

TABLED ADDRESS BY MS PATRICIA MARIE

Good evening everyone.

My Name is Patricia Marie and I live in Centennial Park.

Mayor and Councillors. Have you ever walked through the forest, looked at the trees and the rich diversity of bushes, scrub and wildflowers and realised that we are all connected to our environment, especially one as beautiful as this. Listen to the birds -not as many as there used to be, are there? The Black Cockatoos, now endangered along with the ringtail possums and other wildlife because of the vastly reduced areas of forest resulting in much less habitat for nesting. We cannot etch into these critical areas any further.

On a summers day stand in the street away from air-conditioning and note how hot it is then walk from the cleared and developed urban landscape and into the forest. Note how cool the atmosphere is the further in you are. Look at the wildflowers in the spring and early summer and feel the cool atmosphere and the sense of calm and awe of this natural woodland, it is much more beneficial for your health and wellbeing than a chill pill.

Areas such as this are becoming fewer and fewer.

I have noticed in the papers that many councils and the West Australian Government are now beginning to realise the value of retaining habitat corridors for all types of wildlife both avian and ground dwelling fauna and of ensuring that plenty of native trees are required in new developments to counteract the inevitable heating that occurs in close packed developments without trees.

Do we have the moral right to rip up every stretch of bush and scrubland just because we want to under the guise of providing “affordable housing”. Many of these properties will only be available to those who can afford to buy them and not to the less affluent and the poor who really need them. It may be legal but with questionable ethics along with devastating enviro destruction, species decline and imminent extinction, is this OK?

With this kind of destruction, we lose this wonderful biodiversity for ever. There is no going back. Our grandchildren and their children will not be able to experience this AMAZING ALBANY! (Remember that slogan)?

Please listen to the people and value the few remnants of ancient forest that we still have. The wildlife and your descendants will thank you for it.

If we do not learn from the mistakes of the previous destruction of our forests, and flora and fauna habitat then we are destined to repeat those mistakes. Look to the future!

Outdoor areas – nature and child development go hand in hand. Play in the natural environs is more vigorous and complex than in man-made surroundings. “Time outside lowers depression and raises physical fitness and attention span and a positive attitude towards nature.”

Ref; Eva Anggard.

Dr. Sandra Piesik writes; “When it comes to ecology I personally think we should try to figure out what the land had there before, what the natural environment would have offered in its indigenous form.”

Finally –

Without an ecology we do not have an economy and Albany relies on tourism. Let us look after and appreciate what we still have.

Thank you.

TABLED ADDRESS BY MR EDDY WAJON

**ADDRESS TO CITY OF ALBANY COUNCIL MEETING
28 FEBRUARY 2023**

Good evening everyone. I'm Eddy Wajon. I'm from Perth and a citizen of Western Australia.

I own 2 conservation-covenanted bush blocks in the Great Southern which are part of Gondwanalink. On one of these properties I arranged for 80ha of biodiverse revegetation to be undertaken after it was cleared 60 years ago as part of the Conditional Purchase scheme for agricultural expansion on the south west of WA. This revegetation is part of the plan of Gondwanalink to create a continuous corridor of native vegetation between the Stirling Ranges and the Fitzgerald River National Parks. Such corridors are essential allow flora and fauna to move through the landscape to stop them becoming extinct.

I oppose the designation of "D" for the planting of native vegetation for environmental restoration, and integrated native vegetation and agriculture, as currently proposed in the Local Planning Scheme No. 2 under the designated Tree Farm zoning. I strongly support the proposed amendment which has come out of the committee meeting on 14 February which has been circulated to me and which I have discussed with one of the City of Albany's officers. This amendment would delete these two land uses (ie environmental restoration, and integrated native vegetation and agriculture) from the prescription of "D" and the need to seek approval in the designated Tree Farm zoning.

Environmental restoration and integrated agriculture are critical to protecting our planet and its outstanding biodiversity. These activities of planting native vegetation are much more environmentally friendly than clearing native vegetation, irrigating, fertilising or pesticide spraying which are often carried out on agricultural or rural land but for which no development approval is required, at least not at the local government level. It seems senseless to require approval for doing something good for the environment, when doing things on rural land that adversely affect the environment do not need such approval from local government.

If Australia is to meet its obligations, nay its desire, to achieve net zero carbon emissions by 2030, let alone 2050, and to restore the health of the land, planting of native vegetation is essential. Obstacles and bureaucracy such as requiring development approval, which may be denied, before undertaking such environmental restoration projects is counter to such ambitions. However, it must be emphasised that that to be exempt from the "D" prescription, or to be given a "P" prescription, and permitted under the LPS No.2 without development approval, such planting of native vegetation must be of biodiverse native plantings, not monoculture plantings such as pines or eucalypts.

This issue of requiring development approval for environmental restoration planting and projects is not unique to the City of Albany. This practice is relatively common and spreading in many local governments in the southwest of WA. Therefore, the City of Albany should make representation to the WAPC and the State Government to have a zoning designation/land use category in Local Planning Schemes throughout the State specific to environmental restoration, separate to that for Tree Farms, if such tree farms are designed to be ultimately harvested and are not biodiverse.

I would also like to express my support for the complete reservation of the Yakamia bushland as a Conservation Reserve. This goes to the heart of the Gondwanalink concept of a corridor for flora and fauna to prevent their extinction, especially in the face of climate change. We are losing our fabulous diversity in WA at an accelerating rate. I have noticed this everywhere, including in Albany which I have visited often over the last 40 years.

I would like to conclude by thanking Councillor Trail for mentioning that Mr Geoff Bastyan received a Citizen of the Year Award for his environmental activities.

Dr Eddy Wajon

16 Eckersley Heights, Winthrop, WA

TABLED ADDRESS BY MR DAVID PICTON-KING

David Picton-King- 7 Callistemon View, Yakamia. Address to Council 28th February 2023- regarding the rezoning of Lot 4743 Target Road Yakamia to Conservation Reserve.

1. The City of Albany proudly proclaims on its website and numerous Council documents that it has major priority of 'The preservation and conservation of the natural environment'; it also proclaims 'Promote a network of reserves and vegetated corridors throughout the City to protect areas of high conservation or scenic values and create corridors for fauna and flora linkages'.
2. However, despite this the Council seems determined to keep the pristine bushland on Lot 4743 zoned 'Future Urban Residential'- despite a 1500+ signature petition, significant ratepayer support, and many written submissions calling for its conservation.
3. At the Committee meeting on 15th February this year, which considered what to recommend to Council on LPS2, submissions were made from the large public gallery strongly supporting conservation of 4743; some Councillors were moved to proclaim, '*We are listening to you!*' and '*I have turned 180 degrees from my previous views and now support conservation*'.
4. Then the mayor stepped in to say that if the motion to support conservation zoning of 4743 was passed, the whole Local Planning scheme would have to be re-advertised and various stakeholders would be 'left hanging' waiting for the new scheme- in other words it was a terrible bureaucratic inconvenience to have a conservation rezoning motion delay the smooth passage of the LPS.
5. The Committee also discussed that the LPS was not the right place to rezone 4743 to conservation, but that the future North Albany Regional Structure Plan would be the best place to raise this matter. This seemed an intentional diversionary tactic to placate the supporters of zoning Lot 4743 as a conservation reserve, while still leaving its Urban Residential status unchanged. The real issue would then be fobbed off to the future bureaucratic never-never land of the NARSP.
6. Cr Traill also spoke to say that when the NARSP comes up in the future, Council would consider leaving 'some of 4743' as a conservation reserve. Some? This could be interpreted that there may already be a scheme within Council to subvert any conservation rezoning of 4743 with some watered-down arrangement.
7. The real place for deciding on the rezoning of Lot 4743 (all of it) to Conservation Reserve is in the LPS- which is the issue at hand tonight.
8. If the City of Albany actually believes its proclaimed priority of 'the preservation and conservation of the natural environment' then logically it should resolve this issue in favour of conservation of Lot 4743 in tonight's LPS vote.
9. If Council still decides to leave 4743 unchanged and ready for the bulldozers of *future urban residential*, it will show its priority of 'preserving and conserving the natural environment' is nothing but hypocrisy. In that case it should consider removing all references to protection and conservation of the natural environment from its promotional material and website as that will clearly be untrue, and simply virtue-signalling at best.
10. The Council must rezone 4743 for Conservation Reserve and must do it tonight.