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# MINUTES

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**Ordinary Meeting of Council**

**Tuesday 28 July 2015**

6.00pm

City of Albany Council Chambers

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

**VISION**

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

**VALUES**

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

**Focused: on community outcomes**

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

**United: by working and learning together**

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

**Accountable: for our actions**

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

**Proud: of our people and our community**

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

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## 1. DECLARATION OF OPENING

[6:00:14 PM](#) The Mayor declared the meeting open.

## 2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

## 3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

<b>Mayor</b>	Mayor D Wellington
<b>Councillors:</b>	
Kalgan Ward	B Hollingworth
Vancouver Ward	S Bowles
Vancouver Ward	N Mulcahy
West Ward	A Goode JP
West Ward	G Gregson
Yakamia Ward	R Sutton
Yakamia Ward	A Hortin JP
<b>Staff:</b>	
Chief Executive Officer	G Foster
Deputy Chief Executive Officer	G Adams
Executive Director Planning and Development	D Putland
Executive Director Economic Development and Commercial Services	C Woods
Executive Director Works and Services	M Thomson (Entered at 6.11pm)
Meeting Secretary	J Williamson
<b>Apologies:</b>	
Breaksea Ward	V Calleja JP (Leave of Absence)
Kalgan Ward	J Price (Leave of Absence)
Frederickstown Ward	G Stocks (Leave of Absence)
Frederickstown Ward	C Dowling (Apology)
Breaksea Ward	R Hammond (Leave of Absence)
Executive Director Community Services	A Cousins (Apology)

#### 4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Executive Director Works and Services-M Thomson	WS081: Baltic Ridge Development Concept Plan	<b>Proximity.</b> The nature of the interest being that Mr Thomson is a resident and property owner on an adjacent street to the proposed works. Mr Thomson remained in the Chamber during the discussion and vote.

#### 5. REPORTS OF MEMBERS

[6:01:38 PM](#) **Councillor Sutton**

**Summary of key points:**

- Attended the Council Open Forum at Gomm Park.

[6:02:50 PM](#) **Councillor Hortin**

**Summary of key points:**

- Represented Council at the recent Road Safety conference held in Cranbrook,

[6:04:09 PM](#) **Councillor Hollingworth**

**Summary of key points:**

- Attended International Cities Town Centres and Communities Conference in Wollongong.

**Summary of engagements undertaken by the Mayor since the Ordinary Council Meeting held on 23 June 2015:**

- Meeting with the Department of Planning, Mr David McLennan Acting Executive Director, Regional Planning and Strategy, Department of Planning and Mr Michael Schramm, Planning Director South West Regions Department of Planning.
- Launch of Inclusive Sport and Recreation Guide.
- Media Photo Opportunity-Centennial Park Western Precinct works.
- Short Course Swimming Competition, Official Opening.
- Renaming of the Lesser Hall to "Carol Pettersen Hall".
- NAIDOC Week Launch.
- RCDP Regional Centres Collaborative Forum: Partners for Prosperity.
- Cull Park/Emu Point Park Openings.
- Albany Men's Shed.
- Meeting with the Shire of Northam Chief Executive Officer Mr Jason Whiteaker and Executive Manager of Community Services Mr Ross Rayson.
- ICTC Mainstreet Conference, Wollongong.
- Civic Welcome Reception, Nichinan Exchange Trip.

**RESOLUTION**

**MOVED: COUNCILLOR BOWLES**

**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT the Mayor's Report be RECEIVED.**

**CARRIED 8-0**

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

The following questions were taken on notice at the Ordinary Council Meeting held on 23 June 2015 from Mr JK Backhouse:

1. Where has it been recognised that it would be preferable to see the relocation of traditional agricultural activities from Albany's central areas?

*This was a Council position detailed in Resolution CS011: Albany Agricultural Society Future Use and Tenure at Centennial Park of the Ordinary Council Meeting held on 22 July 2014:*

CS011: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE

SECONDED: COUNCILLOR GREGSON

THAT Council:

- RECEIVE the Officer's Report;
- ACKNOWLEDGE the Albany Agricultural Society presentation;
- RECOMMEND to Council:
  - City Staff continue to work with the design team to develop a design for the Annual Agricultural Show to remain at Centennial Park;
  - City staff to work with the community groups and sporting and recreational clubs that currently conduct activities in the existing Albany Agricultural Society structures to find suitable alternative venues; and
  - City staff to work with Albany Agricultural Society current Centennial Park facility users that conduct agricultural related activities/events throughout the year to source suitable alternate locations.

**CARRIED 11-0**

2. Where has it been demonstrated that it would be preferred that Albany Agricultural Society follow this trend?

*The report states that "...it is preferred that AAS also follow this trend and look to co-locate at other compatible facilities." Again this relates to the motion previously passed and the overall concept of co-location which is an underlying principle of the Centennial Park redevelopment.*

*It should be noted that the AAS, Albany Turf Club and Albany Trotting Club were previously co-located at Centennial Oval with the ground also being used for football and the Albany Agricultural Show.*

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3. Who has questioned whether it is appropriate to encourage uses involving livestock in close proximity to an expanding central business district?

*The report is not referring to the appropriateness of the show at this location, as City officers and Council have supported the retention of the show at the Centennial Precinct as evidenced in the above motion. There are a number of reasons why it may not be appropriate to encourage uses involving livestock in the area, some of which may include health issues associated with urine and faeces on ovals used for children's sport and the movements of large trucks in and out of the area.*

The following questions were taken on notice at the Ordinary Council Meeting held on 23 June 2015 from Mr Ian Woods:

1. Have suggestions of co-location been supported and documented by the Albany Trotting Club and North Albany Football Club?

*As stated in the report, "With regard to the matter of co-location, the City has suggested that the AAS consider a number of alternate sites for their future operations. This includes the Albany Racecourse, the Albany Trotting Club and Collingwood Football Oval."*

*City Officers had discussions with Albany Race Club officials and they were receptive to looking at ideas for co-location, however, AAS officials contacted the Club to advise that they did not want to pursue this option.*

*The Trotting Club are very receptive to exploring all opportunities of co-location and met with the Poultry Club recently.*

*Relocation to Collingwood Park (land next to North Albany Football Club) was one of the early options discussed with AAS, however, AAS did not wish to pursue this option as they believed it essential to stay on Centennial Oval.*

*The City owns and manages large land areas adjacent to Collingwood Park and would investigate development if the AAS was receptive to looking at this as an option. The AAS did not wish to pursue this location at this time.*

*The option of co-location (including a suggestion for AAS to talk to the trotting club) was again raised with AAS representatives when they presented to Council on 2 June 2015. This is a model currently being used by many different clubs and associations in order to diffuse operating costs and ensure financial sustainability.*

2. How was the long term financial viability of the Albany Agricultural Society considered in relation to the proposed co-location alternative?

*Co-location means that facilities and hence capital and operating costs are shared. It also provides greater likelihood of any funding applications being successful with major funding bodies as facilities can be used for multiple purposes by multiple groups.*

*Co-location allows the development of facilities beyond what could be developed independently.*



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*The use of ALAC would use existing under cover facilities for the show period which would save the capital and ongoing operating costs of building and maintaining 5700 sq metres of building in another location for a few days per year.*

*This is more sustainable for the AAS and for the rate payers of the COA.*

The following questions were taken on notice at the Ordinary Council Meeting held on 23 June 2015 from Mr Rob Wright:

1. By what rationale has the City Officer concluded that this proposal will create a sustainable environment for the annual Albany Show and the Ag Society in particular?

*As stated in Councillor Bowles' motion, "The Society would have no ongoing maintenance costs for a building or buildings that would sit unused for most of the year, therefore potentially providing a much more sustainable operating model into the future."*

*This takes into account the fact the Society would receive a payment of \$750,000, would be able to use ALAC and other surrounding areas for free and would receive \$25,000 per annum in-kind support from the City.*

## 7. PUBLIC QUESTION TIME

**6:09:01 PM Mr Carl Beck, 12 Lancaster Road, McKail, representing South Coast Natural Resource Management and Albany Cycle Club. Summary of key points:**

- Spoke in support of CS021: City of Albany Trails Hub Strategy (2015-2025)

**6:10:18 PM Mr Neil Smithson, 1 Ashwell Street, Albany**

**Summary of key points:**

- Addressed Council regarding:
  - SEGRA conference;
  - PD083: Proposed Review of Memorandum of Agreement and Planning Controls for the Albany Waterfront Precinct;
- Asked if Council had created a reserve fund for the Bicentennial of Albany. Deputy CEO responded that the City had not created a reserve fund for this purpose.

**6:14:33 PM Mr David Marshall, 35 Wakefield Crescent, Albany**

**Summary of key points:**

- Spoke in support of CS021: City of Albany Trails Hub Strategy (2015-2025)

**6:16:39 PM Mr Chris Idle, 10 Melville Street, Albany**

**Summary of key points:**

- Spoke in support of CS021: City of Albany Trails Hub Strategy (2015-2025)

**6:17:39 PM Mr Rod Hedderwick, Albany Chamber of Commerce and Industry**

**Summary of key points:**

- Addressed Council regarding PD085: Consideration of Imposition of a Moratorium on Initiation of Significant Scheme Amendments Affecting Agricultural Land.
- Mr Hedderwick asked that the following question be taken on notice:
  - “Will the moratorium affect the current Oyster Harbour development?”

Executive Director Planning and Development will provide a response.

**6:19:51 PM** There being no further speakers, the Mayor declared Public Question Time Closed

**8. APPLICATIONS FOR LEAVE OF ABSENCE Nil**

**9. PETITIONS AND DEPUTATIONS Nil**

**10. CONFIRMATION OF MINUTES**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HORTIN**

**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT the minutes of the Ordinary Council Meeting held on 23 June 2015, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 8-0**

**11. PRESENTATIONS Nil**

**12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil**

## CS020: ALBANY LEISURE AND AQUATIC CENTRE – BIO FUEL BOILER HOT WATER PLANT

<b>Land Description</b>	: Albany Leisure and Aquatic Centre (ALAC)
<b>Owner</b>	: City of Albany
<b>Attachments</b>	: WA Bio Fuels: Bioenergy and the Albany Leisure and Aquatic Centre, Proposal Detail and Engineering Summary – April 2015 Norman Disney and Young independent review of the WA Bio Fuels proposal.
<b>Report Prepared by</b>	: Albany Leisure and Aquatic Centre Manager (W. Westmore)
<b>Responsible Officer</b>	: Executive Director Community Services (C. Woods)

**Responsible Officer's Signature:**



### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
  - **Key Theme:** 2. Clean, Green and Sustainable
  - **Strategic Objective:** 2.2 To maintain and renew city assets in a sustainable manner
  - 2.3 To advocate for and support “green initiatives” within our region
  - **Strategic Initiative:** 2.2.1 By analysing the environmental and whole of life financial impact of new and expanded assets.
  - 2.3.1 By encouraging increased energy efficiency and sustainable practices.

### In Brief:

- City of Albany was approached by WA Biofuels to install a bio fuel (wood chip) burning water heating plant, to provide hot water for the swimming pools and Air Handling Units (AHUs) at ALAC.
- Estimated that the ALAC's usage of Liquid Petroleum Gas (LPG) would be reduced by two thirds (potential cost saving of approximately \$50,000 per annum and reduce carbon emissions by 560 metric tonnes per annum). 560 metric tonnes is equivalent to:
  - 188 passenger vehicles; or
  - 201 tons of waste sent to landfill.
- The City commissioned an independent report from Norman Disney and Young (NDY) to confirm that the WA Bio Fuels proposal and the technology identified will in fact provide both cost savings and a reduction in greenhouse gases. (Which it does).

**RECOMMENDATION**

**CS020: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE**

**SECONDED: COUNCILLOR BOWLES**

1. That Council **ENDORSE** the WA Bio Fuels proposal, with the recommended Norman Disney Young (NDY) amendments.
2. That Council **SUPPORTS** the Responsible Officer's Recommendation for the City of Albany's Albany Leisure and Aquatic Centre (ALAC) to burn bio fuel (wood chips) to provide hot water for the ALAC's swimming pools and Air Handling Units (AHUs).

**CARRIED 8-0**

**CS020: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HOLLINGWORTH**

**SECONDED: COUNCILLOR HORTIN**

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

**CARRIED 4-0**

**CS020: RESPONSIBLE OFFICER RECOMMENDATION**

1. That Council **ENDORSE** the WA Bio Fuels proposal, with the recommended Norman Disney Young (NDY) amendments.
2. That Council **SUPPORTS** the Responsible Officer's Recommendation for the City of Albany's Albany Leisure and Aquatic Centre (ALAC) to burn bio fuel (wood chips) to provide hot water for the ALAC's swimming pools and Air Handling Units (AHUs).

**BACKGROUND**

2. The heating for the water in all five swimming pools and the Air Handling Units (AHUs) at Albany Leisure & Aquatic Centre (ALAC) is currently provided by two LPG boilers. The heating from these units is also subsidised by heat reclaim systems on the two chiller units.
3. In 2013, WA Biofuels proposed a bio fuel burning water heating system for ALAC. The proposal provides water heating for all the swimming pools and AHUs servicing the aquatic area (pool side) of the centre. This system would greatly reduce the Centre's LPG usage, resulting in significant cost savings and carbon emissions reduction.
4. Under this proposal the City would purchase all plant and equipment and be responsible for the ongoing operation and maintenance of the system. This proposal was assessed by the ALAC Manager and Director of Community Services. It was decided that although the proposal presented attractive financial and environmental rewards for the City, the 'owner operator' arrangement would result in the City taking on excessive risk.

5. WA Biofuels submitted a revised proposal in April 2015. This new proposal outlined a supply only agreement. Under this arrangement WA Biofuels would own and operate the heating plant, associated equipment and infrastructure. The City would pay for heat energy consumed only. Greatly reducing the risk to the City.
6. Consulting mechanical engineers Norman Disney and Young (NDY) have provided an independent review of the proposal which confirms the savings in energy and greenhouse gases and supports the technology and the application of the technology as it is integrated to the existing ALAC heating system
7. The NDY report recommended the following inclusions before proceeding with the WA Bio Fuels proposal:
  - a. Isolation valves are to be motorised;
  - b. The moisture content of the wood chip is to be guaranteed between 25% and 32%; and
  - c. A make good clause be included at WA Bio Fuels cost.

## **DISCUSSION**

8. WA Biofuels' proposal states that cost savings of approximately \$50,000 per annum would be achieved if their system is implemented. This is due to a lower cost for wood chips compared to LPG.
9. Their proposal also states that a reduction in carbon emissions of approximately 560 tonnes per annum would be provided by their system.
10. WA Biofuels have agreed to negotiate an option for the City to buy the system if/once its effectiveness is proven.
11. Their proposal is for the use of local renewable and sustainable timber and not natural growth forest.
12. The following additional benefits of the installation of the proposed system have been identified:
  - a. Support of the local timber industry through the consumption of wood chips.
  - b. Landfill / waste minimisation. WA Biofuels have been in contact with COA waste services who have estimated that approximately 50 tonne (150m<sup>3</sup>) of wood waste that would otherwise go into landfill could be used in a bio fuel burner.
  - c. Use of local, renewable energy in the form of wood chips rather than imported, non-renewable energy in LPG.
  - d. Multiple environmental benefits from a carbon reduction and land care perspective.
  - e. An excellent local showcase of renewable energy technology, and leading local expertise.
13. Cost saving would fund between 1 to 2 (FTE) staff positions, and provide Albany based employees with skill development in the areas of boiler operation.

## **GOVERNMENT & PUBLIC CONSULTATION**

14. If supported, a condition of contract is that the Department of Environmental Regulation (DER) permits the operation of this technology at the subject location.

**STATUTORY IMPLICATIONS**

15. WA Biofuels have formally lodged a works approval enquiry with the Department of Environmental Regulation and have been advised that the maximum wood chip consumption they have predicted falls below the Departments reporting/licensing thresholds.

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<b>Reputation, Environment.</b> <i>Community concerns over the burning of wood chips as an energy source, discharge from the stack and other environmental concerns.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<ul style="list-style-type: none"> <li><i>Community consultation, information and education initiatives.</i></li> <li><i>NDY engaged to independently verify compliance with regulations.</i></li> </ul>
<b>Financial.</b> <i>Increase in LPG costs as a result of reduced consumption.</i>	<i>Almost Certain</i>	<i>Minor</i>	<i>High</i>	<i>Negotiate a contracted price for bio fuel energy to guarantee a minimum \$50,000 per annum saving on LPG for the life of the agreement.</i>
<b>Reputation.</b> <i>Failure of the bio fuel heating system affecting the supply of hot water to pools, air conditioning and change rooms, resulting in uncomfortable conditions for customers and/or service interruption.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Retain LPG boilers as a back up to the bio fuel heating system.</i>
<b>Legal and Compliance.</b> <i>Breaches under the Department of Environmental Regulations.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>NDY engaged to independently verify compliance with regulations.</i>

**FINANCIAL IMPLICATIONS**

18. WA Biofuels have stated that their system will provide a \$50,000 per annum saving for the City, as their system will provide heat energy at far lower cost than the centre is currently paying for LPG. This is based on LPG costs at ALAC during 2013 and 2014.
19. The City currently has a contract with Origin Energy for the supply of LPG gas at ALAC. This contract commenced in January 2013 and runs for a period of five years. Under this contract there is an Annual Contract Quantity of 150 tonnes per annum that the ALAC is required to use in order for a discounted per litre rate to apply.
20. It is estimated that the installation of a bio fuel heating plant will reduce the Centre's LPG consumption by around 100 tonnes per annum. Origin Energy has indicated that this reduction in consumption would result in the cost per litre of LPG at ALAC increasing by approximately \$0.06 cents per litre. Based on previous usage data this will increase the Centre's annual LPG costs by \$3,000 - \$5,000.
21. The LPG cost per litre charged by Origin energy fluctuates in accordance with the World Price for LPG. Due to a sharp drop in the World Price for LPG in the last six months, the average costs per litre that ALAC has paid so far in 2015 is \$0.65 cents per litre. The average rate that ALAC paid for LPG from 2013 to 2014, the sample period that WA Biofuels based their calculation on, was \$0.79 cents per litre. Therefore the estimated savings from the WA Biofuels system, based on current LPG tariffs, needs to be adjusted down to approximately \$13,000 per annum.

22. WA Biofuels have indicated in their proposal that they are willing to co-develop contract terms to ensure energy prices can be negotiated over a long period so that the City will not be subject to the market forces such as those relating to the cost of LPG.
23. ALAC currently has a preventative maintenance contract for the LPG boilers at the Centre for the value of \$11,000 per annum. A further \$6,000 - \$9,000 is spent on spare parts and other maintenance on these boilers. These costs will be significantly reduced if a bio fuel heating plant is installed, as the Centre’s two main LPG boilers will only be required in the event the bio fuel system was to fail.

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

25. This initiative support the City’s commendable “Green City” ethos, and “Strategic Waste Management Plan”.
26. WA Biofuels have formally lodged a works approval enquiry with the Department of Environmental Regulation and have been advised that the maximum wood chip consumption they have predicted falls below the Departments reporting/licensing thresholds.
27. WA Biofuels have indicated that particulate matter and other emissions from the boiler flu meet regulations and there would be no visible discharge (smoke) from the boiler flu.

**ALTERNATE OPTIONS**

28. Council could decide to remain with the current pool heating fuel system.

**SUMMARY CONCLUSION**

29. On reviewing the proposal it is recommended that Council endorse the proposal from WA Biofuels and approve for City officers to prepare a tender for a bio fuel heating plant at ALAC.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1995</i> Council Policy – Purchasing Council Policy – Buy Local (Regional Price Preference)
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	Nil

**CS021: CITY OF ALBANY TRAILS HUB STRATEGY (2015 - 2025)**

- Attachments** : 1. Trails Hub Executive Summary (Infographic)  
2. Trails Hub Strategy (Volume 1 – 5)  
3. Trails Hub Community Engagement Report
- Report Prepared by** : Recreation Services Manager (S Stevens)
- Responsible Officer** : Executive Director Community Services (C Woods)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
  - a. **Key Theme:** 4. A Sense of Community
  - b. **Strategic Objectives:** 4.3 To develop and support a healthy, inclusive and accessible community.
  - c. **Strategic Initiatives:** 4.3.1 Develop a range of activities and facilities that are appropriate for all ages.

**Maps and Diagrams:**

**In Brief:**

- Council is requested to review the City of Albany Trails Hub Strategy (2015 – 2025) and Community Engagement Report.
- The strategy process included an extensive community engagement process with all the major stakeholders and community.

**RECOMMENDATION**

**CS021: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: Councillor Mulcahy**  
**Seconded: Councillor Bowles**

**THAT Council:**

- (1) **RECEIVE** the Trails Hub Community Engagement Report
- (2) **ADOPT** the City of Albany Trails Hub Strategy (2015 – 2025)

**CARRIED 8-0**

CS021 COMMITTEE RECOMMENDATION

**Moved: Councillor Hollingworth**  
**Seconded: Mayor Wellington**

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

**CARRIED 4-0**



CS021 RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) RECEIVE the Trails Hub Community Engagement Report
- (2) ADOPT the City of Albany Trails Hub Strategy (2015 – 2025)

**BACKGROUND**

2. In 1999, the Albany Trails Master Plan was prepared by Maher Brampton Associates, which recommended a range of trails and trail improvements throughout the City. A number of those trail projects, in particular walking and equestrian trails have been completed in the past 15 years. In addition to the Master Plan, a range of other trails have been built by the City, the Department of Environment and Conservation and community groups; for example the Mt Clarence Downhill, Munda Biddi Trail and the Torbay - Elleker Community Bridle Trail.
3. Since the development of the 1999 Master Plan, outdoor adventure activities (mountain biking, paddling and climbing) have emerged as growing trends and economic drivers. Noting the number of established walking and equestrian trails in Albany and the growing needs for other recreational trails, the primary focus of the strategy was the review of existing trails, and the development and integration of new trails, activities and associated services to establish Albany as a Trail Tourism Hub (TTH). The scope of the report focused on non motorised active recreation trails that connected participants to the outdoors and increased physical activity.
4. Evolve Solutions was appointed in September 2013 to develop a draft report: Albany World Class Trails Hub Report which provided the framework for the current City of Albany Trails Hub Strategy. The community consultation component was undertaken by both Evolve and the City of Albany.
5. The City of Albany established a Trails Hub Project Control Group (PCG) in October 2013. The PCG role was to engage user groups and key agencies in the development of the report. The PCG provided advice and guidance and included representatives from key agencies, organisations and interested community groups.
6. In 2014 the City of Albany successfully applied for Lotterywest Special Trails Funding - \$50,000
7. In the 2013/2014 budget the City of Albany budgeted an additional \$30,000 to complete the City of Albany Trails Hub Strategy.
8. The City of Albany has undertaken a thorough trails audit and analysis and a range of consultation and community engagement activities to ensure that the strategy meets both the strategic direction for the elected members, council officers and the community including:
  - *An advertised public comment period for 21 days*
  - *Using a range of techniques (advertising, website and workshops) the draft report was made available to the community for feedback*
9. The City of Albany Community Engagement Report provides a summary of the comprehensive community engagement undertaken.

## DISCUSSION

10. The community consultation and engagement process over the past 15 months has ensured the Trails Hub Strategy has been positively received and supported by the community.
11. The public submission period received 138 responses and noted that 96% of respondents agreed in principle with the City of Albany Trails Hub Strategy.
12. 89% of respondents strongly agreed in the Vision to become a World Class Trails Hub and all four objectives received strong support (91% to 85%).
13. The public submission period and feedback highlighted the following:
  - A change in priority project order.
  - Identified a lack of support for Principle 6 (Single Use, Single Direction).
  - Lack of clarity for Principle 3 (Upgrade of existing trails, focusing on walking and equestrian trails).
  - A greater emphasis was required on environmental sensitivity and cultural values.
  - A request from the Dept of Aboriginal Affairs to consider greater links with the Kinjarling Report to the Albany Trails Hub Strategy.
14. City of Albany staff and the Project Control Group (PCG) reviewed the survey submissions (including written and email responses) and based on the community and agency feedback made the following improvements to the Draft Strategy including:
  - Addition of an overarching Mission statement: 'The City will respect and enhance the region's environment and heritage assets in a sustainable manner.' This is in line with the Great Southern Development Commission's Regional Blueprint and the City of Albany Community Strategic Plan.
  - Altered the priority project ranking as follows - Albany Heritage Park, City Centre, Mt Melville, Kalgan River, Vancouver Peninsula, Sand Patch and Poikeclearup.
  - Amended the 2 principles to read: Principle 3 - Rationalize and upgrade existing trails; and Principle 6 - Build the right trail in the right place.
  - Review and amend small grammatical errors (including Luke Penn Walk to Luke Pen Walk).
15. The Project Control Group noted the following regarding the 2010 Kinjarling Trail Report:
  - The report was commissioned by Albany Maritime Foundation.
  - Dept of Aboriginal Affairs viewed the Kinjarling Report as a strategic document guiding the development of the Kinjarling Cultural Pathways project, with interpretative trail development aligned with specific precincts of cultural significance.
  - The document has not been adopted by Council as a strategic document for the City of Albany.
  - Interpretation has already occurred on 3 specific projects - Kalgan Hall, Fish Traps and Yule Park.
  - It is unclear who has tenure, ownership or responsibility for the report outcomes.

- The group recommended that where synergy occurs, look for opportunities to continue to work with the Noongar community and include cultural interpretation in any new trails precinct development.
16. The City of Albany Trails Hub Strategy remains a working document and includes an action and Indicative Works Implementation Plan for the period 2015 to 2025. The plan is reliant upon external funding being available.

#### GOVERNMENT & PUBLIC CONSULTATION

17. **Government:** The City has undertaken considerable consultation and engagement with key government stakeholders (Department of Sport and Recreation, Department of Parks and Wildlife, Department of Water). All three Departments occupy positions on the Trails Project Control Group.
18. **City of Albany:** The Trails Hub Project Control Group has representation from across the City of Albany including Community Services, Works and Services Reserves, Tourism, Planning and Development. The Trails PCG has been led by the Manager of Recreation Services. During the development of the initial report Evolve had one-on-one discussions and meetings with City staff (Reserves, Recreation Services).
19. **Key Community Groups:** The Trails Hub Project Control Group has representation from key community and trails user groups including Albany Mountain Bike Club, Albany Bushwalkers Group and Albany Natural Trail Riders who have met regularly over the past 15 months. During the development of the initial report Evolve had one-on-one discussion with specific trail users groups and key agency's including the Albany Mountain Bike club and meetings with Department of Parks and Wildlife staff. Consultation has also been undertaken with Munda Biddi Trail Foundation, Bibbulman Track Foundation and Albany paddlers.
20. **Market Research Survey –** Evolve Solutions undertook a market research survey to gauge insight into the awareness and use of Albany Trails. The survey was circulated through the databases of Munda Biddi Trail Foundation and Bibbulmun Track Foundation and through the Albany Visitor Centre. A total of 332 respondents took part and the results formed the part of the 'World Class Trails Hub Report'.
21. **Noongar Consultation:** Support and liaison was undertaken through the City of Albany Coordinator of Noongar Engagement. A respected Noongar elder attended the first Trails community workshop, held on 12 March and provided valued input. A Noongar workshop was also arranged by the Coordinator of Noongar Engagement and held at the City of Albany on Thursday 26 March 2015. This included a presentation of the vision/objectives and discussion on each of the proposed trails projects, with input from one of the trails consultants.
22. **Broad Community:** The City of Albany has undertaken a number of broad community engagement activities including public submission period (survey), two community workshops (one on the strategic directions and one on the trails network) and a Noongar workshop to gain input and feedback during the development of the Trails Hub Strategy.

#### STATUTORY IMPLICATIONS

23. N/A

**POLICY IMPLICATIONS**

24. The following **National, State and Regional Policies** relate to the Trails Hub Strategy:

- WA Trails Strategy, DSR (2009 – 2015)
- World Class Trails Hub Strategy for WA, DSR (2012)
- Great South West Edge Experience Development Strategy (2012)
- Operational Policy 13: Recreation within Public Drinking Water Source Areas on Crown Land, Dept of Water (2012)
- Policy 18: Recreation, Tourism and Visitor Services, Dept of Environment and Conservation (now DPaW) (2011)
- Great Southern Regional Blueprint (2014)
- WA Mountain Bike Strategy (2015 – 2020) – Unlocking the Potential, WestCycle (2015)

*The Trails Hub Strategy incorporates key actions and recommendations from these policies and strategic documents*

25. The following **Local Policies** relate to the Trails Hub Strategy:

- City of Albany Connected Communities (2014 – 2018)
- City of Albany Public Open Space Policy (2013)
- City of Albany Asset Management Plan Reserves (Natural) (2013)
- City of Albany Mounts Management Plan (2006)

*The Trails Hub Strategy is consistent with, and incorporates recommendations from these policies and plans.*

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Community</b> The Trails Hub Strategy raises community expectations and is not delivered as per the plan.</p>	Possible	Moderate	Medium	<p>1. Media and Communication Strategy to manage community expectations</p> <p>2. A realistic implementation plan is developed and managed</p> <p>3. Funds are allocated in forward budgets to accommodate projects identified in the plan.</p>

**FINANCIAL IMPLICATIONS**

- 27. The Albany Trails Hub Strategy (\$80,000) has been funded through Lotterywest (\$50,000) and City of Albany (\$30,000).
- 28. The identified priority projects require linking with the 10 year asset management and financial plans to ensure progress.

29. The strategy will allow the City to apply for ongoing funding should the strategy be adopted. The strategy notes that projects are dependent upon external funding and other council priorities.

**LEGAL IMPLICATIONS**

30. N/A

**ENVIRONMENTAL CONSIDERATIONS**

31. The Strategy recommends an environmentally sensitive, sustainable and consistent approach to new trail construction. This approach aligns with recommended best practice identified within the World Class Trails Hub Strategy for WA, DSR (2012) and WA Mountain Bike Strategy, WestCycle (2015).
32. Detailed management plans are required for each location to assist with managing environmental considerations.
33. The Strategy Toolkit identifies a trail development model and process to ensure the long term sustainability of the trails.

**ALTERNATE OPTIONS**

34. Following their review the Council may choose not to ADOPT the Trails Hub Strategy.

**SUMMARY CONCLUSION**

35. The City has undertaken considerable community engagement activities and has shaped the strategy to balance community expectations and interest with the long term vision for the City.
36. The Councillors review and consideration of the final adoption of the Trails Hub Strategy completes the community engagement process.
37. Adoption of the Trails Hub Strategy will increase the opportunity for future funding and improve the community's confidence in the City's ability to bring real and tangible benefits for visitors and Albany residents for years to come.

<b>Consulted References</b>	:	Nil
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	Nil

**PD083: PROPOSED REVIEW OF MEMORANDUM OF AGREEMENT AND PLANNING CONTROLS FOR THE ALBANY WATERFRONT PRECINCT**

<b>Land Description</b>	: Albany Waterfront Precinct
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Various land owners
<b>Attachments</b>	: Albany Waterfront Precinct Plan Albany Waterfront Structure Plan Excerpt from the Albany Local Planning Strategy (LPS1) Memorandum of Agreement Albany Waterfront
<b>Report Prepared by</b>	: Executive Director Planning and Development (D Putland)
<b>Responsible Officer</b>	: Chief Executive Officer (G Foster)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
  - a. **Key Theme:** 3. A connected built environment
  - b. **Strategic Objective:** 3.1 To advocate, plan and build friendly and connected communities
  - c. **Strategic Initiative:** 3.1.3 By strengthening the connections between the CBD, waterfront and surrounding amenities

**In Brief:**

- Landowners and potential developers have stated that overly restrictive planning controls are constraining development of the Albany Waterfront Precinct and elsewhere.
- It is recommended that Council considers whether it wishes to reconsider the existing planning controls that regulate development within the Albany Waterfront Precinct.
- As this may potentially include removal of the current height limitations and lifting the prohibition on permanent residential accommodation within the Waterfront Precinct, if Council resolves to do so, it is recommended that it undertakes these actions in the following order:
  - a. Advertise its intent to negotiate an amendment to the current agreement with the State Government, revoking the elements in Section 5 “Commitments to the Community” that currently restricts building heights and prohibits permanent residential activity within the Albany Waterfront Precinct, acknowledging its good intent at the time but also its role in restricting investment and employment creation.
  - b. Following consultation, and if community support is evident for the proposed changes to be made, formalise the revised agreement with the State Government.
  - c. Appoint consultants to prepare revised designs for the Albany Waterfront precinct and to prepare the necessary documents to amend the City’s Local Planning Scheme No.1 (LPS1) and revise the Albany Waterfront Precinct Plan and Structure Plan.
  - d. Initiate the necessary Local Planning Scheme amendment and advertise the amendment to LPS1 concurrently with the proposed amendments to the Albany Waterfront Precinct Plan and Structure Plan.

## RECOMMENDATION

**PD083: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BOWLES  
SECONDED: COUNCILLOR HOLLINGWORTH**

Council **RESOLVES** to seek public comment and gauge community and State Government opinion as to whether or not Council should seek to amend the current Memorandum of Agreement, between the City of Albany and the State Government, which prohibits permanent residential living and limits the heights of buildings within the Albany Waterfront Precinct.

**CARRIED 6-2**

### Record of Vote

Against the Motion: Councillors Goode and Gregson

**PD083: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 7-0**

**PD083: RESPONSIBLE OFFICER RECOMMENDATION**

Council **RESOLVES** to seek public comment and gauge community and State Government opinion as to whether or not Council should seek to amend the current Memorandum of Agreement, between the City of Albany and the State Government, which prohibits permanent residential living and limits the heights of buildings within the Albany Waterfront Precinct.

## BACKGROUND

2. The Albany Waterfront Project (AWP) was intended to deliver and integrate with the CBD, a protected boat harbour and land-backed waterfront development incorporating an entertainment/function centre, hotel and function facilities, short-stay serviced tourist apartments and commercial/retail/tourism spaces on the Albany foreshore between the Port to the east and the Anzac Peace Park to the west.
3. Following extensive community consultation, the City adopted the overall Concept Plan for the AWP in June 2005. This was followed by the adoption of the Albany Waterfront Structure Plan in May 2006 and subsequent Precinct Plan in September 2006. Council endorsed modifications to the Albany Waterfront Precinct Plan (Attachment 1) and Structure Plan (Attachment 2) in Oct 2011.
4. The precinct plan provisions were adopted as Scheme provisions in the City's Local Planning Scheme No.1 (LPS1) in April 2014 (Attachment 3).
5. The Precinct Plan, Structure Plan and provisions in the City's Local Planning Scheme (LPS1) provide the planning framework for development, and set out the land use development controls and standards for the AWP. The Structure Plan establishes the strategic background and long-term vision and objectives for the project. The Precinct Plan sets out in detail how the objectives are to be achieved, and includes requirements for the individual precincts, permitted land uses, and planning and design guidelines for each of the subject lots.

6. On the 8<sup>th</sup> October 2007, the Mayor signed a Memorandum of Agreement with the State Government on behalf of the City of Albany for the planning, funding construction and management of the Albany Waterfront Project (Attachment 4).
7. Part 5 of the Memorandum of Agreement sets out the City and State's "Commitments to the Community" as follows:
  - a. Acknowledgement and respect of 24 hour a day, 7 day a week heavy vehicle haulage access to the Port.
  - b. Prohibition of permanent residential activity.
  - c. Unfettered community access to the foreshore.
  - d. Maintenance of the iconic Princess Royal Harbour vista as seen from the York Street Commercial Precinct.
8. Maintenance of iconic vistas and intent to preserve existing views to Princess Royal Harbour are reflected in the height limits and other planning provisions that regulate building height and placement within the Waterfront development area.
  - a. The key views protected by these limits and provisions include;
  - b. The view down York street;
  - c. The view down Spencer Street ;
  - d. View shed from the Base of York street; and
  - e. View shed from the Rotunda in Stirling Terrace.
9. The City has since received requests from lot owners and potential developers for relaxation of the current height limitations and design provisions, and for removal of the prohibition of permanent residential activity within the Albany Waterfront precinct. The requests are on the basis that the lack of flexibility of these controls makes development of the area economically unviable.

## DISCUSSION

10. Concerns have been raised that the current restrictions on building height and strict planning controls over land use that are currently exercised over the Albany Waterfront Precinct, particularly the prohibition of permanent residential accommodation, have severely constrained development in the area.
11. There is some evidence to support this contention, with the land remaining largely undeveloped. While there have been several parties interested in the "hotel lot", there appears to have been less interest in other lots, and the hotel proposals themselves have not progressed. Lifting of these restrictions may therefore support development within the Waterfront Precinct and make development of the area as a community precinct more likely.
12. Revision of the Albany Waterfront Precinct planning guidelines may also provide an opportunity to reconsider other elements of the Albany Waterfront Structure Plan and Precinct Plan, including; lot layouts, extent and location of commercial uses, road intersections, setbacks and plot ratios. However, as these elements were not included the "Commitments to the Community", any potential changes to these elements can be addressed in subsequent consultation phases.
13. However, as review of the existing planning controls regulating development within the Albany Waterfront Precinct will include consideration for removal or relaxation of the current height limitations and the current prohibition on residential accommodation within the Waterfront Precinct, it is recommended that Council, if it resolves to revise the Albany Waterfront Precinct planning guidelines, resolves to undertake these actions in the following order:



- a. Advertise its intent to amend the current agreement with the State Government, revoking the elements in Section 5 “Commitments to the Community” that mandate protection of iconic vistas and prohibit permanent residential activity within the Albany Waterfront Precinct.
- b. Present any submissions to a future Council Meeting for consideration.
- c. If there is no strong opposition, appoint consultants to prepare revised design guidelines for the Albany Waterfront precinct and to prepare the necessary documents to amend the City’s Local Planning Scheme (LPS1) and revise the Albany Waterfront Precinct Plan and Structure Plan.
- d. Initiate the necessary Local Planning Scheme amendment and advertise amendment to LPS1 concurrently with the proposed amendments to the Albany Waterfront Precinct Plan and Structure Plan.

**GOVERNMENT & PUBLIC CONSULTATION**

14. No formal consultation has been undertaken at this stage. However, extensive consultation will be undertaken if Council resolves to advertise its intent to amend the Memorandum of Agreement.

**STATUTORY IMPLICATIONS**

15. The statutory planning process to amend the City’s Local Planning Scheme, Structure Plan and Precinct Plan are outlined in paragraph 11 above. Amendments to these documents will remove the current, restrictive controls and allow Council to consider a broader range of proposals.

16. Following amendment of these documents, Council may consider any proposals based on the provisions incorporated in the revised Local Planning Scheme, Structure Plan and Precinct Plan.

**POLICY IMPLICATIONS**

17. Policy implications are detailed previously in this report.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<b>Reputation</b> Proposals to revoke “Commitments to the Community” may raise concerns within some sectors of the local community.	<i>Very Likely</i>	<i>High</i>	<i>High</i>	<i>Conduct a comprehensive consultation process to gauge the views of the Albany community and State Government Agencies prior to making any decisions on whether to revoke the relevant clauses in the Memorandum of Agreement or initiate any amendments to the City’s Local Planning Scheme, Structure Plan or Precinct Plan</i>
<b>Community</b> If current restrictions remain in place, then the area might never be developed	<i>Very Likely</i>	<i>High</i>	<i>High</i>	<i>Amendments to current restrictions may facilitate development occurring.</i>

**FINANCIAL IMPLICATIONS**

18. If the proposal generates community support, the costs for planning consultants to prepare amendments to the Local Planning Scheme, Structure Plan and Precinct Plan are estimated at approximately \$80k.

**LEGAL IMPLICATIONS**

19. Nil

**ENVIRONMENTAL CONSIDERATIONS**

20. Potential impacts will be addressed during subsequent stages.

**ALTERNATE OPTIONS**

21. Council may resolve to seek to amend the Memorandum of Agreement without formal community consultation. However, this is not recommended.

22. Council may resolve not to amend the Memorandum of Agreement.

**SUMMARY CONCLUSION**

23. Several landowners and potential developers have complained that overly restrictive planning controls are constraining development of the Albany Waterfront Precinct.

24. It is recommended that Council, considers whether it wishes to remove the current height limitations and remove the prohibition of residential accommodation within the Waterfront Precinct and, if it resolves to do so, resolves to undertake these actions in the following order:

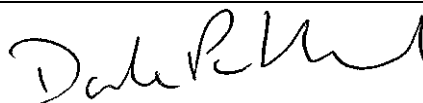
- a. Advertise its intent to amend the current agreement with the State Government, revoking the elements in Section 5 “Commitments to the Community” that mandate protection of iconic vistas and prohibit permanent residential activity within the Albany Waterfront Precinct.
- b. Appoint consultants to prepare revised designs for the Albany Waterfront precinct and to prepare the necessary documents to amend the City’s Local Planning Scheme (LPS1) and revise the Albany Waterfront Precinct Plan and Structure Plan.
- c. Initiate the necessary Local Planning Scheme amendment and advertise amendment to LPS1 concurrently with the proposed amendments to the Albany Waterfront Precinct Plan and Structure Plan.

<b>Consulted References</b>	:	Albany Waterfront Precinct Plan Albany Waterfront Structure Plan Albany Local Planning Strategy No.1 Memorandum of Agreement for the Albany Waterfront
<b>File Number (Name of Ward)</b>	:	Frederickstown Ward
<b>Previous Reference</b>	:	OCM 19/09/06 - Item 11.1.2 OCM 20/06/06 - Item 11.1.1 OCM 16/05/06 - Item 11.3.1 OCM 21/03/06 - Item 11.3.2 OCM 19/07/11 – Item 2.2 OCM 11/10/11- Item 2.1

**PD084: ADOPTION OF SCHEME AMENDMENT – LOCAL PLANNING  
SCHEME NO. 1, FIRST OMNIBUS AMENDMENT**

**Land Description** : City of Albany / Local Planning Scheme No.1 area  
**Proponent** : City of Albany  
**Owner** : Various  
**Business Entity Name** : Nil  
**Attachments** : Local Planning Scheme Amendment No. 13 report  
**Report Prepared by** : Planning Officer (C McMurtrie)  
**Responsible Officer** : Executive Director Planning and Development  
(D Putland)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

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

**In Brief:**

- An omnibus Local Planning Scheme Amendment was prepared by the City planning staff, which will:
  - a. Alter various parts of the Scheme Text to correct identified anomalies and errors, improve the functionality of some clauses, sub-clauses and provisions; and to bring about greater consistency with model provisions; and
  - b. Alter various parts of the Scheme Maps to correct identified anomalies and errors, and to rezone some portions of land to reflect recent changes in cadastral boundaries and associated land use.
- The Local Planning Scheme Amendment has been advertised for public comment in accordance with the requirements of the *Town Planning Regulations 1967*.
- Council is requested to consider the submissions received following public advertising and adopt the Local Planning Scheme Amendment.

## RECOMMENDATION

**PD084: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 and Regulation 17(2) of the Town Planning Regulations 1967, resolves to adopt Amendment No. 13 to Local Planning Scheme No. 1 for the purposes of:**

- (1) Altering various parts of the Scheme Text to correct identified anomalies; improve the functionality of some clauses, sub-clauses and provisions; and to bring about greater consistency with model provisions; and**
- (2) Altering various parts of the Scheme Maps to correct identified anomalies and errors, and to rezone some portions of land to reflect recent changes in cadastral boundaries and associated land use.**

**CARRIED 8-0**

PD084: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

PD084: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 and Regulation 17(2) of the Town Planning Regulations 1967, resolves to adopt Amendment No. 13 to Local Planning Scheme No. 1 for the purposes of:

- (1) Altering various parts of the Scheme Text to correct identified anomalies; improve the functionality of some clauses, sub-clauses and provisions; and to bring about greater consistency with model provisions; and
- (2) Altering various parts of the Scheme Maps to correct identified anomalies and errors, and to rezone some portions of land to reflect recent changes in cadastral boundaries and associated land use.

## BACKGROUND

3. Local Planning Scheme No. 1 was Gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

4. Since coming into effect, the City planning staff have identified numerous minor errors in the Scheme Text and Maps and a number of areas where the functionality of the Scheme could be improved or better aligned with the model provisions prescribed in the *Town Planning Regulations 1967* and draft *Planning and Development (Local Planning Scheme) Regulations 2014*.
5. Amendment No. 13 has been prepared as an omnibus to address all of those disparate matters that have been identified to date, in a single Local Planning Scheme amendment.

## DISCUSSION

6. The alterations to the Scheme Text proposed as part of Amendment No. 13 can be grouped into the following broad themes:
  - a. Alterations 1, 19, 20, 21, 22, 26, 28, 30, 37, 42, 43, 47, 48, 50 and 53 relate to the correction of typographical errors;
  - b. Alterations 2, 3, 8 and 49 deal with improvements to the user-friendliness and wording of the Scheme;
  - c. Alterations 8, 19, 32, 33, 40, 45 and 52 are corrections to referencing and cross-referencing errors throughout the Scheme, whether in relation to other parts of the Scheme or lots within the Scheme area;
  - d. Alterations 4-16, 46 and 54 deal with changes to land use permissibility in certain zones or sites;
  - e. Alterations 17, 18, 19, 29, 31, 34, 38, 47, 48, 49 and 51 relate to the clarification of clauses, sub-clauses or provisions;
  - f. Alterations 7, 15, 23, 24, 25, 27, 34, 35, 36, 39, 40, 41 and 44 are new clauses, sub-clauses, provisions, notes or definitions to improve the functionality of the Scheme; and
  - g. Alterations 7, 15, 41, 42, 43 and 44 are changes that will better align the Scheme with model provisions.
7. The alterations to the Scheme Maps proposed as part of Amendment No. 13 can be grouped into the following broad themes:
  - a. Alterations 1, 3, 4, 5, 6, 7, 9 and 10 deal with the correction of mapping errors;
  - b. Alterations 2, 8 and 11 involve changes to the Scheme Maps to reflect recent cadastral changes and associated land use; and
  - c. Alteration 12 is a change to the Scheme Maps to represent new information.
8. A number of the above changes to Local Planning Scheme No. 1 proposed as part of amendment no. 13 are particularly significant. These are summarised as follows:
  - a. Alterations 6, 12, 14 and 16 seek to make the 'Exhibition Centre', 'Reception Centre', 'Restaurant' and 'Tavern' land uses discretionary, subject to public advertising, in the General and Priority Agriculture zones. These lands uses are currently prohibited in the Agriculture zones; however, staff recognise that opportunities exist for agricultural diversification and 'value adding' to primary production by allowing the development of facilities that produce extra income for producers and/or can be used to retail their products. Many of these facilities also cater to tourists and it is considered that by permitting their development in the rural hinterland close to primary transport routes, there is added potential to boost the City's tourism economy.

- b. Alterations 7 and 41 seek to include a new land use classification – ‘Holiday House’ – within the Scheme. This use is defined as “a single dwelling on one lot used to provide short-term accommodation for not more than 6 persons but does not include a bed and breakfast/farmstay, a boarding/guest/lodging house, a chalet/cottage unit, or holiday accommodation”. The intent of this change is to include a land use in the Scheme that better describes the use of a single house for the provision of short-term accommodation. ‘Holiday Accommodation’, which is currently used to describe such a use, is defined as “any land and/or building providing accommodation and recreation facilities for guests/tourists on a short-term commercial basis and may include a shop or dining area incidental to the function providing limited services to patrons”. This definition, although broad, is clearly intended to describe unit or resort-type developments that incorporate recreational facilities and potentially other amenities for guests, and is not best suited to describing a single house used to provide short-stay accommodation. The proposed definition for a ‘Holiday House’ should rectify this issue.
- c. Alterations 15 and 44 seek the inclusion of ‘Small Bar’ as a new land use classification in the Scheme. The issue of Small Bar licenses is becoming more prevalent. It is considered that a ‘Small Bar’, with its cap of 120 patrons on the premises at any given time, may be a more suitable land use in localities where other more traditional forms of licensed premises, such as taverns or hotels, would have a negative impact on amenity. By introducing the land use classification of ‘Small Bar’ into the Scheme, the City will be able to maintain the synergy between land use classifications and license classes.
- d. Alterations 18, 25, 34 and 38 seek to introduce greater powers to recommend against the subdivision of land without an overarching guide plan. Alterations 18 and 38 relate to the ‘Future Urban’ zone and any other area where the City considers that an overall plan is required to guide subdivision and development, while alterations 25 and 34 relate to the Rural Residential and Special Residential zones respectively. These proposed alterations would ensure that land capability is assessed and that a subdivision guide plan is developed for any land zoned Rural Residential or Special Residential that is not already the subject of such a plan.
- e. Alterations 17, 22, 23, 26, 27, 30 and 31 seek to correct and strengthen a number of clauses and sub-clauses within the Scheme (in accordance with the *Planning for Bush Fire Protection Guidelines*). to ensure that adequate building protection zones and water supplies for fire-fighting are put in place on lots that are at risk of bushfire.
- f. Alteration 19 seeks to correct an error in Table 2: Floorspace Limits for Neighbourhoods Centres in the Scheme by removing the reference to Lots 1003, 1004 and 1005, which were included in error and do not form part of the Neighbourhood Centre zone that covers Brooks Garden Shopping Centre. This change will mean that the floorspace limit applied to the Highway Commercial zoned Lots 1003, 1004 and 1005 would no longer apply and would allow the existing unit adjacent to Harvey Norman to be occupied.
- g. Alteration 46 seeks to expand the range of uses permissible on the Albany Waterfront, which will make the Scheme more consistent with the Albany Waterfront Structure Plan. Currently, the Scheme omits a number of uses in certain precincts that are permitted by the Structure Plan. The changes that form part of alteration 46 will also allow greater flexibility in the types of licensed premises that may be approved, allowing the City to maintain the synergy between land use classifications and licence classes.

- h. Scheme map alteration 2 seeks to rezone Reserve 25385 Drummond Street, Lockyer from the Parks and Recreation local scheme reserve to the Clubs and Institutions zone, which reflects its disposal by the Department of Regional Development and Lands to the City of Albany and subsequent lease and licence to Parklands School for their use and future expansion. The leasing and licencing of the land was determined by Council at its Ordinary Meetings on 19 March 2013 (Item 4.5) and 16 July 2013 (Item 4.5).
  - i. Scheme map alteration 11 seeks to rezone a portion of Lot 214 Parker Brook Road from the General Agriculture zone to the Public Use local scheme reserve, which reflects a recent boundary realignment that was made to facilitate the extension of the runway at Albany Regional Airport. The reservation of the land under the Scheme will more accurately reflect its use.
  - j. Scheme map alteration 12 seeks to delineate a Public Drinking Water Sources Special Control on the Scheme Maps showing the extent of the Angove Creek Public Drinking Water Source Area (PDWSA). This change is necessary to protect the newly identified Angove Creek PDWSA from incompatible development.
9. A small number of submissions were received from service providers and Government agencies, expressing no objection to the proposed amendments. Western Power and Water Corporation provided subdivision and development advice, which will be relevant to the future subdivision and development of some of the land that is subject to a zoning change; however, it has no bearing on the proposed zoning changes themselves.

#### **GOVERNMENT & PUBLIC CONSULTATION**

10. During informal discussions, the Department of Planning has agreed, in principle, to most of the proposed alterations. A number of remaining items required further justification, which staff are confident has been provided in the report.
11. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 30 April 2015 to 18 June 2015 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners and advertisement in the local newspaper.
12. Eight (8) submissions were received from service providers, State Government agencies and affected landowners/members of the public and are summarised in the attached Schedule of Submissions. Staff's comments and recommendations are also provided in the schedule and the broad issues are discussed in paragraph 9 above.

#### **STATUTORY IMPLICATIONS**

13. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
14. *Section 75* of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning. Council resolution is sought for the adoption of a local planning scheme amendment.
15. Regulation 17(2)(a) of the *Town Planning Regulations 1967* allows Council to adopt the Scheme with or without modification.
16. *Local Planning Scheme No. 1* is the principal statutory planning document used in the assessment of development applications within the City of Albany. The proposed amendment to *Local Planning Scheme No. 1* will ensure that decision-making is consistent and in line with current best practice.
17. Voting requirement for this item is **SIMPLE MAJORITY**

## POLICY IMPLICATIONS

18. The proposed alterations to make 'Exhibition Centre', 'Reception Centre', 'Restaurant' and 'Tavern' permissible land uses in the General and Priority Agriculture zones should be guided by a planning policy. It is proposed that this policy will be developed while this amendment progresses, with a view to having the policy adopted prior to finalisation of the amendment.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Organisational Operations and Reputation</b> <i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Although unlikely, the possibility exists that the proposal may not be accepted by the WAPC or the Minister for Planning. Should this eventuate, the City will revisit the proposal with a reduced scope, focussing on minor modifications, and deal with the more contentious matters through separate scheme amendments.</i>

## FINANCIAL IMPLICATIONS

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

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

22. The reinstatement of the Parks and Recreation local scheme reserve over portions of Lot 12 Bushby Road and Lots 21, 23, 24 and 25 Shell Bay Road, Lower King will ensure the ongoing protection of the riparian environment on the King River foreshore.

## ALTERNATE OPTIONS

23. Council has the following alternate options in relation to this item, which are:
- To resolve to adopt the scheme amendment with modification; or
  - To resolve not to adopt the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

## SUMMARY CONCLUSION

24. It is recommended that Council adopt Local Planning Scheme Amendment No. 13, as the proposal will improve the functionality of Local Planning Scheme No. 1, thereby ensuring consistent decision-making in line with current best practice.

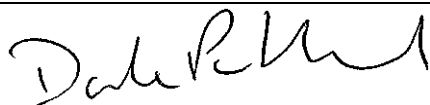


<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No. 1</i></li> <li>2. <i>Albany Local Planning Strategy 2010</i></li> <li>3. <i>City of Albany Strategic Community Plan 2023</i></li> <li>4. <i>City of Albany Corporate Business Plan 2013-2017</i></li> <li>5. Western Australian Planning Commission State Planning Policy 1 – <i>State Planning Framework Policy (Variation No. 2)</i>, <i>State Planning Policy 2.5 – Land Use Planning in Rural Areas</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	LAMD13 (All Wards)
<b>Previous Reference</b>	:	<p>OCM – 19/03/2013 – Item 4.5          OCM – 16/07/2013 – Item 4.5          OCM – 24/02/2015 – Item PD069</p>

**PD085: CONSIDERATION OF IMPOSITION OF A MORATORIUM ON INITIATION OF SIGNIFICANT SCHEME AMENDMENTS AFFECTING AGRICULTURAL LAND**

**Land Description** : City of Albany / Local Planning Scheme No. 1 area  
**Proponent** : City of Albany  
**Owner** : Various  
**Business Entity Name** : Nil  
**Attachments** : Nil  
**Report Prepared by** : Planning Officer (C McMurtrie)  
**Responsible Officer** : Executive Director Planning and Development (D Putland)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
  - a. **Key Theme:** A Connected Built Environment
  - b. **Strategic Objective:** 3.3 To develop vibrant neighbourhoods which retain local character and heritage.
  - c. **Strategic Initiative:** 3.3.1 Develop and implement a contemporary Local Planning Strategy.

**In Brief:**

- The City is currently in the process of reviewing the *Albany Local Planning Strategy*. In order to avoid compromising the review process, planning Staff recommend that the Council impose a moratorium on the initiation of significant Local Planning Scheme amendments that seek to rezone agricultural land for rural living uses.
- A moratorium will allow for consideration of concerns over the ongoing loss of productive agricultural land; oversupply of semi-rural 'lifestyle' lots; and the increasing number of complaints being made to the City over land use conflicts between primary industries and adjacent sensitive land uses (primarily from 'Rural Residential' areas).
- Notwithstanding the above points, planning Staff recommend that Council continue to consider minor amendments over, or in the vicinity of agricultural land where it is considered 'infill development' or allows for ongoing productive use of the land.
- Scattered sub divisions and redevelopments are not conducive to efficiencies in service provision.

**RECOMMENDATION**

**PD085: MOTION**

**MOVED: COUNCILLOR MULCAHY  
SECONDED: COUNCILLOR SUTTON**

**THAT this item be DEFERRED and be re-presented at the September 2015 OCM to allow consultation with stakeholders.**

**LOST 2-6**

**Record of Vote**

For the Motion: Councillors Mulcahy and Sutton

**PD085: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE  
SECONDED: COUNCILLOR GREGSON**

**THAT Council:**

- (1) **RESOLVES** to impose a moratorium on initiation of significant Local Planning Scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land, effective from 28 July 2015, until the review of the *Albany Local Planning Strategy* has been completed.

**AND**

- (2) **ADVISES** local town planning consultancies and advertises publically that they have passed the above resolution.

**CARRIED 7-1**

**Record of Vote**

Against the Motion: Councillor Mulcahy

**PD085: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: COUNCILLOR HORTIN**

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

**CARRIED 7-0**

**PD085: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council:**

- (1) **RESOLVES** to impose a moratorium on initiation of significant Local Planning Scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land, effective from 28 July 2015, until the review of the *Albany Local Planning Strategy* has been completed.

**AND**

- (2) **ADVISES** local town planning consultancies and advertises publically that they have passed the above resolution.

## BACKGROUND

2. *Local Planning Scheme No. 1* was Gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme:
  - Divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes;
  - Controls the types of uses and development allowed in different zones;
  - Sets out specific controls for heritage and special control areas; and
  - Sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
3. The content of the Scheme, and subsequent amendments to it, are guided by the *Albany Local Planning Strategy* (ALPS) that sets out the long-term planning directions for the City.
4. The *Albany Local Planning Strategy* was endorsed by the Western Australian Planning Commission on 15 June 2010. The Strategy provides the planning direction for the City's adopted vision for future growth and a framework for the new *Local Planning Scheme No. 1*, including the reasoning behind the incorporation of zones and provisions into the Scheme.
5. The *Albany Local Planning Strategy* was prepared at a time when the Nation was undergoing a period of strong economic growth. The strategy predicted rapid population growth for Albany that has not eventuated. The document identifies the potential for extensive areas of land to be developed for fully-serviced urban development, 'Special Residential' development and 'Rural Residential' development, based on the assumption that the economic boom would continue and drive further growth in the Great Southern.
6. Recently, Councillors have raised concerns about the number of Local Planning Scheme amendments that are being presented to them for consideration and the implications that this has in terms of the loss of productive agricultural land, the oversupply of semi-rural 'lifestyle' lots, and the creation of land use conflicts between primary industries and adjacent sensitive land uses.
7. Concerns have also been raised over the environmental impacts of such development, ongoing servicing costs, and that the assessment of scheme amendments is becoming a drain on staff resources within the Development Services directorate.
8. The City is currently preparing background papers to inform a review of the *Albany Local Planning Strategy*. The new strategy is scheduled for public consultation from April to June of 2016, with completion of the process expected by December 2016.
9. It is anticipated that the new strategy will redraw the expected growth boundaries, based on more realistic population growth expectations.

## DISCUSSION

10. Urban growth areas identified in the existing *Albany Local Planning Strategy* are assigned priority codes that are intended as a guide for the staging of development. However, the document also contains the following statement:

*"The Priority Development hierarchy encourages incremental fully-serviced development. It does not preclude the city or WAPC from considering developer-funded fully-serviced urban nodes within future urban areas that may not be consistent with their current priority classification. However, development proposals of this nature will have to conform to the WAPC State Planning Policy (SPP) No. 3 Urban Growth and Settlement. The policy requires any proposal to detail locations for housing, employment and other uses such as*

*commerce and recreation. This planning must be co-ordinated with efficient and economic transport, essential infrastructure and community services.”*

11. Despite a State Government requirement to comply with *State Planning Policy No. 3 – Urban Growth and Settlement*, many proponents have used the above clause as a justification for rezoning land ahead of the existing urban edge. Such proposals often commit to providing infrastructure, incorporating notional plans identifying local shopping, schools, community facilities, etc.
12. There are no staging requirements for areas of land that are identified for ‘Special Residential’ and ‘Rural Residential’ development in the *Albany Local Planning Strategy* and no priority development hierarchy exists for these land uses. As a result, many of these developments ‘leapfrog’ the existing peri-urban edge and create isolated rural living areas. Large areas of land for these uses have been identified in the Strategy, which has led to the ongoing loss of productive agricultural land, particularly as many landowners seek rezoning of their lots to increase the land value.
13. Councillors have expressed concerns that these types of development are potentially creating an oversupply of semi-rural ‘lifestyle’ lots, to the detriment of productive agricultural land uses. This is compounded by the increasing number of complaints received from residents of ‘Special Residential’ and ‘Rural Residential’ zoned areas (predominantly the latter) about primary industries operating on adjoining lots, whether agricultural enterprises or other industries, such as quarrying. The zoning of further land for these purposes has the potential to exacerbate these issues or create new land use conflicts.
14. These types of semi-rural ‘lifestyle’ development can also result in significant environmental impacts, including the clearing of vegetation, loss of visual amenity and the introduction of weeds and feral animals. However, in instances where vegetation is retained for environmental and amenity reasons, it can significantly increase the risk of bushfire.
15. While it is important to balance public safety and environmental stewardship, the creation of additional lots in areas that are at risk from bushfire would be highly dangerous, especially in view of the recommendations made in *A Shared Responsibility; a report of the Perth Hills Bushfire February 2011 Review* (otherwise known as ‘The Keelty Report’) and the provisions of the proposed *Planning and Development (Bushfire Risk Management) Regulations 2014*. These proposed regulations will be underpinned by draft *State Planning Policy 3.7 – Planning for Bushfire Risk Management*, draft *Planning for Bushfire Risk Management Guidelines* and associated bushfire risk mapping. The policy will offer guidance for the development of land that is at risk of bushfire, the mapping will, at a broad scale, identify its location and the guidelines will set out the requirements for new any development in these bushfire prone areas.
16. The finalised versions of the above regulations, State Planning Policy and guidelines are due to be introduced later this year. It is anticipated that the publication of these documents will complicate the development of some rural living areas, as their requirement to sufficiently mitigate fire risk will necessitate the clearing of vegetation and/or construction to a higher standard. However, in instances where clearing will be required, it may be at odds with environmental interests, meaning that in some circumstances it will be necessary to restrict development because it cannot be adequately protected from bushfire risk.
17. The cost of infrastructure provision and maintenance is also a significant burden on the City and one that is most felt in servicing ‘Rural Residential’ zoned areas. Due to their low population density, refuse collection and basic road and verge maintenance are more expensive to provide to those areas on a per-capita basis. Furthermore, there is an increasing expectation that ‘Rural Residential’ areas will receive an urban level of service, including kerbed roads and extensive stormwater drainage measures, which entail a greater capital works cost and involve more intensive and costly maintenance regimes.

The expansion of rural residential areas also places additional pressure on the local roads network, including bridges at Kalgan, King River and Lower King.

18. The ongoing expansion of rural living areas immediately beyond the existing urban edge has potential to compromise the development of new fully-serviced urban areas in some locations. Further subdivision of these areas in a logical, cohesive manner can be made almost impossible due to the irregular lot layouts often found in peri-urban areas and the provision of services to an urban service standard (roads, stormwater drainage, sewer and often underground power and water) can become prohibitively expensive.
19. The assessment of scheme amendments is also becoming a significant drain on resources within the Development Services directorate, particularly at a time when there is sufficient land zoned to meet demand for 'Residential', 'Special Residential' and 'Rural Residential' lots in the foreseeable future. Resources currently dedicated to assessing scheme amendments, to rezone land where there is no demonstrated demand, can be re-tasked to the review Local Planning Policies, Structure Plans and other proactive planning work.
20. The *Albany Local Planning Strategy* is currently undergoing a review process and, although this is in its early stages, it is likely that the updated Local Planning Strategy will revise the growth boundaries for the town to reflect a more modest growth rate. The updated strategy will also aim to encourage urban infill and redevelopment of brownfield sites, in preference to the expansion of peri-urban areas.
21. On the basis of the above, it is recommended that Council resolve to impose a moratorium on the initiation of any significant Local Planning Scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, effective from 28 July 2015, until the review of the *Albany Local Planning Strategy* has been completed.

#### **GOVERNMENT & PUBLIC CONSULTATION**

22. It is not necessary to undertake formal consultation in this instance. Should Council resolve to impose a moratorium on significant scheme amendments over agricultural land, the decision will be advertised for public information and written advice provided to the local town planning consultancies.

#### **STATUTORY IMPLICATIONS**

23. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
24. *Section 75* of the *Planning and Development Act 2005* allows a Local Government to amend its local planning scheme with the approval of the Minister for Planning.
25. *Regulation 25* of the *Town Planning Regulations 1967* sets out the process for amending a scheme.
26. *Regulation 12C* of the *Town Planning Regulations 1967* sets out the process for amending or revoking a Local Planning Strategy.
27. The imposition of a moratorium is not a legislative requirement but rather an adopted Local Government practice to facilitate transition from an existing Local Planning Strategy to a new Local Planning Strategy.

#### **POLICY IMPLICATIONS**

28. There are no policy items directly relating to this item.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Organisational Operations and Reputation</b> Supporting this proposal could lead to perceived financial loss by some landowners who will not be able to realise their development aspirations.</p>	Almost certain	Minor	High	Clearly communicate to the community and local town planning consultancies why a moratorium is being imposed.
<p><b>Organisational Operations and Reputation</b> Supporting this proposal could lead to complaint and criticism from landowners seeking to rezone agricultural land.</p>	Almost certain	Minor	High	Clearly communicate to the community and local town planning consultancies why a moratorium is being imposed.

## FINANCIAL IMPLICATIONS

30. The loss of planning fee income from a moratorium on Local Planning Scheme amendments will be minimal.

## LEGAL IMPLICATIONS

31. There are no legal implications, as the imposition of a moratorium is not a legislative requirement but rather an adopted Local Government practice to facilitate transition from an existing Local Planning Scheme or Strategy to a new Local Planning Scheme or Strategy.

## ENVIRONMENTAL CONSIDERATIONS

32. Rezoning and development of rural-residential lots can lead to a number of significant, adverse environmental effects, such as the clearing of vegetation, loss of visual amenity and the introduction of weeds and feral animals.
33. In some circumstances, native vegetation is required to be retained within 'Special Residential' and 'Rural Residential' zoned areas for environmental and amenity reasons. However, the retention of vegetation within peri-urban areas can also lead to increased risk of bushfire. Since the release of *A Shared Responsibility; a report of the Perth Hills Bushfire February 2011 Review* (otherwise known as 'The Keelty Report'), the State Government has recognised the need to more effectively manage bushfire risk through the application of appropriate planning controls. It has subsequently produced the proposed *Planning and Development (Bushfire Risk Management) Regulations 2014*, draft *State Planning Policy 3.7: Planning for Bushfire Risk Management*, draft *Planning for Bushfire Risk Management Guidelines* and associated bushfire risk mapping to achieve this aim.

**ALTERNATE OPTIONS**

34. Council has the following alternate options in relation to this item, which are:
- To resolve to impose a broader moratorium on issues such as initiation of significant Local Planning Scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, for a specified timeframe; or
  - To resolve not to impose a moratorium and continue to initiate significant Local Planning Scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses.

**SUMMARY CONCLUSION**

35. Councillors have raised concerns about the volume of Local Planning Scheme amendments that are being presented to them for consideration and the implications that this has in terms of the loss of productive agricultural land; the oversupply of semi-rural 'lifestyle' lots; and the creation of land use conflicts between primary industries and adjacent sensitive land uses.
36. There are also concerns around the environmental impacts of such development; the inherent bushfire risk; ongoing servicing costs; the compromising of potential future urban growth areas; and that the assessment of scheme amendments is becoming a drain on staff resources within the Development Services directorate.
37. It is therefore recommended that Council resolve to impose a moratorium on initiation of any significant Local Planning Scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land, effective from 28 July 2015, until the review of the *Albany Local Planning Strategy* has been completed.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No.1</i></li> <li>2. <i>Albany Local Planning Strategy 2010</i></li> <li>3. <i>City of Albany Strategic Community Plan 2023</i></li> <li>4. <i>City of Albany Corporate Business Plan 2013-2017</i></li> <li>5. Western Australian Planning Commission <i>State Planning Policy No. 3 – Urban Growth and Settlement and State Planning Policy No. 5.1 – Land Use Planning in Rural Areas.</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	Nil (All Wards)
<b>Previous Reference</b>	:	Nil



**PD086: PLANNING AND BUILDING REPORTS JUNE 2015**

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

**Responsible Officer's Signature:**



**RECOMMENDATION**

**PD086: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MULCAHY**  
**SECONDED: COUNCILLOR BOWLES**

**THAT Council NOTE the Planning and Building Reports for June 2015.**

**CARRIED 8-0**

**CSF178: FINANCIAL ACTIVITY STATEMENT – MAY 2015**

**Proponent** : City of Albany  
**Attachments** : Financial Activity Statement  
**Report Prepared by** : Financial Accountant (S Beech)  
**Responsible Officer** : Deputy Chief Executive Officer (G Adams)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF178: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council RECEIVE the Financial Activity Statement for the period ending 30 May 2015.**

**CARRIED 8-0**

CSF178: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR HORTIN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CSF178: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 30 May 2015.

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 30 May 2015 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.

6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

### STATUTORY IMPLICATIONS

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

### POLICY IMPLICATIONS

8. The City’s 2014/15 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 30 May 2015 has been incurred in accordance with the 2014/15 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CSF179: LIST OF ACCOUNTS FOR PAYMENT – JUNE 2015**

**Proponent** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared by** : Financial Accountant (S Beech)  
**Responsible Officer** : Deputy Chief Executive Officer (G Adams)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF179: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HORTIN**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

**That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2015 totalling \$6,326,679.00.**

**CARRIED 8-0**

CSF179: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BOWLES  
 SECONDED: COUNCILLOR HOLLINGWORTH

That the Responsible Officer Recommendation be ADOPTED.

**CARRIED 10-0**

CSF179: RESPONSIBLE OFFICER RECOMMENDATION

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2015 totalling \$6,326,679.00.

**BACKGROUND**

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

**DISCUSSION**

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

**Municipal Fund**

Trust	\$143,795.56
Credit Cards	\$12,477.49
Payroll	\$1,110,198.53
Cheques	\$104,444.15
Electronic Funds Transfer	\$4,955,763.27

**TOTAL**

**\$6,326,679.00**

3. As at 15 June 2015, the total outstanding creditors, stands at \$681,045.27 and made up as follows:-

Current	\$404,597.81
30 Days	\$276,427.34
60 Days	\$1,033.50
90 Days	-\$1,013.38
<b>TOTAL</b>	<b>\$681,045.27</b>

Cancelled cheques: 30243 No longer required, 28953, 28983, 28984, 29139, 29156, 29349, 29415 and 29574 all older than 15 months and never presented, 30494 incorrect name on cheque.

**STATUTORY IMPLICATIONS**

- 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.
- The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
- 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**

- Expenditure for the period to 15 June 2015 has been incurred in accordance with the 2014/2015 budget parameters.

**FINANCIAL IMPLICATIONS**

- Expenditure for the period to 15 June 2015 has been incurred in accordance with the 2014/2015 budget parameters.

**SUMMARY CONCLUSION**

- That list of accounts have been authorised for payment under delegated authority.

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CSF180: DELEGATED AUTHORITY REPORTS**

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

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF180: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BOWLES**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

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

**CARRIED 8-0**

**CSF180: COMMITTEE RECOMMENDATION**

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

**CARRIED 10-0**

**CSF180: RESPONSIBLE OFFICER RECOMMENDATION**

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

**CSF181: REVIEW OF PROPERTY MANAGEMENT – LEASES AND LICENCES POLICY**

**Attachments** : Council Policy – revised Property Management – Leases and Licences  
**Report Prepared by** : Team Leader Property and Leasing (T Catherall)  
**Responsible Officer** : Deputy Chief Executive Officer (G Adams)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
  - a. **Key Theme:** 5 Civic Leadership
  - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
  - c. **Strategic Initiative:** 5.1.2 Develop informed and transparent decision making processes that meet our legal obligations.

**IN BRIEF**

- Staff have recently undertaken a review of Council's Property Management – Leases and Licences Policy to comply with revision date of May 2015.
- Council is requested to consider approving changes to the Policy to comply with legislative requirements, Council Plans objectives and assist administrative practices in relation to renewal or preparation of new leases or licences.

**RECOMMENDATION**

**CSF181: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BOWLES**  
**SECONDED: COUNCILLOR SUTTON**

**THAT Council ADOPTS the revised Property Management – Leases and Licences Policy.**

**CARRIED 8-0**

**CSF181: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR BOWLES**  
**SECONDED: MAYOR WELLINGTON**

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

**CARRIED 10-0**

**CSF181: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council ADOPTS the revised Property Management – Leases and Licences Policy.

**BACKGROUND**

1. In April 2008 Council adopted the Property Management – Leases Policy which provides the framework for managing the City’s Leasing and Licensing Portfolio.
2. The current portfolio consists of 235 leases and licences over property owned or managed by the City. Some 119 properties are categorised commercial leases and generate market rents for Council. The remaining 116 are community leases that are leased at subsidised rates for community groups.
3. The policy was reviewed and revised in May 2012 to align with current leasing terms and conditions and to remove inconsistencies.
4. In September 2012 Council adopted the revised Property Management – Leasing and Licences Policy. The policy was scheduled to be reviewed in May 2015.
5. Staff have recently completed a review of the policy to ensure it reflects updated leasing terms and conditions, current work practices, complies with current legislation and meets Council Plan objectives.
6. The policy document sets out the “in principle” terms on which the City enters into new leases and licences. The policy provides Lessees and prospective Lessees with a good understanding of the obligations for both parties to ensure a clear relationship is established between the City and its Lessees.
7. The policy is supported by Council procedures for leases and licences which provide detailed processes and practices for City staff in the development and implementation of all categories of agreements.

**DISCUSSION**

8. In reviewing the policy, staff were concerned to ensure the principles of objectivity, fairness and equity, consistency, transparency and administrative efficiency were applied.
9. The revised policy has been reviewed by the Executive Management Team with comments incorporated into the policy.
10. The policy has also been reviewed by the City’s lawyers with advice the overall documents do comply with legislative requirements.
11. It is recommended that the revised policy terms and conditions apply to all new leases and licences, commencing after the policy has been endorsed by Council. Therefore the policy would not affect existing leases and licences until they were renewed.



12. The policy recognises the variety and diversity of leases and licences. The three main categories are:
- a. Commercial (including Retail Shop Leases)
    - Caravan and holiday parks
    - Cafes, kiosks, restaurants and function centres
    - Car hire
    - Airline
    - Airport hangars
    - Fuel supplier (Airport)
    - Energy providers
    - Marine services, retail and storage
    - Seafood farming and sales
    - Cheyne Beach holiday accommodation
    - Cheyne Beach commercial fisherman's accommodation
    - Telecommunications
    - Coin operated binoculars
    - Government bodies
    - Wreckers
  - b. Community benefit
    - Community halls
    - Service clubs
    - Community groups
    - Rural resource centre
    - Youth camp facilities
    - Emergency services and marine rescue
    - Sporting and recreation
    - Senior Citizen services
    - Lotteries House
    - Educational – kindergartens, pre schools, university
    - Business incubator
    - Museums
    - Landgate satellite station (Airport)
  - c. Residential
    - Airport house
13. Below is a summary of the proposed key amendments that will form part of any new lease or licence agreement. It is considered that the proposed amendments are largely operational and relatively minor.
- Policy Principle 1 – Type of Agreement (NEW)  
The new provision details the type of agreement that will be granted. A lease for exclusive possession and licence for non-exclusive possession.
  - Policy Principle 7 – Approvals (NEW)  
The new provision details the Lessee is responsible for obtaining all approvals necessary to conduct activities on any property.
  - Policy Principle 10 – Ratchet Clause (DELETE)  
The removal of the ratchet clause allows for any market rent valuation review to reflect the current market rental applicable and not be distorted by a ratchet clause.

It is noted that market rent reviews for commercial leases are undertaken every three years and by CPI for intervening years.

- Policy Principle 19 – Assignment (REVISED)  
Consent for assignment will be the absolute discretion of the City.  
The inclusion that the Assignor will continue to be liable for the remainder of the term of the lease will ensure any matter not previously addressed will remain the responsibility of the Assignor.
- Policy Principle 21 – Insurance (REVISED)  
Minimum public liability insurance level increased from \$10 to \$20 million to reflect the City’s insurer’s requirements.
- Policy Principle 32 – Access & Inclusion (NEW)  
The new provision references consideration of the City’s Access & Inclusion Plan 2012-2017 in applicable agreements.
- Policy Principle 38 & 39 – Vacant Property (NEW)  
The new provision details that where property becomes vacant as the existing tenant does not wish to enter into a new agreement, then the City will undertake a public expression of interest process to identify a new Lessee. However this will not apply in extenuating circumstances such as the City needing to relocate existing Lessees to undertake works on buildings.
- Policy Principle 45 – Guarantor (NEW)  
If the lease is through a company or trust a personal guarantee will be required.
- Policy Principle 52 – Cheyne Beach Holiday Accommodation (REVISED)  
The inclusion that the buildings are the sole responsibility of the Lessees ensures the City is not liable for the buildings constructed by the Lessees in any way.
- Policy Principle 55 – Community lease & licence term (NEW)  
The new provision allows leases with Community groups occupying City owned or managed property to be for a standard 10 year term. A longer term may be offered subject to the community groups addressing criteria such as capital investment, long term planning and multi-purpose activities and co-location. This provides the City with the opportunity to respond more effectively based on the future needs of the community. It also allows for the City to be more responsive to industry trends and funding opportunities.
- Policy Principle 58– Community lease casual hire (NEW)  
Community Lessees may make the leased property available for casual hire for sole community purpose. This will assist the group raise funds to fulfil lease obligations such as rent, insurance and maintenance.

## GOVERNMENT & PUBLIC CONSULTATION

14. No Government consultation is required and no public advertising is required by the Local Government Act 1995.
15. No public consultation has occurred on the policy review.

## STATUTORY IMPLICATIONS

16. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased or licensed land and buildings. It requires Council give local public notice of its intention to dispose of the property and consider any submissions which are received within the specified period.

17. Regulations 30 of the *Local Government (Functions and General) Regulations 1996* identifies dispositions of property to which section 3.58 of the *Local Government Act 1995* does not apply.

### POLICY IMPLICATIONS

18. This item seeks to amend Council’s Property Management – Leases and Licences Policy adopted in 2008 and revised in September 2012.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<b>Legal &amp; Compliance:</b> <i>Revised policy not supported</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<b>Organisation’s Operations:</b> <i>Revised policy not supported – not aligned to current work practices</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<b>Financial:</b> <i>Failure to apply increased insurance requirements may expose City to potential claim</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<b>Financial:</b> <i>Costs associated with lease default if no guarantor secured</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Include provision in relevant leases</i>

### FINANCIAL IMPLICATIONS

20. There are no financial implications associated with this item.

### LEGAL IMPLICATIONS

21. The revised policy has been prepared taking into consideration relevant legislation, Council Plan objectives and reviewed by the City’s lawyer.

### ENVIRONMENTAL CONSIDERATIONS

22. There are no environmental considerations associated with this item.

### ALTERNATE OPTIONS

23. Council may support the revised policy or not. It is considered the proposed amendments are largely operational and relatively minor. As such it is recommended that the revised policy is adopted.

**SUMMARY CONCLUSION**

24. Staff have recently undertaken a review of Council’s Property Management – Leases and Licences Policy to comply with the three yearly revision date of May 2015.
25. The proposed amendments have been made to ensure the policy reflects updated lease and licence terms, legislative requirements, Council Plan objectives and current work practices.
26. The revised policy has been reviewed by the Executive Management Team and City’s lawyers with comments incorporated into the policy.
27. It is recommended the revised Council Policy – Property Management – Leases and Licences be adopted.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• Council Policy – Property Management – Leases and Licences</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions and General) Regulations 1996</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	CM.RVW.5 (All Wards)
<b>Previous Reference</b>	:	OCM 15/07/2008 Item 13.8.1 OCM 18/09/2012 Item 1.1

**CSF182: QUARTERLY REPORT – TENDERS AWARDED – APRIL  
TO JUNE 2015**

**Proponent** : City of Albany  
**Attachments** : Quarterly Report – Tenders Awarded – January to March  
2015  
**Report Prepared by** : Procurement Officer (H Hutchinson)  
**Responsible Officer** : Deputy Chief Executive Officer (G Adams)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF182: RESOLUTIONS**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council RECEIVE the Quarterly Report – Tenders Awarded – April to June 2015.**

**CARRIED 8-0**

**CSF182: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR BOWLES**

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

**CARRIED 10-0**

**CSF182: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RECEIVE the Quarterly Report – Tenders Awarded – April to June 2015.**

**CSF183: 2015/16 BUDGET ADOPTION**

**Proponent** : City of Albany  
**Attachment** : 2015/2016 Budget documents  
**Report prepared by** : Business Analyst/Management Accountant (D Harrison)  
**Responsible Officer** : Chief Executive Officer (G Foster)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:
  - a. **Key Themes:** 2.2 Clean, Green and Sustainable , 5. Civic Leadership
  - b. **Strategic Objectives:**
    - 2.2. To maintain and renew city assets in a sustainable manner
    - 5.1. To establish and maintain sound business and governance structures.
  - c. **Strategic Initiative:**
    - 2.2.1 Asset Management. Sustainable asset management plans integrated with financial forecasts.
    - 5.1.2 Systems Development and Improvement. Improved financial management.
2. This proposed budget aligns with the City's Corporate Business Plan, which aligns with the City's:
  - a. 10 Year Financial Plan;
  - b. Asset Management Plans; and
  - c. Work Force Development Plan.

**In Brief:**

- Approve the proposed 2015/16 budget, noting that working with staff, Council Members have participated in a series of budget preparation workshops.

**RECOMMENDATION**

**CSF183: RESOLUTION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR GOODE**  
**SECONDED: COUNCILLOR SUTTON**

**THAT Committee Recommendation's 1, 2, 3, 4, 5, 6, 7, 8 and 9 be carried EN BLOC.**

**CARRIED 8-0**  
**ABSOLUTE MAJORITY**

CSF183: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR BOWLES  
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Committee Recommendation's 1, 2, 3, 4, 5, 6, 7, 8 and 9 be carried EN BLOC.

CARRIED 10-0  
ABSOLUTE MAJORITY

CSF183: RESPONSIBLE OFFICER RECOMMENDATION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- NOTE the submissions received; and
- ACKNOWLEDGE that these submissions were considered by Councillors prior to adoption of the 2015/2016 Budget.

CSF183: RESPONSIBLE OFFICER RECOMMENDATION 2  
VOTING REQUIREMENT: ABSOLUTE MAJORITY

Council ADOPT the following municipal rates in the dollar on unimproved values and gross rental valuations for the 2015/2016 financial year:

(1) Rating Category 1 – GRV General

- The General Rate on Gross Rental Values for the 2015/2016 financial year on Rating Category (1) including all GRV rateable land be 10.2179 cents in the dollar.

(2) Rating Category 3 – UV

- The General Rate on current unimproved values for the 2015/2016 financial year on Rating Category (3) including all UV rateable land be 0.4099 cents in the dollar.

(3) Minimum Rate

- The Minimum Rate for Rating Category 1 – GRV General rateable properties within the City of Albany will be \$935.00.
- The Minimum Rate for Rating Category 3 – UV rateable properties within the City of Albany will be \$1010.00.

**CSF183: RESPONSIBLE OFFICER RECOMMENDATION 3**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPROVES the following Refuse Collection and Recycling charges for the City of Albany (including general refuse collection, hard waste collection, Bulk green waste collection, collection of recyclables and green waste) be adopted for the 2015/2016 financial year:

(1) Residential Services

- |                                     |             |
|-------------------------------------|-------------|
| • Full Domestic Refuse Service      | \$316.00    |
| • Refuse Collection 140 Ltr MGB     | Weekly      |
| • Recycling Collection 240 Ltr MGB  | Fortnightly |
| • Green Waste Collection 240Ltr MGB | Monthly     |

(2) Additional Services

Additional Services (Maximum of One) with a full domestic rubbish service.

- |   |                     |
|---|---------------------|
| • Refuse Collection 140 Ltr MGB (Inc GST)           | Weekly \$93.00      |
| • Recycling Collection 240 Ltr MGB (Inc GST)        | Fortnightly \$45.00 |
| • Green Waste Collection 240Ltr MGB (Inc GST)       | Monthly \$45.00     |
| • Additional Full Domestic Refuse Service (Inc GST) | \$346.00            |

(3) Waste Facilities Maintenance Rate (Section 66(1) Waste Avoidance and Resource Recovery Act 2007)

In addition to the full domestic refuse service the City will be raising an annual rate under section 66(1) of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act) and, in accordance section 66(3) of the WARR Act, apply the minimum payment provisions of section 6.35 of the Local Government Act 1995. The rate is proposed to be called the 'Waste Facilities Maintenance Rate'. The minimum payment will be \$55.

The proposed rates are:

- GRV General Properties – Rate in the dollar: 0.01 Cents, minimum \$55
- UV General Properties – Rate in the dollar: 0.0022 Cents, minimum \$55



**CSF183: RESPONSIBLE OFFICER RECOMMENDATION 4**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

- (1) Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council ADOPTS the Municipal and Trust Funds Budget as contained in the Attachment to this agenda and the minutes, for the City of Albany for the 2015/2016 financial year which includes the following:
- Statement of Comprehensive Income by Nature and Type on page (v) showing a net result for that year of \$12,425,850
  - Statement of Comprehensive Income by Program on page (iv) showing a net result for that year of \$12,425,850
  - Statement of Cash Flows on page (vii)
  - Rate Setting Statement on page (viii) showing an amount required to be raised from rates of \$32,446,624
  - Notes to and Forming Part of the Budget on pages (1 to 57)
  - Fees and Charges and Capital Works Schedule as detailed in blue pages (1 to 36)
  - Transfers to / from Reserve Accounts as detailed in pages (47 to 51)
- (2) Pursuant to section 6.11 of the Local Government Act 1995, Council:
- a. Maintains the following reserves - Purpose detailed in pages (47 to 51)
- Airport Reserve
  - Albany Entertainment Centre
  - Albany Leisure And Aquatic Centre – Synthetic Surface “Carpet”
  - Albany Classic Barriers
  - Anzac Centenary
  - Bayonet Head Infrastructure Reserve
  - City of Albany General Parking Reserve
  - Emu Point Boat Pens Development Reserve
  - Master Plan Funding Reserve
  - Parks Development Reserve
  - Plant & Equipment Reserve
  - Refuse Collection & Waste Minimisation Reserve
  - Waste Management Reserve
  - Building Restoration Reserve
  - Roadworks Reserve
  - Planning Reserve
  - Coastal Management Reserve
  - Debt Management Reserve
  - Information Technology Reserve
  - Unspent Grants Reserve
  - Capital Seed Funding for Sporting Clubs
  - Parks and Recreation Grounds
  - National Anzac Centre Reserve
  - Land Acquisition Reserve
- b. Establish New Reserves
- Prepaid Rates Reserve
  - Destination Marketing & Economic Development Reserve
  - Albany Heritage Park Infrastructure Reserve

**CSF183: RESPONSIBLE OFFICER RECOMMENDATION 5**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPROVES the due dates for payment of Rates and Rubbish Collection Charges for 2015/2016 be as follows:

- (1) Pay rates in full 17th September 2015.
- (2) Pay by two instalments:
  - (a) First Instalment Payment 17th September 2015; and
  - (b) Second Instalment: 18th January 2016.
- (3) Pay by four instalments:
  - (a) First Instalment Payment (and 'Payment in Full'): 17th September 2015;
  - (b) Second Instalment: 17th November 2015;
  - (c) Third Instalment: 18th January 2016; and
  - (d) Fourth Instalment: 18th March 2016.

CSF183: RESPONSIBLE OFFICER RECOMMENDATION 6  
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT pursuant to the *Local Government Act 1995*, Council APPROVES the following Rates and Charges to provide for Administration and Interest Charges on Rating, Rubbish, Waste Recycling and General Debtor Collection charges during the 2015/2016 financial year:

(1) Instalment Plan Administration Fee

An Instalment Plan Administration fee of \$6.00 for the second and each subsequent instalment notice issued will apply for rates and rubbish collection charges.

(2) Late Payment Interest Charge

A charge on outstanding rates and rubbish collection accounts (including amounts owed on ad hoc Payment Plans) of 11% will be calculated daily at 0.0301% on a simple interest basis for the number of days from the account due date until the day prior to the day on which the payment is received.

(3) Instalment Plan Interest Charge

An interest rate of 5.5% will be calculated on a daily basis at 0.0151% by simple interest basis from the due date of the first instalment as shown on the rate notice to the due date of each respective instalment.

(4) Late Payment Interest Charge (Excluding Rates & Charges)

A charge of 11% interest, calculated on a simple interest basis for the number of days outstanding, may apply on unpaid debts (other than rates and rubbish collection charges) outstanding 35 days from the date of invoices raised after 1 July 2014.

In respect to the Late Payment Interest Charge on rates and charges, the method of calculating the interest charge is on the daily balance outstanding.

(5) Waivers

Where a small balance remains on a property assessment due to circumstances such as a delay in the receipt of mail payments or monies from property settlements and additional daily interest has accumulated, amounts outstanding of \$5.00 and under will be waived, as it is not considered cost effective or equitable to recover from the new property owner. Estimated loss of revenue from this waiver is \$1,100.

CSF183: RESPONSIBLE OFFICER RECOMMENDATION 7  
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council APPROVES the Schedule of Fees and Charges (which forms part of the 2015/2016 Budget) be adopted effective from 29th July 2015.

**CSF183: RESPONSIBLE OFFICER RECOMMENDATION 8**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council SETS the Elected Member Sitting Fees and allowances as prescribed by the *Local Government (Administration) Regulations 1996* per annum, being:

- (1) Councillor Meeting Attendance Fee: \$22,660
- (2) Mayoral Meeting Attendance Fee: \$30,385
- (3) Councillor and Mayoral ICT Allowance: \$3,500
- (4) Annual Travel and Accommodation Allowance (allowable claims in excess of this allowance will be reimbursed):\$50
- (5) Total Mayoral Allowance is \$61,800
- (6) Deputy Mayoral Allowance: \$15,450 - being 25% of the Mayoral Allowance.

**CSF183: RESPONSIBLE OFFICER RECOMMENDATION 9**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPROVES a variance between actual and budget-to-date of greater than \$50,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2015/2016.

**BACKGROUND**

3. Council has considered strategic and operational issues which will impact on the 2015/16 budget.
4. Under section 6.36 of the *Local Government Act 1995*, the City is not required to advertise the proposed rates amounts for the 2015/16 financial year. However those proposed amounts were advertised, from 26 June 2015, for a period of 21 days in addition with legislation requirements.

**DISCUSSION**

5. Through Council workshops, Council members have considered various factors in developing a financially responsible budget while ensuring compliance with Local Government legislation, occupational safety and health requirements, continuation of the various services provided by the City, cost-saving initiatives and new capital projects that are “project ready” or will be required to be undertaken this financial year, given commitments previously made by Council.
6. An important consideration in preparing any budget is to ensure that Council works towards achieving financial sustainability for the future. The draft budget reflects a number of factors to maintain financial sustainability, which will impact not only on this year’s budget but will have a compounding effect in future budgets.

**GOVERNMENT CONSULTATION**

7. The Department of Local Government is not consulted prior to budget adoption. Once the Budget is adopted, a copy is sent to the Department for review.

**PUBLIC CONSULTATION / ENGAGEMENT**

8. At the Ordinary Council meeting on 23 June 2015, the Council endorsed advertising proposed rate in the Dollar for GRV and UV.
9. Budget information will published in the local newspapers and on the City of Albany website.

**STRATEGIC IMPLICATIONS**

10. This item directly relates to, and contributes to achievement of, the Strategies within the *Community Strategic Plan – Albany 2023*, and *Corporate Business Plan- 2013-2017*.

**POLICY IMPLICATIONS**

11. Nil.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Council does not endorse the 2015/16 Budget, with the consequence risk of deferred cashflow, and thus inability to meet financial commitments.</i>	<i>Unlikely</i>	<i>Extreme</i>	<i>Extreme</i>	<ul style="list-style-type: none"> <li><i>Delegated authority to the CEO to incur expenditure under the Local Government Act 1995 until Budget endorsement.</i></li> <li><i>Reconsideration of the budget paper at a Council meeting prior to 31 August 2015.</i></li> </ul>

**FINANCIAL IMPLICATIONS**

13. The 2015/16 Budget sets the parameters for expenditure of City resources.
14. The City must meet its legislative and debt obligations through endorsement of a budget. Failure to do so incurs considerable financial and other risks to the City.

**LEGAL IMPLICATIONS**

15. Nil.

**ALTERNATE OPTIONS**

16. Council adopt the 2015/16 Annual Financial Budget with changes.

**SUMMARY CONCLUSION**

17. Endorsement of the budget provides delegated authority to the CEO to incur expenditure from 1 July 2015 until 30 June 2016.

<b>Consulted References</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996.</i>
<b>File Number (Name of Ward)</b>	FM.BUG.2
<b>Previous Reference</b>	OCM Item CFS176 23 June 2015

## CSF184: PROPOSED LAND ACQUISITION

Land Description	: Confidential
Proponent	: City of Albany
Owner	: Western Australian Land Authority (Landcorp)
Attachments	: Confidential
Report Prepared by	: Senior Lands Officer (N Crook)
Responsible Officer	: Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:



### CONFIDENTIAL REPORT

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

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
  - a. **Key Theme:** 1 Smart, Prosperous & Growing
  - b. **Strategic Objective:** 1.1 To foster education, training and employment opportunities that support economic development.
    - 1.2 Strengthen our region's economic base.
  - c. **Strategic Initiative:** 1.1.1 Advocate for and support initiatives that lead to education sector and employment growth.
    - 1.2.1 Revitalise and promote the central City area.

### RECOMMENDATION

**CSF184: RESOLUTION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**Moved: Councillor Gregson**  
**Seconded: Councillor Hollingworth**

**THAT Council:**

- (1) **APPROVES** the acquisition of Lot 1521 No 62 Proudlove Parade, Albany for a purchase price as detailed in the officer's report;
- (2) **APPROVES** the transfer of the required funds from the Land Acquisition Reserve to fund the purchase of Lot 1521 No 62 Proudlove Parade, Albany.

**CARRIED 8-0**  
**ABSOLUTE MAJORITY**

**WS078: UNDERGROUND POWER PROGRAM, LOCALISED ENHANCEMENT PROJECTS – ALBANY HIGHWAY, YORK STREET TO SANFORD ROAD**

**File Number (Name of Ward)** : ET.COG.1 (Frederickstown)  
**Land Description** : Albany Highway – York Street to Sanford Road  
**Maps and Diagrams** : Locality plan  
: Design drawing  
: Artist impressions  
**Reporting Officer(s)** : Executive Director Works and Services (M Thomson)  
**Responsible Officer(s)** : Executive Director Works and Services (M Thomson)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and Corporate Business Plan 2014-2018:
  - a. **Key Theme:** 2. Clean Green & Sustainable.
  - b. **Strategic Objective:** 2.2. To maintain and renew City assets in a sustainable manner.
  - c. **Strategic Initiative:** 2.2.1. Asset management.

**In Brief:**

- The City is invited to take part in the State Government's Underground Power Program (Localised Enhancement Projects, Round Five) to replace overhead power lines with underground systems on Albany Highway, from York Street to Sanford Road.
- This project has undergone a lengthy development and consultation phase culminating in the provision of a design and cost estimate. Various funding options are possible to recoup the costs during the 2016/17 budget process for consideration by Council.
- Council endorsement is sought for the project to proceed, with authorisation given to the CEO and Mayor to execute relevant project agreement documentation.



**RECOMMENDATION**

**WS078: RESOLUTION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR HORTIN  
SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council:**

- 1. AUTHORISE expenditure of up to \$1,100,000 and ACCEPT the funding offer of \$500,000 from the Underground Power Program, Local Enhancement Projects for the provision of underground power on Albany Highway between Sanford Road and York Street, Albany.**
- 2. AGREE to the raising a loan up to the value of \$600,000 specific to the project as detailed in this report, subject to compliance with Clause 6.20 of the *Local Government Act 1995*;**

**NOTE that consideration will be given to the imposing of an appropriate service charge to recover project cost, in part, prior to the 2016/2017 financial year and REQUEST that the Executive Director of Works and Services provide a report providing detailed options for consideration.**

**CARRIED 6-2  
DID NOT ACHIEVE ABSOLUTE MAJORITY**

**Record of Vote**

Against the Motion: Councillors Goode and Gregson

**BACKGROUND**

2. The Underground Power Program is an initiative by the State Government, administered by the Office of Energy. The program was established in 1996 to improve the standard of electricity supply by addressing the reliability issues in areas with existing overhead power lines. The program offers two types of projects; Major Residential Projects which involve suburban areas, and Localised Enhancement Projects which aim to beautify urban gateways, scenic routes and tourism/heritage centres.
3. Power lines are currently underground at the intersections of Albany Highway/York Street and Albany Highway/Sanford Road, by converting the overhead lines to underground power in this location the gap between these two intersections will be closed.
4. The approximate distance of this project is 500m consisting of around 40 property connections, including a minimal amount of residential properties (see attached design drawings).
5. Funding arrangements are based on 50% from the State Government (up to a maximum of \$500,000) and 50% from the Local Government.

6. In November 2010, the City considered an internal project proposal under this scheme and resolved the following:
  - a. *“That Council adopt the proposal to convert existing overhead power lines to underground systems across Albany.*
  - b. *The Council accept Albany Highway, from York Street to Sanford Road, as the first stage to be completed*
  - c. *Council commit to raising the funds for this first stage from the general rate base to a minimum of 25% of the total project value to the project.*
  - d. *That Council include a provision for adjoining property owners to make a contribution of a maximum of 25% of the total project value to the project.*
  - e. *Council advise staff to proceed with community consultation and complete an expression of interest for round five of the Localised Enhancement projects of the Underground Power Program which will be called later this year*
  - f. *Council agreed to payment of the non-refundable deposit of \$5,000 if the expression of interest is short-listed.”*
7. An Expression of Interest was submitted in November 2011 when the State Underground Power Program – Localised Enhancement Project (Round 5) opened. The City was notified in October 2012 that it was successful and a non-refundable deposit of \$5,000 was paid prior to the start of the detailed proposal stage being assessed.
8. Western Power has been liaising with staff since 2012, providing updates of the project design. The City has recently been provided with a cost estimate (ex GST) for the works totalling \$1.1million (\$500,000 State Government contribution, \$600,000 City of Albany).
9. Two rounds of community consultation have been undertaken for the project and this revealed support for the project but a reluctance to contribute to the capital cost.

## DISCUSSION

10. The project has undergone a lengthy development process culminating in a cost estimate (\$1.1million) being provided and a request through Western Power to confirm if Council wished to proceed. Given the cost and the timing issues associated with the development of the project, the impetus had lost considerable momentum and warrant for the project to proceed at this time had become questionable.
11. It was therefore considered prudent to undertake further consultation prior to Council giving consideration to either accept or decline the offer of funding.
12. The main issues which the City required feedback on from the consultation were:
  - a. Whether there is support or otherwise for the project;
  - b. Whether an appetite exists for adjacent landowner to contribute to the project, if it was to ensure that it would proceed.
13. The City of Albany wrote to affected landowners and called a public meeting in June 2015. Each landowner was provided (in writing) some indication of what the possible contribution requirements may be. The contribution was calculated based on recovery of \$300,000 proportional to the street frontage of the property.

14. A public meeting was held on the 8<sup>th</sup> June 2015. Those who attended this meeting were provided with an explanation of the project. Some artist's impressions were shown (attached) which gave a representation of how the streetscape may look should the project proceed.
15. The general comments made at the meeting were around the following themes:
  - a. Very strong in principle support for the project to move ahead and that the City should be mindful not to pass up the opportunity for the funding;
  - b. General (but by no means representative) support from those who attended who had an interest in commercial property in making a contribution to the project;
  - c. General lack of support from residential properties in making a contribution to the project;
  - d. There had been an alleged precedent (Lockyer Avenue) where landowners were not required to make a contribution to underground power projects, similarly there have been other precedences (Middleton Road) where there had. The officer notes that this has been confirmed to be correct however there were other complicating circumstances around this particular project which made it difficult to make a direct comparison. In particular, there were a range of negotiations which took place with landowners as part of a much larger project.
  - e. There had also been a precedent in Albany where landowners were required to contribute to underground power, in particular Middleton Beach Road.
  - f. It was noted and acknowledged from those present that commercial properties potentially have more to benefit than residential and it was therefore seen as possibly inequitable for residential properties to make contribution.
  - g. There were comments that the charges were seen as high and that if they could be lowered that there would be some interest.
  - h. Attendees encouraged the City of Albany to take up the offer and proceed with the project;
  - i. The project benefits the whole of Albany, and more in particular the Central Business District and not just those who are directly impacted by the works.
16. It was concluded from the consultation that:
  - a. The affected residents see the project as a great opportunity that benefits the whole of the Central Business District not just the affected area;
  - b. Imposing a charge to residential properties is likely to be resisted.
  - c. Imposing a charge to commercial properties will meet with resistance; however, there are a number of property owners who indicated their acceptance to a charge if imposed.

#### **GOVERNMENT & PUBLIC CONSULTATION**

17. Two rounds of public consultation have been undertaken on the proposed project. Firstly in 2011 during the initial project proposal, where at that time of the 27 landowners contacted (some owning multiple properties) 9 were in support and 4 were not, with 14 not responding at all.

18. Secondly a consultation effort was undertaken during June 2015. A public meeting was held with 14 adjacent landowners and City of Albany officers in attendance. There were very few writing responses received 4 in total, 2 in support for the project, 2 not in support of the project and one of the responses indicated a willingness to make a contribution.

### STATUTORY IMPLICATIONS

19. Division 5 and 6, Part 6 of the *Local Government 1995*, deals with the imposition, setting and public advertising of fees and charges. If a service charge is imposed on owners within a defined part of the district for prescribed work/service in relation to the land, the money is to be used within the financial year it is imposed, or placed in a reserve account created for the purpose.

### POLICY IMPLICATIONS

20. Council's Policy – Long Term Borrowing applies to this item. This policy provides for the prudent use of loan borrowings for the acquisition of City assets.
21. As the recommendation commits Council to expenditure the voting requirement is **ABSOLUTE MAJORITY**.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Property, Environment, Community, Reputation, and Financial:</b> <i>If the project is not pursued, an opportunity to improve the visual amenity, mitigate vulnerability to storm damage, infrastructure upgrade and funding will be missed.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Proceed with project.</i>
<b>Operations and Financial:</b> <i>The City's Long Term Financial Plan may be compromised, if a service charge is <u>not</u> imposed.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Impose a service charge or develop an alternate contribution model, take out a loan.</i>
<b>Reputation:</b> <i>Landowners who do not support the project may provide negative feedback, in respect to the imposition of a service charge.</i>	<i>Likely</i>	<i>Major</i>	<i>High</i>	<i>Develop a legitimate equitable contribution arrangement.</i>  <i>Publically communicate rationale.</i>

### FINANCIAL IMPLICATIONS

23. The project estimate of the proposed location on Albany Highway is \$1.1 million. This would consist of the following funding arrangements:
- State Government funding: \$500,000
  - City of Albany: \$600,000

24. In accordance with the November 2010 resolution of Council it was committed to fund (minimum) 25% of the cost from general revenue income, and (up to) 25% contributed by adjoining property owners by way of a service charge.

Options for Cost Recovery - Service Charge.

25. Should the Council wish to proceed with the project any costs recovered through landowners would need to be through a Service Charge.
26. A "Service Charge" is the only legitimate mechanism to recover the costs (either wholly or in part) of the project.
27. The Local Government Act (1995) enables the Local Government to apply a service charge for specific works, services or facilities. Provision of underground electricity is one of the prescribed works listed in the Act.
28. Under a service charge arrangement, and given the feedback during the public meeting of June 2015, there exists a number of possible models which Council will be required to consider in future, if the project progresses:
- a. Recover 25% of the total project cost applying to each property which has a frontage to the proposed works (in accordance with Council resolution of November 2010) The City can offer a one off payment, 6 year or 10 year repayment options.
  - b. Fully subsidise the contribution from residential properties affected and recover cost from commercial properties. This will result in less cost being recovered, somewhere in the order of 20% (approx \$240,000).
  - c. Recover 15% or any amount specified by Council and increase the general rate base to cover the additional costs.
29. Under option (a) above, for reference, indicative charges would be as follows (depending on road frontage):
- a. One off payment ranging from \$1,100 to \$38,600;
  - b. City raises a 6 year loan payments (per annum) would range from \$200 to \$7,100.
  - c. City raises a 10 year loan, payment (per annum) would range from \$130 to \$4,000.
30. Should Council agree to a service charge, it must give local public notice of its intention to do so, and the date from which it is proposed the fees or charges will be imposed.
31. In any case, the City will need to raise a loan of up to \$600,000 to cover the costs required for the project to proceed. And costs can be recovered retrospectively.

**LEGAL IMPLICATIONS**

32. Should the City agree to the imposition of a service charge, at a future time, compliance with the specific provisions of the Local Government Act 1995, including Division 5 and 6, Part 6 of the *Local Government 1995*, which deals with the imposition, setting and public advertising of fees and charges would apply.
33. Clause 6.20 of the Local Government Act 1995 allows a local government to borrow money. Where this power is exercised and the details of the proposal have not been included in the annual budget, the local government must give one month's public notice of the proposal and the resolution to exercise that power must be by absolute majority.

34. Clause 6.21(2) states that when a local government borrows money, it may only be secured by giving security over the general funds of the local government.

**ENVIRONMENTAL CONSIDERATIONS**

35. The introduction of underground power for Albany Highway, York Street to Sanford Road may enable the planting of street trees providing environmental benefits to the City and improvements in visual amenity with the removal of overhead powerlines.

**ALTERNATE OPTIONS**

36. Council may wish to not proceed with the project and therefore decline the funding offer from Western Power.

**SUMMARY CONCLUSION**

37. The Localised Enhancement Project for the undergrounding of power and provision of street lighting for Albany Highway, York Street to Sanford Road is an opportunity to improve the overall streetscape and amenity at the entrance to the Central Business District.
38. This report recommends that the project proceed, funded through the raising of a loan, and that the City consider options for partial cost recovery through a service charge applied affected properties prior to the 2016/2017 financial year.

<b>Consulted References</b>	:	<i>Local Government 1995</i>
<b>File Number (Name of Ward)</b>	:	ET.COG.1 (Frederickstown)
<b>Previous Reference</b>	:	OCM 16.11.10 ITEM 3.3

**WS079: C15010 PROVISION OF TRAFFIC MANAGEMENT SERVICES**

**Proponent** : City of Albany  
**Owner** : City of Albany  
**Report Prepared by** : Senior Civil Engineering Officer (R Skipper)  
**Responsible Officer** : Executive Director Works and Services (M Thomson)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
  - a. **Key Theme:** 2. Clean, Green and Sustainable
  - b. **Strategic Objective:** 2.2 To maintain and renew city assets in a sustainable manner.
  - c. **Strategic Initiative:** Not Applicable

**In Brief:**

- Council approval is sought to accept tendered rates for Contract C15010 – Provision of Traffic Control for a period from the date awarded by Council until 30<sup>th</sup> June 2016, with an option for a further 12 month period.
- The tender from Advanced Traffic Management is considered most advantageous to Council.

**RECOMMENDATION**

**WS079: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON**  
**SECONDED: COUNCILLOR BOWLES**

**THAT Council ACCEPT the tender from Advanced Traffic Management and award contract C15010 Provision of Traffic Management Services until 30 June 2016 with an option to extend for a further 12 months.**

**CARRIED 8-0**

**BACKGROUND**

2. The City currently do not have a traffic control contract in place as it expired in June 2015. It is necessary to establish a new contract for the provision of this service.
3. Tenders were called for the provision of traffic control from the date awarded by Council until 30<sup>th</sup> June 2016.
4. The tender is for all work necessary to provide for the safe movement of traffic and the protection of persons and property through and or around work sites within the City.

**DISCUSSION**

5. A total of 10 tender documents were requested from the City of Albany.
6. 6 completed tender documents were submitted on/before the advertised closing date and time. The following table summarises the tender submissions and overall evaluation scores applicable to each submission.

<b>Tenderer</b>	<b>Weighted Score</b>
Advanced Traffic Management	642.95
Traffic Force	638.40
Evolution Road Maintenance Group	539.18
Denmark Traffic Management	510.63
Palmer Earthmoving	509.01
Altus Traffic	465.82

**GOVERNMENT & PUBLIC CONSULTATION**

7. A request for tenders was published in the West Australian on 13 May 2015 and the Albany Advertiser on 14 May 2015.

**STATUTORY IMPLICATIONS**

8. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$100,000.
9. 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.
10. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

**POLICY IMPLICATIONS**

11. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.
12. The value of this tender is expected to be in excess of \$500,000 and therefore Council approval is required as this exceeds the CEO's delegation.



**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Business Interruption</b> <i>Non compliance with contract or business failure resulting in inadequate traffic management</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply goods and services</i>
<b>People Health and Safety</b> <i>Increased project risk due to inadequate traffic management</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Only tenders from reputable companies who have the required certification considered.</i>

**FINANCIAL IMPLICATIONS**

14. The cost scoring was carried out based on an assumption of predominantly daytime works. It should be noted that if a significant amount of after-hours and or weekend works be required, the preferred tender submission may result in higher costs being incurred than the cost score criteria would indicate.
15. The cost per job will be included in the specific budget line item.

**LEGAL IMPLICATIONS**

16. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

17. Nil.

**ALTERNATE OPTIONS**

18. Council can accept or reject tenders as submitted.

**SUMMARY CONCLUSION**

19. On reviewing the submissions, the evaluation team assessed Advanced Traffic Management as being the most advantageous tenderer across the evaluation criteria, for daytime works. It is recommended that Advanced Traffic Management is awarded the provision of traffic control contract.

<b>Consulted References</b>	:	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
<b>File Number (Name of Ward)</b>	:	C15010
<b>Previous Reference</b>	:	Nil.

**WS080: WASTE LOCAL LAW 2015**

<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Attachments</b>	: Proposed City of Albany Waste Local Law 2015 WALGA Guidance Note – Template Waste Local Law Waste Local Law Comparison Table
<b>Report prepared by</b>	: Manager City Operations (M Richardson) Manager Governance & Risk Management (S Jamieson)
<b>Responsible Officer(s)</b>	: Executive Director Works and Services (M Thomson)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
  - a. **Key Theme:** 2. Clean, Green and Sustainable
  - b. **Strategic Objective:** 2.3. To advocate for and support “green” initiatives within our region
  - c. **Strategic Initiative:** 2.3.2. Deliver effective waste management services

**In Brief:**

- Commence the process of adopting a new waste local law to enable greater flexibility and coverage in the provision of waste services to the community.

**Purpose & Effect:**

- **Purpose:** The purpose of the local law is to provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district of the City of Albany.
- **Effect:** The effect of the local law is to control activities and manage influences on waste collection, recycling, reuse and disposal within the district of the City of Albany.

**RECOMMENDATION**

**WS080: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLLINGWORTH**  
**SECONDED: COUNCILLOR HORTIN**

**THAT Council AGREES to GIVE PUBLIC NOTICE of its intention to MAKE the City of Albany Waste Local Law 2015, in accordance with section 3.12 of the *Local Government Act 1995*.**

**CARRIED 8-0**

## **BACKGROUND**

2. A review of the City's waste collection boundaries has identified that the current waste local laws are prescriptive in their description of waste collection areas and limits the opportunity to expand the City's collection service.
3. In April 2014, Council resolved to put on hold the process of making the local law noting that the Western Australian Local Government Association (WALGA) had advised that a draft template Waste Local Law was nearing completion.
4. In January 2015, WALGA advised that the WALGA Template Waste Local Law had been vetted by the Joint Standing Committee on Delegated Legislation and was available for use by Local Governments.

## **DISCUSSION**

5. Currently the City of Albany continues to use the refuse provisions of the City's Health Local Law, as per the transition arrangements in the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act 2007).
6. This local law nominates, by diagram, a waste collection area which has no scope to add potential services that fall outside the nominated area, which is not legislative compliant with the WARR Act 2007.
7. The new proposed City of Albany Waste Local Law 2015 is based on the WALGA Template Waste Local Law developed by WALGA , in collaboration with:
  - a. Lawyers experienced in drafting local laws;
  - b. Joint Standing Committee on Delegated Legislation;
  - c. Waste Authority; and
  - d. Department of Local Government and Communities.
8. The proposed local law also addresses concerns raised by committee members at the Works and Services Committee meeting held on the 9 April 2014, in regards to the value of some of the fines imposed. (*Refer to Schedule 2 – Prescribed offences in the attached proposed local law*)
9. A comparison between the model local law and proposed City of Albany Waste Local Law is provided in Attachment 2. The variations from the standard template are associated with the City not providing receptacles for waste and therefore irrelevant clauses and definitions have been removed.

## **GOVERNMENT & PUBLIC CONSULTATION**

10. The draft proposed local law was developed in consultation with WALGA as needed throughout the drafting process.
11. If the proposed local law is adopted for advertising it will be open for public comment for a period of six weeks.
12. The Local Law will be referred to the Minister of Environment and the Minister for Local Government and Communities for comment.

**STATUTORY IMPLICATIONS**

13. The proposed City of Albany Waste Law 2015 is based on the template local law developed by WALGA, in consultation as previously discussed, under section 64 of the *Waste Avoidance and Resource Recovery Act 2007*. However, the local law making process still needs to meet the requirements as prescribed in section 3.12 of the *Local Government Act 1995*.
14. Part 4 (Waste Food and Refuse) will be revoked from the City’s Health Local Laws 2001 as part of the process of the adoption of the new City of Albany Waste Local law 2014.

**POLICY IMPLICATIONS**

15. There are no waste policy implications related to this item.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<b>Operational, Community Health &amp; Safety.</b> <i>The proposed local law is not adopted.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>The City will continue to operate under the WARR Act transitional arrangements.</i>  <i>The local law will referred back to Committee to address areas of concern and restart the process.</i>
<b>Legal &amp; Compliance.</b> <i>Local law contains problematic clauses and is therefore disallowed by the Joint Standing Committee on Delegated Legislation.</i>	<i>Possible</i>	<i>Major</i>	<i>Medium</i>	<i>Utilise the WALGA Template Waste Local Law.</i>  <i>If an amendment is made to template local law, legal advice is sought.</i>

**FINANCIAL IMPLICATIONS**

17. An appropriate budget line exists for the cost of giving public notice and advertising.
18. Costs are estimated to be \$3,000 with provision made within the 2015/16 budget line item 1313670 Manage Waste Minimisation Operations, noting that the City of Albany does not supply bins to households, this is the responsibility of the property owner.

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

20. Provisions have been transferred from the *Health Act 1911*, concerning health and environmental issues related to the waste management services provided by Local Government, to the *WARR Act 2007*.
21. The proposed local law developed under the *WARR Act 2007* provides a framework for the City to manage its waste collection and disposal services to benefit community health and the environment.

**ALTERNATE OPTIONS**

- 22. Council may choose to not accept or modify the proposed City of Albany Waste Local Law 2015.
- 23. The advantage of using the WALGA Template Local Law is that it is highly likely to meet the expectations of the Committee.
- 24. If Council changes the current form of the Template Waste Local Law, or adds additional content, it is likely to undergo greater scrutiny from the Committee to the extent that justification for any alternations is likely to be requested, with the ultimate potential for disallowance to arise.

**SUMMARY CONCLUSION**

- 25. Due to the number of inconsistencies between the Health Local Law that was developed prior to the promulgation and adoption of the WARR Act 2007 it is recommended that Council adopt the new proposed local law (Waste Local Law 2015) based on the WALGA template local law.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i> <i>Waste Avoidance and Resource Recovery Act 2007</i> City of Albany Health Local Laws 2001 <i>Health Act 1911</i> <a href="http://www.wastenet.net.au/Assets/Template_Waste_LL_-_December_2014.docx">http://www.wastenet.net.au/Assets/Template_Waste_LL_-_December_2014.docx</a> <a href="http://www.wastenet.net.au/Assets/Template_Waste_Local_Law_Guidance_Note.pdf">http://www.wastenet.net.au/Assets/Template_Waste_Local_Law_Guidance_Note.pdf</a>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 18/12/2001 – Item 12.2.6 OCM 22/04/2014 – Item WS036

## WS081: BALTIC RIDGE DEVELOPMENT CONCEPT PLAN

<b>Land Description</b>	: Baltic Ridge Park (Hayward Crescent / Baltic Ridge, Yakamia)
<b>Owner</b>	: City of Albany
<b>Attachments</b>	: Baltic Ridge Park, Landscape Concept
<b>Report Prepared by</b>	: Coordinator Developed Reserves (J Purvis)
<b>Responsible Officer(s):</b>	: Acting Executive Director Works and Services (M Richardson)

**Responsible Officer's Signature:**



Executive Director Works and Services declared a Proximity Interest in this item. Mr Thomson remained in the Chamber during the discussion and vote. Mr Thomson did not participate in discussion on this item.

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2014-2018](#):
  - a. **Key Theme:** 2. Clean, Green and Sustainable
  - b. **Strategic Objective:** 2.2 To maintain and renew city assets in a sustainable manner
  - c. **Strategic Initiative:** 2.2.1 Asset management

### Maps and Diagrams:

*Project Location*



**In Brief:**

- The City of Albany has Public Open Space (POS) contributions available to develop a POS within the reserve bounding Hayward Crescent and Baltic Ridge, Yakamia.

**RECOMMENDATION**

**WS081: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BOWLES**

**SECONDED: COUNCILLOR GREGSON**

**THAT Council APPROVE the Baltic Ridge Park Landscape Concept Plan.**

**CARRIED 8-0**

**BACKGROUND**

2. These contributions have been available since 2009 and the community have had expectation of some development of the reserve to occur.
3. Baltic Ridge Park is 1.3ha in area and comes under the classification of a 'Neighbourhood Park' as per the Public Parkland Planning Policy.
4. Currently the park is remnant native bushland with no facilities.

**DISCUSSION**

5. A Concept plan has been developed with community input which will provide passive recreation, informal play and a variety of play equipment for a variety of ages including interactive and imaginative components.
6. The majority of the reserves will remain remnant bush with access trails and seating.
7. It is intended to keep the development modest and low maintenance.

**GOVERNMENT & PUBLIC CONSULTATION**

8. In May 2014 an open day was held with the community that live within 400m of Baltic Ridge Park to gather information to inform the Baltic Ridge Development Plan. Residents were asked to contribute to the planning. Many comments, surveys and written submissions were received to inform the draft plans.
  - 338 letters were mailed to proximity residents.
  - 91 residents responded within a 27 day period.
  - 10 surveys were completed online and 81 returned in the reply paid envelopes/hard copy.
  - 60 people attended the drop in session
9. Members of the Community have shown interest to build some furniture for the park and also maintain the weeds within the bushland.
10. The concept plan was out for public comment between 18th July and 15<sup>th</sup> August, 2014.
11. The draft designs have been referred to SWALSC and a monitor requested during works.

**STATUTORY IMPLICATIONS**

12. No implications.

**POLICY IMPLICATIONS**

13. No implications

**RISK IDENTIFICATION & MITIGATION**

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

<i>Risk</i>	<i>Likelihood</i>	<i>Consequence</i>	<i>Risk Analysis</i>	<i>Mitigation</i>
<i>Community, Reputation: If the reserve is not developed, community may express concern that their expressed needs and expectations are not being met.</i>	<i>Likely</i>	<i>Minor</i>	<i>Low</i>	<i>Proceed with the works as outlined.</i>

**FINANCIAL IMPLICATIONS**

15. The POS contributions available for this project are \$118,181.

16. There has also been \$70,000 allocated in 2019/20 budget as part of the Capital Works Program and is subject to approval.

17. Works will be staged if necessary.

**LEGAL IMPLICATIONS**

18. No Implications

**ENVIRONMENTAL CONSIDERATIONS**

19. All works as they progress will be referred to City Environmental Officers prior to commencement of works.

20. There will be some clearing of remnant bushland which will need to be managed appropriately.

**ALTERNATE OPTIONS**

21. Council may elect to not approve the concept plans, and the reserve will simply be managed as remnant bushland.

**SUMMARY CONCLUSION**

22. The City of Albany takes cash in lieu contributions from land developers to develop public open space strategically.

23. Baltic Ridge has been identified as a neighbourhood park and there are funds available to provide some modest development.

24. This report recommends that the cash in lieu funds be accessed and that the reserve be developed consistent with the concept plans prepared.

<b>Consulted References</b>	:	CR.COC.23
<b>File Number (Name of Ward)</b>	:	PR.DEC.11
<b>Previous Reference</b>	:	Nil



**WS082: APPROVAL FOR DELEGATED AUTHORITY TO AWARD CENTENNIAL PARK SPORTING PRECINCT PROJECT TENDER FOR THE SUPPLY AND INSTALLATION OF IRRIGATION**

**Land Description** : Centennial Park Sporting Precinct  
**Proponent** : City of Albany  
**Owner** : City of Albany  
**Report Prepared By** : Manager City Engineering (D King)  
**Responsible Officer(s)** : Executive Director Works & Services ( M Thomson)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:** 2. Clean Green & Sustainable.
  - b. **Strategic Objective:** 2.2. To maintain and renew City assets in a sustainable manner.
  - c. **Strategic Initiative:** 2.2.1. Asset management.

**In Brief:**

- Delegated authority is sought for the CEO to award a specific tender, exceeding the value of \$500,000, for the Centennial Park Sporting Precinct.

**RECOMMENDATION**

**WS082: RESOLUTION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR HOLLINGWORTH**  
**SECONDED: COUNCILLOR HORTIN**

**THAT Council AUTHORISE the CEO under delegated authority to award the Centennial Park Sporting Precinct Project Tender C15022 – Supply and Installation of Irrigation for Centennial Park Western Precinct**

**CARRIED 8-0**  
**ABSOLUTE MAJORITY**

**BACKGROUND**

2. The Centennial Park Sporting Precinct (CPSP) is an ongoing project tied to various funding agreements with execution timetables related to funding conditions and other practical issues around growing times for new sports turf and scheduling of sporting clubs.
3. The first stage of works is scheduled to commence in July 2015.
4. The initial package of work involves the sporting fields in the Western precinct.

5. The majority of the work shall be undertaken using City of Albany plant and staff resources, combined with contractor supply and delivery of construction materials. Discrete separate packages of work shall be tendered where works are outside the capabilities of the City of Albany.
6. Utilising this approach will accelerate the construction timeframe enabling increased time for the new fields to settle in and to become usable.

## **DISCUSSION**

7. The CPSP construction phase covers an eighteen month to two year period from July 2015 to December 2016, enabling the City to access a total of \$22,527,771 in funding for the construction/upgrade of CPSP of which \$1,901,771 has been spent to date on Railways Oval and Multi Use Playing field.
8. The City of Albany intends to commence construction in the Western Precinct in particular the western most fields in July 2015. The works will involve the procurement of an irrigation supplier to delivery services outside the capabilities of the City of Albany.
9. Due to the size of the project, it is preferable to commence works at the earliest possible time, to ensure practical completion in accordance with funding requirements and to minimise disruption to the sporting clubs affected by the works.
10. As the tender process requires advertising for submissions, a closing date for submissions of at least a month, review of the documentation, and then Council approval before any contract can be awarded, it is considered prudent to maximise the timeframe for completion of the practical works by seeking a specific delegated authority approval for the CEO to award the tender.
11. To ensure the works can be completed through this period and comply with the designated funding deadline, specific Council approval is sought for the CEO to assess and award the tender for this project. The value of the tender is expected to be in excess of \$500,000, which is above the current level for delegated authority for the CEO.
12. The standard tender process will apply, ensuring the necessary accountability and transparency when considering submissions. The tender is evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall point score for the tender.

## **GOVERNMENT & PUBLIC CONSULTATION**

13. All relevant Government departments including Department of Environment Regulation, Department of Indigenous Affairs and SWALSC have been consulted on the project.
14. Requests for tenders will be published in the West Australian and the Great Southern Weekender for each project to ensure compliance with the tender regulations.

## **STATUTORY IMPLICATIONS**

15. Regulation 11 of the *Local Government (Functions and General) Regulations 1996 (Regulations)* requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$100,000.
16. 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.
17. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.

18. In accordance with the provisions of the Local Government Act 1995, section 5.42, the Council may delegate to the Chief Executive Officer any of its powers other than those referred to in section 5.43.

19. The voting requirement is **ABSOLUTE MAJORITY**.

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Organisation’s Operations. Failure to deliver project within specified timeframe.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Reduce process timeframe by providing CEO delegated authority.</i>

**FINANCIAL IMPLICATIONS**

22. The value of the tender is expected to be in excess of \$500,000 and therefore approval is required to be referred to Council for consideration.

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

25. Council can follow the usual tender process. This would result in some delay to the project.

**SUMMARY CONCLUSION**

26. CEO delegated authority is sought from Council to award the Centennial Park Sporting Precinct Project Tender C15022 to enable the Centennial Park Sporting Precinct project to progress in a timely manner.

27. This report recommends that the CEO be given delegated authority to award the tender in this instance.

<b>Consulted References</b>	:	Local Government Act 1995 Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing Council Policy – Buy Local (Regional Price Preference)
<b>File Number (Name of Ward)</b>	:	RD.DEC.43
<b>Previous Reference</b>	:	OCM 26/05/2015 Report Item CSF169 (Delegations)

**LEMC007: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY  
MANAGEMENT COMMITTEE**

**Proponent** : City of Albany  
**Attachment** : Minutes of the Local Emergency Management Committee held  
on 19 March 2015 and 9 April 2015  
**Report Prepared By** : Administration Coordinator-Rangers & Emergency Services  
(S Lees)  
**Responsible Officer(s):** : Executive Director Planning & Development (D Putland)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**LEMC007: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council RECEIVE the confirmed minutes of the Local Emergency Management  
Committee meetings held on 19 March 2015 and 9 April 2015.**

**CARRIED 8-0**

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL** Nil
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN** Nil
16. **REPORTS OF CITY OFFICERS** Nil
17. **MEETING CLOSED TO PUBLIC**  
  
CSF 184: Proposed Land Acquisition
18. **CLOSURE.** There being no further business the Mayor declared the meeting closed at [6:43:58 PM](#)



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Dennis W Wellington  
**MAYOR**