



MINUTES

Ordinary Meeting of Council

Tuesday 28 March 2017

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.

ORDINARY COUNCIL MEETING
MINUTES 28/03/2017

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1. DECLARATION OF OPENING

[6:00:04 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

Mayor

D Wellington

Councillors:

Breaksea Ward
Breaksea Ward
Frederickstown Ward
Frederickstown Ward
Kalgan Ward
Kalgan Ward
Vancouver Ward
Vancouver Ward
West Ward
West Ward
Yakamia Ward

R Hammond
P Terry
G Stocks
C Dowling
J Price
B Hollingworth
J Shanahun
N Mulcahy
A Goode JP
S Smith
A Moir

Staff:

Chief Executive Officer
Executive Director Corporate Services
Executive Director Development
Services
Executive Director Commercial Services
Executive Director Works and
Services
Executive Manager Community Services

A Sharpe
M Cole
P Camins
C Woods
M Thomson
A Cousins

Meeting Secretary

J Williamson

Apologies:

Yakamia Ward

R Sutton (Leave of Absence)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Nil		

5. REPORTS OF MEMBERS

[6:01:04 PM](#) **Councillor Mulcahy**

Summary of key points:

- Attended the ACCI Women's Leadership Forum and the Sustainable Living Expo.

[6:03:07 PM](#) **Councillor Stocks**

Summary of key points:

- Thanked Council for their support over the election period.

[6:03:52 PM](#) **Councillor Terry**

Summary of key points:

- Attended the Sportsman of the Year Awards.
- Attended Cities 4.0 conference.

[6:06:59 PM](#) **Mayor Wellington**

Summary of key points:

- Met with Minister for Regional Development and the City has been assured that the current funding commitment will be honoured by Labour Government.
- Attended the Sportsman of the Year Awards.

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

7. PUBLIC QUESTION TIME

[6:09:08 PM](#) **Mr Nick Ayton, Ayton Baesjou Planning**

Summary of key points:

- Mr Ayton addressed Council in support of DIS010: Recommendation of Adoption of Local Structure Plan No. 5-Lot 6 Henry Street, Lots 271, 5498, 1 and 2 Chester Pass Road, Lot 4925 Terry Road and Lot 521 Mercer Road.

[6:14:02 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 DOWLING

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the minutes of the Ordinary Council Meeting held on 28 February 2017, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 12-0

11. PRESENTATIONS Nil.

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

CCCS008: FINANCIAL ACTIVITY STATEMENT – JANUARY 2017

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

Responsible Officer's Signature:



RECOMMENDATION

CCCS007: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR PRICE

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 January 2017.

CARRIED 12-0

CCCS007: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CCCS007: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 January 2017.

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 January 2017 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

8. The City’s 2016/17 Annual Budget provides a set of parameters that guides the City’s financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 January 2017 has been incurred in accordance with the 2016/17 proposed budget parameters.
11. 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.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CCCS009: LIST OF ACCOUNTS FOR PAYMENT – FEBRUARY 2017

Proponent : City of Albany
Attachments : List of Accounts for Payment
Report Prepared by : Senior Accounting Officer (P Martin)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:

RECOMMENDATION

CCCS009: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR SMITH

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 February 2017 totalling \$4,873,577.12.

CARRIED 12-0

CCCS009: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CCCS009: 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 February 2017 totalling \$4,873,577.12.

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 February 2017. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$28,057.00
Credit Cards	\$6,521.19
Payroll	\$1,999,740.99
Cheques	\$48,493.33
Electronic Funds Transfer	\$2,790,764.61
TOTAL	<u>\$4,873,577.12</u>

3. As at 15 February 2017, the total outstanding creditors, stands at \$1,360,738.01 and made up as follows:-

Current	\$ 971,002.47
30 Days	\$ 384,614.33
60 Days	\$4.930.33
90 Days	\$ 190.88
TOTAL	<u>\$1,360,738.01</u>

Cancelled cheques – Nil.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

7. Expenditure for the period to 15 February 2017 has been incurred in accordance with the 2016/2017 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 February 2017 has been incurred in accordance with the 2016/2017 budget parameters.

SUMMARY CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CCCS010: DELEGATED AUTHORITY REPORTS

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

Responsible Officer's Signature:



RECOMMENDATION

CCCS010: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR STOCKS

THAT the Delegated Authority Reports 16 January 2017 to 15 February 2017 be RECEIVED.

CARRIED 12-0

CCCS010: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CCCS010: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 January 2017 to 15 February 2017 be RECEIVED.

**CCCS011: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD
ENDING 31 JANUARY 2017**

Proponent : City of Albany
Attachments : Budget Review for the period ending 31 January 2017
Report Prepared by : Business Analyst/Management Accountant (D Harrison)
Responsible Officer : Executive Director Corporate Services (M Cole)

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. **Strategy:** 5.1.3 Integrated Planning Framework.

In Brief:

- Council is required to review and adopt the budget review for the period ending 31 January 2017.
- This review is for the period ending 31 January 2017.

RECOMMENDATION

**CCCS011: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR PRICE**

THAT Council ADOPT the Budget Review for the period ending 31 January 2017.

CARRIED 12-0

CCCS011: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR HAMMOND**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CCCS011: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the Budget Review for the period ending 31 January 2017.

BACKGROUND

2. Local governments are required to conduct a budget review between 1 January and 31 March each financial year which is a requirement covered by regulation 33A of the *Local Government (Financial Management) Regulations 1996*.
3. The Department recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.

DISCUSSION

4. Council adopted the 2016/2017 Budget on 28 July 2016. The total adopted budget of \$103.8 M comprised:
 - a. \$37.4 M capital works;
 - b. \$ 2 M debt reduction; and
 - c. \$64.4 M in operating expenditure.
5. This Budget Review identifies expenditure of \$2,233,125 for general works, variations and new projects.
6. The funding of \$2,233,125 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue, reserve funding, non-cash adjustments and the movement opening funds has been identified in this review to maintain a surplus budget.
7. This budget review shows the 2016/2017 budget is in a surplus position of \$27,630.
8. A copy of the Budget Review for the period ending 31 January 2017 is attached.
9. Budget adjustments thereafter of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of this review.

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation & Organisation's Operations. <i>None approval of the budget review, would result in significant delays to achieving deliverables.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>In the short term the existing Annual Budget would apply and proposed amendments would not apply.</i> <i>Adopt the Budget Review with amendments (as specified by Council).</i>

FINANCIAL IMPLICATIONS

BUDGET REVIEW FOR THE PERIOD ENDING 31 JANUARY 2017

This Review Maintains Council's Budget in a Surplus Position

	\$	
GENERAL WORKS/VARIATIONS. (Additional Funds Required)		(2,233,125)
FUNDED BY		
- Reduction in Expenditure	448,563	
- Adjustment in Grant/Contributions Funding	964,700	
- Adjustment in Revenue	315,922	
- Restricted Cash Adjustments	(632,121)	1,097,064
Balance		<u>(1,136,061)</u>
- Adjustment to opening funds from forecast to actual 30 June 2016 (Being adjustments at the conclusion of the annual Audit)	(3,158)	
- Less Non Cash Adjustments	1,119,249	
- Current 16/17 Budgeted closing funds	47,600	
- Amended 16/17 Budgeted closing funds		<u>27,630</u>

LEGAL IMPLICATIONS

15. Nil.

ENVIRONMENTAL CONSIDERATIONS

16. Nil.

ALTERNATE OPTIONS

17. For the period ending 31 January 2017, Council may consider to:

- a. Adopt the Budget Review as recommended; or
- b. Adopt the Budget Review with amendments (as specified by Council).

SUMMARY CONCLUSION

18. That the Responsible Officer's Recommendation to adopt the Budget Review for the period ending 31 January 2017 be supported.

Consulted References	:	Adopted Budget 2016/2017 Local Government Act 1995
File Number (Name of Ward)	:	FM.BUG.2
Previous Reference	:	Annual Budget – OCM 28/07/2016 Resolution CSF255

CCCS012: REVIEW OF COUNCIL POLICY POSITIONS

Proponent	:	City of Albany
Attachments	:	(1) Council Policy: Corporate: Handling of Complaints By or Against Elected Members Policy and Procedures (2) Council Policy: Corporate: Handling of Complaints By or Against the Chief Executive Officer (3) City Policy: Dealing with difficult customers
Report Prepared by	:	Manager Governance and Risk (S Jamieson)
Responsible Officer	:	Executive Director Corporate Services (M Cole)

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:

- Council is requested to review the attached policies.

RECOMMENDATION

CCCS012: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR SHANHUN

THAT the reviewed policy positions be ADOPTED as per the Responsible Officer's Report:

- **Council Policy & Procedures – Handling of Complaints By or Against Elected Members; and**
- **Council Policy & Procedure – Handling of Complaints By or Against the Chief Executive Officer.**

CARRIED 12-0

CCCS012: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SHANHUN

SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CCCS012: RESPONSIBLE OFFICER RECOMMENDATION

THAT the reviewed policy positions be ADOPTED as per the Responsible Officer's Report:

- **Council Policy & Procedures – Handling of Complaints By or Against Elected Members; and**
- **Council Policy & Procedure – Handling of Complaints By or Against the Chief Executive Officer.**

BACKGROUND

- 2. It is a role of Council to determine policy positions.
- 3. The attached policies were reviewed by the Executive Management Team and have been presented for review.

DISCUSSION

- 4. The intent of each policy and how they relate to State legislation and current Council policy positions is still relevant.
- 5. It is recommended that only minor administrative changes are made. These changes are detailed in the Document Revision History page of each document.
 - a. **Council Policy & Procedures – Handling of Complaints By or Against Elected Members**
 - This policy was reviewed and re-adopted on 28 April 2015.
 - The following changes are recommended:

Current position:	Proposed amendment:
Objective: Nil	Objective: 1. The objective of this policy is to: <ul style="list-style-type: none"> (a) promote positive change through mediation, and (b) establish clear processes to address complaints made by or against an elected member of Council.
Scope: This policy applies to elected members of Council.	Scope: This policy applies to elected members of Council, acknowledging that participation in an administrative investigation is voluntary.
Complaint handling procedure: (iv) The final report will be presented at a Council meeting in confidence. (v) On receipt of the final report and recommendation of the independent assessor the Council will determine an appropriate course of action. This may include: <ul style="list-style-type: none"> • Request of a private or public apology in relations to the conduct/breach; • Recommend the Council Member undertake a particular training course or receive appropriate instruction to ensure the offending behaviour is not repeated; • Remove the member from serving on any Committee or representing Council on an outside body; • Make a public announcement of the complaint made against the Council member, the determination and the penalty imposed on the Council member. (vi) After receipt of the final report from the assessor, the Council must convey to the elected member who is the subject of the complaint and to the person who made the complaint, Council's resolution in relation to the complaint and report.	Complaint handling procedure: (vii) The final report will be presented at a Council meeting in confidence. (viii) On receipt of the final report and recommendation of the independent assessor the Council will determine an appropriate course of action. This may include requesting the elected member: <ul style="list-style-type: none"> • Make a private or public apology in relations to the conduct/breach; and/or • Undertake a particular training course or receive appropriate instruction to ensure the offending behaviour is not repeated. (ix) After receipt of the final report from the assessor, the Council must convey to the elected member who is the subject of the complaint and to the person who made the complaint, Council's resolution in relation to the complaint and report, which may include referral to the Local Government Standards Panel.
Definitions: Nil	Definitions: Local Government Standards Panel. The standards panel has the authority to make

Current position:	Proposed amendment:
	<p>binding decisions to resolve allegations of minor misconduct submitted by a local government. It deals with complaints about council members who it is alleged have committed a breach of one or more of the provisions of the Rules of Conduct Regulations. The panel is independent of the Minister for Local Government and the Department of Local Government and Communities (DLGC).</p> <p>The standards panel also has the jurisdiction to deal with misconduct allegations that relate to conduct at meetings under the provisions of a local government's Standing Orders Local Law. The standards panel has no jurisdiction to deal with complaints made against local government employees.</p> <ul style="list-style-type: none"> • The standards panel does not have investigative powers; findings and decisions of the panel are made on the basis of the information it receives. Proceedings are normally held in private (i.e. usually parties to a complaint and members of the public are not in attendance). However, the panel may, if it considers the circumstances warrant, hear evidence and conduct its deliberations in the presence of the parties concerned. If the standards panel finds that a breach has occurred, it may deal with the complaint by dismissing it or ordering that the council member: <ul style="list-style-type: none"> ○ publically apologises, ○ is publically censured, or ○ undertakes training. • The standards panel may issue an order that imposes two or more of these sanctions.

b. **Council Policy & Procedure – Handling of Complaints By or Against the Chief Executive Officer**

- This policy was reviewed and re-adopted on 28 April 2015.
- **No change to current policy position recommended.**

6. It is considered that the policy positions are still relevant and promotes procedural fairness (natural justice).
7. It is recommended that the policy positions include a reference to the Executive approved policy position titled “City Policy – Dealing with difficult customers”.
8. **City Policy – Dealing with difficult customers.** This policy position explains how City of Albany staff will deal with customers who:
 - a. are aggressive complainants;
 - b. are rude, abusive, and harassing complainants;
 - c. cannot be satisfied despite the best efforts of the City;
 - d. constantly raise the same issue with different staff; and/or
 - e. make unreasonable demands on the City where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers).

GOVERNMENT AND PUBLIC CONSULTATION

9. No public or internal stakeholder consultation has occurred on these matters.

STATUTORY IMPLICATIONS

10. Detailed in the policy implication section of the report.

POLICY IMPLICATIONS

- 11. Clause 2.7 of the *Local Government Act 1995* outlines the role of Council, which specifically includes determining the local government’s policies (Clause 2.7(2)(b)).
- 12. Under section 5.103 of the Act, every local government is to adopt a code of conduct to be observed by council members, committee members and employees.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance. <i>Policy positions are inconsistent with legislation.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Policy positions are reviewed against applicable legislation.</i>

FINANCIAL IMPLICATIONS

14. There are no financial implications related to this item.

LEGAL IMPLICATIONS

15. This item has been prepared in close consultation with relevant legislation, ensuring all requirements are considered and documented.

ENVIRONMENTAL CONSIDERATIONS

16. There are no environmental considerations associated with this report.

ALTERNATE OPTIONS

- 17. Council may support the review and re-adoption of these policies or not.
- 18. If more than minor changes are proposed, consultation is considered mandatory with all identified stakeholders.

SUMMARY CONCLUSION

19. It is recommended that the Responsible Officer’s Recommendation is adopted.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Equal Opportunity Act 1984</i>
File Number (Name of Ward)	:	CM.STD.7
Previous Reference	:	<ul style="list-style-type: none"> • OCM 28/04/2015 Resolution CSF159. • EMT 21/12/2016, Synergy Ref: NP1659165.

**CCCS013: MIDDLETON BEACH FORESHORE ENHANCEMENT -
BUILDING BETTER REGIONS FUND (ROUND 1) APPLICATION**

Land Description	: Middleton Beach Foreshore
Proponent / Owner	: City of Albany
Attachments	: Nil
Supplementary Information & Councillor Workstation	<i>Commercial-in-Confidence: Middleton Beach Foreshore Enhancement Business Case 28 February 2017-available for viewing in the Councillor Workstation.</i>
Report Prepared By	: Executive Director Development Services (P. Camins)
Responsible Officer:	: Chief Executive Officer (A. Sharpe)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Themes:**
 - 1: Smart, Prosperous and Growing
 - 2: Clean, Green and Sustainable
 - 3: A Connected Built Environment
 - 4: A Sense of Community
 - b. **Strategic Objectives:**
 - 1.2: To strengthen our region's economic base
 - 1.3: To develop and promote Albany as a unique and sought after visitor location
 - 2.1: To protect and enhance our natural environment
 - 3.1: To advocate, plan and build friendly and connected communities.
 - 4.3: To develop and support a healthy inclusive and accessible community.
 - c. **Strategies:**
 - 1.2.2: Strengthen our economy by supporting business innovation and diversity.
 - 1.3.2: Promote the Albany region as a sought after and iconic tourism destination
 - 2.1.2: Sustainably protect and enhance our iconic coastlines and reserves
 - 3.1.2: Create consistent and connected streetscapes
 - 4.3.1: Develop a range of activities and facilities that are appropriate for all ages

In Brief:

- Endorse the Middleton Beach Foreshore Enhancement funding application to the Building Better Region's Fund (BBRF), noting that evidence of a matched funding commitment is a requirement of the BBRF application process.

RECOMMENDATION

**CCCS013: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT Council:

- (1) ENDORSE the Chief Executive Officer making application to the Building Better Regions Fund (BBRF) Round One (1) for the Middleton Beach Foreshore Enhancement Project.**
- (2) Subject to (1) above, NOTE the financial allocation requirement from the City of Albany for \$1,000,000 should the funding application be successful.**
- (3) NOTE that should the BBRF application be successful:**
 - a. The City will advocate for further funding to minimise the City’s direct financial commitment to the project.**
 - b. Further Reports to Council will be prepared regarding phased financial allocations in future financial years.**
 - c. Further consultation will be undertaken with key community stakeholders through the detailed design development process.**

CARRIED 12-0

CCCS013: COMMITTEE RECOMMENDATION

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

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CCCS013: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) ENDORSE the Chief Executive Officer making application to the Building Better Regions Fund (BBRF) Round One (1) for the Middleton Beach Foreshore Enhancement Project.**
- (2) Subject to (1) above, NOTE the financial allocation requirement from the City of Albany for \$1,000,000 should the funding application be successful.**
- (3) NOTE that should the BBRF application be successful:**
 - a. The City will advocate for further funding to minimise the City’s direct financial commitment to the project.**
 - b. Further Reports to Council will be prepared regarding phased financial allocations in future financial years.**
 - c. Further consultation will be undertaken with key community stakeholders through the detailed design development process.**

BACKGROUND

2. The State Government purchased land at Middleton Beach with the intention of activating an iconic site that has laid vacant since 2007.
3. Landcorp has gone through the rezoning process and the Middleton Beach Activity Centre has been gazetted in the Local Planning Scheme. The Middleton Beach Activity Centre Structure Plan has been endorsed.

4. Landcorp will imminently receive subdivision approval and obtain approval for design of the works within the Middleton Beach Activity Centre Area.
5. The extent of the Middleton Beach Activity Centre precinct extends to within 13-36m of the sand of the beach. Landcorp is required to develop this space. Additionally Landcorp are required to protect their project from Coastal inundation due to sea level rise for the next 100 years. In order to do so, at a minimum they could construct a seawall around the hotel site only.
6. With coastal inundation possible within the next 20-50 years, there will likely be a community expectation that we will need to protect the foreshore (including 3 Anchors and ASLSC) with or without this Landcorp development.
7. During the earlier public consultation for the conceptual design, it was identified by the community that the amenity of the beach, adjacent public open space and Norfolk Pines are extremely valuable to them. However, it is estimated that within 20-50 years this amenity will be threatened, with or without the Landcorp development. This includes the City of Albany buildings and infrastructure (3 Anchors and Albany Surf Life Saving Club).
8. With Landcorp being able to incorporate some of their requirements into the public realm, there is an opportunity for Landcorp to be a developer contributor to apply for national funding.
9. The National funding at a 50% contribution will enable the installation of integrated coastal protection for the public open space as well as redevelopment of the tired public realm; removing drainage outlets to the beach and piping behind the seawall to Ellen Cove as well as by Landscaping and public facilities.

DISCUSSION

Building Better Regions Fund (BBRF)

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

Project Context - create jobs, have a positive impact on economic activity

15. The redevelopment of the public realm and specifically the construction of coastal protection will be critical to attract a quality hotel developer.
16. The hotel site is required to be protected from coastal inundation for a period of 100 years.
17. The construction of a hotel at Middleton Beach is a critical component of the Lower Great Southern Alliance's Tourism Development Strategy.

18. The hotel will have a significant impact on the region's tourism economy and create consequent job opportunities.

Project Context - enhance community facilities

19. The Middleton Beach Precinct provides a critical link to the proposed Mount Clarence trails, the National Anzac Centre and ultimately to the Waterfront Precinct and the CBD.
20. The opportunities available to enhance the community facilities are numerous and include removing numerous stormwater discharge points directly on to the beach; improving dilapidated public facilities; developing strong bike and pedestrian links in line with the Cycle City Albany Strategy; creating high amenity shared spaces and protecting the public open space (including the Norfolk Pines and community facilities) from coastal inundation.

Project Context - encourage community cohesion and sense of identity

21. The Middleton Beach Precinct is a much loved area that provides a critical link to the proposed Mount Clarence trails, the National Anzac Centre and ultimately to the Waterfront Precinct and the CBD.
22. The entire region identifies Middleton Beach as an extremely valuable part of Albany's fabric and has been for more than a hundred years. The beach has been used for recreation and community events consistently over this time and features prominently in historical and current photographs depicting Albany.

Project Development – Timeline

23. City Officers presented to a Strategic Briefing of Council on 16 August 2016 regarding the development of a Landscape Management Plan for the Middleton Beach Foreshore.
24. City Officers presented the draft Landscape Management Plan to a Strategic Briefing of Council on 15 November 2016.
25. City Officers presented a proposal to prepare a submission to the BBRF after the Development and Infrastructure Services Committee on 15 February 2017.
26. City Officers provided a Memorandum to Elected Members regarding submissions to the BBRF for Middleton Beach Foreshore Enhancement and also Amazing South Coast City Centre after the OCM on 28 February 2017.
27. Landcorp is required to undertake a Foreshore Management Plan as part of the development of the Middleton Beach Activity Centre and specifically the hotel site in conjunction with the City of Albany.
28. The Foreshore Management Plan will require Community Engagement and its presentation to the community will be subject to a Council Resolution. The Landscape Management Plan will form part of the Foreshore Management Plan document.

GOVERNMENT & PUBLIC CONSULTATION

29. **Government:** The City has worked closely with Landcorp and Department of Planning to achieve an outcome for the Middleton Beach Activity Centre.
30. **City of Albany:** The Project was identified and agreed by the Executive Management Team and Council as a key City strategic project through the *Strategic Project Assessment Process (Gateway Review)*. A Project Control Group has been established with representation from across the City of Albany including the Major Projects Team, Development Services and Works and Services.
31. **Community Groups:** Consultation with community groups has been undertaken for the Middleton Beach Activity Centre. This consultation provided very strong direction with what the Community values at Middleton Beach and is consistent with previous consultation for the Coastal Parks Enhancement Plan. Additional Community Engagement will be undertaken at the time Landcorp provides the complete Foreshore Management Plan.

32. **Key Community Groups - Project Steering:** Should the City be successful with the BBRF application further consultation will be undertaken with key community stakeholders through the detailed design development process.

STATUTORY IMPLICATIONS

33. The voting requirement of Council is Simple Majority.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

36. The total project has been costed at \$11.04 million and therefore approval is referred to Council for consideration.
37. Council are requested to endorse \$1 million funding (~9% of total project cost) to submit the application.
38. If the application is successful, acceptance will commit the Council to allocate funds to complete the project.
39. Subject to funding success, the City will advocate for further funding to minimise the City's financial commitment.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

42. Council may choose not to support the Middleton Beach foreshore project and application to the Building Better Regions Fund.

CONCLUSION

43. Landcorp have agreed to be a developer contributor and use their committed and proposed funding to apply for additional funding from the BBRF.
44. Stakeholder and community feedback demonstrates strong support for improving the Middleton Beach public realm.
45. The timing of this work allows tie-in to works that will be required to develop the hotel site. The works will considerably improve the public realm and establish a world-class precinct.
46. Should the work not be undertaken, a significant financial commitment to protect the public realm will still be required in future years, but without Landcorp assistance.
47. Council endorsement of the Officers recommendation will endorse the submission of the BBRF application as well as further project funding advocacy and development.

Consulted References	:	BBRF Round 1 Guidelines BBRF Round 1 Frequently Asked Questions Coastal Parks Enhancement Plan 2014 MBAC Community Engagement
File Number (Name of Ward)	:	CP.PLA.9 (Frederickstown Ward)
Previous Reference	:	Strategic Briefing 16 August 2016 Strategic Briefing 15 November 2016 Development and Infrastructure Services Committee 15 February 2017

CCCS014: AMAZING SOUTH COAST CITY CENTRE - BUILDING BETTER REGIONS FUNDING APPLICATION

Land Description	: Albany Town Hall & Albany Public Library
Proponent / Owner	: City of Albany
Attachments	: Nil
Supplementary Information & Councillor Workstation	<i>Commercial-in-Confidence: Amazing South Coast City Centre Building Better Regions Funding Application, 28 February 2017 is available for inspection in the Councillor Workstation.</i>
Report Prepared By	: Executive Manager Community Services (A. Cousins)
Responsible Officer:	: Chief Executive Officer (A. Sharpe)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:

a. Key Themes:

- 1: Smart, Prosperous and Growing
- 3: A Connected Built Environment
- 4: A Sense of Community

b. Strategic Objectives:

- 1.2: To strengthen our region's economic base
- 1.3: To develop and promote Albany as a unique and sought after visitor location
- 3.3: To develop vibrant neighbourhoods which retain our local character and heritage.
- 4.2: To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.

c. Strategic Initiatives:

- 1.2.1: Revitalise and promote the central City area
- 3.3.2: Provide proactive planning and building services
- 4.1.1: Facilitate and promote arts and cultural activities for all ages

In Brief:

- Endorse the Amazing South Coast City Centre funding application to the Building Better Region's Fund (BBRF), noting that evidence of a matched funding commitment is a requirement of the BBRF application process.

RECOMMENDATION

**CCCS014: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR SMITH**

THAT Council:

- (1) ENDORSE the Chief Executive Officer making application to the Building Better Regions Fund (BBRF) Round One (1) for the Amazing South Coast City Centre Project.**
- (2) Subject to (1) above, NOTE the financial allocation requirement from the City of Albany for \$1,900,000 should the funding application be successful.**
- (3) NOTE that should the BBRF application be successful:**
 - a. The City will advocate for further funding to minimise the City's direct financial commitment to the project.**
 - b. Further Reports to Council will be prepared regarding phased financial allocations in future financial years.**
 - c. Further consultation will be undertaken with key community stakeholders through the detailed design development process.**

CARRIED 12-0

CCCS014: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR MOIR**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CCCS014: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) ENDORSE the Chief Executive Officer making application to the Building Better Regions Fund (BBRF) Round One (1) for the Amazing South Coast City Centre Project.**
- (2) Subject to (1) above, NOTE the financial allocation requirement from the City of Albany for \$1,900,000 should the funding application be successful.**
- (3) NOTE that should the BBRF application be successful:**
 - a. The City will advocate for further funding to minimise the City's direct financial commitment to the project.**
 - b. Further Reports to Council will be prepared regarding phased financial allocations in future financial years.**
 - c. Further consultation will be undertaken with key community stakeholders through the detailed design development process.**

BACKGROUND

1. At the Special Council Meeting on the 10 March 2016 Council resolved to commit the required 50% financial contribution of \$1.9 million for the repurposing of the Albany Town Hall as part of funding application to the National Stronger Regions Funding (NSRF) Program.
2. The NSRF application was unsuccessful.
3. A project revision was developed that re-scoped the NSRF project such that it was suitable for the subsequent iteration of the NSRF program—now identified as the Building Better Regions Fund (BBRF).
4. This project revision was renamed – ‘Amazing South Coast City Centre’ and included a scaled Albany Town Hall Repurposing project and an upgrade to the Albany Public Library.

Albany Town Hall

5. The Albany Town Hall was constructed in 1888 and functioned as the principle municipal building, as well as a multipurpose community facility until 1983. During this period multiple upgrades, alternations and additions occurred.
6. In 1983 significant renovations were undertaken to include stage, theatre, auditorium and greenrooms with the building acting as the principle performing arts centre for the Great Southern region.
7. In 2010 the Albany Entertainment Centre opened and the Albany Town Hall effectively closed. A detailed operational and financial model for the activation and use of the Albany Town Hall was not planned.
8. Since 2010 the Albany Town Hall has largely been underutilised and inaccessible by the community and visitors to the region.
9. The Albany Town Hall is recognised as an important heritage asset both at a state and national level—being on the State Register of Heritage Places and National Heritage Commission Register.
10. The Albany community has expressed a long standing desire to house a suitable high quality exhibition space in the region as well as have the Albany Town Hall as central to the civic and cultural identity of Albany.

Albany Public Library

11. The Albany Public Library (APL) has been in operation in its current location since 1968.
12. The APL has 14,000 members and had over 250,000 visits in 2015/2016.
13. The Albany Visitors Centre is being relocated to the front aspect of the APL. The relocated Visitor Centre will feature high quality amenity, digital interfaces and a contemporary design and finish.
14. The APL asset is of a lower quality standard to equivalent regional centres and lacks the required functionality to meet the needs of a contemporary regional library.
15. Opportunities presented through interfacing with planned development in the City Centre (including the Student Housing project) cannot be realised with the asset in its existing condition.

Amazing South Coast City Centre

16. The Amazing South Coast City Centre project includes two facets, as follows:
 - a. Repurposing the Albany Town Hall into a multi-use culture and arts exhibition centre; and
 - b. Upgrading the APL to a contemporary standard equivalent library.

DISCUSSION

Building Better Regions Fund (BBRF)

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

Project Context - City Centre Revitalisation

22. In 2014 a new Town Square was constructed adjacent to the Town Hall and connecting with the Library.
23. Funding has been secured to relocate the Albany Visitor Centre to the Library; newly named Albany Tourism and Information Hub.
24. An enhancement to York Street (immediately adjacent to the Town Square, Library and Town Hall) was completed in April 2016.
25. The Town Square, Stirling Terrace Enhancement, Visitor Centre Relocation and York Street Enhancement will contribute to a revitalised City Centre. The Amazing South Coast City Centre Project will further support this aim, promoting the City Centre as a viable civic, cultural, education and commercial district.

Project Context - Community Need

26. Community discussion regarding the need for a high quality exhibition/cultural space has a long history in Albany. Public newspaper articles indicating proposals regarding this matter date back to the mid-1970's.
27. A comprehensive *Cultural Mapping Report* from 2006 identifies the Town Hall as the cultural hub of Albany and potential venue for a Regional Gallery.
28. As part of the development of the Albany Entertainment Centre a proposal to include a high quality exhibition space was put forward though ultimately abandoned in the detailed design process.
29. Broad-based community consultation undertaken by the City regularly identifies the need for a regional gallery and cultural space. This occurred as part of the consultation undertaken for the City's Current Strategic Plan - 2023.
30. The Albany Public Library (APL) is one of the City's most heavily used services.

31. The APL has not undergone a significant upgrade since 1968. The facility can no longer meet the needs of the City, particularly in the context of growing education requirements related to the future student housing development.

Project Development – Timeline

32. City Officers presented to a Strategic Briefing of Council on 28 May 2015 regarding the Town Hall and potential future-use options, including repurposing the venue to a multipurpose exhibition space.
33. On 24 June 2015 the City of Albany CEO convened a Working Group to review and assess development opportunities within the City Centre, including future-use options for the Albany Town Hall.
34. The Western Australian Museum presented to a Strategic Briefing of Council on 01 July 2015, regarding options for the future-use of the Albany Town Hall.
35. A community group *NewArts* presented to the Community Services Committee in 03 November 2015 regarding their concepts for the future-use of the Albany Town Hall as a Regional Gallery.
36. In February 2016 the City's Executive undertook a *Strategic Project Assessment Process (Gateway Review)* to determine priority projects that should target future funding sources. The Albany Town Hall was identified as the top priority project.
37. In February 2016 Council were briefed on the *Strategic Project Assessment Process (Gateway Review)* and advised Officers were proceeding with preparing a funding application for the Repurposing of the Town Hall for the NSRF Round 3 program.
38. To progress the project a *Project Control Group* was established with representation from across City of Albany Directorates including the Major Projects Team and Community Services.
39. A business case, concept design, project costing and heritage impact assessment were commissioned in preparation for the NSRF Round 3 application which was unsuccessful – Submitted in March 2016.
40. In February 2017 Council were briefed on the proposed approach to the BBRF Round 1 application for the Amazing South Coast City Centre.
41. A business case, concept design, project costing were commissioned in preparation for the BBRF Round 1 application – submitted in February 2016.

Project Detail - Community Benefits

42. Repurposing the Albany Town Hall will enhance its use, contribute to the activation of the City Centre and add-value to the City's Cultural Tourism Product. The design intent of the Project is to enhance the cultural heritage significance of the building while contributing to functionality.
43. The APL upgrade will enable a contemporary fitout, more flexible spaces, collaborative workspaces and integration with future education requirements.

GOVERNMENT & PUBLIC CONSULTATION

44. **Government:** The City has undertaken consultation and engagement with the State Heritage Office for the conversion of the Albany Town Hall into a multipurpose flat floor facility dating back to 2010. The City has recently consulted with the Department of Culture and Arts and statutory authorities – Western Australian Museum, and Art Gallery of Western Australia with no major objections received.
45. **City of Albany:** The Project was identified and agreed by the Executive Management Team and Council as a key City strategic project through the *Strategic Project Assessment Process (Gateway Review)*. A Project Control Group has been established with representation from across the City of Albany including the Major Projects Team, Community Services and local heritage architect, Howard + Heaver.

46. **Community Groups:** Consultation with community groups has been undertaken including NewArts and Mix Artists Inc and the BBRF application had 40 letters of support for the project.
47. **Key Community Groups - Project Steering:** Should the City be successful with the BBRF application further consultation will be undertaken with key community stakeholders through the detailed design development process.

STATUTORY IMPLICATIONS

48. The voting requirement of Council is to be a Simple Majority.

POLICY IMPLICATIONS

49. Should the project be supported and funding become available, Federal, State and Local policies would apply to the project implementation.
50. The Albany Town Hall will be considered for inclusion in any future Cultural Planning undertaken by the City.

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

52. The total project has been costed at \$4.7 million and therefore approval is referred to Council for consideration as the BBRF program requests matched funding from applicants.
53. Council are requested to endorse \$1.9 million funding to submit the application.
54. Should the project be successful in securing funding through BBRF, there is potential financial implications over two financial years (i.e.2017/2018 and 2018/2019). The acceptance of any external funds will commit the Council to making an allocation in the 2017/2018 and 2018/2019 budget to complete the project should Council choose to progress to a contract with the Funding Body.
55. Subject to funding success, the City will advocate for further funding to minimise the City's financial commitment.
56. The City currently has an application pending with Lotterywest that includes the Town Hall project and Alison Hartman Gardens. This application will be the subject of a future Report to Council.

LEGAL IMPLICATIONS

57. The project will be subject to approvals under the following legislation:

- a. Heritage of Western Australia Act 1990.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

59. Council may choose not to support the Amazing South Coast City Centre Project and application to the BBRF (Round 1).

CONCLUSION

- 60. A long-term strategy to activate the Albany Town Hall and enhance its community use and visitation has been identified as a priority by Council and the community.
- 61. The APL asset does not meet the current and future needs of the City.
- 62. Stakeholder and community feedback demonstrate strong support for repurposing the Albany Town Hall, upgrading the APL - as well as City Centre reactivation projects.
- 63. The Amazing South Coast City Centre project is consistent with recent and current development in the City Centre including the Town Square, Stirling Terrace Enhancement, Visitor Centre Relocation and York Street Enhancement.
- 64. The Amazing South Coast City Centre project will create a high profile cultural tourism and education asset in Albany and contribute to economic diversification of the region.
- 65. The BBRF Round 1 represents one of the largest pools of funding available to Council to fund the project.
- 66. Council endorsement of the Officers recommendation will ratify the submission of the BBRF Round 1 application as well as enable further project funding advocacy and development.

Consulted References	:	BBRF Round 1 Guidelines BBRF Round 1 Frequently Asked Questions Town Hall Conservation Plan CBD Masterplan 2010
File Number (Name of Ward)	:	CP.PLA.9. Frederickstown Ward
Previous Reference	:	Strategic Briefing 28 May 2015 Strategic Briefing 1 July 2015 Strategic Briefing 8 March 2016 Development and Infrastructure Services Committee Briefing 15 February 2017

CCCS015: APPOINTMENT OF ELECTED MEMBERS TO THE LOWER GREAT SOUTHERN ECONOMIC ALLIANCE

Proponent / Owner : City of Albany
Business Entity Name : N/A
Attachments : N/A
Supplementary Information & Councillor Workstation : N/A
Report Prepared By : Lower Great Southern Alliance - Executive Support Officer (S Shaw)
Responsible Officers: : Chief Executive Officer (A Sharpe)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objectives:** 5.2 To provide strong, accountable leadership supported by a skilled and professional workforce
 - c. **Strategy:** 5.2.1 Provider positive leadership that delivers community outcomes.

In Brief:

- The City of Albany is requested to appoint four representatives to the Lower Great Southern Economic Alliance (LGSEA).
- It is requested that Council appoint the Mayor and two delegates and a reserve to LGSEA.
- The functionality of this structure will be reviewed in October in line with Council elections and reduced if considered appropriate to the Mayor and one delegate with a nominated reserve.

RECOMMENDATION

Nominations for representatives to the Lower Great Southern Economic Alliance were received from Councillors Hollingworth, Terry, Shanhun and Moir. A ballot was conducted. The results of the ballot were as per the resolution below.

CCCS015: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR HAMMOND

THAT Council nominate and APPOINT the following elected members to represent the City of Albany on the Lower Great Southern Economic Alliance:

- | |
|-----------------------------------|
| 1. Mayor Wellington |
| 2. Councillor Hollingworth |
| 3. Councillor Terry |
| 4. Councillor Shanhun (Alternate) |

CARRIED 12-0

BACKGROUND

- Representation for each local government participating in the Lower Great Southern Economic Alliance has previously consisted of the Mayor or Shire President.

DISCUSSION

- The LGSEA is an alliance of the City of Albany, and Shires of Denmark and Plantagenet developed under a Memorandum of Understanding in July 2015.
- Recognising the need for formalisation, a strategic planning and governance process commenced in February and is almost complete.
- The change in the representation of partners has been proposed for the interim to increase transparency for our partner members until the process is duly formalised.
- Consultation sessions involving elected members of participating local governments have provided the basis for the direction and structure being developed.
- The final full governance and strategy documentation for the LGSEA will be submitted to a future Council meeting for endorsement.

GOVERNMENT & PUBLIC CONSULTATION

- Public consultation is not required.
- Review and reappointment of the delegated members for the Alliance will be undertaken in November.

STATUTORY IMPLICATIONS

- The voting requirement for this item is **Simple Majority**. The LGSEA is not a committee of Council.

POLICY IMPLICATIONS

- Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Risk: Lack of representation if nominations are not received</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Councillors nominate to support this regional initiative</i>
Opportunity: <i>Councillors are able to network and progress regional initiatives.</i>				

FINANCIAL IMPLICATIONS

- Council will be responsible for the cost of travel and accommodation from an existing budget line noting the meetings are all held in the local regional area.

LEGAL IMPLICATIONS

- Nil

ENVIRONMENTAL CONSIDERATIONS

- Nil

ALTERNATE OPTIONS

- No alternate options are proposed.

CONCLUSION

17. That the responsible officer's recommendation be supported and nominations received accordingly.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	ED.MEE.13
Previous Reference	:	<i>Nil</i>

**CCCS016: COMMUNITY SPORTING AND RECREATION FACILITIES
FUND 2017-18 SMALL GROUND ROUND APPLICATIONS**

Proponent / Owner : City of Albany
Attachments : Regional Tennis Centre-Feasibility Study, Lower Great Southern Tennis Association and Tennis West
Report Prepared By : Manager Recreation Services (S Stevens)
Responsible Officers: : Executive Director Commercial 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 Objective:** 4.2 To create interesting places, spaces and events that reflect our community's identity, diversity and heritage
 - c. **Strategy:** 4.2.1 Sport & Recreation Infrastructure

In Brief:

- To seek Council endorsement of the priority ranking for the submitted Community Sport and Recreation Facility Fund (CSRFF) Small Grant funding round.
- To seek Council support to provide funding assistance in line with the draft Council Policy of the Community Sports & Recreation Facilities for the Regional Tennis Centre – Feasibility Study project (City of Albany) upon return of successful CSRFF Annual Grant application.

RECOMMENDATION

**CCCS016: RESOLUTION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR HOLLINGWORTH**

That Council RANK the CSRFF Small Grant application in the following order for the CSRFF March 2017 Funding Round:

- **Regional Tennis Centre – Feasibility Study (rank one of one)**

CARRIED 12-0

**CCCS015: RESOLUTION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR MOIR**

That Council APPROVE a total of \$10,000 (ex GST) from the 2017-2018 budget to the Regional Tennis Centre – Feasibility Study as the City's commitment subject to a successful CSRFF Annual grant application.

CARRIED 12-0

BACKGROUND

2. The Community Sport and Recreation Facilities Fund (CSRFF) administered by the Department of Sport and Recreation (DSR) has three rounds of available funds including:
 - Small Grant Funding Round (Winter) – current
 - Annual And Forward Planning Funding Round – current
 - Small Grant Funding Round (Summer) – pending
3. The CSRFF program is a \$12 million program. All three rounds are often oversubscribed and clubs may need to reapply on a number of occasions to be successful.
4. The Small Grants Round targets community sport projects where the financial value of the total project is from \$5,000 up to \$150,000 and is delivered within a 12 month period.
5. Applicants must be either a local government authority or a not-for-profit sport or community organisation incorporated under the WA Associations Incorporation Act 1987.
6. Clubs and local government authority must demonstrate equitable access to the public on a short term and casual basis.
7. The land on which the facility is to be developed must be one of the following:
 - Crown reserve
 - Land owned by a public authority
 - Municipal property
 - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.
8. The Local Government has an opportunity to assess all relevant applications and to rank applications in priority order for the municipality.
9. Whilst there is no obligation for Local Government to contribute to the community sporting projects local government is viewed as a key funding partner in supporting improved community sporting amenities
10. The Department of Sport and Recreation application form calls for applications to be initially submitted to the Local Government within which the project proposal is located.
11. An element of the assessment process involves Council consideration and priority ranking of applications received. The applications are then submitted to the Department of Sport and Recreation on behalf of the applicants prior to March 31 2017.
12. Once the assessment process from Local Government Authorities are complete all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the Department of Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

DISCUSSION

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

15. With overall project rating, being:

- Well planned and needed by municipality
- Well planned and needed by applicant
- Needed by municipality, more planning required
- Needed by applicant, more planning required
- Idea has merit, more planning work needed
- Not recommended.

16. Projects are ranked on the strength of the application, participation numbers, ability to increase physical activity and potential impact as well as consultation with the Department of Sport and Recreation and the applicant.

17. The City of Albany has received only one (1) Small Grant Application this round. The following additional information is provided about the project and funding application.

Regional Tennis Centre – Feasibility Study

- The funding application is a Small Grant Application to undertake a Regional Tennis Centre Feasibility Study for the Great Southern.
- 2017 Tennis West Association membership number for Albany and the Great Southern Region include:

Sport/community organisation Tennis	% use of the facility	Hours per week	Membership 2014/15	Membership 2015/16	Membership 2016/17
Merrifield Tennis Club	100	40 hrs Jan - Dec	76	82	90
Lawley Park Tennis Club	100	30hrs Jan - Dec	106	111	136
Emu Point Tennis Club	100	15hrs Jan –Dec	115	119	131
Manypeaks Tennis Club	100	4 hrs Oct - March	21	18	18
Napier Tennis Club	100	6 hrs Oct - March	45	44	44
Lower Great Southern Tennis Association (Denmark, Plantagenet, Albany)	n/a	n/a	492	506	551

18. The need for the Regional Tennis Centre Feasibility Study (Great Southern) has been identified for the following reasons:

- a) The existing Albany Tennis Club sites and facilities face a number of barriers restricting participation and growth including landlocked sites (Merrifield & Lawley Park); current locations may not be in the most appropriate/suitable sites and some are in a poor/aging condition (clubhouse, courts).
- b) All the Albany Tennis Clubs lack lighting to expand and support increased participation.
- c) The current court configuration and surface types across all clubs are unable to host state competition. There is limited capacity to grow the sport in the region.
- d) There are numerous courts associated with Progress Associations in Albany that are in varying states of disrepair that will require a decision from council in the future.
- e) There has been considerable push from across the tennis sporting community to secure a site for a Regional tennis Centre and supporting model to suit their needs.
- f) The City has been approached by both the Lower Great Southern Tennis Association and Tennis WA to assist in the development of a site and Council seeks an objective assessment of the feasibility of a Regional Tennis Centre.
- g) DSR and Tennis West both requested that the project be broadened to include the whole of the Great Southern (initially just Albany, Denmark and Plantagenet).

19. The feasibility study will test the viability of Tennis and a Regional Tennis Centre for the region:
- As per the Department of Sport & Recreation feasibility study guidelines the study will review the medium & long term needs of the sport in the Great Southern with recommendations for infrastructure, sites and the need for a Regional Tennis Centre.
 - Review the current provision of tennis assets and make recommendations for rationalisation.
 - Review and make recommendations on an appropriate governance model and measure economic/social value of a regional tennis centre to the region.
 - Make recommendations for colocation with other sports to ensure a viable and sustainable model.
20. At present the main users identified include Tennis West Member Association Clubs, Non Member Association Clubs, and Progress Associations with Tennis Courts across all 11 local governments in the Great Southern.
21. There is potential for colocation with other sports (potentially AFL and Hockey) ensuring increased viability and sustainability and this will need to be explored as part of the project. Projects that meet a colocation model are viewed more favourably by the Department of Sport & Recreation and other funding bodies.
- Department of Sport & Recreation Great Southern Regional Manager assessed the project as having a high priority.
22. The below ranking recommendation has been provided based on the applicant meeting the required criteria and its overall project ranking:

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	City of Albany	Regional Tennis Centre Feasibility Study	Well planned and needed by the municipality.

23. Correspondence from Lower Great Southern Tennis Association and Tennis West requesting support and a completed Officers Project Assessment Sheet for the project application is attached

GOVERNMENT & PUBLIC CONSULTATION

24. The Department of Sport and Recreation's Regional Manager for the Great Southern has been consulted with by the City of Albany.
25. The City of Albany has conducted numerous meetings and consulted with the Lower Great Southern Tennis Association and Tennis West benefiting from this Community Sporting project.

STATUTORY IMPLICATIONS

26. There is no statutory requirement.
27. Council Officers assess each project and make a recommendation for the ranking of projects based on the DSR criteria and strategic overview.
28. Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.
29. It should be noted that the Department of Sport and Recreation will make the final decision on funding allocation.

POLICY IMPLICATIONS

- 30. The Recreation Planning Strategy adopted in 2008 has been applied in ranking this submission.
- 31. The Interim Policy for Sport and Recreation Facilities has been applied in the assessment and recommendations.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation & Community Property <i>Failure to review the current provision may result in reactive and adhoc planning rather than a strategic and planned approach</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Support the funding application, or work with City officers to source other funding streams or alternate solutions.</i>
Reputation & Financial <i>Failure to upgrade facilities may result in missed economic and social opportunities.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Support the funding application, or work with City officers to source other funding streams.</i>

FINANCIAL IMPLICATIONS

- 33. The City allocated a total of \$75,000 Capital Seed Funding for Sporting Clubs in the 2016/2017 financial year to assist in the development and maintenance of community sporting infrastructure as determined through the CSRFF funding process.
- 34. The Capital Seed Reserve for Sporting Clubs Fund has been established to assist with leveraging State Government funds for sporting clubs. Funds from unsuccessful grant applications are returned to the Capital Seed Reserve Fund to be reused for other grant applications.
- 35. The 2016/2017 fund has been fully allocated to the Collingwood Park Lighting project. The fund will be topped up again for 2017/2018. This project will fall in the 2017/2018 financial year.
- 36. There are two Small Grants rounds for 2017/2018 financial year and it is likely that Council will receive further requests for financial contributions for these rounds.
- 37. The project costs for the Regional Tennis Feasibility Study is \$50,000. The City has factored the project into the ten year budget additional to the Capital Seed Reserve for Sporting Clubs. The City has made a commitment to provide in kind officer support and a financial commitment capped at \$10,000 to the project.
- 38. City of Albany will complete a Tennis Australia National Court Rebate Application requesting \$15,000 to assist with the project costs and request \$25,000 from Department of Sport and Recreation CSRFF program. A higher amount has been requested from external agencies to assist with reaching the broader region outcomes.
- 39. The following table provides the budget detail for the project application received:

Organisation	Total project cost (ex GST)	Applicant contribution (ex GST) [inc voluntary component]	CSRFF Grant (ex GST)	Proposed Other state or federal funding (ex GST)	City of Albany (ex GST)
City of Albany – Regional Tennis Feasibility Study	\$50,000		\$25,000	\$15,000 (Tennis West - Unconfirmed)	\$10,000

- 40. The current application does not draw down on the current capital seed fund.
- 41. If the application is unsuccessful, the City of Albany must reapply in the next round.

LEGAL IMPLICATIONS

- 42. Nil.

ENVIRONMENTAL CONSIDERATIONS

- 43. There are no environmental impacts associated with the Regional Tennis Centre – Feasibility Study.

ALTERNATE OPTIONS

- 44. Council may choose not to provide funding assistance for this project.
- 45. Council may choose to provide more or less funding assistance to this project.

CONCLUSION

- 46. The Department of Sport and Recreation provides local government with an opportunity to assess received applications and to rank applications in priority order for the municipality.
- 47. This project meets the criteria provided by the Department of Sport and Recreation. It is considered well planned and needed by the district. Council is required to endorse the officers ranking. City officers have ranked the application as the number one (1) priority.
- 48. Council may consider capping its financial contribution or sourcing alternate means to meet budget allocations.
- 49. The Department of Sport and Recreation requires a response from the City of Albany on the priority ranking order by 31 March 2017.

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

CCCS017: THE AMAZING SOUTH COAST – TOURISM DEVELOPMENT STRATEGY, DESTINATION MARKETING STRATEGY and DESTINATION LOGO.

- Proponent** : City of Albany, Shires of Denmark and Plantagenet
- Attachments** :
 - Recommended Tourism Destination Logo design (CONFIDENTIAL) will be available for viewing only at the OCM
 - Action Plan
 - Tourism Development Strategy for Lower Great Southern Part 1 and 2
 - Lower Great Southern Region Destination Marketing Strategy
 - Funding commitment by Labor government
- Report Prepared By** : Manager Tourism Development Services (M Bird)
- Responsible Officer(s)** : Executive Director Community Services (C Woods)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item directly relates to the following elements from the City of Albany Community Strategic Plan – Albany 2023 and the Corporate Business Plan 2014-2018.
 1. **Key Theme:** 1. Smart Prosperous and Growing.
 2. **Strategic Objectives:**
 - 1.2 To strengthen our region's economic base.
 - 1.3 To develop and promote Albany as a unique and sought after destination.
 3. **Strategies:**
 - 1.2.2. Strengthen our economy by support by supporting business innovation and diversity
 - 1.3.1. Encourage, support and deliver significant events that promote our region.
 - 1.3.2. Promote the Albany region as a sought after and iconic tourism destination.

In Brief:

- The Lower Great Southern Economic Alliance commissioned the preparation of a Tourism Development Strategy (TDS) and a Destination Marketing Strategy (DMS) to achieve sustainable tourism across the region. These reports have been provided for Council review and consideration and should be read in conjunction with this report.
- A key required outcome of the tourism planning work was to establish a unifying vision and destination identity for tourism on a regional level. The destination name "The Amazing South Coast" was endorsed by the three Councils in September 2016 and officers are now seeking endorsement of the preferred destination logo design.
- This report also seeks Council endorsement for the proposed action plan for the Alliance to progress the implementation of the TDS and DMS over the next 12 month period.

RECOMMENDATION

**CCCS017: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR DOWLING**

THAT Council:

- 1. REMOVE the tag line, “Worth Every Moment” that was previously endorsed 27 September 2016 as part of the brand name The Amazing South Coast,**
- 2. NOTE the tag line “Worth Every Moment” may be used in developing actual marketing campaigns as required and endorsed by the Alliance and the Tourism Reference Group,**
- 3. ADOPT the preferred logo and endorse the geographical positioning statements to be used interchangeably at the discretion of the marketing reference group for the Amazing South Coast,**
- 4. RECEIVE the Destination Marketing Strategy as presented from Marketforce,**
- 5. RECEIVE the Tourism Development Strategy as presented by Churchill Consulting,**
- 6. ENDORSE the Tourism Development Action Plan and task the ALLIANCE to proceed with progressing the Action Plan.**

CARRIED 12-0

BACKGROUND

2. The three local government authorities of Albany, Plantagenet and Denmark (the three Councils) formed the Lower Great Southern Economic Alliance (the Alliance) in 2015.
3. To date the three key focus areas of the Alliance have been Advocacy, Economic Development, and Resource Sharing.
4. The first substantive project within Economic Development for the Alliance has been the development of the local tourism industry sector.
5. The tourism region (the Region) is defined by the collective boundaries of these three local government authorities however from a visitor perspective the region can be best described as the coastal area from Walpole to Bremer Bay, and inland to the southern edge of the Stirling Range National Park.
6. In early 2016, the Alliance contracted specialist consultants to prepare the following bodies of work;
 1. Tourism Development Strategy (TDS)
 2. Destination Marketing Strategy (DMS)
7. Funding partners for the preparation of TDS included City of Albany, Shires of Plantagenet and Denmark, Great Southern Development Commission, and Tourism WA.
8. Funding partners for the preparation of the DMS and destination logo included City of Albany, Shires of Plantagenet and Denmark, and Tourism WA.
9. The Tourism Development Strategy was prepared by Churchill Consulting with the requirement “*to provide a strategic and innovative planning policy framework that will attract sustainable tourism investment and increase the economic contribution of tourism to the region*”. (TDS Request for Quotation, January 2016).

10. The Destination Marketing Strategy was prepared by Marketforce with the requirement “*to effectively establish a unifying vision for destination marketing in the Region based on wide ranging consultation with industry, government and potential customer markets*”. (DMS Request for Quotation, January 2016).
11. A key required outcome of the DMS work was to formulate a tourism destination positioning statement including an agreed regional tourism destination brand and logo.
12. In September 2016 the three Councils endorsed the destination positioning statement “***The Amazing South Coast***” with the tag line “***Worth Every Moment***”.
13. Between May and December 2016 a program of significant stakeholder consultation was undertaken by the respective consultancies. As a summary,
 1. The DMS work included 12 face to face interviews, 3 workshops with key tourism industry stakeholders, 2 community workshops, 4 draft presentations to the Alliance and Councils, an omnibus survey, 4 progress presentations and workshop with Alliance and Councils and 2 logo presentations.
 2. The TDS work included 25 face to face interviews with key tourism industry stakeholders, 1 workshop to the Alliance, 1 workshop to the Councils and 1 presentation of final strategy.
14. A range of destination brand logos were developed by Marketforce, tested with tourism stakeholders and project partners, and a preferred logo is included as Attachment 1 which is now requiring Council endorsement. Due to the font based design of the preferred logo the consultants have recommended the removal of the previous tag line “Worth Every Moment” from the logo. The tag line is not being discarded and may be used in future promotional campaigns.
15. The TDS and DMS reports were written for the benefit of the client being the three local government authorities that form the Lower Great Southern Economic Alliance. The recommended vision, goals and actions to achieve sustainable tourism across the Region are written for implementation by the Alliance, and identifies initiatives within the sphere of influence by local government partners.
16. In December 2016 the Alliance endorsed in principle the TDS and DMS and agreed to develop a 12 month action plan with input received from the elected members of the three local government authorities.
17. At Council strategic workshops held on 21 February 2017 officers presented a briefing on the TDS and DMS to the three elected member groups and received feedback on the proposed 12 month Tourism Action Plan.
18. Following the 21 February strategic workshops complete copies of the TDS and DMS were distributed to all elected members of the three Councils for review and consideration.
19. The full TDS and DMS reports should be read in conjunction to this report.
20. The timing of this report to Council was to include the outcomes of the recent 11 March WA State Government election.

DISCUSSION

21. The **Tourism Development Strategy** sets out a clear vision, goals, strategic actions and mechanisms for the Lower Great Southern Economic Alliance partners.
22. The agreed goal and vision for the region is “*to strengthen and diversify the economic base of the Amazing South Coast through unified promotion and development of an abundance of unique and unrivalled experiences*”. (TDS Part 2 p14, Churchill Consulting, January 2016).

23. To achieve this vision, the Alliance has endorsed the ambitious yet achievable goal of generating 3 million visitor nights for the Region in the financial year ending 2021. The Region currently receives 1.9 million visitor nights as estimated from 2015/16 Tourism Research Australia’s National Visitor Survey (NVS) and International Visitor Survey (IVS) results. The successful implementation of the TDS assumes an optimistic growth rate of 9.1% per annum will be achieved over the next 5 year period. This is 2.1% above the current growth rate being achieved in the Region.
24. The TDS includes a series of recommended initiatives within a strategic planning framework of five identified Key Strategic Areas and twenty four Objectives. Figure 1 below illustrates the five Key Strategic Areas.



Figure 1 - TDS Key Focus Areas

25. Attachment 3 outlines an action plan for the local governments of the Alliance to progress the implementation of the TDS over the next 12 months. This report seeks Council endorsement for this plan and to task the Alliance with implementing these initiatives.
26. Although a separate body of work, the **Destination Marketing Strategy** is a key component of the TDS Focus Area 3 – Optimising Demand.
27. The overarching project objective of the DMS is to *“develop a unique unifying brand identity for the Region that will increase brand awareness and motivation to visit the region. This brand identity will represent the areas of City of Albany, Shire of Denmark and Shire of Plantagenet.”* (DMS p14, Marketforce, January 2016).
28. Following significant consultation with key tourism stakeholders including Tourism WA, Australia’s South West and local tourism industry and business member groups, the following tourism destination brand and logo was developed for the Region. Attachment 1 illustrates the preferred logo that is recommended for adoption by the three Councils. Variations of this logo include the addition of geographical labels that will be applied aligned to appropriate target markets.
29. The officer recommendation seeks Council endorsement of the preferred logo (Attachment 1) and the removal of the tagline “Worth Every Moment”.
30. The officer recommendation also seeks endorsement of the proposed 12 month action plan (Attachment 2) to progress the implementation of the TDS and DMS, and for Council to receive the complete copies of the TDS and DMS strategies.

GOVERNMENT & PUBLIC CONSULTATION

31. Consultation was undertaken by the consultants for the preparation of the TDS, DMS and logo design and included government agencies of Tourism WA, the Great Southern Development Commission, Regional Development Australia Great Southern, and local industry of Australia's South West, Denmark Tourism Incorporated, Discover Albany Foundation, and other key tourism industry stakeholders.
32. The Lower Great Southern Economic Alliance endorsed in principle the preferred destination logo, the TDS and DMS strategies at its December 2016 meeting.

STATUTORY IMPLICATIONS

33. Nil

POLICY IMPLICATIONS

34. There are no policy implication related to this report.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisation operations: <i>Should the recommendation not be supported the project may be delayed or not proceed.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Each of the three Councils was provided strategic workshop and briefing sessions. Council provided opportunity to provide feedback prior to OCM decision.</i> <i>Significant consultation with stakeholders and industry undertaken.</i> <i>The action plan proposes the establishment of a Tourism Reference Group to progress the project.</i>
Financial: <i>The funding commitment from the Labor State Government of \$1m over 4 years for the implementation of the TDS and DMS may be retracted.</i>	<i>Likely</i>	<i>Severe</i>	<i>Extreme</i>	<i>As above.</i>

FINANCIAL IMPLICATIONS

36. The preparation of the TDS and DMS have been jointly funded by the three local government Alliance partners with support from Tourism WA. The GSDC contributed towards the TDS only. A summary of the project costs and partner commitments is provided in Table 1 below.

Funding partner contributions	TDS	DMS
City of Albany	40,524	29,700
Great Southern Development Commission	32,600	nil
Shire of Plantagenet	10,438	7,650
Shire of Denmark	10,438	7,650
Tourism WA	15,000	15,000
Total project cost	109,000	60,000

Table 1 – Breakdown of projects costs and funding partner contributions.

37. Future funding commitments from Alliance partners for the implementation of the TDS and DMS are being determined and subject to respective Councils' 2017/18 budget build processes. Details of the Labor State Government's pre-election commitment of \$250,000 per annum over 4 years for the implementation of the DMS are still to be confirmed.
38. The proposed approach is to seek other partner funding and for Alliance partners, where appropriate, to re-allocate existing individual funding allocations and consolidate into one dedicated regional tourism funding stream. The Alliance will make additional funding requests as part of the annual budget build.

LEGAL IMPLICATIONS

39. The brand and domain names "The Amazing South Coast" have been registered by the City of Albany. The City has applied for trademark protection for the preferred destination logo design.

ENVIRONMENTAL CONSIDERATIONS

40. Nil.

ALTERNATE OPTIONS

41. No alternate options are associated with this report.
42. One or more of the three Councils may chose not to support the preferred logo and/or endorse the proposed 12 month action plan to progress the implementation of the TDS and DMS. The Alliance would then need to revise the strategies accordingly.

SUMMARY CONCLUSION

43. It is recommended that the Responsible Officer's Recommendation be adopted.
44. The following stakeholders have endorsed the tourism planning work including the destination name and preferred logo design:
 1. Australia's South West
 2. Tourism WA
 3. Great Southern Development Commission
 4. RDA Great Southern
 5. Discover Albany Foundation
 6. Denmark Tourism Inc.
 7. Albany Chamber of Commerce and Industry
 8. Denmark Chamber of Commerce
 9. The Lower Great Southern Alliance

Consulted References	:	<ul style="list-style-type: none"> • Tourism Development Strategy (Churchill Consulting) • Destination Marketing Strategy (Marketforce)
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 23/09/2016 Resolution ED038

DIS009: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT – LOT 1000 LOCKHEED ROAD, LANGE

Land Description : Lot 1000 Lockheed Road, Lange
Proponent : Harley Dykstra
Owners : R Green
Business Entity Name : Nil
Attachments : Local Planning Scheme Amendment No. 25 document
Supplementary Information & Councillor Workstation: : Nil
Report Prepared by : Planning Officer (A Nicoll)
Responsible Officer : Executive Director Development Services (P Camins)

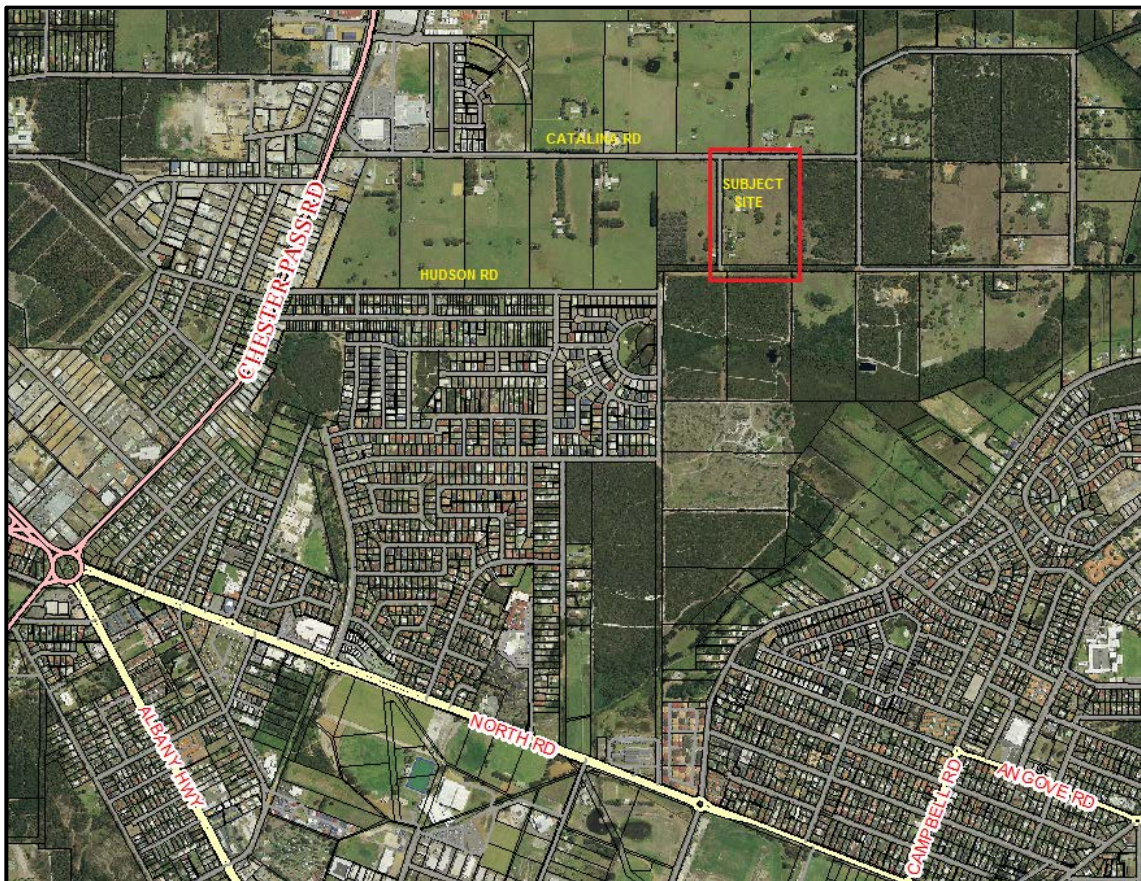
Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams



In Brief:

- A request has been submitted for Council to adopt a local planning scheme amendment to:
 - Rezone portion of Lot 1000 Lockheed Road, Lange from the ‘General Agriculture’ zone to the ‘Residential’ zone with an applicable density coding of R25.
- The proposed amendment is consistent with the strategic direction set in the *Albany Local Planning Strategy* and the *Catalina Structure Plan*.
- Structure planning of the subject lots has already taken place as part of the *Catalina Structure Plan* and the proposed amendment seeks to rezone the land according to this plan. Therefore, the proposal may be entertained, as it does not conflict with the current moratorium on the 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.
- The proposal provides the opportunity for subdivision and development of a primary school and residential uses.
- Council is requested to adopt the amendment.

RECOMMENDATION

DIS009: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to Adopt Amendment No. 25 to amend *City of Albany Local Planning Scheme No. 1* by:

- 1. Rezoning a 2.7785ha portion of Lot 1000 (No.16) Lockheed Road, Lange from ‘General Agriculture’ zone to ‘Residential’ zone with an applicable density coding of R25; and**
- 2. Amending the Scheme Map accordingly;**

Note: The Amendment is a ‘basic’ amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:

“The amendment to the scheme map is consistent with the *Catalina Structure Plan* that has been approved under the scheme for the land to which the amendment relates.”

CARRIED 12-0

DIS009: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS009: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to Adopt Amendment No. 25 to amend City of Albany *Local Planning Scheme No. 1* by:

1. Rezoning a 2.7785ha portion of Lot 1000 (No.16) Lockheed Road, Lange from 'General Agriculture' zone to 'Residential' zone with an applicable density coding of R25; and
2. Amending the Scheme Map accordingly;

Note: The Amendment is a 'basic' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:

"The amendment to the scheme map is consistent with the Catalina Structure Plan that has been approved under the scheme for the land to which the amendment relates."

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. Amendment No. 25 has been prepared to rezone a portion (2.7ha) of Lot 1000 Lockheed Road, Lange from the 'General Agriculture' zone to the 'Residential' zone with an applicable density coding of R25. The remaining portion will retain the current 'General Agriculture' zoning.
6. The subject lot is located approximately 6 kilometres from the Albany Central Business District and is 6.7 hectares in area. The lot is cleared pasture, with some parkland cleared remnant vegetation, two dwellings and associated outbuildings.
7. Land abutting the eastern boundary and to the north is zoned 'General Agriculture', and included within the *Yakamia Structure Plan* area, which identifies these properties for residential and conservation land uses.
8. To the west and south of the subject site, land is zoned 'Future Urban'. Land to the west is included in the *Catalina Structure Plan*, and identified for residential land use.

DISCUSSION

9. The proposed rezoning of portion of Lot 1000 Lockheed Road from 'General Agriculture' to 'Residential', is consistent with the strategic direction set in the *Albany Local Planning Strategy* and the *Catalina Structure Plan*.
10. The *Albany Local Planning Strategy* identifies the subject lot as being suitable for 'Future Urban' development in the short term ('Priority 1').
11. The *Catalina Structure Plan* identifies the subject lot as being suitable for residential on the southern portion and a primary school on the northern portion. The amendment seeks to rezone the lot according to the structure plan. Therefore, the proposal may be entertained, as it does not conflict with the current moratorium on the 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.

GOVERNMENT & PUBLIC CONSULTATION

12. In accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this ‘Basic’ amendment is not required to be advertised for public submissions unless directed by the Minister or an authorised person.

STATUTORY IMPLICATIONS

13. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
14. Section 75 of the *Planning and Development Act 2005* authorises a local government authority to amend its local planning scheme with the approval of the Minister for Planning.
15. Section 81 of the Act requires a local government to refer an adopted local planning scheme amendment to the Environmental Protection Authority to determine if it should be assessed.
16. In accordance with r.58 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, within 21 days of passing a resolution to prepare or adopt a basic amendment to a local planning scheme under regulation 35(1), or such longer period as the Commission approves, the local government must provide the amendment to the Commission together with any relevant maps, plans, specifications and particulars required by the Commission.
17. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

22. The proposal to amend the property zoning to enable the development of residential, is to be referred to the Environmental Protection Authority to determine if any environmental implications apply.

ALTERNATE OPTIONS

23. Council may consider alternate options in relation to this item, such as:
- To resolve not to adopt the amendment to the local planning scheme.

SUMMARY CONCLUSION

24. It is recommended that Council adopt Local Planning Scheme Amendment No. 25, as the proposal is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will facilitate the residential development of land, as an extension to the urban front and in accordance with the endorsed *Catalina Structure Plan*.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>Catalina Structure Plan</i> 4. <i>City of Albany Strategic Community Plan 2023</i> 5. <i>City of Albany Corporate Business Plan 2013-2017</i> 6. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i>
File Number (Name of Ward)	:	LAMD25 (Yakamia Ward)
Previous Reference	:	Nil

DIS010: RECOMMENDATION OF ADOPTION OF LOCAL STRUCTURE PLAN NO.5 – LOT 6 HENRY STREET, LOTS 271, 5498, 1 AND 2 CHESTER PASS ROAD, LOT 4925 TERRY ROAD AND LOT 521 MERCER ROAD.

Land Description : Lot 6 Henry St, Lots 271, 5498, 1 and 2 Chester Pass Road, Lot 4925 Terry Rd and Lot 521 Mercer Rd.

Proponent / Owner : T & T Gorman Pty Ltd
A & B D'Addario
G, S Davies, PE List and Cammit Pty Ltd – C/-Wellington & Reeves
R Grayson
R & PA Weir
L & W Spinks
Ten Year Developments Pty Ltd

Business Entity Name : Nil

Attachments : Schedule of Submissions:

Supplementary Information & Councillor Workstation : Structure Plan
Copy of submissions

Report Prepared By : Senior Planning officer – Strategic Planning (A Nicoll)

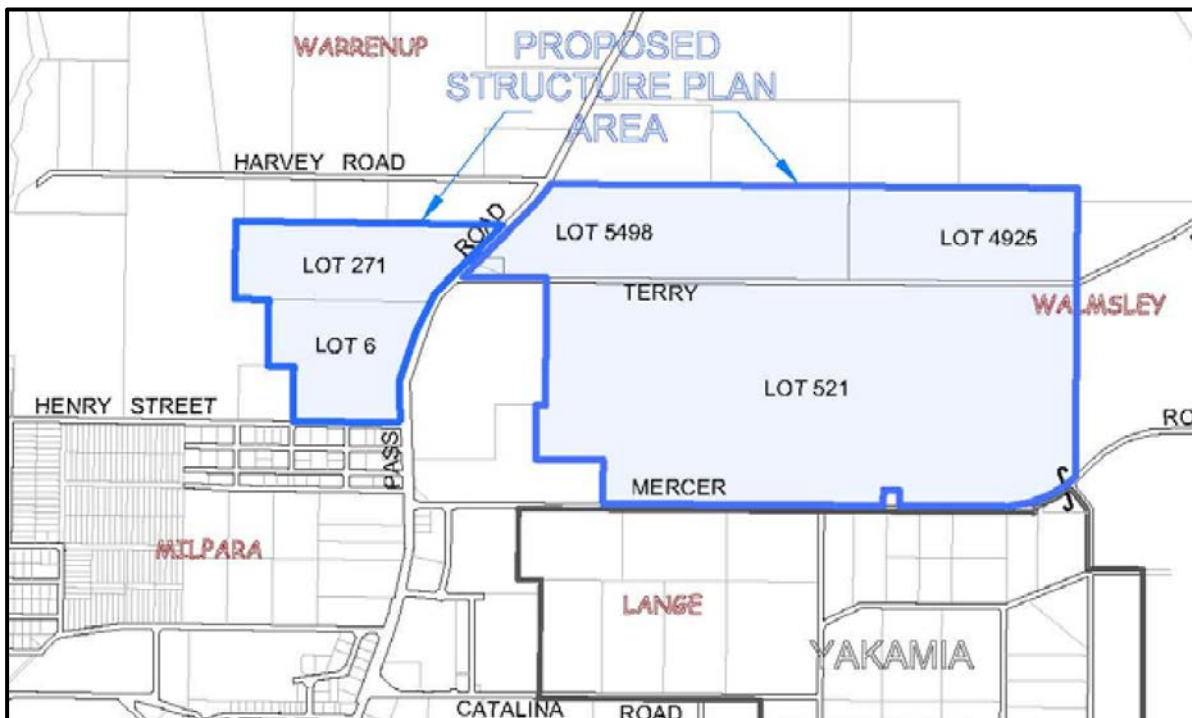
Responsible Officers: : Executive Director Development Services (P Camins)

Responsible Officer's Signature:

STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Local Structure Plan No.5 has been prepared to guide and facilitate the subdivision and development of the subject land for the purposes of residential development and a local centre.
- In accordance with the *Planning and Development Regulations 2015*, the City of Albany has advertised the Structure Plan for public and Government agency comment.
- A number of submissions were received in response to advertising. In response to these submissions, modifications have been proposed.
- Staff support Local Structure Plan No.5 as it is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
- Council is requested to consider the submissions received following advertising and determine whether to recommend support of Local Structure Plan No.5 to the Western Australian Planning Commission, subject to the proposed modifications contained within the schedule of submissions.

RECOMMENDATION

**DIS010: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR SMITH**

THAT Council AGREE to make the following recommendation to Western Australian Planning Commission:

- **The City of Albany recommends that the Western Australian Planning Commission approve Local Structure Plan No.5, subject to modifications proposed in the attached schedule of submissions.**

CARRIED 10-2

Record of Vote

Against the Motion: Councillors Mulcahy and Price

DIS010: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR MOIR**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-2

Record of Vote

Against the Motion: Councillors Mulcahy and Price

DIS010: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council AGREE to make the following recommendation to Western Australian Planning Commission:

- **The City of Albany recommends that the Western Australian Planning Commission approve Local Structure Plan No.5, subject to modifications proposed in the attached schedule of submissions.**

BACKGROUND

4. The City of Albany advertised proposed Local Structure Plan No.5 in accordance with the *Planning and Development Regulations 2015*.
5. At the close of advertising, the City of Albany received fifteen (15) submissions commenting on the proposed structure plan.
6. Modifications have been proposed in response to the comments received.
7. Council is requested to consider the submissions received following advertising and determine whether to recommend support of Local Structure Plan No.5 to the Western Australian Planning Commission, subject to the proposed modifications contained within the schedule of submissions.

DISCUSSION

8. The proposed Structure Plan is consistent with the current strategic direction set by the Albany Local Planning Strategy, which identifies the site as part of the 'Future Urban' area. In order to proceed to the subdivision and development of the land, it is first necessary to prepare a 'Local Structure Plan'.
9. In accordance with Planning and Development Regulations 2015 (cl.19), the City of Albany must consider any submission made on the Local Structure Plan No.5.
10. A 'Schedule of Submissions' is attached to this report item. The Schedule provides the following;
 - a) A 'Summary of submissions';
 - b) 'City of Albany comments on submissions'; and
 - c) 'Proposed modifications to address issues raised in the submissions'.
11. The main issues raised within the consultation process broadly include the following;
 - a) Staging of development;
 - b) Inclusion of Lot 521;
 - c) Road design;
 - d) Land use conflict; and
 - e) Commercial development not in accordance with Local Planning Strategy.
12. The abovementioned issues are discussed and addressed in further detail under the headings below.

Staging of development

13. The Water Corporation described the structure plan area as being 'non-frontal or pioneer, meaning provision of new major works to enable the development to proceed are currently unplanned or un-programmed'.
14. It is therefore recommended that the following additional wording is included in the structure plan to clarify programming/staging of development:

The structure plan area will require new major infrastructure works, including the development of sewer pumping stations and the upgrading of existing infrastructure.

Discussions amongst key agencies and individual landholders can be carried out upon application of a Customer Constructed Works Agreement, when subdivision approvals are available. The costs associated with the development of infrastructure can be shared with other lots or developers if they combine resources.

All subdivision and development is to be connected to the Ministers sewerage and water schemes. The staging of infrastructure development or temporary or interim solutions may vary depending on location and timing of development.

Inclusion of Lot 521

15. The landholder of Lot 521 objected to the proposed road design and the designation of a school and open space over Lot 521. The comment was made that the designations were without planning rationale, and not to the standard required by the Planning and Development Regulations 2015, cl.16.
16. Additional assessment undertaken by City staff has concluded that Lot 521 is strategically earmarked within the Local Planning Strategy for 'Future Urban' development. Such development may include residential, school(s) and open space. City staff have also concluded that Lot 521 has capacity for 2 neighbourhoods (1200 – 1600 dwellings). As recommended by the Commission's Liveable Neighbourhood document, primary schools and major areas of open space have the capacity to service a catchment comprising two neighbourhoods.
17. There is merit in recommending that the structure plan be modified to clarify the capacity for roads, a school and open space within Lot 521. However, the provision of these elements would require a substantial amount of additional time, work and consent from landholders of Lot 521.
18. It is instead recommended that the structure plan boundary be modified to remove Lot 521 and delete any recommendations for Lot 521, including the designation of roads, school and district open space.

Road Design

19. Landholders objected to the following structure plan proposals:
 - a) The realignment of Terry Road to improve connectivity with Chester Pass Road;
 - b) The extension of Range Road over Lot 521, to provide an alternative north-south route to Chester Pass Road and hence reduce the impact on Chester Pass Road and associated intersections; and
 - c) Development of a neighbourhood connector road adjacent to Henry Street.
20. The Ardess Industrial Estate has requested that a north-south neighbourhood connector road, shown on the proposed structure plan passing through the Ardess Industrial Estate, be aligned with the existing access between the Ardess Industrial Estate and Terry Road. The City recommends that the structure plan be modified to align the proposed north-south neighbourhood connector with the existing Ardess access.
21. In respect to the extension of Range Road over Lot 521, the City is recommending to the Commission that lot 521 be removed from the structure plan. It is therefore improper to recommend the development of Range Road over Lot 521.
22. It is recommended that the structure plan is modified to realign a proposed Neighbourhood Arterial road (adjacent to Henry Street) to align with Mary Street and to therefore alleviate landholder concern.
23. The City also recommends that the following text is included in the structure plan:
 - a) Terry Road and intersections to Chester Pass Road being designed and developed to safely accommodate vehicles generated by development of Lots 5498 and 4925 and including vehicles expected from fringing areas.
 - b) For egress in relation to bushfire protection measures - two different vehicular access routes, both of which connect to the public road network, being developed to provide safe access and egress to two different destinations and be available to residents/the public at all times and under all weather.
 - c) Development of Lots 5498 and 4925 may not occur if the above provisions cannot be achieved.

Land Use Conflict

24. The structure plan is proposing to locate residential development with marginal setbacks to an existing strawberry farm and light industrial operations. Potential conflicts arising as a result of proposed residential development adjacent to light industry and horticulture land uses include noise, dust and odours.
25. The Department of Agriculture and Food WA and landholders of the light industrial operations recommended additional setbacks/buffers between the proposed residential development and existing intensive uses.
26. In accordance with the Western Australian Planning Commission State Planning Policy 4.1 - State Industrial Buffer Policy (SPP4.1), the impacts of industries of a light/service nature can usually be retained on-site within industrial area boundaries.
27. As per SPP4.1, buffers beyond the boundaries of light industrial activities, and including horticulture, may be deemed unnecessary. Despite this, the City recommends the modification of the structure plan to include the requirement for notification on titles advising of nearby industrial/horticulture activities.

Commercial Development not in accordance with Local Planning Strategy

28. The structure plan currently proposes commercial development on the west side of Chester Pass Road.
29. The *State Planning Policy 4.2 – Activity Centres for Perth and Peel*, states:
Activity centre structure plans and developments should be consistent with the centre's classification in the hierarchy. The responsible authority should not support activity centre structure plans or development proposals that are likely to undermine the established and planned activity centre hierarchy.
30. The City's 'Local Planning Strategy' has not recommended commercial activity on the west side of Chester Pass Road, north of Henry Street. Prior to supporting commercial development as a component of structure planning, a review of the City's strategic framework needs to be undertaken.
31. Until the City's Local Planning Strategy is reviewed to support commercial development adjacent to Chester Pass Road / north of Henry Street, it is recommended the structure plan is modified, by deleting the support of commercial on the west side of Chester Pass Road.

GOVERNMENT & PUBLIC CONSULTATION

32. Local Structure Plan No.5 was advertised in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.
33. Submissions were received from public authorities and members of the public and are summarised in the attached Schedule of Submissions

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

38. The following policies are applicable to the preparation and assessment of the Local Structure Plan:
- a) *State Planning Policy 3 – Urban Growth and Settlement;*
 - b) *State Planning Policy 3.7 Planning in Bushfire Prone Areas;*
 - c) *State Planning Policy 4.1 – State Industrial Buffer;*
 - d) *State Planning Policy 4.2 – Activity Centres for Perth and Peel;*
 - e) *State Planning Policy 3.6 Development Contributions for Infrastructure;*
 - f) *Liveable Neighbourhoods; and*
 - g) *Guidelines for the preparation of integrated transport plans (May 2012).*

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

40. If the local government does not provide a report on the structure plan by April 2017, the Commission may take reasonable steps to obtain the services or information on its own behalf. All costs incurred by the Commission may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

ENVIRONMENTAL CONSIDERATIONS

41. There are no environmental implications anticipated as a result of the Local Structure Plan No.5. The structure plan proposes to maintain key environmental attributes including remnant stands of vegetation and waterways.

ALTERNATE OPTIONS

42. Council may consider alternate options in relation to the structure plan, including;
- Recommending to the Western Australian Planning Commission that it does not approve the proposed structure plan; or
 - Recommending to the Western Australian Planning Commission that it approves the proposed structure plan subject to additional modifications.

CONCLUSION

43. Local Structure Plan No.5 makes recommendations for residential development and a local centre for land in the vicinity of Warrenup and Walmsley.
44. The structure plan has been developed in accordance with the Planning and Development Regulations 2015, State Planning Policy and the City of Albany Local Planning Strategy.
45. The structure plan was advertised and modifications have subsequently been recommended.
46. Council is requested to agree to recommend that the Western Australian Planning Commission approve the structure plan subject to modifications.

Consulted References	:	<ul style="list-style-type: none"> • <i>State Planning Policy 3 – Urban Growth and Settlement.</i> • <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas.</i> • <i>State Planning Policy 4.1 – State Industrial Buffer.</i> • <i>State Planning Policy 4.2 – Activity Centres for Perth and Peel.</i> • <i>State Planning Policy 3.6 Development Contributions for Infrastructure.</i> • <i>Liveable Neighbourhoods.</i> • <i>Guidelines for the preparation of integrated transport plans (May 2012).</i> • <i>Local Planning Strategy (2010)</i> • <i>Local Planning Scheme No.1</i>
File Number (Name of Ward)	:	LSP5 (Yakamia Ward)
Previous Reference	:	Nil

DIS011: INDUSTRY – EXTRACTIVE (SILICA SAND), LOT 102, MINDIJUP ROAD, PALMDALE

Land Description : Lot 102, Mindijup Road, Palmdale.
Proponent : Great Southern Sands
Owner : Martin Shuttleworth
Business Entity Name : Great Southern Sands
Directors : Martin James Shuttleworth
Attachments : Site Plan
Schedule of Submissions
Supplementary Information & Councillor Workstation: : Copy of submissions
Fact Sheet
Report Prepared by : Planning Officer (J Anderson)
Responsible Officer : Executive Director Development Services (P Camins)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council is asked to consider an application for development approval for an Industry – Extractive (Silica Sand), at Lot 102, Mindijup Road, Palmdale.
- The application was advertised for public comment and referred to surrounding residents.
- Eight submissions were received in relation to the proposal. One submission objected to the proposal, and seven submissions did not object, yet raised concerns in respect to the proposal.
- The submissions primarily relate to concerns over traffic conflict, current and proposed road conditions, and the proposed 24 hour 7 day a week operation.
- A number of existing uses already occur on the lot. These include a Tyre Disposal, Compost Manufacturing, Sand, Granite, Clay and Gravel Extractive Industries, Asphalt Plant and a Charcoal Plant.
- Due to the nature of the objections raised, the application is being referred to Council for determination.
- Staff recommend that Council approve the proposed development, subject to conditions, which are considered to mitigate the concerns raised through the public advertising process.

RECOMMENDATION

DIS011: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR MOIR

THAT this matter be DEFERRED for consideration at the Ordinary Council Meeting to be held on Wednesday 26 April 2017, to allow a site meeting to be conducted.

CARRIED 12-0

DIS011: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR HAMMOND

THAT this matter be DEFERRED for consideration at the Ordinary Council Meeting to be held on Wednesday 26 April 2017, to allow a site meeting to be conducted.

CARRIED 10-0

Reason: To allow Councillors sufficient time to inspect the site and road, and consider the ramifications of the costing of road works required prior to making a decision.

DIS011: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval with conditions for Industry – Extractive (Silica) at Lot 102 Mindijup Road, Palmdale.

Conditions:

- (1) Mindijup and Palmdale Roads are to be widened to a 7 metre seal with 9 metre formation from the site to South Coast Highway. They are to be constructed and drained at the full cost to the Developer, to the specifications and satisfaction of the City of Albany.
- (2) The applicant will be responsible for the repair of any undue damage to any road within the City of Albany, caused by the mining operations.
- (3) Top soil to a depth of 150mm, unless otherwise approved by the Director of Works and Services, shall be removed from the extraction areas and stored on-site for use in later rehabilitation works.
- (4) A minimum of 150mm of top soil shall be left above any hard surface (i.e. clay/gravel) unless a lesser amount is approved by the Director Works and Services.
- (5) A Surface Water Management Plan should be prepared demonstrating the measures that will be taken to prevent any run-off from the excavated areas to the satisfaction of the Department of Water. Baseline data should be established to guide the mining operations to

ensure the protection of the groundwater.

- (6) No direct discharge from the extraction area to any watercourse, without the prior approval of the Department of Water.
- (7) A refundable bond/bank guarantee of \$3000.00 per hectare shall be lodged with the City of Albany for remediation work if required.
- (8) Truck movements shall be limited to between the hours of 6am and 6pm, unless otherwise agreed in writing by the City of Albany.
- (9) The applicant shall liaise with school bus operator to establish a traffic schedule to avoid potential conflicts with school bus operations. No truck movements shall be undertaken during the times that the school bus services the area, being between 8.10am – 8.23am and 3.30pm – 3.45pm unless otherwise agreed in writing by the City of Albany.
- (10) The extraction shall be setback a minimum of 20 metres from the southern boundary, noting:

“The applicant is to prepare a plan for the management of dust emissions during the transport of materials and during excavation. This plan should be to the satisfaction of the City of Albany and should be submitted prior to the start of any extraction.”

- (11) The site shall be suitably rehabilitated and re-contoured on a per hectare basis, including re-battering of banks and reseeding and stabilising of former extraction areas.
- (12) Any off site fill must be clean soil, free of weed material or of non-contaminated inert type 1 waste (as defined by Landfill Waste Classification and Waste Definition 2009).
- (13) The operation of the extraction areas shall be contained within the area nominated on the stamped, approved plans.
- (14) No remnant vegetation shall be removed as part of this extraction operation, without the prior approval of the Department of Environment Regulation.
- (15) No blasting of material is permitted as part of extraction operations, unless a separate written approval has been obtained from the City of Albany.
- (16) Only two hectares of the extraction area identified on the stamped, approved plans shall be opened at any one time.
- (17) Development is required to comply with all relevant Health regulations, in particular, regards should be paid to dust management and noise regulations.
- (18) Prevention of dust and sand blowing causing a nuisance to adjoining landowners, by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with the Department of Environmental Protection’s Dust Control Guidelines and the City of Albany Prevention and Abatement of Sand Drift Local Law 2000.
- (19) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
- (20) Prevention of dust and sand blowing causing a nuisance to adjoining landowners, by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with the Department of Environmental Protection’s Dust Control Guidelines and the City of Albany Prevention and Abatement of Sand Drift Local Law 2000.
- (21) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.

BACKGROUND

1. The City of Albany has received an application for development approval for an Industry – Extractive (Silica Sand), at Lot 102, Mindijup Road, Palmdale.
2. The subject lot lies to the north of Mindijup Road, approximately 30km north-east of the Albany City centre. The lot has an area of approximately 584 hectares and is zoned ‘Priority Agriculture’ under City of Albany *Local Planning Scheme No. 1*.
3. The subject lot is bounded by ‘Priority Agriculture’ zoned land to the north, east and south. The western side of the site adjoins a ‘Parks and Recreation’ reserve, being the Kalgan River.
4. There are a number of existing uses currently being undertaken on the lot. These include;
 - Tyre Disposal (P985168);
 - Compost Manufacturing (P295102);
 - Extractive Industry – Sand (P2115193);
 - Extractive Industry – Granite (P2140482); and
 - Charcoal Plant (P2150274)
 - Extractive Industry – Gravel and Clay (P2150438)
 - Extractive Industry – Processing – Mobile Asphalt Plant (P2150459)
 - An extension to the existing Tyre Disposal site is currently being considered (P2160509)
5. The application was advertised for public comment for a period of 31 days (16 November 2016 to 16 December 2016). Eight submissions were received in relation to the proposal. One submission objected to the proposal, seven submissions did not object, yet raised concerns in respect to the proposal.
6. Council is requested to consider the submissions received during the public advertising period and determine whether to grant development approval.

DISCUSSION

7. The proposal seeks to extract high grade silica sand from the subject site and transport the material off site to the Port of Albany for export.
8. The application was originally submitted as Industry – Mining on the basis that Silica Sand is classified as a mineral. The Department of Mines have since revised their original comments and have confirmed that Silica is not a mineral by definition. Therefore, the proposal is classified as an Extractive Industry under *Local Planning Scheme No.1*. The revised classification means the proposal no longer requires approval under the *Mining Act* through the Department of Mines and Petroleum.
9. The application is consistent with the general development requirements of the City of Albany Extractive Industry and Mining local planning policy (“the policy”). Compliance with the policy is discussed in below.
10. The proposed extraction area is situated within a previously cleared portion of land which formed part of a blue gum plantation.
11. The proposed (approximate) setbacks are as follows:
 - 70m from the eastern boundary
 - 420m from the western boundary
 - 1900m from the northern boundary and
 - 20m from the southern boundary (adjoining the existing silica mine).
12. The proposed mining area is located approximately 930m from the Kalgan River (situated to the west).
13. The lot to the immediate north and east are currently used as blue gum plantations, with the exception of a portion of the eastern boundary, which is mostly pasture.

14. The lot immediately to the south of the subject lot is the current operational Mineral Sands (Exploration) Mine.
15. The closest residence is located to the west, approximately 1.125 kilometres away, which exceeds the required 300-500 metres specified within the 'Guidance for the Assessment of Environmental Factors Western Australia 2005 – Separation Distance between Industrial and Sensitive Land Uses'.
16. Access to and from the site will be from the existing crossover which is located on the unsealed section of Mindijup Road. It is anticipated that this section will be sealed within the next six months at the cost of the developer.
17. The basic overview of the proposed operations is as follows;
 - Estimated total resource available is 3,125,000 tonnes of high grade silica sand.
 - The total proposed mining area is 60ha in area, with an estimated production rate being 40,000 to 50,000 tonnes per month, resulting in 1-2 hectares being stripped, mined and topsoil re-spread on a monthly basis;
 - The depth of the resource varies from 0.5m to 11m;
 - The applicant seeks to operate 24 hours per day, seven days per week;
 - At the proposed 24 hour/seven day per week operation, it is estimated that the lifespan of the pit is 3-5 years;
 - It is anticipated that the maximum stockpile onsite will be 5000-6000 tonnes (2-3 days stockpile), as the main stockpile will be at the Port of Albany;
 - At the anticipated production rate, it is estimated that there will 23 return trips per day (46 truck movements), via RAV7 'C-trains';
 - The material will be excavated with front end loaders (CAT 980/988 size machines) and loaded into articulated dump-trucks (CAT740) for transport to the wash plant onsite;
 - The material will then be loaded into the plant and washed, screened and stockpiled for transport to the Albany Port; and
 - The topsoil will be progressively re-spread on a monthly basis, recontoured and returned to pasture.
18. Extraction will commence from the existing mining voids towards the east (uphill). Any surface water therefore flows down towards the existing bluegum plantations which will be retained for visual amenity and water management and amelioration. Any ponding will drain away naturally under these plantations and small areas of native vegetation.
19. A total of eight submissions representing six properties were received in relation to the proposal. One submission objected to the proposal, and seven submissions did not object, yet raised concerns to the proposal.
20. The submissions primarily relate to the following concerns;
 - Increased heavy haulage traffic;
 - Current width and condition of Mindijup and Palmdale Road and the lack of centre line marking on these roads;
 - Current speed limit;
 - Trucks operating during times that the school bus route services this area;
 - Impact heavy vehicles will have on infrastructure;
 - Burden of maintenance on road infrastructure; and
 - Noise and volume of traffic resulting from the proposed 24 hour 7 day a week operation.

21. The main concerns raised and the proposed mitigation measures will be addressed via the heading below.

Infrastructure: The impact heavy haulage traffic will have on the safety of road users, condition of the infrastructure, the school bus route and the ongoing maintenance burden of the infrastructure

22. Six submissions indicated that Mindijup and Palmdale Roads were not adequately constructed to cater for an increase in heavy traffic. The submissions requested that these roads are widened, marked with centre line markings and signage installed and a maximum speed limit imposed.
23. Within these submissions, safety concerns with the following intersections were raised
- Mindijup/Palmdale Road intersection;
 - Palmdale Road/South Coast Highway intersection;
 - Palmdale Road at Moirs, Fishtrack and James Road; and
 - The blind corner at the Palmdale and Moirs Road.
24. There is also a further concern in regards to the ongoing maintenance of these roads and requests were made that the proponent contributes to the cost of these upgrades.
25. Requests were also made that roadside vegetation be consistently pruned to establish and maintain improved lines of sight.
26. Four submissions raised safety concerns with the school bus route operating along this road and requested that a curfew on truck movements was placed on during the times that the school bus services this area (8.10am to 8.23am and 3.30pm to 3.45pm).
27. Main Roads WA provided the following advice:
- 'As the proposal will necessitate the extension of the existing RAV 7 network to service the mining operations Main Roads recommends that the sealed extension of Mindijup Road be built to a minimum width of 7 metre seal with 9 metre formation.*
- Main Roads has applied for funding to undertake intersection improvement works for the Palmdale Rd and South Coast Hwy intersection in the 2017/2018 financial year. The current extent of proposed works is for a left turn pocket from SCH to Palmdale Rd, sight distance improvement works and widening of the Palmdale Road intersection fishtails.'*
28. In consultation with the City of Albany Engineering Department, officers recommend a condition of approval requiring that Palmdale and Mindijup Roads be widened to a 7 metre seal with 9 metre formation from the site to South Coast Highway. The works are to be constructed and drained at the full cost to the Developer, to the specifications and satisfaction of the City of Albany.
29. Officers recommend that a truck movement curfew is placed on the times that the school bus services the area, being 8.10am-8.23am and 3.30pm-3.45pm.
30. Officers recommend that a standard condition requiring the proponent to rectify any damage to any road as a result of the operation within the City of Albany should be applied.
31. The City of Albany will investigate opportunities to improve signage and line marking.
32. It is considered that the proposed conditions mitigate and manage concerns raised in respect to road use and infrastructure.

Noise and volume of traffic with 24 hour/7 day operation

33. Four submissions raised concerns with the noise and volume of traffic as a result of the proposed 24 hour/ 7 days per week operation and also the proximity of dwellings to the transport corridor.
34. One submission requested that the applicant construct earth banks between the dwellings and the road to act as a sound barrier. Given the compliant buffer distances, this has not been recommended as a condition of approval.
35. A submission requested that that a curfew was placed on truck movements from 6.00am to 6.00pm.
36. One submission requested that the truck movements are spread between 5.00am to 6.00am and 3.30pm to 8.30pm to limit the interactions between passenger and heavy vehicles. One submission requested that a curfew is observed on all public holidays.
37. One submission raised concerns that an increase in heavy vehicle movements would impede any future business developments for their existing winery.
38. The proponents have stated that the estimated number of truck movements associated with this use would be 23 trucks (or 46 movements) per day, which would be spaced out over 24 hours / 7 days per week, therefore equating to approximately one return trip per hour (two movements).
39. Should truck movements be restricted to between the hours of 6am to 6pm then the estimated truck movements would increase to approximately two return trips per hour (four movements).
40. The vehicles would exit the site and travel south onto Mindijup Road then south-west along Palmdale Road to reach South Coast Highway.
41. Due to the compliant buffers, officers consider that the operations onsite can be undertaken 24/7 with minimal impact on adjoining properties. However, officers recommend that the truck movements be limited to between the hours of 6am and 6pm.
42. Due to the limited lifespan of the proposal, in conjunction with the distance from the existing winery, officers consider that the proposal will have minimal impact on any future business developments for the established winery.

Non-adherence to road rules

43. Two submissions raised concerns that there would be non-adherence to the prescribed speed limits and requested that the speed limit be reduced to 70/80km/h.
44. RAV 7 'C-trains' are vehicles which are permitted to travel on this network and are subject to adhering to the designated road rules and speed limits.

Impact on South Coast Highway

45. Concerns were raised that the additional traffic resulting from the proposal would cause a bank up of traffic on South Coast Highway heading into Albany, due the road being a tourist route with a lack of passing opportunities.
46. Concerns were also raised in regards to the extra pressure the heavy traffic would place on the Upper Kalgan Bridge and the North Road roundabout as a result of the additional truck movements.
47. The proposal was referred to Main Roads WA, who provided no objections.
48. The vehicle movements associated with the proposal would be undertaken by RAV7 'C-trains'. This classification of vehicle is currently approved on this part of the road network.
49. Council is now requested to consider the submissions received during the public advertising period and determine whether to grant development approval.

GOVERNMENT & PUBLIC CONSULTATION

50. The proposal was advertised for public comment for a period of 31 days, in accordance with clause 9.4 – *Advertising of Applications of Local Planning Scheme No. 1*. A sign was placed on site, surrounding landowners were directly notified in writing and a copy of the proposal and Fact Sheet was placed on the City of Albany’s website.
51. In addition to the above, the City prepared and distributed a fact sheet for the proposal to all landowners within a 3 kilometre radius of the site, and all landowners that adjoined the subject haul route, being Palmdale and Mindijup Road.
52. Eight submissions representing six properties were received in relation to the proposal. One submission objected to the proposal, and seven submissions did not object however raised concerns to the proposal. Staff comments and recommendations are provided in the attached schedule, while the broad issues are discussed above.
53. In addition to the public consultation, the proposal was also referred to the Department of Water, the Department of Mines and Petroleum, Department of Environment Regulation, Main Roads WA, Department of Parks and Wildlife (South Coast Region), the Public Transport Authority, the Albany Port Authority, the Oyster Harbour Catchment Group and the Department of Agriculture and Food.
54. Advice was received from the Department of Water stating that they had no objections to the proposal. However, it was recommended that baseline data be established to guide the mining operations to ensure the protection of the groundwater. In addition to this, a Surface Water Management Plan should be prepared, demonstrating the measures that will be taken to prevent any run-off from the excavated areas. It was also requested that the site be recontoured to provide a stable site and avoid ponding of surface water or steep slopes.
55. Main Roads WA recommend that the sealed extension of Mindijup Road be built to a minimum width of 7m seal with 9m formation, which is consistent with the City of Albany Engineering recommendation.
56. The Department of Mines and Petroleum have revised their original comments and have now advised that as Silica is not defined as a mineral under the *Mining Act*, the proposal is now classified as an Extractive Industry.
57. Department of Environment Regulation advised that the applicant will need to lodge an application for a works approval. It is the applicant’s obligation to obtain any permits or approvals from the Department of Environment Regulation as required.
58. The Department of Agriculture and Food recommend that if the proposal is supported, that a notification be sent to the Office of the Commissioner for Soil and Land Conservation.
59. The Public Transport Authority have not provided a response. However, a submission was received directly from the school bus operator, requesting a curfew for truck movements during the times that they service these roads, being 8.10am-8.23am and 3.30pm-3.45pm. The restriction on truck movements form a recommended condition of approval.

STATUTORY IMPLICATIONS

60. Industry - Extractive is classified as an ‘A’ use within the ‘Priority Agriculture’ zone under *Local Planning Scheme No. 1*, meaning that the use is not permitted, unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Scheme.
61. Voting requirement is a **Simple Majority**.

POLICY IMPLICATIONS

62. The primary assessment criteria for the application are set out in the City of Albany *Extractive Industry and Mining* local planning policy.
63. The application is generally consistent with the City of Albany *Extractive Industry And Mining* policy. Compliance with the Policy has been discussed and addressed in the preceding discussion section of the report.
- a. The proposal is classified as a class 3 extractive industry under the policy. Class 3 extractive industries have site extraction areas exceeding 3 hectares and depths in excess of 10-15 metres.
 - b. The Policy requires that buffer distances are to be in accordance with the setbacks outlined within the Environmental Protection Authority requirements. The Environmental Protection Authority's *Separation Distances between Industrial and Sensitive Land Uses* guidelines state a buffer between 300-500 metres should apply for large scale sand extraction and 500m for screening. Although this buffer is not contained within the lot boundaries, the closest dwelling is approximately 1.125 kilometres from the nominated extraction area, and is therefore compliant with the intent of the *Separation Distances between Industrial and Sensitive Land Uses* guidelines and Policy.
 - c. The proposed pit is compliant with the setback provisions of the policy, which requires extraction to be located 30m from any public road.
 - d. The proposed pit area complies with the requirement of being set back a minimum of 50 meters from a watercourse or body. The proposed setback from the Kalgan River is approximately 930 meters.
 - e. The Extractive Industry and Mining Policy and Local Planning Scheme No. 1 states that a separation distance of 200 meters should be achieved between dwellings not on the subject property. The closest dwelling is 369 metres away from the nominated extraction area, and is therefore compliant with the *Extractive Industry and Mining Policy*.
 - f. The operations will not result in the removal of remnant vegetation

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Organisational Operations and Reputation If the conditions are not met, the proposed use could give rise to unacceptable detrimental impacts on the amenity of the area.</p>	Possible	Moderate	Medium	Mitigation of impacts to be achieved through adoption and enforcement of conditions.

FINANCIAL IMPLICATIONS

65. All costs associated with the development will be borne by the proponent.
66. However, should the proponents be aggrieved by Council's decision or any attached conditions and seek a review of that decision or conditions through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

LEGAL IMPLICATIONS

- 67. Council can use its discretion to approve or refuse the proposal. An applicant aggrieved by a decision or condition may apply for a review to the State Administrative Tribunal, in accordance with Section 252 of the *Planning and Development Act 2005*.
- 68. The proponent has the right to seek a review of the Council’s decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

- 69. The extraction area is situated in the west of the subject lot. The proposed extraction area is located in a cleared portion of land which was previously used as a blue gum plantation. The Kalgan River is located approximately 930 metres from the proposed site (to the west).

ALTERNATE OPTIONS

- 70. Council has the following alternate options in relation to this item, which are:
 - To determine that the proposed use is unacceptable and to resolve to refuse the application; or
 - To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

SUMMARY CONCLUSION

- 71. The proposal is considered to be consistent with the objectives of the zone and the requirements of the City of Albany’s *Extractive Industry and Mining* local planning policy.
- 72. The matters raised in the public submissions received during the advertising period have also been broadly addressed by the proponent and can be mitigated through the application of appropriate planning conditions.
- 73. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Extractive Industries and Mining local planning policy</i> 4. <i>Environmental Protection (Noise) Regulations 1997</i> 5. <i>Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses</i>
File Number (Name of Ward)	:	A215306(Kalgan Ward)
Previous Reference	:	Nil

DIS012: INDUSTRY – EXTRACTIVE (GRAVEL), 45720 SOUTH COAST HIGHWAY, KALGAN

Land Description : 45720 South Coast Highway, Kalgan.
Proponent : A.D. Contractors Pty Ltd
Owner : I Attwell
Business Entity Name : A.D. Contractors Pty Ltd
Directors : Ian Attwell
Attachments : Site Plan
: Schedule of Submissions
Supplementary Information & Councillor Workstation: : Copy of submissions
Report Prepared by : Planning Officer (J Anderson)
Responsible Officer : Executive Director Development Services (P Camins)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council is asked to consider an application for development approval for an Industry – Extractive (Gravel), at 45720 South Coast Highway, Kalgan.
- The application was advertised for public comment and referred to surrounding residents.
- Nine submissions were received in relation to the proposal, representing six properties. Eight submissions objected to the proposal and one submission had no objections but provided comment.
- The submissions primarily relate to the proposed access route, noise, dust, proximity to dwellings, health issues, proximity to the Kalgan Rural Village zone, operation of existing pit and property value.
- One submission received from the adjoining landowners had no objections to the proposal, however requested that Churchlane Road was not used as an access route.
- The applicant has since agreed to use the existing access route via South Coast Highway, therefore mitigating the concerns raised in regards to the industry using Churchlane Road to access the property.
- There is an existing extractive industry on this site which predates 1999. The resource has now been exhausted and the applicant is currently rehabilitating the area.
- Due to the number of concerns raised, the application is being referred to Council for determination.
- Staff recommend that Council approve the proposed development, subject to conditions, which are considered to mitigate the concerns raised through the public advertising process.

RECOMMENDATION

DIS012: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR SMITH

THAT this matter be deferred for consideration at the Ordinary Council Meeting to be held on Wednesday 26 April 2017, to allow a site visit to be conducted for elected members, the proponents and residents.

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Mulcahy

DIS012: ALTERNATE MOTION BY COUNCILLOR MULCAHY

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MULCAHY

SECONDED: COUNCILLOR PRICE

THAT Council resolves to ISSUE a notice of REFUSAL for Industry- Extractive (Gravel), 45720 South Coast Highway, Kalgan for the following reason:

Past approvals for extraction since 1999 have exhausted the life of the existing operation over 18 years. The application for a new operation is not consistent with the objective and guidelines of the City of Albany Kalgan Rural Village Structure Plan which came into effect in 2012.

LOST 2-10

Record of Vote

For the Motion: Councillors Mulcahy and Price

Councillor Reason:

The Kalgan Rural Village Structure Plan states in 'Key Objectives of the Policy' No. 9:

'Ensure protection of Rural Village amenity and minimise land use conflict.'

In 'Land Uses' the policy states:

- *'In determining applications for discretionary uses listed in the zoning table, the Council shall have regard to the general objectives of the zone, the key objectives and provisions of the Kalgan Rural Village Strategy and the Precincts Document.'*
- *'In order to ensure non-residential uses provide for the protection of rural village amenity the Council will not grant planning consent unless it is satisfied that the proposed use would not have an adverse impact on Rural Village amenity.'*

In 'Development Provisions for Specific Precincts Introduction' it states:

'Sustainable and co-ordinated growth and development is supported. The Rural Village zone allows a range of land uses with the majority being at the discretion of Council. The Council will ensure protection of Rural Village amenity is paramount, as is avoidance of land use conflict.'

'Proposals for subdivision and/or land use changes shall be evaluated against the general Objectives of the zone contained in the Town Planning Scheme and the General and Key Objections and Provisions set out in the Structure Plan Report as well as the requirements specific to the precinct.'

Residents have embraced the Kalgan Rural Village Structure Plan and this has increased the population and construction of homes in the precinct. Residents on Churchlane Road have endured eighteen years of disruptive extractive industry and many newcomers purchased and settled there with the understanding that the extraction was coming to the end of its life and would close. A new operation is not welcomed by residents and its impact on amenity is not consistent with the Structure Plan endorsed by Council. The land use conflict can no longer be managed efficiently and the amenity of the rural village will be adversely affected.

Officer Comment (Executive Director Development Services):

- 1) Mineral resources and the supply of basic raw materials to the agricultural, construction and mining industries are important contributors to economic development in the region. These Raw Materials are used in the construction industry and the activity provides employment opportunities.
 - a. Due to our dependence on these, the resources are being rapidly exhausted and therefore the provision to protect these are vital. Due to the cost of transporting the material, the end cost of the resource is hugely influenced by the travel distance and therefore it is preferable that the resource is sourced close to where it is required.
 - b. The subject lot is zoned Priority Agriculture and an Extractive Industry is a use than can be considered within this zone. The importance of protecting this resource has been recognised within the Kalgan Rural Village Structure Plan, which was endorsed by the WAPC on 28th February 2012.
 - c. Within Appendix A (7.3) of the Kalgan Rural Village Structure Plan the existing extractive industry was recognised and appropriate buffers in accordance with a number of policies and guidelines were recommended to protect this existing use and resource, the amenity and minimise land use conflict.
 - d. The recommend buffers within the Kalgan Rural Village Structure Plan are as follows:
 - For natural gravel and sand extraction a 200 metre buffer is recommended
 - Where crushing is required, the appropriate buffer is 300 metres from a dwelling.

- e. The closest dwelling is 369 metres from the extraction area and therefore the recommended buffers have been met. In addition to this buffer, staff recommend bunds be constructed to further mitigate dust or noise concerns.
 - f. Subdivision that has occurred on Churchlane Road have had notices on the titles that state that:
“The use of the land above described may be affected by 24 hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from normal agricultural operations being carried out on surrounding land holdings”.
 - g. Land parcels that have not been subdivided since the establishment of the Kalgan Rural Village Structure Plan do not have these notices, however the Structure Plan document was extensively advertised prior to its endorsement.
- 2) Apart from in September 2016, there have been no complaints received in regards to the existing operation being disruptive. It should be noted that the complaints received last year were not in relation to the extractive industry operation and were in relation to the construction of firebreaks and fencing on the eastern boundary. The noise complaint made in relation to night-time operation was a case of vandalism where the machinery onsite was broken into and started.
 - 3) The proposed access will be via an existing crossover which exits the site directly onto South Coast Highway. This is the access point used for the existing operation. As this operation has recently ceased, the truck movements from the site will not increase.
 - 4) A site meeting would allow Elected Members a better understanding of how the site would operate prior to making a final decision.

DIS012: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR HOLLINGWORTH

THAT this matter be deferred for consideration at the Ordinary Council Meeting to be held on Wednesday 26 April 2017, to allow a site visit to be conducted for elected members, the proponents and residents.

CARRIED 9-1

Record of Vote

Against the Motion: Councillor Mulcahy

Reason:

To allow Council to receive further feedback from the proponent and residents regarding this matter.

DIS012: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting temporary development approval with conditions for Industry – Extractive (Gravel) at 45720 South Coast Highway, Kalgan.

Conditions:

- (1) This consent is valid until 31/03/2022, after which an application for renewal will be required to be lodged with the City of Albany.
- (2) An earth bund shall be designed, constructed and landscaped to screen the operation from Churchlane Road (in the area indicated in red to the north-west of the extraction area on the plan hereby approved) to the satisfaction of the City.
- (3) Access shall be in accordance with the plan hereby approved. No access is permitted via Churchlane Road, unless otherwise agreed in writing by the City of Albany.

(continued on next page)

- (4) A surface water management plan shall be prepared and implemented in consultation with the Department of Water to the satisfaction of the City.
- (5) The pit shall be suitably drained. No direct discharge shall occur from the pit into a watercourse without the prior approval of the Department of Water.
- (6) The crossover shall be constructed to Main Roads WA specifications, levels and satisfaction.

Advice: A permit from the City of Albany is required prior to any work or clearing being carried out within the road reserve.
- (7) Top soil to a depth of 150mm, unless otherwise approved by the Director Works and Services, shall be removed from the extraction areas and stored on-site for use in later rehabilitation works.
- (8) A minimum of 150mm of top soil shall be left above any hard surface (i.e. clay/gravel) unless a lesser amount is approved by the Director Works and Services.
- (9) The applicant will be responsible for the repair of any damage to any road within the City of Albany, caused by the extraction operations.
- (10) A refundable bond/bank guarantee of \$3000.00 per hectare shall be lodged with the City of Albany for remediation work if required.
- (11) Operation of the extraction areas shall be restricted to the hours of 7.30am – 4.30pm Monday to Friday, unless otherwise agreed in writing by the City of Albany.
- (12) The site shall be suitably rehabilitated and re-contoured on a per hectare basis, including re-battering of banks and reseeding and stabilising of former extraction areas.
- (13) Any off site fill must be clean soil, free of weed material or of non contaminated inert type 1 waste (as defined by Landfill Waste Classification and Waste Definition 2009).
- (14) The operation of the extraction areas shall be contained within the area nominated on the stamped, approved plans.
- (15) No remnant vegetation shall be removed as part of this extraction operation, without the prior approval of the Department of Environment Regulation.
- (16) No blasting of material is permitted as part of extraction operations, unless a separate written approval has been obtained from the City of Albany.
- (17) Only one hectare of the extraction area identified on the stamped, approved plans shall be opened at any one time.
- (18) Development is required to comply with all relevant Health regulations, in particular, regards should be paid to dust management and noise regulations.
- (19) Prevention of dust and sand blowing causing a nuisance to adjoining landowners, by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with the Department of Environmental Protection's Dust Control Guidelines and the City of Albany Prevention and Abatement of Sand Drift Local Law 2000.
- (20) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
- (21) Compliance with the relevant clauses and provisions of the City of Albany Local Laws relating the Extractive Industries.

BACKGROUND

1. *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.
2. The subject lot lies to the northern side of South Coast Highway and to the western side of Churchlane Road, approximately 16km north-east of the Albany City centre. The lot has an area of approximately 87 hectares and is zoned 'Priority Agriculture' under City of Albany *Local Planning Scheme No. 1*.
3. The subject lot is bounded by 'Priority Agriculture' zoned land to the north and west. The land to the east on the opposite side of Churchlane Road is zoned Rural Village, being the Kalgan Rural Village.
4. There is an existing extractive industry on this site which predates 1999. The resource has been exhausted and the licence holder is currently rehabilitating this area.
5. Under provision 9.4.3 of Local Planning Scheme 1, the proposal was required to be advertised for a period of 21 days, however to take into consideration the holiday period, the proposal was advertised for public comment for a period of 32 days (15 December 2016 till 27 January 2017). Nearby landowners were directly notified by letter and a sign was placed onsite.

DISCUSSION

6. The proposal seeks to extract gravel from the subject site and truck the material off site for use within the Albany area.
7. The total proposed extraction area is approximately 2ha in area. The total area open at any time would not exceed one hectare.
8. The estimated lifespan of the pit is 5 years, however this will depend on demand.
9. The proposed operation times are 7.30am to 4.30pm on weekdays only (Monday to Friday).
10. The proposed extraction area is situated to the north-east of the existing extraction area within a cleared portion of land.
11. The proposed (approximate) setbacks are as follows:
 - 400m from the northern boundary
 - 260m from the western boundary and
 - 450m from both the southern and eastern boundaries.
12. The proposed extraction area is located approximately 130m from a waterway on the site (situated to the north).
13. The closest residence is located to the east, approximately 369 metres away, which exceeds the required 200 meters specified within the Extractive Industry and Mining Policy.
14. Access was initially proposed to be via a new access track on Churchlane Road. The applicant has since agreed to use the existing access track to the south directly onto South Coast Highway. The relocation mitigates any concerns raised in regards to the use of Churchlane Road and the location of the crossover.

15. The proponents have provided the following (summarised) outline of how the proposed extractive industry will operate:
- Mobile plant will be used to extract, push up and stockpile the gravel to a depth of 2 metres.
 - Topsoil will be windrowed and stored onsite and ready to be used in the rehabilitation process. Windrows shall be 5-8 metres wide and stored parallel to the borders of the extraction area.
 - The number of truck movements will vary dependant on demand, however when demand is high it is estimated that three to four trucks making six to seven trips per day would be normal. During low demand times, it is likely that one truck will be entering the site several times per day.
 - Operations generally cease during high wind, and water trucks shall be available to suppress dust.
 - No vegetation will be removed as the pit is within a cleared area.
 - The pit will be rehabilitated after completion of extraction and returned to pasture for cattle grazing.
16. The application is generally consistent with the City of Albany Extractive Industry and Mining local planning policy. Compliance with the policy is further discussed in paragraph 62 below.
17. A total of nine submissions were received in relation to the proposal representing six properties. Eight submissions objected to the proposal and one submission had no objections but requested that Churchlane Road was not used as a means of access.
18. The submissions raised a number of concerns. These concerns and the proposed mitigation measures are addressed in more detail in the following paragraphs

Noise, dust, vibration, proximity to existing dwellings resulting in health issues:

19. Seven of the submissions received raised concerns with noise, dust, vibration and proximity to existing dwellings and the impact it will have on the residents adjacent to the subject site. Four of these submissions raised concerns that the dust and noise will result in health issues.
20. The *Extractive Industry and Mining Policy* requires that buffer distances are to be in accordance with the setbacks outlines within the Environmental Protection Authority requirements. The Environmental Protection Authority's Separation Distances between Industrial and Sensitive Land Uses guidelines do not set out a specific buffer for this type of extraction, however the policy states 200 metres should be achieved between dwellings not on the subject property. With the closest boundary being approximately 260m away, this buffer has been achieved onsite. The closest dwelling is approximately 369m from the nominated extraction area, and is therefore compliant with the policy.
21. Concerns were raised that the screening and crushing machinery was not included in the noise calculations. The Department of Environment Regulation is the responsible body for the assessment of the emissions and buffers for screening and crushing plants. The applicant is responsible for ensuring that they have the required licences from DER prior to undertaking this activity onsite.
22. The proposal was referred to the Department of Environment Regulation. The advice provided was that they have no comment on the matter in reference to regulatory responsibilities under the Environmental Protection Act 1986 and the Contaminated Sites Act 2003.
23. Staff have recently attended the site. While the majority of the proposed pit area is currently well screened by a cluster of vegetation approximately 1ha in area, staff recommend that the topsoil is placed to the north-east of the proposed pit to further screen the pit area from Churchlane Road. It is further recommended that a smaller earth bund be created directly to the east of the proposed pit area, in between the two areas of vegetation.

Use of Churchlane Road and location of crossover:

24. Seven of the submissions received raised concerns with the use of Churchlane Road and the location of the crossover. The applicant has since agreed to use the existing access track which exits to the south of the lot, directly onto South Coast Highway. Given the modified access it is considered that the concerns raised in relation to Churchlane Road have been mitigated. The use of the existing access track will be applied as a condition of approval.

Adjacent to the Kalgan Rural Village Zone:

25. Five of the submissions received raised concerns in relation to the potentially detrimental effect the proposal will have on the amenity of the Kalgan Rural Village zone, which is located directly to the east, on the opposite side of Churchlane Road. The submissions claim that this use should not be permitted as it will destroy the peaceful residential lifestyle and is not in keeping with the objectives for the Kalgan Rural Village.
26. The subject site is zoned Priority Agriculture. Local Planning Scheme No. 1 classifies an extractive industry as a use which can be considered within this zone. An extractive industry is a common use on Priority and General Agriculture zoned land. An extractive industry will not be a new land use on the property, with an existing extractive industry operating on the subject site prior to 1999. Furthermore, in terms of compliance, the proposal meets the requirements of the Extractive Industry and Mining Local Planning Policy.
27. To mitigate any potential impact on amenity, it is recommended that additional earth bunds be implemented as a condition of approval.

Rehabilitation of existing and proposed pit areas:

28. Five of the submissions received raised a concern that the existing extractive industry on the site has not been rehabilitated and a new licence should not be granted until it has been fully rehabilitated.
29. The existing extractive industry is subject to a separate licence and rehabilitation bond. During the last extractive industry inspection on 15/12/2014, rehabilitation had commenced and the applicant advised that the rehabilitation will be completed during winter 2017.

Lack of screening and clearing of vegetation:

30. Two of the submissions received raised concerns with the lack of screening and clearing of vegetation.
31. The proposed extraction area is within a cleared portion of land, and if approved, extraction must be contained within this area. The applicant does not propose to clear any vegetation. Should the applicant seek to clear the vegetation, they must gain approval from the Department of Environment Regulation.
32. To further screen the proposal, it is recommended that additional earth bunds be implemented as a condition of approval.

Operation outside of normal hours, and concerns that the operations will not run in accordance with the approvals:

33. Two of the submissions received raised concerns with the operation of the proposed extractive industry outside of normal hours and that the operation will not be run in accordance with the approval.
34. One submission also raised concerns regarding the current operation running outside of normal hours and clearing of vegetation. After a site inspection and discussion with the landowner, staff were satisfied that the works were short term and were in relation to firebreaks, internal tracks and fencing and not associated with the extractive industry onsite. It should be noted that these works are exempt from requiring development approval.
35. In terms of operating outside of normal hours, the applicant did confirm that the site was subject to vandalism on one occasion when machinery was broken into and started in the early hours of the morning. This was not associated with the operation of the extractive industry.

36. Extractive industries are subject to an annual inspection prior to the licence renewal. The inspection process ensures work is being undertaken in accordance with the approved plan and planning conditions, and that rehabilitation work is correctly carried out. If a breach is found, the licence is not renewed until such a time as the breach has been rectified.
37. The applicant is proposing to operate Monday to Friday between the hours of 7.30am and 4.30pm, which is less than the normal permitted hours for an extractive industry, being 6.00am – 6pm (Monday to Friday) and 8.00am to 5pm (Saturday).

Advertising:

38. One of the submissions received claimed that the advertising was received prior to Christmas and fortuitous for the applicant due to many people being away.
39. Under provision 9.4.3 of Local Planning Scheme 1, the proposal was required to be advertised for a period of 21 days. Taking the holiday period into consideration, the proposal was advertised for a period of 32 days.

Impact of property value:

40. One of the submissions received claimed property value will be affected.
41. Property value is not a matter to be considered under the *Planning regulations 2015*.

Drainage concerns – Impact on the Kalgan River:

42. One of the submissions received raised concerns with the drainage of the works and that the Kalgan River would consequently be affected.
43. The setback from the waterway is approximately 130 metres, such a setback meets the required 50 metres under the Extractive Industry and Mining Local Planning Policy.
44. The proposal was also referred to the Department of Water. It was advised that they have no objections to the proposal, however, have requested the preparation and implementation of a surface water management plan. A surface water management plan is recommended as a condition of approval.

Landfill contains plastic:

45. One of the submissions received claimed that the landfill used to construct access ways onsite was contaminated with small bits of plastic.
46. A site inspection was conducted on the 15 February 2017 and the fill was inspected. Although small bits of plastic were found, it was in staff's opinion that this was negligible.

Discrepancies within application:

47. One of the submission claimed that there is a number of discrepancies within the application, including the size and location of the pit based on the coordinates supplied - resulting in vegetation removal, the topography, setback from dwellings and that they had not mentioned the use of a screener or crusher onsite.
48. The size of the pit is approximately two hectares, however only one hectare will be open at any one time.
49. The closest dwelling not on the site is approximately 369 metres.
50. The location of the pit will not result in any vegetation removal.
51. The applicant has confirmed that there will be a screener and crusher onsite, however this is subject to gaining a licence from the Department of Environment who are the responsible body for the assessment and licencing of screening and crushing plants.

Life of pit

52. One submission raised concerns that the life of the pit will be extended or new pits will be opened on the site once this area has been exhausted.
53. The applicant is applying for a 5 year temporary approval. All extraction must be contained within the approved area indicated on the site plan. New areas outside of the approved area, or an extension beyond the 5 year period will be subject to a new approval.
54. The proposed conditions of approval, mitigate and manage the issues raised during the public consultation process.
55. Council is now requested to consider the submissions received during the public advertising period and determine whether to grant development approval.

GOVERNMENT & PUBLIC CONSULTATION

56. The proposal was advertised for public comment for a period of 32 days, in accordance with clause 9.4 – *Advertising of Applications of Local Planning Scheme No. 1*. A sign was placed on site and surrounding landowners were directly notified in writing.
57. A total of nine submissions were received during the advertising period representing six properties. Eight submissions objected to the proposal and one submission had no objections however requested that Churchlane Road was not used as a means of access. Staff comments and recommendations are provided in the attached schedule, while the broad issues are discussed in paragraphs 20 – 54 above.
58. In addition to the public consultation, the proposal was also referred to the Department of Water due to the proximity to a waterway.
59. Advice was received from the Department of Water stating that they had no objections however requested the preparation and implementation of a surface water management plan.
60. The proposal was referred to the Department of Environment Regulation. The advice received was that they had no comment on this matter. It should be noted that screening and crushing are subject to a separate licence and assessment through Department of Environment Regulation.

STATUTORY IMPLICATIONS

61. Extractive Industry is classified as an 'A' use within the 'Priority Agriculture' zone under *Local Planning Scheme No. 1*, meaning that the use is not permitted, unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Scheme.
62. Voting requirement is a **Simple Majority**.

POLICY IMPLICATIONS

63. The primary assessment criteria for the application are set out in the City of Albany *Extractive Industry and Mining* local planning policy.
 - a. The proposal is classified as a class 2 extractive industry under the policy. Class 2 extractive industries have site extraction areas of between 0.75 and 3 hectares with a maximum depth of 3 metres.
 - b. The Policy requires that buffer distances are to be in accordance with the setbacks outlined within the Environmental Protection Authority requirements. The Environmental Protection Authority's *Separation Distances between Industrial and Sensitive Land Uses* guidelines do not set out a specific buffer for this type of extraction and therefore the proposal was referred to the Department of Environment Regulation who have advised that they have no comments on the proposal. It should be noted that a separate licence through DER is required to be obtained for screening and crushing plants and therefore a full assessment by DER will be undertaken at this time.

- c. The Extractive Industry and Mining Policy and Local Planning Scheme No. 1 states 200 meters should be achieved between dwellings not on the subject property. The closest dwelling is 369 metres away from the nominated extraction area, and is therefore compliant with the *Extractive Industry and Mining Policy*.
- d. The proposed pit is compliant with the provision of the policy that requires pits be located 30m from any public road.
- e. The proposed pit area complies with the requirement of being set back a minimum of 50 meters from a watercourse or body. The proposed setback from the waterway is approximately 130 meters.
- f. The operations will not result in the removal of remnant vegetation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Organisational Operations and Reputation</i> <i>If the conditions are not met, the proposed use could give rise to unacceptable detrimental impacts on the amenity of the area.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation of impacts to be achieved through adoption and enforcement of conditions.</i>

FINANCIAL IMPLICATIONS

- 65. All costs associated with the development will be borne by the proponent.
- 66. However, should the proponents be aggrieved by Council’s decision or any attached conditions and seek a review of that decision or conditions through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

LEGAL IMPLICATIONS

- 67. Council is at liberty to use its discretion to approve or refuse the proposal. An applicant aggrieved by a decision or condition may apply for a review to the State Administrative Tribunal, in accordance with Section 252 of the *Planning and Development Act 2005*.
- 68. The proponent has the right to seek a review of the Council’s decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

69. The extraction area is situated centrally within the subject lot. The extraction area is approximately 130 metres from a waterway onsite. The proposed extraction area is located in a cleared portion of land.

ALTERNATE OPTIONS

- 70. Council has the following alternate options in relation to this item, which are:
 - To determine that the proposed use is unacceptable and to resolve to refuse the application; or
 - To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

SUMMARY CONCLUSION

71. The proposal is considered to be consistent with the objectives of the zone and the requirements of the City of Albany’s *Extractive Industry and Mining* local planning policy. The matters raised in the public submissions have also been broadly addressed by the proponent and can be mitigated through the application of appropriate planning conditions. On this basis, it is considered the proposal can be approved and appropriately managed through ongoing conditions and the yearly licence renewal process.
72. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Extractive Industries and Mining local planning policy</i> 4. <i>Environmental Protection (Noise) Regulations 1997</i> 5. <i>Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses</i>
File Number (Name of Ward)	:	A72855(Kalgan Ward)
Previous Reference	:	Nil

DIS013: NATURAL RESERVES STRATEGY AND ACTION PLAN 2017-2021

Land Description	: All Natural Reserves
Proponent / Owner	: City of Albany
Attachments	: Natural Reserves Strategy and Action Plan 2017-2021
Supplementary Information & Councillor Workstation	: Natural Reserves Strategy and Action Plan 2017-2021
Report Prepared By	: Reserves Officer (A Tucker)
Responsible Officers:	: Executive Director of 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:
 - a) **Key Theme:** 2: Clean, Green and Sustainable
 - b) **Strategic Objective:** 2.1: To protect and enhance our natural environment, and 2.3 To advocate for and support 'green initiatives' within our region.
 - c) **Strategy:** Preserve our parks, gardens and reserves for the benefit of future generations, and 2.1.1 Deliver effective fire practices that reduce risk, and 2.1.2 Sustainably protect and enhance our iconic coastline and reserves, and 2.3.1 Promote and support effective conservation and environmental management.

In Brief:

- Review and adoption of the City of Albany Natural Reserves Strategy and Action Plan 2017-2021.
- The plan provides a framework for the Council to manage the City's Natural Reserves into the future.
- The plan has been developed using a combination of desk top research, community and stakeholder consultations, and internal stakeholder engagement. It builds on and informs a number of key City Strategies and Plans.

RECOMMENDATION

DIS013: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR GOODE

THAT Council ADOPT the Draft Natural Reserves Strategy and Action Plan 2017-2021.

CARRIED 12-0

BACKGROUND

2. The Natural Reserve Strategy and Action Plan (NRSAP) is a 5-year plan providing the framework to manage the 450 natural reserves under the City's care and management. It identifies key strategies and actions to provide access for the community and protection of the environmental values of the natural reserves.
3. The NRSAP seeks to align previous bodies of planning works undertaken in Natural Reserves to current strategic objectives of the City and enable City officers to implement key actions. It also identifies evolving risks and challenges and makes provision for appropriate responses in line with community expectation.

4. Over time, Management Plans for specific reserves will be reviewed and developed in line with the NRSAP.
5. In its 2015-2016 budget, Council allocated funding for the development of a NSRAP. Consultation took place in early 2016 and this draft plan has resulted from this consultation.

DISCUSSION

6. The development of the NSRAP included a review of all the existing individual reserve management plans and all outstanding operational actions from them. The outstanding actions that are still relevant are included.
7. Significant consultation was led by Dr Louise Duxbury from Greenskills. A number of meetings were held in early 2016, with a total of 105 agencies, local organisations and community invited to participate.
8. The development of the NRSAP is based on 10 strategic management principles. These principles are consistent with those guiding environmental protection principles in the *WA Environmental Protection Act 1986*. They are a mix of social, recreational and health, financial and environmental biodiversity elements. These principles were supported by community comments received during the consultation period.
9. The framework identifies 5 key focus areas of management. These are:
 - a) Environmental Biodiversity;
 - b) Community Safety;
 - c) Recreational Services and Facilities;
 - d) Cultural Heritage Values; and
 - e) Sustainable Management.
10. Actions for each key focus area have been identified and reflect environment best practice, are financially sustainable and balance biodiversity conservation and user needs.
11. There are a total of 76 actions within the 5-year plan and they have been categorised as either existing practices which we will continue, community education elements, and brand new initiatives and projects.
12. The NSRAP will be reviewed annually regarding budget requirements and on a 5-yearly basis regarding strategic directions.
13. The Natural Reserves Strategy and Action Plan (2017-2021) is a whole of City document and its actions are cross-departmental. The objectives and actions are linked to the annual budgets and work plan review cycles. The process of annual review of achievements will ensure the Strategy remains a 'living document', enabling regular performance monitoring.

GOVERNMENT & PUBLIC CONSULTATION

14. Consultation for this Strategy took place over a number of months in early 2016. Various methods were used and included a series of meetings and workshops, an online survey, hardcopy surveys from campers at Cape Riche and Cosy Corner West, and traditional written submissions.
15. Further consultation will be undertaken as required for specific reserve management plans as they develop.
16. A total of 105 local agencies and organisations were invited to be part of the project via the workshops or the online survey. Over 90 people attended the workshops and meetings. A total of 45 responses were received via survey monkey and 69 responses via the camping surveys.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

18. This NRSAP contributes to the achievement of the following key Australian and Western Australian Government policies, plans and legislative requirements:
- Building Code of Australia;
 - Australian Standards;
 - State Heritage Register;
 - Aboriginal Site and Other Heritage Place Register.
19. It also builds on and informs a number of local City plans, strategies and policies, namely:
- a) Environmental Weed Strategy for City of Albany Reserves (2055-2010);
 - b) Reserves Planning Framework;
 - c) City Mounts Management Plan;
 - d) Environmental Code of Conduct;
 - e) Albany Local Planning Strategy;
 - f) Asset Management Plan: Natural Reserves;
 - g) Black Swan Point Management Plan (2015-2025);
 - h) Cheyne Beach Improvement Plan;
 - i) Community Perceptions;
 - j) Trails Hub Strategy, Vol 1-5 (2015-2025);

RISK IDENTIFICATION & MITIGATION

20. To ensure appropriate decisions are made with quality information, stakeholder consultation and research, Council must be informed of the risk the City faces as a result of its decision-making.
21. Risk identification and mitigation advice assists Council to maximise opportunity and minimise risks and hazards that may impact upon the effective and efficient management of City assets, functions and services.
22. *For example: The risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework.*

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community <i>The Natural Reserves Strategy and Action Plan raises community expectations and actions are not delivered as per the Plan.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>If adopted, Council allocates resources to accommodate actions identified in the plan in a timely manner.</i>
Reputation <i>Strategy and Action Plan not adopted or delivered against, resulting in community dissatisfaction and damage to relationships with relevant stakeholders.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Low</i>	<i>Adopt the plan and continue ongoing communication with public and relevant stakeholders as to progress of actions within the plan.</i>

FINANCIAL IMPLICATIONS

23. Ongoing costs for the maintenance and renewal of assets will be the responsibility of the City of Albany. The NRSAP will require linking to the Long Term Financial Plan for some of the proposed actions to be achieved. Allocation(s) for achieving specific actions will be considered as part of the annual budget allocation and review processes.
24. The NRSAP will support the City in applying for external funding to undertake some the larger capital works activities should suitable funding opportunities arise.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

26. The NRSAP reflects current environmental best practice. However, specific environmental impact assessments will be undertaken for all new actions/works prior to implementation, and any necessary environmental conditions will be implemented at this stage.

ALTERNATE OPTIONS

27. Council may choose not to adopt this Strategy. However, this is not recommended as Albany is part of only two identified unique biodiversity hotspots in Australia. As such, there is an expectation that the City would commit to preserving and protecting our unique environmental biodiversity within our natural reserves.
28. Council may wish to modify the NSRAP. In doing so, this would require further review by the Development and Infrastructure Services Committee.

CONCLUSION

29. The Natural Reserves are a significant asset for the City in terms of ecological functions and access by residents and visitors to natural areas, as well as generating economic, health and wellbeing benefits for the City and broader community.
30. Council allocated funds to develop a Natural Reserves Strategy and Action Plan (NRSAP) in its 2015-16 budget. The City has undertaken extensive external and internal consultation to identify community priorities and include these in achievable outcomes for natural reserves.
31. It identifies key strategies and actions to provide access for the community and protection of the environmental values of the natural reserves.
32. Specific Reserve Management plans will be reviewed and developed to align to the NRSAP in due course.
33. This report recommends that the Natural Reserves Strategy and Action Plan 2017-2021 be adopted.

Consulted References	:	<i>WA Environmental Protection Act 1986</i> City of Albany Asset Management Plan: Natural Reserves 2013
File Number (Name of Ward)	:	CR.COC.44 (All Wards)
Previous Reference	:	Presentation to Works & Services Committee meeting on 7 December 2016.

DIS014: WASTE LOCAL LAW 2017

Proponent	: City of Albany
Attachments	: (1) Re-drafted Proposed Waste Local Law 2017 (2) Recommendations from the Department of Local Government and Communities (DLGC) and Department of Environment Regulation (DER)
Report Prepared by	: Manager Governance and Risk (S Jamieson)
Responsible Officer	: Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

In Brief:

- Recommend the procedures for making the City of Albany Waste Local Law.

RECOMMENDATION

DIS014: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR MOIR

- (1) **NOTE** that the Local Law procedures must be restarted to ensure legal validity and compliance with the prescribed process.
- (2) **APPROVES** the recommended amendments to the proposed Local Law for the purpose of advertising.
- (3) **AGREES** to restart the procedure for making the Local Law.
- (4) In accordance with section 3.12 of the *Local Government Act 1995*, agrees to **GIVE PUBLIC NOTICE** of its intention to **MAKE** the City of Albany Waste Local Law 2017.

CARRIED 12-0
ABSOLUTE MAJORITY

BACKGROUND

2. Council at its Ordinary Meeting of 28 July 2015 commenced the process to make the City of Albany Waste Local Law.
3. Final adoption of the Local Law was put on hold until comparable local laws were scrutinised by the Joint Standing Committee on Delegated Legislation (JSCDL) and concerns raised in the original proposed local law were addressed (see attachment 2).

DISCUSSION

4. Feedback received from the Department of Environmental Regulation (DER) and the Department of Local Government and Communities (DLGC) required the proposed local law to be amended.
5. In accordance with section 3.13 of the Act, it is recommended that the procedure for making the Waste Local Law is restarted.

GOVERNMENT AND PUBLIC CONSULTATION

6. The City of Albany completed a public consultation period of 42 days. At the close of the advertising period, no community submissions were recorded on the proposed Local Law.
7. As required by section 3.12(3)(b) of the *Local Government Act 1995*, a copy of the proposed Local Law was provided to the Minister for Local Government and Communities and the Minister for Department of Environment Regulation.

8. **Feedback from the Department of Environment Regulation:**

“The majority of the clauses in the proposed Waste Local Law are consistent with the template Waste Local Law to which the Joint Standing Committee on Delegated Legislation has indicated its general approval. However, I do not provide consent to this local law in its current form due to issues with the following clauses:

- a. *Clause 2.1(2) Deposit of waste in receptacles – this clause has not been amended to reflect the deletion of clause 2.1 ‘Supply of receptacles’ from the template local law, and is unclear.*
- b. *Clause 2.6(c) Duties of owner or occupier – it is not clear how an owner or occupier would seek approval for receptacles in order to meet the requirement to ‘take reasonable steps to ensure that the premises are provided with an adequate number of receptacles’.*
- c. *Clause 3.1 (a) Provision of receptacles – the comments for subclause 2.6(c) apply equally to this subclause.*
- d. *Clause 3.1(b) – (d) Maintenance of receptacles – these subclauses are likely to be beyond the power in that they purport to apply to the maintenance of waste receptacles no provided by the local government.*

These issues would need to be substantively addressed before consent to the waste local law could be given...”

9. **Feedback from the Department of Local Government & Communities:**

“Although the City has amended certain parts of the model in preparing its proposal waste local law the City should be prepared for the possibility that the Committee may still raise concerns with the local law. It is suggested that the City consult the Committee’s 77th Report for an idea of what kind of issues the Committee will investigate.

A number of the clauses in the local law appear to hold the property owner responsible for offences committed by other people, even when the offence was committed without the owner’s knowledge or permission.

The City may wish to consider changing these requirements so the property owner must “take all reasonable steps” to ensure the receptacle is used in compliance with the law...”

10. Additional recommendations are detailed in the attachment to this report.

STATUTORY IMPLICATIONS

11. Section 3.12 of the *Local Government Act 1995* (the Act) states the procedures for making local laws.
12. Section 3.12 of the Act requires the person presiding at a Council meeting to give notice to the meeting of the purpose and effect of the proposed local law.

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.

13. Voting Requirement: **Absolute Majority**

POLICY IMPLICATIONS

14. There are no policy implications related to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance. <i>Local law process is not restarted - will result in the Joint Standing Committee on Delegated Legislation disallowing the local law.</i>	<i>Possible</i>	<i>Major</i>	<i>Medium</i>	<i>Restart the process, address feedback from the DER and DLGC.</i>

FINANCIAL IMPLICATIONS

16. Cost will be incurred with respect to the advertising and eventual publication in the Government Gazette of the Local Law.
17. The City of Albany does not supply bins to households - this is the responsibility of the property owner.

LEGAL IMPLICATIONS

18. Section 3.12 of the Act prescribes the procedures for making Local Laws.
19. In accordance with section 3.13 of the Act, if during the procedure for making a proposed Local Law the government decides to make a Local Law that would be significantly different from what it first proposed, the local government is to recommence the procedure.
20. Whilst the Act does expressly prescribe a timeframe in which the procedural requirements for making Local Laws are to be completed, the procedures should be undertaken with "all convenient speed" in line with the *Interpretations Act 1984*.

ENVIRONMENTAL CONSIDERATIONS

21. 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 Waste Avoidance and Resource Recovery (WARR) Act 2007.

22. 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.

CONCLUSION

23. It is recommended that Council recommence the making of the Local Law process in accordance with section 3.12 of the *Local Government Act 1995*, and agrees to GIVE PUBLIC NOTICE of its intention to MAKE the City of Albany Waste Local Law 2017.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Functions & General) Regulations 1996</i> • <i>Waste Avoidance and Resource Recovery Act 2007</i> • <i>City of Albany Health Local Laws 2001</i> • <i>Local Government Operational Guidelines – Number 16 November 2011</i> • http://www.wastenet.net.au/Assets/Template_Waste_LL_-_December_2014.docx • http://www.wastenet.net.au/Assets/Template_Waste_Local_Law_Guidance_Note.pdf • Report 77 – Joint Standing Committee on Delegated Legislation – Inquiry into a Proposed Template Waste Local Law – November 2014
File Number (Name of Ward)	:	<i>All Wards</i>
Previous Reference	:	<i>OCM 28/07/2015 Resolution WS080</i>

DIS015: PLANNING AND BUILDING REPORTS FEBRUARY 2017

Proponent : City of Albany
Attachment : Planning and Building Reports February 2017
Report Prepared By : Administration Officer-Planning (Z Sewell)
Administration Officer-Development Services (J Corcoran)
Administration Officer-Planning (K Smith)
Responsible Officer(s): : Executive Director Development Services (P Camins)

Responsible Officer's Signature



RECOMMENDATION

DIS015: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SHANHUN

THAT Council NOTE the Planning and Building Reports for February 2017.

CARRIED 12-0

DIS015: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS015: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE the Planning and Building Reports for February 2017.

DIS016: ELECTED MEMBER ATTENDANCE AT INTERSTATE CONFERENCE – ALGA NATIONAL GENERAL ASSEMBLY – JUNE 2017

Proponent : City of Albany
Attachments : Nil
Report prepared by : PA to Executive Director Works & Services (A Paulley)
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 2014 to 2018:
 - a. **Key Theme:** 5. Civic Leadership
 - b. **Strategic Objective:** 5.3. To engage effectively with our community.
 - c. **Strategic Initiatives:** 5.3.2. Increased interaction between councillors and the community.

In Brief:

- Endorse the attendance of the Mayor at the Australian Local Government Association's National General Assembly in Canberra in June 2017.

DIS016: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR DOWLING

THAT DIS016: Elected Member Attendance at Interstate Conference – ALGA National General Assembly – June 2017 be ACCEPTED as an urgent item for consideration by Council.

CARRIED 12-0
ABSOLUTE MAJORITY

RECOMMENDATION

DIS016: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR TERRY

THAT Council ENDORSE the attendance of the Mayor at the Australian Local Government Association's National General Assembly in Canberra from 19 – 20 June 2017.

CARRIED 12-0

BACKGROUND

2. In June 2016, the City of Albany submitted a bid to host the 2017 National Local Roads and Transport Congress in Albany.
3. In November 2016, the Australian Local Government Association (ALGA) announced that Albany was the successful bid.
4. A teleconference meeting was held recently between the City and ALGA during which ALGA invited the Mayor and CEO to attend ALGA's National General Assembly (NGA) in Canberra in June 2017 in order to promote Albany as the host of the 2017 Congress.

5. The Congress will attract up to 350 delegates to Albany in November 2017. Some delegates may also bring their partners. This will inject significant dollars into the Albany economy, with potential flow on effects in future tourism. Attendance at the NGA will afford opportunities for the Mayor and CEO to network and encourage other local government representatives to attend the Congress in Albany.
6. The NGA gives key local government representatives the opportunity to debate issues of national significance, hear from political and academic speakers as well as to develop policy and fiscal strategy for the coming year. Prime Minister Malcolm Turnbull and Opposition Leader Bill Shorten are due to speak at this year's NGA.
7. The City will have the opportunity to submit motions of national relevance for debate at the NGA, and the City of Albany could speak to motions submitted by other councils in the Great Southern who would not otherwise attend the NGA. ALGA will also extend an invitation to the Mayor and CEO to be involved in one of the NGA's panel sessions.
8. While in Canberra, ALGA encourages local government representatives to take part in the 'Mayor a Minute' round of meeting with Federal Government Ministers. The Mayor and CEO can arrange appointments with the Minister for Regional Development and Local Government Fiona Nash, and the Minister for Infrastructure and Transport Darren Chester, in order to discuss local government issues relating to Albany. This would also be a good opportunity to update the Ministers on the progress of Albany projects which have sourced, or are seeking, funding from their departments.

DISCUSSION

9. In accordance section 2.8 of the *Local Government Act 1995*, it is the Mayor's role to speak on behalf of the City of Albany.
10. This report is presented in accordance with Council's *Travel and Representation Policy position, being in part:*

“Travel outside of Western Australia

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

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

b. An item has been presented to Council specifying:

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

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

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

3. Approval has been granted by Council resolution;

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

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

GOVERNMENT & PUBLIC CONSULTATION

12. Nil

STATUTORY IMPLICATIONS

13. Nil

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation - Lack of engagement with the local government sector	Likely	Moderate	High	Support the Mayor attending the National General Assembly.
Reputation – Lack of support in helping ALGA make the 2017 Congress in Albany as successful as possible.	Likely	Moderate	High	Support the Mayor attending the National General Assembly.
Reputation – Lack of support for Albany business community who would expect the City to maximise opportunities to attract as many delegates to the Congress as possible.	Likely	Moderate	High	Support the Mayor attending the National General Assembly.
Opportunity: Attendance at the conference will raise the profile of Albany to attract as many participants as possible at the National Local Roads and Transport Congress to be held in Albany in November 2017.				

FINANCIAL IMPLICATIONS

16. Funding is allocated in the current budget for elected members to attend training and conferences. The following costs are within the existing budget allocation.
17. The cost per elected member to attend the National General Assembly is estimated to be \$3,695, which will cover:
- Return Flights from Albany: \$1,746. Includes Albany to Perth and Perth to Canberra return.
 - Accommodation: Sunday 18 June through to Tuesday 20 June 2017: \$720
 - National General Assembly cost per person: \$929
 - Meals and travel allowances: \$300 but most meals will be supplied as part of accommodation costs and NGA fees.

LEGAL IMPLICATIONS

18. Nil.

ENVIRONMENTAL CONSIDERATIONS

19. Nil.

ALTERNATE OPTIONS

20. Nil.

SUMMARY CONCLUSION

21. It is recommended that the attendance of the Mayor at the ALGA National General Assembly is endorsed.

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

AR029: ANNUAL COMPLIANCE AUDIT RETURN (CAR) 2016

Business Entity Name : City of Albany
Attachments : Annual Compliance Return (CAR) 2016
Report Prepared By : Manager Governance & Risk (S Jamieson)
Responsible Officers: : Executive Director Corporate Services (M Cole)

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 Objectives:** 5.1 To establish and maintain sound business and governance structures
 - c. **Strategy:** 5.1.1 Implement systems and controls that ensure the prudent use of rates.

In Brief:

- Receive and critique the Internal Audit Report – June 2016

RECOMMENDATION

AR029: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR TERRY

THAT a Certified Copy of the Compliance Audit Return (CAR) for the period 1 January 2016 to 31 December 2016 be ENDORSED by Council and any additional information explaining or quantifying the compliance audit is to be submitted to the Director General of the Department of Local Government and Communities before 31 March 2017.

CARRIED 12-0

AR029: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR STOCKS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

AR029: RESPONSIBLE OFFICER RECOMMENDATION

THAT a Certified Copy of the Compliance Audit Return (CAR) for the period 1 January 2016 to 31 December 2016 be ENDORSED by Council and any additional information explaining or quantifying the compliance audit is to be submitted to the Director General of the Department of Local Government and Communities before 31 March 2017.

BACKGROUND

2. Local governments are required by legislation to complete a statutory compliance return (Compliance Audit Return or CAR) annually and have the return adopted by Council.
3. The return is a checklist of a local government's compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered "high risk."
4. The Audit Committee is required to review the results of the annual CAR prior to presentation to Council for endorsement.
5. To complete the process the CAR is signed by the Mayor and the CEO and forwarded to the Department.

DISCUSSION

6. Additional information explaining and quantifying the compliance review follows:

Report Serial	Comment/Action Taken
Commercial Enterprises by Local Governments	
Commercial Enterprises by Local Governments Response: N/A	Respondents: Manager Finance, Senior Land Officer. Comment: No major land transactions undertaken in 2016.
Delegation of Power / Duty	
Delegation of Power / Duty. No. 1 to 4 Response: N/A	Respondent: Manager Governance & Risk. Comment: No committees delegated power.
Delegation of Power / Duty. No. 5 Reference: s5.18 Question: Has Council reviewed delegations to its committees in the 2016/2017 financial year. Response: N/A	Respondent: Manager Governance & Risk. Comment: No committees delegated power. Council Reference: OCM 26/05/2015 Resolution CSF169.
Delegation of Power / Duty. No. 12 Reference: s5.46(2) Question: Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2015/2016 financial year. Response: Yes	Respondent: Manager Governance & Risk. Comment: In addition to Council adopting a fully reviewed set of new delegations, additional amendments and reviews were conducted, as follows: <ul style="list-style-type: none"> • OCM 28/06/2016 Resolution CSF248 • OCM 23/08/2016 Resolution CSF262
Disclosure of Interest	
Disclosure of Interest. No.2 Reference: s5.68(2) Response: N/A	Respondent: Manager Governance & Risk Comment: No decisions made under section 5.68(1).
Disposal of Property	
Disposal of Property. No. 1 Reference: s3.58(3) Question: Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)). Response: Yes	Respondents: Executive Director Corporate Services, Manager Finance, Senior Land Officer Comment: It was reported in the last return: <i>"RE: Property Reference: A176516 Lots 201, 202 & 203 Chester Pass Road, Lange.</i>

<p>Disposal of Property. No. 2</p> <p>Reference: s3.58(4)</p> <p>Question: Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.</p> <p>Response: Yes</p>	<p><i>Contract of Sale will not be signed until 2016.</i></p> <p>Contract was not signed in 2016 as forecast.</p> <p>Note:</p> <p>(a) The only settlements in 2016 for land sales were for Cull Road properties (previous Major Land Transaction).</p> <p>(b) Current property sales pending:</p> <ul style="list-style-type: none"> • 55 Balston Rd, Gledhow • 4 Parker Street, Lockyer • Lots 201-203 Chester Pass Road, Lange <p>(c) Balston and Chester Pass Road properties were advertised for public comment disclosing all information required by the LG Act.</p> <p>(d) Parker Street property was subject to a public tender process in the first instance.</p> <p>(e) It is forecast the above listed property sales will finalise in the first half of 2017.</p> <p>(f) Property 5 Stanley Street, Mount Melville was sold for unpaid rates under s6.68 of the Act.</p>
<p>Elections</p>	
<p>Elections. No. 1</p> <p>Reference: Elect Reg 30G(1)</p> <p>Question: Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.</p> <p>Response: N/A</p>	<p>Respondent: Team Leader Records & Council Liaison.</p> <p>Comment: No elections were conducted in 2016.</p>
<p>Finance</p>	
<p>Finance. No. 6</p> <p>Reference: s7.9(1)</p> <p>Question: Was the Auditor's report for 2015/2016 received by the local government by 31 December 2016.</p> <p>Response: Yes</p>	<p>Respondent: Manager Governance & Risk, Manager Finance</p> <p>Comment:</p> <p>The audit was received by the City of Albany on 21/11/2016.</p> <p>The report was presented to the Audit & Risk Committee on 6/12/2016.</p> <p>Council received report at its ordinary meeting on: 13/12/2016.</p> <p>The Auditor has confirmed that the audit report was sent to the Minister on: 21/11/2016.</p>

Local Government Employees	
<p>Local Government Employees. No.1 Reference: Admin Reg 18C</p> <p>Question: Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.</p> <p>Response: N/A</p>	<p>Respondent: Manager Human Resources, Manager Governance & Risk</p> <p>Comment: CEO not recruited during this reported period. Council Reference: OCM 28/10/2014 Resolution CSF127.</p>
<p>Local Government Employees. No.2 Reference: s5.36(4) s5.37(3), Admin Reg 18A</p> <p>Question: Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.</p> <p>Response: Yes</p>	<p>Respondent: Manager Human Resources, Manager Governance & Risk</p> <p>Comment: CEO: Not applicable. Council has designated the following positions as “senior employees”:</p> <ul style="list-style-type: none"> • Executive Director Development Services • Executive Director Commercial Services • Executive Director Works & Services • Executive Director Corporate Services
<p>Local Government Employees. No.5 Reference: s5.37(2)</p> <p>Question: Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.</p> <p>Response: Yes</p>	<p>Respondent: Manager Human Resources, Manager Governance & Risk</p> <p>Comment:</p> <ul style="list-style-type: none"> • Appointment of Executive Director Development Services: OCM 13/12/2016 Resolution CSF293 • Appointment of Executive Director Commercial Services: OCM 26/04/2016 Resolution CSF238
Official Conduct	
<p>Official Conduct. No. 1 Reference: s5.120</p> <p>Question: Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.</p> <p>Response: Yes</p>	<p>Respondent: Manager Governance & Risk</p> <p>Comment: The CEO was the designated Complaints Officer during the reporting period. Council may wish to consider the appointment of an additional complaints officer.</p>
Tenders for Providing Goods and Services	
<p>Tenders for Providing Goods and Services. No. 23 Reference: F&G Reg 24E</p> <p>Question: Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).</p> <p>Response: N/A</p>	<p>Respondent: Senior Procurement Officer</p> <p>Comment: Council adoption reference: OCM 28/06/2016 Resolution CSF247.</p>

<p>Tenders for Providing Goods and Services. No. 25</p> <p>Reference: F&G Reg 11A</p> <p>Question: Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less.</p> <p>Response: Yes</p>	<p>Respondent: Senior Procurement Officer</p> <p>Comment:</p> <p>Policy updated. Council adoption reference: OCM 28/06/2016 Resolution CSF246.</p>
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7. In addition to the CAR, it is now a legislative requirement for the CEO to conduct a review of certain systems and procedures. This review looks at the appropriateness and effectiveness of the City's systems and procedures in regard to risk management, internal control and legislative compliance.
8. This review was conducted and reviewed by the Audit & Risk Committee on 6 December 2016.

GOVERNMENT & PUBLIC CONSULTATION

9. Guidance has been communicated by the Department of Local Government & Communities (DLGC) via government circulars, guidelines and direct contact.

STATUTORY IMPLICATIONS

10. **Compliance audits by local governments:** Prescribed actions are detailed at Regulation 14 of the *Local Government (Audit) Regulations 1996*.
11. An adopted return is required to be submitted to the Department by 31 March 2015.
12. **CEO to review certain systems and procedures:** Prescribe actions detailed at Regulation 17 of the *Local Government (Audit) Regulations 1996*:
 - "(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to -*
 - (a) risk management; and*
 - (b) internal control; and*
 - (c) legislative compliance.*
 - (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
 - (3) The CEO is to report to the audit committee the results of that review."*

POLICY IMPLICATIONS

13. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Legal & Compliance: The CAR not endorsed by Council.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>An extension of time would be requested from the Department. CAR re-presented once concerns are adequately addressed.</i>
Opportunity: Facilitates Audit & Risk Committee critique.				

FINANCIAL IMPLICATIONS

15. Nil.

LEGAL IMPLICATIONS

16. Nil.

ENVIRONMENTAL CONSIDERATIONS

17. Nil.

ALTERNATE OPTIONS

18. Nil.

CONCLUSION

19. Nil.

Consulted References	:	<ul style="list-style-type: none"> • Local Government Act 1995 • Local Government (Audit) Regulations 1996 • Department Circulars: <ul style="list-style-type: none"> • Circular No 03-2017 – Local Government 2016 Compliance Audit Return Now On Smart Hub
File Number (Name of Ward)	:	(All Wards)
Previous References	:	<ul style="list-style-type: none"> • Audit & Risk Committee 9/02/2016 Report AR019. • OCM 23/02/2016 Resolution AR019.

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

DIS016: ELECTED MEMBER ATTENDANCE AT INTERSTATE CONFERENCE-ALGA NATIONAL GENERAL ASSEMBLY – JUNE 2017

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16. REPORTS OF CITY OFFICERS

17. MEETING CLOSED TO PUBLIC

18. CLOSURE

There being no further business the Mayor declared the meeting closed at [7:00:20 PM](#)



Dennis W Wellington
MAYOR