



MINUTES

Ordinary Meeting of Council

Tuesday 31 October 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 - 31/10/2017

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1. DECLARATION OF OPENING

6.00 PM The Mayor declared the meeting open.

1.1 DECLARATION OF COUNCILLORS ELECT

Councillors Elect made their Declaration, which was witnessed by Mr Rick Wilson, MP, Federal Member for O'Connor.

Nominations were then called for the position of Deputy Mayor.

Councillor Stocks self-nominated. No further nominations for the position of Deputy Mayor were received. Councillor Stocks was elected unopposed to the position of Deputy Mayor.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor D Wellington

Councillors:

Breaksea Ward	P Terry
Breaksea Ward	R Hammond
Frederickstown Ward	G Stocks
Frederickstown Ward	R Stephens
Kalgan Ward	B Hollingworth
Kalgan Ward	E Doughty
Vancouver Ward	J Shanhun
Vancouver Ward	T Sleeman
West Ward	S Smith
West Ward	A Goode JP
Yakamia Ward	A Moir
Yakamia Ward	R Sutton

Staff:

Chief Executive Officer	A Sharpe
Executive Director Corporate Services	M Cole
Executive Director Development Services	P Camins
Executive Director Infrastructure and Environment	M Thomson
Executive Director Commercial Services	A Cousins
Meeting Secretary	J Williamson

Apologies:

Executive Manager Community Services	S Stevens
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4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Hollingworth	CCCS051	Financial. The nature of the interest being that Councillor Hollingworth has business interests that include providing services to plantation management companies, including those companies mentioned in this report. Councillor Hollingworth left the Chamber and was not present during the discussion and vote for this item.
Councillor Doughty	CCCS067	Impartiality. The nature of the interest being that the applicant is known to Councillor Doughty both professionally and personally. Councillor Doughty remained in the Chamber and participated in the discussion and vote for this item.
Councillor Hollingworth	CCCS070	Financial. The nature of the interest being that Councillor Hollingworth is a Board Member of the Discover Albany Foundation. Councillor Hollingworth left the Chamber and was not present during the discussion and vote for this item.
Chief Executive Officer Mr Andrew Sharpe	PR004	Financial. The nature of the interest being that the matter to be discussed has a direct financial impact on Mr Sharpe. Mr Sharpe left the Chamber and was not present during the discussion and vote for this item.

5. REPORTS OF MEMBERS: Nil.

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

7. PUBLIC QUESTION TIME:

6.12 PM Mr Rob Wright, Albany Agricultural Society

Summary of key points:

- Mr Wright addressed Council regarding DIS054: Albany Agricultural Society-Request for Self Supporting Loan. Mr Wright requested that Council support the Albany Agricultural Society request financial support.

6.17 PM Mr Tony Kinlay, 10 La Perouse Road, Goode Beach

Summary of key points:

- Mr Kinlay addressed Council regarding any proposed development at Lot 660 Frenchman Bay, and asked that Council note his objection to a proposed development at this lot.

6.21PM **Mr Roland Paver, 12 La Perouse Court, Goode Beach**

Summary of key points:

- Mr Paver spoke against the rezoning and possible development of Lot 660 Frenchman Bay.

6.25PM **Ms Jennifer Leonard, 48 Karrakatta Road, Goode Beach**

Summary of key points:

- Ms Leonard spoke against the rezoning and possible development of Lot 660 Frenchman Bay.
- Ms Leonard tabled her address, and a document prepared by Dr John Myers for distribution to elected members. The tabled address and document are detailed at Appendix A.

6.28PM **Ms Kim Stanton, 55 Chipana Drive, Little Grove**

Summary of key points:

- Ms Stanton spoke against the rezoning and possible development of Lot 660 Frenchman Bay.
- Ms Stanton's tabled address is detailed at Appendix A.

6.32PM **Ms Heather Joyce, 21 Rowley Street Albany**

Summary of key points:

- Ms Joyce addressed Council regarding the Trails Hub Strategy, and in particular whether the rehabilitation of trails on the mounts was being conducted by trained personnel.

6.35PM **Ms Harriet Paterson, 47 Innes Street Albany**

Summary of key points:

- Ms Paterson addressed Council regarding the Trails Hub Strategy, and the ongoing conflict between walkers and mountain bike riders sharing the trails on the mounts.
- Ms Paterson asked if the City had a risk management plan in place to address this conflict.

6.39PM **Mr Max Angus, La Perouse Road, Goode Beach**

Summary of key points:

- Mr Angus spoke in support of the Frenchman Bay Heritage Trail.
- Mr Angus would like to see the Frenchman Bay Heritage Trail being included in the City's Trails Hub Strategy.

6.42PM Mr Andrew Storrie, 7 Ranford Street, Mount Melville

Summary of key points:

- Mr Storrie addressed Council regarding the risk of Dieback on the Mounts with the expansion of the City's trails network.

6.45PM There being no further speakers, the Mayor declared Public Question Time closed.

8. APPLICATIONS FOR LEAVE OF ABSENCE: Nil

9. PETITIONS AND DEPUTATIONS:

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR TERRY

SECONDED COUNCILLOR HOLLINGSWORTH

THAT:

1. The Petition lodged with the City of Albany by Ms Carole Pettersen objecting to the proposed gazettal of Lake Mullocullup, and requesting suspension of any further move to have Lake Mullocullup gazetted for motorised water vehicles be RECEIVED;
2. The submission signed by 25 members of the public opposing gazettal of Lake Mullocullup be NOTED; and
3. The Petition lodged with the City of Albany by VJ Van Den Berg to rescind the resolution of Council to gazette Lake Mullocullup to allow power boats and water skiing be RECEIVED.

CARRIED 13-0

10. CONFIRMATION OF MINUTES:

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR STOCKS

SECONDED COUNCILLOR GOODE

THAT the minutes of the Ordinary Council Meeting held on 26 September 2017, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 13-0

11. PRESENTATIONS: Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS: Nil

CCCS060: FINANCIAL ACTIVITY STATEMENT – AUGUST 2017

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

RECOMMENDATION

CCCS060: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SHANHUN

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 August 2017.
CARRIED 13-0

CCCS060: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS060: RESPONSIBLE OFFICER RECOMMENDATION

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

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 August 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 \$100,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

“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 2017/18 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 August 2017 has been incurred in accordance with the 2017/18 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.7 - All Wards
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CCCS061: LIST OF ACCOUNTS FOR PAYMENT – SEPTEMBER 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)

RECOMMENDATION

CCCS061: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 September 2017 totalling \$7,587,437.00

CARRIED 13-0

CCCS061: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

.CARRIED 10-0

CCCS061: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 September 2017 totalling \$7,587,437.00

BACKGROUND

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

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 September 2017. Please refer to the Attachment to this report.

Municipal Fund		
Trust		\$ 35,568.00
Credit Cards		\$ 14,237.70
Payroll		\$ 1,831,205.08
Cheques		\$ 40,568.16
Electronic Funds Transfer		\$ 5,665,858.06
TOTAL		<u>\$ 7,587,437.00</u>

3. As at 15 September 2017, the total outstanding creditors, stands at \$589,800.41 and made up as follows:-

Current	\$ 330,566.69
30 Days	\$ 259,138.01
60 Days	\$ 141.01
90 Days	-\$ 45.30
TOTAL	<u>\$ 589,800.41</u>

Cancelled cheques – Cheque Number 31708 – incorrect name replaced with 31713

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

7. Expenditure for the period to 15 September 2017 has been incurred in accordance with the 2017/2018 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 September 2017 has been incurred in accordance with the 2017/2018 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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CCCS062: DELEGATED AUTHORITY REPORTS

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

RECOMMENDATION

CCCS062: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TERRY

THAT the Delegated Authority Reports 16 August 2017 to 15 September 2017 be RECEIVED.

CARRIED 13-0

CCCS062: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS062: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 August 2017 to 15 September 2017 be RECEIVED.

CCCS063: WRITE OFF RATE DEBT REPORT AS AT 30 JUNE 2017

Proponent : City of Albany
Attachments : Write Off Rate Debt Report as at 30 June 2017
Report Prepared by : Senior Finance Officer – Rates (G Shephard)
Responsible Officer : Executive Director Corporate Services (M Cole)

RECOMMENDATION

CCCS063: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR GOODE

THAT Council RECEIVE the Write Off Rate Debt Report as at 30 June 2017.

CARRIED 13-0

CCCS063: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS063: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Write Off Rate Debt Report as at 30 June 2017.

**CCCS064: QUARTERLY REPORT – TENDERS AWARDED – JULY TO
SEPTEMBER 2017**

Proponent : City of Albany
Attachments : Quarterly Report – Tenders Awarded – July to September
2017
Report Prepared by : Procurement Officer (H Hutchinson)
Responsible Officer : Executive Director Corporate Services (M Cole)

RECOMMENDATION

**CCCS064: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR TERRY**

THAT the Quarterly Report – Tenders Awarded – July to September 2017 be RECEIVED.

CARRIED 13-0

CCCS064: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR GOODE**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS064: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Quarterly Report – Tenders Awarded – July to September 2017 be RECEIVED.

CCCS065: COMMUNITY PERCEPTION SURVEY RESPONSE

Proponent	:	City of Albany
Attachments	:	<ul style="list-style-type: none">• Catalyse Community Score Card Report• Attachments available on City of Albany Website: www.albany.wa.gov.au
Report Prepared by	:	Facilitator-Strategy and Improvement (S Grimmer)
Responsible Officer(s)	:	Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
 - a. **Key Theme: 1 Leadership**
 - b. **Objective: 1.3 To engage effectively with our community.**
 - c. **Community Priority: 1.3.1** Develop structures and processes that engage the community and engender community confidence and trust that their input is valued and used to inform decisions and priorities.

In Brief:

- The City recently conducted a community perception survey along with comprehensive community engagement as the basis for updating the Community Strategic Plan and supporting integrated planning documents.
- The survey has highlighted a number of areas to focus on which involve the need for improved engagement and communication.

RECOMMENDATION

CCCS065: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council:

- (1) **NOTE the Community Scorecard Report from Catalyse which summarise the results of the 2017 community perception survey.**
- (2) **APPROVE the engagement of a recognised iap2 Community Engagement Consultant to work with Council and Community Leaders to develop an engagement program that will increase community participation in setting and communicating the City's future direction and priorities.**

CARRIED 13-0

CCCS065: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS065: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) NOTE the Community Scorecard Report from Catalyse which summarise the results of the 2017 community perception survey.
- (2) APPROVE the engagement of a recognised iap2 Community Engagement Consultant to work with Council and Community Leaders to develop an engagement program that will increase community participation in setting and communicating the City's future direction and priorities.

BACKGROUND

2. The City engages an independent consultant to conduct a community perception survey every 2 years.
3. Catalyse were engaged in the first half of 2017 to independently conduct the survey with the results used to inform the City's integrated planning framework documents which were adopted in September 2017.
4. Previous surveys had been conducted by phone but based on advice from Catalyse and the dwindling use of land lines it was decided that this and future surveys would be conducted by email and post.

DISCUSSION

5. The following table summarises the 2017 survey results and trends over the past 3 surveys. The index score provides a weighted average of all responses received:

Criteria	2013	2015	2017	LG Ave
Smart Prosperous and Growing	Index Score			
Albany as a place to live	70	72	83	74
Economic development and job creation	50	52	45	43
Tourism attractions and marketing	NA	73	57	NA
Education and training opportunities	56	58	53	47
Benefit from significant events	NA	68	72	NA
Clean, Green and Sustainable	Index Score			
Promote and adopt sustainable practices	50	52	54	56
Waste collection services	68	67	67	74
Management of coastal and foreshore areas	63	59	59	53
Streetscapes	53	58	60	53
Playgrounds, Parks & Reserves	59	62	73	63
Community building and halls	54	59	62	63
Public Toilets	47	49	51	49
Footpaths, cycleway and trails	54	56	56	53
Storm water drainage	46	52	53	56
Maintenance of sealed roads	47	51	41	NA
Maintenance of unsealed roads	42	45	38	NA
Traffic management and control on local roads	55	56	53	54
Management of parking	47	50	46	51
Lighting of streets and public places	NA	NA	60	57

Sense of Community	Index Score			
Library and information services	70	73	79	70
Sport and recreation facilities	61	65	75	66
Leisure and aquatic centre (ALAC)	NA	NA	73	72
Art facilities	62	65	71	68
Festivals, events and cultural activities	57	61	65	61
Preservation and promotion of local history and heritage	60	68	68	61
Support provided to Noongar people	NA	NA	63	NA
Services and facilities for youth	50	53	49	50
Services and facilities for seniors	58	60	63	58
Services and facilities for people with disabilities	54	58	58	59
Support provided to families with pre-school children	NA	NA	55	59
Services and facilities for child day care	NA	NA	60	NA
People who have volunteered in the last 12 months	NA	53	64	57
A Connected Built Environment	Index Score			
Planning and Building approvals	44	44	45	46
City Centre Development	46	59	53	49
Area's Character and identity	61	65	67	60
Safety and Security	55	61	58	54
Natural disaster education, prevention and relief	57	58	57	58
Public health education and programs	NA	57	58	NA
Civic Leadership	Index Score			
COA as a Governing organisation	50	55	55	56
Value for money from rates	47	49	44	47
Council's leadership	45	50	50	51
How open and transparent Council processes are	42	45	43	47
How the community is consulted about local issues	45	48	45	47
City Website	59	58	58	59
Customer Service	56	59	62	59
City has communicated a clear vision	45	52	49	NA
Elected members understanding of community needs	47	57	45	NA
Staff understanding of community needs	56	62	52	NA
The City explains the reasons for its decisions	NA	NA	42	NA

Summary	2013	2015	2017	LG Ave
Smart Prosperous and Growing	59	65	60	55
Clean, Green & Sustainable	52	55	55	57
A Sense of Community	59	62	65	62
A Connected Built Environment	54	58	58	55
Civic Leadership	49	52	51	52
Average Rating	53.6	57.6	58.2	56.8

SUMMARY OF FINDINGS

6. The average rating for the 2017 survey has risen slightly since the last survey and remains above the local government average.
7. “*Albany as a place to live*” improved from an index score of 72 in 2015 to 83 in 2017, a significant increase that demonstrates our community love where they live.
8. Areas of focus that are being taken up by Council are consulting with the community on local issues and transparency with decision making. The other areas highlighted include parking, roads, footpaths, waste services and value for money from rates which remain as ongoing priorities for Council.

GOVERNMENT CONSULTATION

9. The City has researched the approach taken across the Local Government sector in regards to community surveys.

COMMUNITY CONSULTATION / ENGAGEMENT

10. 613 responses were collated and reported by Catalyse.
11. The resulting Community Scorecard Report is appended to this item and available on the City’s web-site.

STATUTORY IMPLICATIONS

12. **Section 5.56(1) and (2) of the *Local Government Act 1995*** requires that each local government is ‘to plan for the future of the district’, by developing plans in accordance with the regulations. The advisory standard, framework and supporting guidelines stress the importance of community input into the integrated planning framework.

RISK IDENTIFICATION & MITIGATION

13. The risk identification and categorisation references the City’s Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputations. Council does not adequately address issues raised by the community.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Develop a suitable Community Engagement program.</i>
<i>Opportunity: To involve community leaders in establishing an engagement program that will increase community participation in setting future strategic direction and priorities.</i>				

FINANCIAL IMPLICATIONS

14. While there are no direct financial implications in relation to this item, failure to meet our statutory obligations in regards to integrated planning and reporting could affect our ability to attract future State Government funding.

CONCLUSION

15. The report highlights the areas the Albany community would like the City to focus on and provides a sound basis for continual improvement within the City.

Consulted References	:	<i>Local Government Act 1995</i> Western Australian-Integrated Planning and Reporting Framework
File Number (Name of Ward)	:	CM.RVW.3 (All Wards)
Previous Reference	:	<ul style="list-style-type: none">• Councillor Strategic Workshop 2013• Councillor Strategic Workshop 2015• Councillor Strategic Workshop 2017

CCCS066: LOWER GREAT SOUTHERN ECONOMIC ALLIANCE - UPDATE

Proponent / Owner : Lower Great Southern Alliance
Attachment : Lower Great Southern Alliance Minutes – 7 September
Report Prepared By : Lower Great Southern Alliance – Acting Executive Director
Commercial Services (A Cousins)
Responsible Officers: : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Themes:**
 - 1. Leadership.
 - 2. To strengthen and grow our region’s economic base.
 - **Objectives:**
 - 1.2 To provide strong, accountable leadership supported by a skilled & professional workforce.
 - 2.2 To develop and smart city that supports economic growth.
 - **Community Priority:**
 - 1.2.1 Provide positive leadership that delivers community outcomes and gains a reputation for doing what is good for Albany and the surrounding region.
 - 2.2.2 Promote Albany and the surrounding region as an ideal location to hold conferences and training events.

In Brief:

- Committee to note the minutes of the Lower Great Southern Economic Alliance September meeting.

RECOMMENDATION

CCCS066: RESOLUTION
VOTING REQUIREMENT : SIMPLE MAJORITY

Moved: COUNCILLOR TERRY
SECONDED: COUNCILLOR DOUGHTY

THAT the Committee NOTE the minutes of the Lower Great Southern Economic Alliance meeting held 7 September 2017 as outlined in Attachment 1.

CARRIED 13-0

CCCS066: COMMITTEE RECOMMENDATION

Moved: COUNCILLOR SUTTON
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS066: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Committee NOTE the minutes of the Lower Great Southern Economic Alliance meeting held 7 September 2017 as outlined in Attachment 1.

BACKGROUND

2. The Lower Great Southern Economic Alliance (LGSEA) of the City of Albany, and Shires of Denmark and Plantagenet developed under a Memorandum of Understanding in July 2015.
3. The key pillars of the LGSEA include: Advocacy; Economic Development and Tourism and Efficiency and Consistency.

DISCUSSION

4. The LGSEA meets regularly with the last meeting held in the Shire of Plantagenet on 7 September 2017. See Attachment 1 for the minutes from this meeting.

GOVERNMENT & PUBLIC CONSULTATION

5. Not applicable to this report.

STATUTORY IMPLICATIONS

6. Not applicable to this report.

POLICY IMPLICATIONS

7. There are no policy implications at this time.

RISK IDENTIFICATION & MITIGATION

8. There are no risk associated with this report.

FINANCIAL IMPLICATIONS

9. Nil.

LEGAL IMPLICATIONS

10. Nil.

ENVIRONMENTAL CONSIDERATIONS

11. Nil.

CONCLUSION

12. That the Committee note the minutes of the LGSEA meeting held on Thursday, 5 October 2017.

Consulted References	:	Lower Great Southern Economic Alliance (LGSEA) Memorandum of Understanding dated July 2015
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Nil

CCCS067: REQUEST FOR NOMINATIONS TO COMMITTEES OF COUNCIL AND EXTERNAL COMMITTEES

- Attachments** : Governance and Meeting Framework (Council Committee Terms of Reference)
- Report Prepared By** : Manager Governance & Risk (S Jamieson)
- Responsible Officers:** : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - a. **Theme 1: Leadership**
 - b. **Objective:**
 - 1.1. To establish and maintain sound business and governance structures.
 - 1.3. To engage effectively with our community.
 - c. **Community Priorities:**
 - 1.1.2. Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to the community.
 - 1.3.1. Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.

In Brief:

- Re-appointment or Committees of Council are required to be conducted post the 2017 Ordinary Local Government Election.
- Request that nominations are received prior to the 31 October 2017 Ordinary Council Meeting.

RECOMMENDATION

CCCS067: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY
MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SUTTON

THAT Council:

(1) APPOINT the nominated elected members to the following Committees:

a. **Committees of Council:**

- **Airport Emergency Committee:**

1.Councillor Sutton
2.Councillor Terry
3.Councillor Smith

- **Audit & Risk Committee:**

1. Councillor Stephens	4.Councillor Terry	7.Councillor Doughty
2.Councillor Hollingworth	5.Councillor Smith	
3.Councillor Stocks	6.Mayor Wellington	

- **Bushfire Advisory Committee:**

1.Councillor Terry	4.Councillor Moir
2.Councillor Shanhun	
3.Councillor Smith	

- **CEO Performance Review Committee:**

Mayor	3. Councillor Goode
1.Councillor Hollingworth	
2.Councillor Stocks	

- **Community & Corporate Services Committee:**

1.Mayor Wellington	6.Councillor Hollingworth	11.Councillor Goode
2.Councillor Terry	7.Councillor Doughty	12.Councillor Moir
3.Councillor Hammond	8.Councillor Shanhun	13.Councillor Sutton
4.Councillor Stocks	9.Councillor Sleeman	
5.Councillor Stephens	10.Councillor Smith	

- **Development & Infrastructure Services Committee:**

1.Mayor Wellington	6.Councillor Hollingworth	11.Councillor Goode
2.Councillor Terry	7.Councillor Doughty	12.Councillor Moir
3.Councillor Hammond	8.Councillor Shanhun	13.Councillor Sutton
4.Councillor Stocks	9.Councillor Sleeman	
5.Councillor Stephens	10.Councillor Smith	

- **Local Emergency Management Committee (LEMC):**

1.Councillor Hollingworth
2.Councillor Shanhun

b. External Committee Representation:

- **Great Southern Recreational Advisory Group (GSRAG):**

1. Councillor Stephens
2.Councillor Moir

- **Great Southern Regional Road Group:**

1.Councillor Doughty
2.Councillor Sutton(P)

- **South Coast Management Group:**

1.Councillor Stocks
2.Councillor Moir

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

1. Mayor Wellington	6.Councillor Hollingworth	11.Councillor Goode
2.Councillor Terry	7.Councillor Doughty	12.Councillor Moir
3.Councillor Hammond	8.Councillor Shanhun	13.Councillor Sutton
4.Councillor Stephens	9.Councillor Sleeman	
5.Councillor Stocks	10.Councillor Smith	

- **WALGA - Road Wise Advisory Committee:**

- | |
|---------------------------|
| 1.Councillor Hollingworth |
| 2.Councillor Moir |

- **Lower Great Southern Economic Alliance:**

- | |
|--|
| 1. Mayor Wellington |
| 2. Councillor Stephens |
| 3. Councillor
Hollingworth(reserve) |
| 4. Councillor Stocks |

(2) **NOTE there is no requirement for nominations to the following external committees, as no appointments have been requested by external boards:**

- **Great Southern Development Commission – Board of Management:**

- | |
|---------------------|
| 1. Mayor Wellington |
|---------------------|

- **Great Southern Joint Development Assessment Panel:**

- | |
|----------------------------|
| 1. Mayor Wellington |
| 2. Councillor Hollingworth |
| 3. Councillor Hammond |
| 4. Councillor Terry |

- **National Anzac Centre Advisory Group:**

- | |
|---------------------|
| 1. Mayor Wellington |
|---------------------|

**CARRIED 13-0
ABSOLUTE MAJORITY**

BACKGROUND

2. In accordance with section 5.11(1)(d) of the *Local Government Act 1995* (the Act), a person's membership of a Committee continues until the next ordinary election.
3. Therefore, all Committee members must be reappointed after the 21 October 2017 ordinary election.
4. All reports for consideration by Council should be referred through a Standing Council Committee. Standing Committees provide a functional, transparent and legally compliant meeting framework that allows elected members to engage in policy and strategy development, and provide accurate and relevant information which enables informed decision making by elected members.
5. Standing Committees of Council are open to the public, with the exception of the Audit and Risk Committee.
6. Committees are charged with the responsibility of reporting to the whole of Council with recommendations on matters it considers.
7. Committees report to Council, and are subject to the requirements of the *Local Government Act 1995* (the Act).
8. The purpose of each committee (Terms of Reference) is defined in the Governance and Meeting Framework (attached).

DISCUSSION

9. All elected members are appointed to the Commercial, Community and Corporate Services Committee, and the Development and Infrastructure Services Committee.
10. Nominations will be called for all other committee vacancies.
11. In the event that Councillor nominations exceed the number of vacancies on a committee, a ballot will be conducted and membership will be determined by a vote.
12. The Mayor may inform the local government of their wish to be a member of a committee, and the local government will appoint the Mayor as a member of that committee.
13. Committees will appoint the Chair and Deputy Chair at their first committee meeting.
14. Terms of Reference for each committee are detailed in the Governance and Meeting Framework.
15. An abridged version of the Terms of Reference for each committee follows:
 - a. Internal Standing Council Committees. These committees are made up of elected members only making recommendations to Council on specific issues as provided in their terms of reference. Meeting are held at the City of Albany's, North Road Administration Building.

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

Executive Officers: Chief Executive Officer, Executive Director Corporate Services, Manager Finance & Corporate Services and Manager Governance & Risk (Airport Operations).

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

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

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

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

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

Meeting Schedule: As required, (refer to contract of employment).

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

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

Past Chairperson and Committee Members: *Mayor Wellington, Councillor Stocks, Councillor Goode and Councillor Hollingworth.*

- **Community & Corporate Services Committee**. The Community & Corporate Services Committee is responsible for the following functions:

Community Services: The delivery of “*Community Health and Participation Objectives*” contained in the City of Albany Strategic Plan.

Corporate Services: The delivery of “*Smart, Prosperous and Growing Objectives*” and “*Leadership Objectives*” contained in the City of Albany Strategic Plan.

Monitoring and commenting on the financial health and strategies of Council.

Considering and recommending to Council ways to strengthen the local Albany economy.

Executive Officers: Executive Director Corporate Services, and Executive Director Community Services.

Meeting Schedule: 2nd Tuesday of the Month

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

Past Chairperson and Committee Members: Councillor Terry (Chair), Mayor Wellington (Deputy Chair), Councillor Stocks, Councillor Dowling, Councillor Shanhun, Councillor Smith, Councillor Goode JP, Councillor Moir, Councillor Hollingworth, Councillor Sutton, Councillor Price, Councillor Hammond, Councillor Mulcahy.

- **Development & Infrastructure Services Committee**. The Development and Infrastructure Services Committee is responsible for:

Development Services:

The delivery of the “*Clean, Green and Sustainable*” and “*A Connected and Safe Built Environment*” objectives contained in the City of Albany Strategic Plan.

Executive Officers: Executive Director Development Services and **Executive Director Infrastructure & Environment Services**.

Meeting Schedule: 2nd Wednesday of the Month.

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

Past Chairperson and Committee Members: Councillor Shanhun (Chair), Mayor Wellington (Deputy Chair), Councillor Dowling, Councillor Stocks, Councillor Goode JP, Councillor Smith, Councillor Moir, Councillor Sutton, Councillor Hollingworth, Councillor Price, Councillor Hammond, Councillor Terry, Councillor Mulcahy.

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

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

Executive Officers: Executive Director Corporate Services, Manager Governance & Risk (Airport Operations).

Meeting Schedule: Meets quarterly, as required.

Nominations: Open to all Councillors.

Membership: Minimum of 1 and a maximum of 2 elected members.

Past Chairperson and Committee Members: Mayor Wellington, Councillor Sutton, and Councillor Smith.

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

Executive Officers: Executive Director Development Services, Manager Ranger and Emergency Services.

Meeting Schedule: Meets quarterly.

Nominations: Open to all Councillors | **Membership:** Minimum of 2 and a maximum of 3 elected members. Membership to the Committee is defined under the Terms of Reference detailed in the Strategic Bush Fire Plan.

Past Chairperson and Committee Members: Councillor Shanhun, Councillor Smith and Councillor Hollingworth.

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

Executive Officers: Chief Executive Officer, Executive Director Development Services and Community Emergency Services Manager (CESM).

Meeting Schedule: Meets quarterly.

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

Notes:

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

Past Chairperson and Committee Members: Mayor Wellington and Councillor Shanhun.

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

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

Meeting Schedule/Location: As required.

Executive Officer: Executive Director Development Services.

Nominations: Open to all Councillors | **Membership:** 2 members, and two reserve members.

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

Appointed Representatives: Mayor Wellington, Councillor Hammond, Councillor Hollingworth & Councillor Terry.

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

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

Executive Officers: Executive Director Community Services and Manager Recreation Services.

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

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

Past Representatives: Councillor Terry and Councillor Moir.

- **Great Southern Regional Road Group**. The group is responsible for allocating State Government funding for regional road maintenance and construction and oversee the implementation of State Government 'Black spot' funding.

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

Past Representative: Councillor Hollingworth, Councillor Price.

Executive Officers: Executive Director Infrastructure & Environment Services and Manager City Engineering.

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

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

Past Representatives: Councillor Hollingworth and Councillor Price.

- **Lower Great Southern Economic Alliance**. The Alliance is comprised of representatives from the City of Albany, Shires of Denmark and Plantagenet. The Alliance was formed to promote collaborative economic development in the region. Advocacy, Economic Development and Tourism and Resource Efficiency. Membership: Committee will request a nomination of four elected members.

Meeting Schedule/Location: Monthly, various member locations.

Executive Officer: Chief Executive Officer

Nominations: Open to all Councillors | **Membership:** Mayor & 2 Elected Members

Past Representatives: Mayor Wellington, Councillor Hollingworth, Councillor Terry, and Councillor Shanhun (Alternate)

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

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

Executive Officers: Manager Reserves and Reserves Officers.

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

Notes:

(1) *Coordinated by the management group.*

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

Past Representative: *Councillor Smith and Councillor Hollingworth.*

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

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

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

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

Notes:

(1) *Coordinated by WALGA.*

(2) *Please note that WALGA is not a government department or agency.*

(3) *Website: <http://www.walga.asn.au> ;*

(4) *At the OCM 22 April 2015 (Resolution CSF076), Council nominated All Elected Members to represent the City.*

Past Representatives: *Mayor Wellington, Councillor Hollingworth, Councillor Price, and Councillor Moir.*

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

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

Executive Officers: [Executive Director Infrastructure & Environment Services](#) and Manager City Engineering.

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

Notes:

• *Coordinated by WALGA.*

• *Website: http://www.roadwise.asn.au/roadsafety/great_southern/city_of_albany.aspx*

Past Representatives: *Councillor Terry and Councillor Smith.*

GOVERNMENT & PUBLIC CONSULTATION

17. Public consultation was undertaken during the recent review of the Strategic Community Plan.
18. The *Local Government Act 1995* and supporting legislation, and Department of Local Government Guidelines were consulted.

STATUTORY IMPLICATIONS

19. There is a statutory requirement for Council to form an Audit Committee.
20. In accordance with s5.11(1)(d) of the *Local Government Act 1995*, a person's membership of a committee continues until the next ordinary local government election.
21. Division 2, Part 5 of the *Local Government Act 1995* deals with Council Meetings, committees and their meetings.
22. Appointment to committees is by **Absolute Majority** in accordance with s5.10 of the Act.

POLICY IMPLICATIONS

23. There are no policy implications related to this item, unless the Terms of Reference for a committee are to be amended. For example: the number of committee members.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Operation <i>Risk: Members are not appointed to committees.</i></p>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<p><i>Elected members are appointed to committees at a future council meeting.</i></p> <p><i>Officer reports and recommendations will be considered by Council at Ordinary Council Meetings.</i></p>

FINANCIAL IMPLICATIONS

25. A budget line exists for the cost of administering committees, including representation on external committees.

LEGAL IMPLICATIONS

26. There are legal implication related to compliance with specific provisions of the *Local Government Act 1995*, including subdivision 2 – Committees and their meetings.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

28. Elected members may reserve the right to nominate for committee membership at a later date.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Planning and Development (Development Assessment Panels) Regulations 2011</i> • Department of Local Government Guidelines • Governance and Meeting Framework Policy
File Number (Name of Ward)	:	All Wards
Previous Reference	:	<ul style="list-style-type: none"> • OCM 27/10/2015 Report Item CSF202

CCCS069: APPOINTMENT OF EXECUTIVE DIRECTOR

Attachment : **CONFIDENTIAL** – *New Organisation Structure (previously presented to Council Strategic Workshop – 15 August 2017)*
: **CONFIDENTIAL** *Draft Contract, Curriculum Vitae and final recruitment report – will be tabled at the meeting and can be viewed on request to the CEO*

Report Prepared By : Manager Human Resources (G Brownhill)

Responsible Officers: : Chief Executive Officer (A Sharpe)

This report was discussed behind closed doors in accordance with section 5.23(2)(a) of the Local Government Act 1995, as it relates to a matter affecting an employee

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

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the Albany 2030 Community Strategic Plan (Council Adoption Date 26/9/2017):
 - a. **Key Theme: 1. Leadership**
 - b. **Strategic Objective: 1.2.** *To provide strong, accountable leadership supported by a skilled and professional workforce.*
 - c. **Community Priorities: 1.2.1.** *Provide positive leadership that delivers community outcomes and gains a reputation for doing what is good for Albany and the surrounding region.*

In Brief:

- It is recommended that elected members meet behind closed doors to allow Council to discuss details in regards to the appointment and ask any applicable questions. This includes meeting with the preferred applicant.
- Should Councillors wish to view documentation prior to the meeting, arrangements can be made through the Office of the CEO, however the tabled documentation is strictly confidential.

RECOMMENDATION

CCCS067: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOUGHTY

SECONDED: COUNCILLOR HOLLINGWORTH

- (1) In accordance with section 5.37 of the *Local Government Act 1995*, Council confirms that the following positions are Designated Senior Employees:
 - Chief Executive Officer;
 - Executive Director Corporate Services;
 - Executive Director Development Services;
 - Executive Director Infrastructure and Environment; and
 - Executive Director Community Services.
- (2) Council ENDORSE the Chief Executive Officer's determination to fill the vacant position of Executive Director Community Services and offer the successful applicant (Ms Susan Kay) a negotiated contract within the prescribed range for a term of 3 years.

CARRIED 13-0

BACKGROUND

2. The position of Executive Director Community Services is a designated Senior Employee position in accordance with section 5.37 of the *Local Government Act 1995*.
3. The Recruitment Panel engaged the services of Lester Blades Executive Research who have assisted in completing the selection process and have recommended the preferred candidate in consultation with the Recruitment Panel. The Recruitment Panel consisted of:
 - Mr Andrew Sharpe - CEO - City of Albany
 - Mr Geoff Blades - Consultant Lester Blades Executive Research.
 - Ms Naomi Searle - Director Community and Commercial Services – City of Busselton
 - Mr Michael Cole - Executive Director Corporate Services – City of Albany

DISCUSSION

4. The position for Executive Director of Community Services was advertised widely and 47 applications were received.
5. Following the first round interviews being conducted by Geoff Blades, the recruitment and selection process narrowed down the applicants to 6 prospective applicants and final interviews were conducted at the City of Albany Administration Office during on Monday, 25th September 2017.
6. The recommended applicant has extensive senior management experience and is highly qualified.

Background

7. The applicant has had a long career in the health sector, commencing in 1983 as a Registered Nurse. Susan then worked as a Midwife. Throughout the 1980's and 1990's, Susan progressed through the Health Department in WA taking on more senior roles. Since 2002, Susan has worked in the south-west of WA in a variety of roles. In 2006 she was appointed acting Manager of Executive Service for WA Country Health Services in the south-west. Susan's first executive role came in 2007 when she was appointed Operations Manager at the Bunbury hospital.
8. In 2011 Susan was appointed Regional Director for WA Country Health Services in the Great Southern. The Great Southern is one of four WA CHS regions. Susan was a member of the WA CHS corporate executive and reported to the Chief Operating Officer based in Perth.

Experience and qualifications

9. Susan brings very good experience in strategic and operational planning. She has demonstrated this as a member of a senior executive/leadership team in a large and complex Organisation. She has managed very large teams of people and multi-million dollar projects.
10. Susan's qualifications include:
 - Graduate Certificate of Health Service Management
 - Masters of Primary Health Care
 - Graduate Diploma in Midwifery
 - Bachelor of Applied Science (Nursing).
11. The applicant meets the position selection criteria and was assessed as having all the required skills to fulfil the requirement of this senior position.

GOVERNMENT & PUBLIC CONSULTATION

12. No consultation is required.

STATUTORY IMPLICATIONS

13. Section 5.37(2) of the *Local Government Act 1995* states:

“The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO’s recommendation but if the council rejects a recommendation, it is to inform the CEO of the reason for its doing so.”

14. As per Resolution 15.1 of the Ordinary Council Meeting held on 17 April 2012, the positions of Executive Directors are designated to be a senior employee under 5.37 (1) of the *Local Government Act 1995*. With the new Organisational Structure (refer attached) now being implemented, Council is requested to confirm the CEO and following four Executive Directors positions are designated senior employees. Accordingly, the following positions are deemed to be senior employees:

- Chief Executive Officer
- Executive Director Development Services
- Executive Director Community Services
- Executive Director Corporate Services
- Executive Director Infrastructure & Environment

15. Voting Requirement: **Simple Majority.**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Legal. Recruitment process compromised.</i>	<i>Unlikely</i>	<i>Major</i>	<i>High</i>	<i>Guidance from recruitment consultant is adhered to.</i>

FINANCIAL IMPLICATIONS

18. All costs associated with appointing the Executive Director Community Services and the proposed remuneration package is within budget allocations.

LEGAL IMPLICATIONS

19. Refer to risk identification and mitigation section of the report.

ENVIRONMENTAL CONSIDERATIONS

20. Nil.

ALTERNATE OPTIONS

21. No alternate options are proposed.

SUMMARY CONCLUSION

22. The Chief Executive Officer, Recruitment Consultant and the Recruitment Panel believe that the applicant is suitably qualified for the position of Executive Director Community Services.

23. It is recommended that Council adopt the Responsible Officer’s Recommendation.

Consulted References	:	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>	• •
File Number (Name of Ward)	:	Personal File	Person
Previous Reference	:	Not applicable.	• OC

CCCS070: LOCAL TOURISM ORGANISATION – DETAILED DESIGN

- Attachments** : Lower Great Southern Economic Alliance - Minutes for the meeting held 05 October 2017.
- Report Prepared By** : Acting Executive Director Commercial Services (A Cousins)
- Responsible Officers:** : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
- **Theme:** Smart Prosperous & Growing
 - **Objective:** To develop and promote Albany as a unique and sought-after visitor location
 - **Community Priority:** Promote the “Amazing South Coast” region as a sought after and iconic tourism destination to increase the number of people visiting and the duration their stay.

In Brief:

- Note the Minutes of the October 2017 Lower Great Southern Economic Alliance Meeting.
- Council consideration for a financial contribution of \$15,000 towards the Detailed Design of a Local Tourism Organisation for the Lower Great Southern.

NOTE: *For the purposes of this Report, a Local Tourism Organisation (LTO) and a Destination Marketing Organisation (DMO) are referring to the same entity; which is considered as an Industry led and constituted organisation representing the interests of the local tourism sector.*

RECOMMENDATION

7.15PM Councillor Hollingworth left the Chamber after declaring an Impartiality interest in this item.

**CCCS070: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

THAT CCCS070: Local Tourism Organisation-Detailed Design, be ACCEPTED for consideration by Council as a late item.

**CARRIED 13-0
ABSOLUTE MAJORITY**

CCCS070: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SHANHUN

THAT Council:

- 1. NOTE the Minutes from the 05 October 2017 Lower Great Southern Economic Alliance meeting as outlined in the Attachment.**
- 2. APPROVE a financial contribution capped at \$15,000.00 (Ex GST) towards the Detailed Design of a Local Tourism Organisation (LTO).**
- 3. AUTHORISE the CEO to enter into a Funding Agreement with the Discover Albany Foundation (DAF) and/or Denmark Tourism Incorporated (DTI) to commission Churchill Consulting to undertake the Detailed Design of a Local Tourism Organisation as outlined in 2, subject to the following terms:**
 - a. A milestone payment schedule linked to project Key Performance Indicators;**
 - b. DAF/DTI to be responsible for any cost overruns; and**
 - c. The Lower Great Southern Economic Alliance has access to the intellectual property contained within the final report.**

CARRIED 12-0
ABSOLUTE MAJORITY

BACKGROUND

2. The Lower Great Southern Economic Alliance (the Alliance) commissioned the preparation of a Tourism Development Strategy (TDS) and Destination Marketing Strategy (DMS) to achieve sustainable and enhanced tourism outcomes across the region. These reports were finalised and endorsed in 2017.
3. The TDS comprises a number of key strategic focus areas. Initiative 1.1 – Tourism Organisation review, includes; building a tourism organisation structure and funding model that is able to execute compelling marketing, engage industry and advocate for destination development.
4. Since March 2017, the Alliance has been working with Discover Albany Foundation (DAF) and Denmark Tourism Incorporated (DTI) to progress this initiative.
5. DAF and DTI have formally requested \$30,000 of financial support from the Alliance partners towards the Detailed Design of a Local Tourism Organisation.
6. The Alliance resolved at its 05 October 2017 meeting to support this request, with the City of Albany contributing \$15,000 and the Shire of Denmark and Shire of Plantagenet each contributing \$7,500. See Attachment for the Minutes of this meeting.
7. Both the Shire of Denmark and the Shire of Plantagenet have resolved at their October 2017 Ordinary Council Meetings to support the DAF/DTI request and Alliance resolution.

DISCUSSION

8. The TDS comprises a number of strategic focus areas including;
 - i. Sustainable Leadership: Destination Marketing Organisations (DMO) and industry engagement.
 - ii. Enhanced Visitor Servicing: Visitor servicing.
 - iii. Optimising Demand: Destination Marketing including brand development, target audiences, marketing and where to play.
 - iv. Enriching Experiences: the tourism products and events engage the visitor whilst in the region.
 - v. Destination Development: infrastructure, accommodation and services to enable visitation.

9. DAF and DTI commissioned a feasibility study (undertaken by Churchill Consulting) in March 2017 to assess initiative 1.1.1 within the TDS - under Sustainable Leadership. This activity included a Tourism Organisation Review – defined as, *building an optimal tourism organisation structure and funding model that is able to execute compelling marketing, engage industry and advocate for destination development*. Key activities under this initiative included;
- 1.1.1 Assessment of the model options for improved destination marketing and servicing:
- Design of the model and funding options
 - Assessment of sustainable model and funding options
 - Identification of the issues, barriers and critical success factors associated with new models.
 - Stakeholder forums for developing, assessing and selecting the preferred model
 - Development of the implementation plan.
10. The above work was delivered in July 2017 and recommended a single membership-based destination marketing organisation for the Lower Great Southern (Albany, Denmark and Plantagenet Shires).
11. To progress this project, the single membership-based destination marketing organisation requires further investigation. This Detailed Design process will include examining;
- Interim CEO/ Project Lead and Advisors
 - Stakeholder and change management
 - Visitor Servicing
 - Destination Marketing
 - Organisation and Systems
 - Financial and Tax (including pro forma balance sheet, cash flow, P&L and transition costs);
 - Legal and Contractual (contractual and legal review); and
 - Governance Model and Constitution design.
12. A quote to undertake Detailed Design was obtained by Discover Albany Foundation (DAF) and Denmark Tourism Incorporated (DTI). Both organisations are prepared to make a financial contribution, however have requested that the Lower Great Southern Economic Alliance contribute 50% of the total cost.
13. The issue was considered by the Lower Great Southern Economic Alliance on 5th October 2017. At this meeting, it was resolved unanimously;
- “That the Lower Great Southern Economic Alliance (LGSEA) recommends to the member councils that a contribution be made towards the Churchill proposal ‘LTO Operating Model Design’ dated 4 October 2017, based upon a maximum contribution from the Alliance members of \$30,000.00 (ex GST) with the City of Albany contribution being no more than \$15,000.00 and the contributions from the Shire’s of Denmark and Plantagenet being capped at \$7,500.00 each, subject to the contract being entered into by Discover Albany Foundation and/or Denmark Tourism (Inc)”.*
14. This item seeks \$15,000 from the City of Albany as per the Alliance resolution.

GOVERNMENT & PUBLIC CONSULTATION

15. Nil

STATUTORY IMPLICATIONS

16. The Lower Great Southern Economic Alliance has no decision making authority, with all decisions required to be made by the individual Councils.

POLICY IMPLICATIONS

17. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation <i>Risk: There is a risk that by not supporting the financial request from DAF/DTI (and the October Alliance resolution) the LTO detailed design does not proceed generating negative media and tourism industry feedback for the City.</i></p>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Ongoing briefing and consultation with Council related to this matter.</i>
<p>Financial <i>Risk: The City does not receive value or appropriate outcomes for its Financial Investment into the Detailed design of the LTO.</i></p>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<p><i>A funding agreement will be established with DAF/DTI to establish accountability and project control. This will articulate required project outputs and milestone payments.</i></p> <p><i>The consultant DAF/DTI have commissioned (Churchill Consulting) has suitable qualifications and experience to deliver against the scope of works to a high quality.</i></p>

FINANCIAL IMPLICATIONS

19. The Financial Year budget for 2017-2018 does not include an allocation of \$15,000 for this activity.
20. An amendment to the 2017-18 budget will be listed for consideration in the Mid-Year Budget Review.

LEGAL IMPLICATIONS

21. Nil

ENVIRONMENTAL CONSIDERATIONS

22. Nil

ALTERNATE OPTIONS

23. Council may choose to not support the financial request from DAF/DTI.

CONCLUSION

24. The development of a single Local Tourism Organisation has been an objective of the Lower Great Southern Economic Alliance for some time. At the October 2017 Alliance Meeting, the group endorsed making a 50% contribution to the Detailed Design of a single membership-based destination marketing organisation for the Lower Great Southern.
25. In making this decision, the Alliance was very clear that any cost overruns would not be the responsibility of the Alliance and would rest with the commissioning organisations being Discover Albany Foundation and Denmark Tourism Inc.

26. It is recommended Council support the Officer recommendation for a financial contribution of \$15,000 towards the Detailed Design of a Local Tourism Organisation, and that this be executed through a suitable Funding Agreements inclusive of the terms as outlined.

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

7.17PM Councillor Hollingworth returned to the Chamber. Councillor Hollingworth was not present during the discussion and vote for this item.

CCCS071: ANZAC CENTENARY 2018: FORM - CONCEPT PROPOSAL

Attachments : FORM: Bruce Munro, Field of Light: Avenue of Honour, Concept Proposal
Report Prepared By : Acting Executive Director Commercial Services (A Cousins)
Responsible Officers: : Chief Executive Officer (A Sharpe)

CONFIDENTIAL REPORT

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

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Smart Prosperous and Growing
 - **Objective:** To develop and promote Albany as a unique and sought-after location.
 - **Community Priority:** Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.

In Brief:

- Council consideration for a financial contribution of \$160,000 over two financial years, being FY2017-2018 and FY2018-2019 towards the FORM: Bruce Munro, Field of Light Concept Proposal.

RECOMMENDATION

**CCCS071: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

THAT Item CCCS071: Anzac Centenary 2018: FORM-Concept Proposal be ACCEPTED as an urgent item for consideration by Council.

**CARRIED 13-0
ABSOLUTE MAJORITY**

**CCCS071: RESOLUTION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

THAT Council:

- 1. ENDORSE the FORM Bruce Munro, Field of Light Concept Proposal as outlined in Attachment 1.**
- 2. SUBJECT to written confirmation of the full funding commitment from Tourism Western Australia, Lotterywest and the Department of Industry, Information and Science (as detailed in the Officer Report), APPROVE a financial allocation of \$160,000 as Council's contribution to the proposal.**
- 3. NOTE that the funding contribution of \$160,000 will be allocated and acquitted over two financial years, being FY 2017-18 and FY 2018-19.**

**CARRIED 13-0
ABSOLUTE MAJORITY**

Officer Comment (Executive Director Commercial Services):

As of Monday 30 October 2017, the status of external funding commitments to the FORM: Bruce Munro, Field of Lights Concept are as follows:

1. The City has received confirmation from the Department of Industry, Information and Science in relation to its Building Better Regions Funding (BBRF) application for *Anzac Albany 2018*, of \$395,000. To execute this funding the City is required to enter into a contract with the Department by 21 November 2017. It is proposed that the FORM: Bruce Munro Field of Light Concept is consistent with the original proposal and will significantly add value to the overall project. On this basis, City staff consider that the variation is likely to be supported.
2. The City of Albany has received verbal advice from Lotterywest that the Lotterywest Board supports the FORM: Bruce Munro Field of Lights Concept as per the City's application as outlined in the report. However, final approval is subject to ministerial sign off. City staff were advised that this would take approximately one week from the Lotterywest Board meeting held on 26 October 2017.
3. On Monday 30 October 2017 the City received verbal advice via FORM that Tourism Western Australia may reconsider its funding support for the Project, subject to '*project exclusivity*'. This '*project exclusivity*' relates to the current Bruce Munro installation at Uluru in the Northern Territory potentially being extended, therefore there is the possibility that both installations will be held simultaneously. City staff understand Tourism Western Australia will address this matter on Friday 3 November 2017 through the Chairman and provide advice to FORM.

Due to the contingent factors above, it is considered that the Amended Responsible Officer Recommendation provides additional assurance in relation to the financial commitment of the City to this project. Should any or all of the contingent factors noted above (1-3) translate to the removal or reduction of external funding commitments, the Amended Responsible Officer Recommendation ensures the City's investment will not proceed and there is no requirement by the City to provide additional funding.

CCCS071: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

1. ENDORSE the FORM: Bruce Munro, Field of Light Concept Proposal as outlined in Attachment 1.
2. APPROVE a financial allocation of \$160,000 towards the FORM: Bruce Munro, Field of Light Concept Proposal allocated over two financial years being, FY2017/2018 and FY2018/2019.
3. AUTHORISE the Chief Executive Officer to enter into a Contractual Agreement with FORM for the delivery of the Bruce Munro, Field of Light Concept.

BACKGROUND

Centenary of Anzac

2. Albany has a unique history associated with WW1. This distinctiveness and importance was acknowledged in 2014 and 2015 through; Albany hosting Australia's curtain-raising event for the Centenary of Anzac commemorative period (2014-2018), and the opening of the National Anzac Centre.
3. The event and infrastructure programs in 2014 and 2015 have had an indelible positive impact on the local economy, commercial investment, civic pride and regional brand positioning.
4. To leverage the success of 2014 and 2015, a program is being developed for Albany 2018 to bookend the Centenary of Anzac commemorative period (2014-2018).

FORM Partnership

5. The City has recently partnered with Western Australia not-for-profit cultural organisation FORM to deliver a number of projects in the Great Southern, inclusive of a Street Art Event in 2016—*PUBLIC in the Great Southern*.
6. Additional projects delivered, or in development include, the 'Misher-Traxler' design residency and workshops, Stuart Frost Artist residency, and the Public Silo Trail that will include Albany as a Southern Terminus.
7. FORM are recognised as one of Western Australia's peak cultural organisations and have substantial experience in the successful delivery of at-scale cultural programs, events, commissions and installations. Recent examples include the Perth Stadium and the PUBLIC Program in the Perth CBD.

DISCUSSION

Concept Proposal

8. In partnership with the City of Albany FORM developed a Concept Proposal (the Proposal) for a large-scale Ephemeral Land-Art installation to complement the City's response to the Centenary of Anzac in 2018 – see attachment.
9. The Proposal is a commission by British Artist, Bruce Munro for an installation in the Albany Heritage Park (specifically the Avenue of Honour), timed to coincide with the conclusion of Anzac Centenary commemorations in 2018, and remaining in-situ until Anzac Day 2019.
10. The site of the installation was chosen by Bruce Munro as it offers significant visibility, heritage significance and an abundance of natural flora while allowing for various scales of interaction.

Project Cost and Funding and Structure

11. The project has been costed at \$1,175,550.
12. Tourism Western Australia have confirmed \$400,000 in funding towards the project.
13. A funding application has been submitted to Lotterywest for \$300,000. This will be considered by the Lotterywest Board on Thursday 26 October 2017.
14. The City has been successful in its funding application to the Australian Government Department of Industry, Innovation and Science – Building Better Regions Fund (BBRF) – Community Investments Stream, for \$395,000 for 2018 Anzac Commemorations. It is intended to allocate a minimum of \$160,000 from this funding towards the Project. This will be subject to a final contract to be executed by 21 November 2017.
15. An additional investment of \$160,000 from the City of Albany is required to enable the Project to proceed. This represents 13.6% of the total project cost, to be allocated from City of Albany municipal funds.
16. Should Council support the Officers recommendation for \$160,000 funding a shortfall of \$155,550 still remains for the Project. Project partners will seek to meet and mitigate this shortfall through additional minor sponsorships, media relationships and partner in-kind support. It is considered that this is achievable given the scale, scope and prominence of the project and the partner group.

Project Structure and Contracts

17. The Project is a significant undertaking and is only achievable through a partnership model. Principle project and funding partners include; FORM, City of Albany, Tourism Western Australia and Lotterywest. Other minor sponsorship partners are still being scoped and sourced. Community partners will be established should the project proceed.
18. FORM will be the Principle Project Manager for the Project.
19. Tourism Western Australia are a funding partner and will have a direct contract with FORM
20. Lotterywest are a funding partner and will have a direct contract with the City of Albany - subject to final confirmation.
21. The City of Albany will have a direct contract with the Department of Industry, Innovation and Science (BBRF) - subject to final confirmation.
22. The City of Albany will be the host destination, project partner to FORM and funding partner to FORM. The City of Albany will have a direct contract with FORM for Project Delivery.

Impact/Outcomes

23. A synopsis of case studies and the impacts of similar projects is outlined in the Concept Proposal – See attachment.
24. Tourism Western Australia (TWA) have estimated that approximately 27,000 people can be expected to visit the installation during the time it is accessible to the public and also noted that this is a conservative expectation, and the project could well exceed this figure. This will include intrastate, interstate and international visitors as well as the local residents of the Great Southern.
25. TWA have noted that based on estimated visitation, the direct economic impact through increased tourism and hospitality spend within the city as a result of the project is estimated at \$3.84 million with secondary economic investment potentially reaching over \$40 million.
26. Social benefits of the Project include contributing to enhanced social conditions by encouraging volunteerism and offering opportunities for participation accessible to a range of different groups, building community, forging links and enhanced cultural amenity.

27. The Project will additionally enhance regular and repeat visitation from the local community to the Albany Heritage Park and National Anzac Centre. This will occur through the Heritage Precinct being re-introduced to the local community with an expanded identity, added cultural amenities and complementing existing local engagement programs such as the NAC local legends program.
28. The scale and profile of the Project will furthermore boost the region's reputation locally, nationally and overseas, integrating with Destination Marketing strategies and activities currently being initiated via the Lower Great Southern Economic Alliance.
29. The Project will be the centrepiece program element within the broader Anzac Albany 2018 commemorative program and contribute to strengthening Albany as an important pilgrimage destination for the Anzac Story in Australia.

GOVERNMENT & PUBLIC CONSULTATION

30. The Project requires a partnership model that includes FORM, Tourism Western Australia, Lotterywest and the City of Albany. All of these organisations have been engaged with extensively.
31. A Community Engagement plan and program will be implemented should the project proceed. A range of Agencies and Community Groups have been engaged to date and provided in-principle support for the Project inclusive of Creative Albany, Perth Theatre Trust (Albany Entertainment Centre), RSL Albany Sub Branch and Department of Local Government, Sport and Cultural Industries.

STATUTORY IMPLICATIONS

32. Nil

POLICY IMPLICATIONS

33. The project is consistent with Council Policy - Art in the Public Domain Policy, and City Guideline - Art in the Public Domain.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Interruption</p> <p><i>Risk: The project has long lead times for fabrication and shipping. A delay in confirmation of funding will require the Project be cancelled.</i></p>	Possible	Moderate	Medium	City Officers provide detailed information to Council articulating parameters of the project and requirement for a funding resolution.
<p>Reputation & Financial</p> <p><i>Risk: There is a risk that by not supporting the financial request the project does not proceed negatively affecting partner relationships.</i></p>	Possible	Moderate	Medium	City Officers to provide accurate and timely information to Council and Project Partners related to Council funding decisions.
<p>Opportunity: This project will deliver a high-profile cultural program element for the Anzac Albany 2018 Program, attracting visitation to the region and enhancing the profile of the broader Lower Great Southern destination brand.</p>				

FINANCIAL IMPLICATIONS

35. The Financial Year budget for 2017-2018 nor the Ten year financial plan does not include an allocation of \$160,000 for this Project.
36. An amendment to the 2017-18 budget will be listed for consideration in the Mid-Year Budget Review.
37. Unspent funds will be carried forward to the 18/19 financial year to complete the Project.

LEGAL IMPLICATIONS

38. Nil

ENVIRONMENTAL CONSIDERATIONS

39. Nil

ALTERNATE OPTIONS

40. Council could choose to not support the project and Funding request.
41. Council could choose to support the project to a lower level funding than that indicated in the Officers recommendation or a higher level than that indicated in the Officers recommendation.

CONCLUSION

42. The development and delivery of a suitable program to commemorate the final year of the Centenary of Anzac in Albany is considered an important initiative that will; leverage the success of activities in 2014 and 2015, further promote Albany as an important national pilgrimage destination for the Anzac legacy, support the ongoing operations of the NAC, and align with current tourism destination marketing and development.
43. The FORM Concept Proposal presents an opportunity for an at-scale, high-profile program element within the Anzac Albany 2018 program that will act as a catalyst to promote Albany and the Great Southern to a broad audience.
44. Confirmed funding support from Tourism Western Australia indicates strong political support for the Project, as well as an acknowledgment of the positive impact the Project will have on visitation and destination branding.
45. It is recommended Council support the Officer recommendation for a financial contribution of \$160,000 towards the Project and that the City enter into a Contract Agreement with FORM to deliver the Project.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Not applicable.

PR004: CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

Report Prepared By : Executive Director Corporate Services (M Cole)
Responsible Officers: : Manager Human Resources (G Brownhill) and Independent Consultant

This report was discussed behind closed doors in accordance with section 5.23(2)(a) of the Local Government Act 1995, as it relates to a matter affecting an employee

STRATEGIC IMPLICATIONS

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

In Brief:

- Consider an amendment to the Recommendation of the CEO Performance Review Committee, as endorsed by Council at the Ordinary Council Meeting held on 22 August 2017.

The Chief Executive Officer Mr Andrew Sharpe left the Chamber after declaring a Financial Interest in this item.

RECOMMENDATION

PR004: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MOIR

THAT PR004: Chief Executive Officer Performance Review be ACCEPTED as a late item for consideration by Council.

CARRIED 13-0
ABSOLUTE MAJORITY

PR004: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MOIR

THAT this item be discussed behind closed doors in accordance with section 5.23(2)(a) of the Local Government Act 1995, as it relates to a matter affecting an employee.

CARRIED 13-0

PR004: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the meeting be re-opened to the public.

CARRIED 13-0

PR004: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR STOCKS

That Council ENDORSES the amendment to the Committee Recommendation detailed in the minutes of the CEO Performance Review (Confidential Attachment) held on 22 July 2017.

CARRIED 13-0

BACKGROUND

2. The Chief Executive Officer’s contract of employment defines the performance criteria and the review of performance process.
3. It is a contract requirement that the CEO Key Performance Areas (KPAs), also known as Key Performance Indicators (KPIs) are reviewed annually. The annual review was considered and endorsed by Council at its meeting of 22 August 2017.
4. The purpose of this report is to seek Council approval of an amendment to the Total Reward Package of the CEO.

DISCUSSION

5. Council endorsed the recommendations of the CEO Performance Review Panel at its meeting of 22 August 2017.
6. In considering the CEO’s Total Reward Package (TPR), the CEO Performance Review Panel was presented with an incorrect value for the CEO’s vehicle.
7. The correct value for the Chief Executive Officer’s vehicle is now presented for endorsement by Council.

GOVERNMENT & PUBLIC CONSULTATION

8. No consultation is required.

STATUTORY IMPLICATIONS

9. It is a statutory requirement that the CEO’s performance is reviewed annually.

The voting requirement for this item is **Simple Majority**.

POLICY IMPLICATIONS

10. There are no direct policy implications related to this report.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Legal & Compliance. Non-compliance with the contract of employment by reference to incorrect vehicle value..</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Council endorse the correct value for the CEO’s vehicle</i>
<i>Legal & Compliance. Breach of fidelity.</i>	<i>Possible</i>	<i>Severe</i>	<i>High</i>	<i>Confidential Reports distributed under confidential copy in hardcopy.</i>

FINANCIAL IMPLICATIONS

12. Any increase to the Chief Executive Officer’s remuneration is included in the overall employee cost in the 2017-18 Annual Budget.

LEGAL IMPLICATIONS

13. Refer to risk identification and mitigation section of the report.

ENVIRONMENTAL CONSIDERATIONS

14. Nil.

ALTERNATE OPTIONS

15. Not applicable to this report.

SUMMARY CONCLUSION

16. It is recommended the amendment proposed to the Chief Executive Officer's remuneration package be endorsed.

Consulted References	:	<ul style="list-style-type: none">• Local Government Act 1995• Council Policy: CEO Performance Review Process
File Number (Name of Ward)	:	Personal File
Previous Reference	:	<ul style="list-style-type: none">• OCM 22/08/2017 Report Item PR003

The Chief Executive Officer Mr Andrew Sharpe returned to the Chamber.

**DIS049: CONSIDERATION OF ADOPTION OF LOCAL PLANNING
SCHEME AMENDMENT NO.29 – CITY OF ALBANY.**

Land Description	: <ul style="list-style-type: none">• City of Albany• Lot 5 #437 Chester Pass Road, Warrenup WA 6330• Lot 21 #312 Albany Highway, Centennial Park WA 6330• Lot 304 # 63 Pioneer Road, Centennial Park WA 6330• Lot 250 #255 Lancaster Road, McKail WA 6330• Lots 871, 410, 411, 868 and 869 Chester Pass Road, Milpara WA 6330.• Lot 26 #71 Shell Bay Road, Lower King WA 6330• Lot 6906 # 11-13 Nind Street, Spencer Park WA 6330 (Reserve 26860)• Lot 350 # 11 Shelley Beach Road, Kronkup WA 6330• Nullaki Conservation Zone
Proponent	: City of Albany
Owners	: See attached
Business Entity Name	: Nil
Attachments	: Local Planning Scheme Amendment No. 29 Schedule of Amendments
Report Prepared by	: Senior Planning Officer – Strategic Planning (A Nicoll)
Responsible Officer	: Executive Director Development Services (P Camins)

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*.

In Brief:

- Amendment No.29 is an omnibus amendment which has been prepared to introduce the following into City of Albany *Local Planning Scheme No.1*;
 - Consistency with 'model' and 'deemed' provisions defined in the *Local Planning (Local Planning Schemes) Regulations 2015*; and
 - Resolve minor text and mapping errors, which occurred as part of a major scheme review undertaken in 2014.
 - Change the permissibility's in the zoning table for various use and development classes to improve the operation of the scheme.
- All amendments within the omnibus are consistent with the strategic direction set in the *Albany Local Planning Strategy 2010*.
- Council is requested to adopt the amendment for the purpose of advertising.

Maps and Diagrams:



RECOMMENDATION

DIS049: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SUTTON

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

- 1. PREPARE Amendment No. 29 to amend City of Albany *Local Planning Scheme No. 1* by:**
 - a) Removing provisions, terms and definitions from *Local Planning Scheme No.1* that are superseded by the ‘Deemed’ provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
 - b) Introducing supplemental provisions to the ‘Deemed’ provisions;**
 - c) Replacing and introducing new provisions consistent with the ‘Model’ provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
 - d) Rezoning various land parcels not included in error at the time of gazettal of the scheme; and**
 - e) Changing the permissibility’s in the zoning table for various use and development classes.**

Note: The amendment is a standard amendment in accordance with part (a), (b), (e) and (f) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- 2. ADVERTISE the Amendment No. 29 in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

CARRIED 13-0

DIS049: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

DIS049: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. PREPARE Amendment No. 29 to amend City of Albany *Local Planning Scheme No. 1* by:
 - a) Removing provisions, terms and definitions from *Local Planning Scheme No.1* that are superseded by the 'Deemed' provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;
 - b) Introducing supplemental provisions to the 'Deemed' provisions;
 - c) Replacing and introducing new provisions consistent with the 'Model' provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;
 - d) Rezoning various land parcels not included in error at the time of gazettal of the scheme; and
 - e) Changing the permissibility's in the zoning table for various use and development classes.

Note: The amendment is a standard amendment in accordance with part (a), (b), (e) and (f) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

2. ADVERTISE the Amendment No. 29 in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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.
5. The *Planning and Development (Local Planning Schemes) Regulations 2015* came into force on 25 August 2015, introducing the 'model' and 'deemed' provisions.
6. The 'model' provisions provide a template for local planning schemes. Local Governments are required to include the 'model' provisions within their local planning schemes.
7. The 'deemed' provisions are taken to be built into every local planning scheme in the State. To the extent that a Local Planning Scheme is inconsistent with the 'deemed' provisions, the 'deemed' provisions are taken to prevail. It is expected that local government planners prepare their Local Planning Scheme to align with the 'deemed' provisions, and remove the sections which are now superseded.

8. Since the scheme gazettal on 28 April 2014, various errors and anomalies have been documented. While many of these are simple typographical errors, some have more significant implications, such as zoning changes.
9. The proposed omnibus amendments include some modifications to permitted land uses especially where it is deemed that greater discretion or advertising is required.
10. Amendment No. 29 has been prepared as an omnibus to address the matters in respect to the ‘model’ and deemed’ provisions in a single local planning scheme amendment.

DISCUSSION

11. Amendment No.29 proposes to:
 - (a) Align the structure and content of the City’s scheme with the ‘model’ provisions outlined in Schedule 1 of the *Local Planning (Local Planning Schemes) Regulations 2015*;
 - (b) Remove any duplication of the ‘deemed’ provisions outlined in Schedule 2 of the *Local Planning (Local Planning Schemes) Regulations 2015*;
 - (c) Include supplemental ‘deemed’ provisions within a ‘Schedule A - Supplemental provisions to the ‘deemed’ provisions’ within the scheme text;
 - (d) Rezone various land parcels not included in error at the time of gazettal of the scheme; and
 - (e) Change the permissibility’s in the zoning table for various use and development classes.
12. Text based changes, including those relating to the model and deemed provisions, are discussed in detail in the attached table.
13. In respect to rezoning properties, Amendment No.29 proposes the following:
 - (a) Rezone Lot 5 Chester Pass Road, Warrenup from the General Agriculture zone to the Light Industry zone to correct a mapping error. Lot 5 was zoned Light Industry under former *Town Planning Scheme No. 3* and was rezoned to General Agriculture in *Local Planning Scheme No. 1* in error. As the lot is still occupied by a business and the zoning change has removed potential commercial development rights, it has been determined that the Light Industry zoning should be reinstated.
 - (b) Rezone Lot 21 Albany Highway, Centennial Park from the ‘Hotel/Motel’ zone to the ‘Highway Commercial’ zone to correct a mapping error. Lot 21 was zoned Residential under former *Town Planning Scheme No. 1A* and was rezoned to Hotel/Motel in *Local Planning Scheme No. 1* in error. As the lot is still occupied by an approved, non-conforming Veterinary Centre, the zoning change has impacted the potential for it to be developed. It has been determined that the Highway Commercial zone would be more suited to the existing development and approved use of the land as a Veterinary Centre.
 - (c) Rezone Lot 304 Pioneer Road, Centennial Park from the Hotel/Motel zone to the Residential zone to correct a mapping error. Lot 304 was zoned Tourist Residential under former *Town Planning Scheme No. 3* and was rezoned to Hotel/Motel in *Local Planning Scheme No. 1* in error. As this change does not reflect the current use of the lot as an Aged Persons’ Village and would preclude its planned expansion, it has been determined that the Residential zone would be the most appropriate zone.

- (d) Modify the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area boundary around the Timewell Road Wastewater Treatment Plant. The Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area boundary currently encompasses the residence on Lot 250 Lancaster Road McKail. This resulted from the Special Control Area boundary being modified in accordance with the recommendations of the Water Corporation during the review of the Albany Local Planning Scheme. The former owners of Lot 250 contacted the City of Albany with concerns about this situation and were referred to the Water Corporation as the responsible authority. After protracted discussions between the former owners and the Water Corporation, a meeting was organised between those parties, along with representatives from the City of Albany and a representative from the office of the Minister for Water. It was acknowledged by the Water Corporation that the inclusion of the residence on Lot 250 within the Special Control Area boundary was an ‘unintended consequence’ of the expansion of the Wastewater Treatment Plant Odour Buffer, in line with the recommendations of an odour modelling report prepared in March 2009. The Water Corporation advised that if the City was not opposed, it could realign the Special Control Area boundary to excise the residence on Lot 250.
- (e) Modify the Industrial Area IA3 boundary around the Milpara Light Industrial Estate, John Street and Morris Road Milpara to correct a mapping error and to correspond with the Scheme text. Industrial Area IA3 applies to Lots 870, 876 and 877 John Street and Lots 873, 874 and 875 Morris Road but not Lots 410, 411, 868, 869 and 871 Chester Pass Road, which have been included within the Industrial Area boundary in error.
- (f) Rezone a portion of Lot 26 Shell Bay Road, Lower King from the Parks and Recreation local scheme reserve to the Residential zone with the R5 residential density code to correct a mapping error. Lot 26 was zoned Rural under former Town Planning Scheme No. 3 and was rezoned to the Parks and Recreation local scheme reserve in Local Planning Scheme No. 1 in error.
- (g) Although much of the lot extends across a portion of the King River foreshore, including a large tidal wetland area, this zoning change did not reflect the fact that approximately 5800m² of the lot is developed with a single house, outbuilding and garden ground. On this basis, it has been determined that the developed portion of the lot should be rezoned to the Residential zone with the R5 residential density coding, which is consistent with the adjoining lots to the north.
- (h) Rezone Lot 6906 Nind Street, Spencer Park from the Parks and Recreation local scheme reserve with an R80C residential density code to the Public Use: Community Purpose local scheme reserve with an R80C residential density code. Lot 6906 was zoned Private Clubs and Institutions under former Town Planning Scheme No. 1A and was rezoned to the Parks and Recreation local scheme reserve in Local Planning Scheme No. 1 in error. As Crown Land vested in the City of Albany for Community Purposes and currently used for a Community Purpose and as an Educational Establishment, it has been determined that the Public Use: Community Purpose local scheme reserve would be a more appropriate designation. The R80C density code is a result of the lot’s inclusion within the Spencer Park Improvement Special Control Area and should be retained.

- (i) Rezone Lot 350 Shelley Beach Road, Kronkup from the General Agriculture and Rural Residential zones to the Clubs and Institutions zone to correct a mapping error. Lot 350 was zoned Private Clubs and Institutions and Rural Residential under former Town Planning Scheme No. 3; however, the Private Clubs and Institutions zoned portion was rezoned to the General Agriculture zone in Local Planning Scheme No. 1 in error. As this change does not reflect the current use of the lot as an Educational Establishment and could preclude its future expansion, it has been determined that the Clubs and Institutions zone should be reinstated and expanded to encompass the entire lot.
14. The land use permissibility for 'Service Station' and a restriction on land uses within the CZ1 conservation zone has also been altered.
15. The land use 'Service Station' is proposed to be reclassified as an "A" use in all the zones that the land use can currently be considered in. The change in classification means the land use is not permitted unless the City has granted approval. Previously, where the land use had a "P" designation, the City had very little grounds to require changes or refuse a proposal, even if the site was unsuitable.
16. It is proposed to establish consistent provisions for land uses within the conservation zones. This is achieved through clarifying the land use intentions within the CZ1 conservation zone to be consistent with the other conservation zones within Local Planning Scheme No.1.

GOVERNMENT & PUBLIC CONSULTATION

17. If a local government resolves under regulation 35(1) to prepare an amendment to a local planning scheme, the local government must advertise the amendment.
18. Section 81 of the Act requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.
19. Workshops have been conducted with the Department of Planning to ensure there is an in principle agreement with the amendment.

STATUTORY IMPLICATIONS

20. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
21. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to prepare a standard scheme amendment for advertising and referral to relevant public authorities.
22. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

23. There are no policy implications relating to the proposed amendment.

RISK IDENTIFICATION & MITIGATION

24. 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 and structure plan will not be progressed and the City will advise the proponent that they may submit a modified proposal.</i>

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

27. The referral of Amendment No.29 to the EPA will clarify if environmental implications apply.

ALTERNATE OPTIONS

28. Council may consider alternate options in relation to this item, such as resolving:

- (a) To prepare the amendment subject to modifications; and
- (b) Not to prepare the amendment.

SUMMARY CONCLUSION

29. Amendment No.29 proposes to.

- (a) Align the structure and content of the City's scheme with the 'model' provisions outlined in Schedule 1 of the Local Planning (Local Planning Schemes) Regulations 2015;
- (b) Remove any duplication of the 'deemed' provisions outlined in Schedule 2 of the Local Planning (Local Planning Schemes) Regulations 2015;
- (c) Include any proposed supplemental 'deemed' provisions within a 'Schedule A Supplemental provisions to the 'deemed' provisions' and include this within the scheme text;
- (d) Rezone various land parcels not included in error at the time of gazettal of the scheme; and
- (e) Change the permissibility's in the zoning table for various use and development classes.

30. It is recommended that Council initiate Local Planning Scheme Amendment No.29, as the proposal will improve the functionality of Local Planning Scheme No. 1, thereby ensuring consistent decision-making in line with current best practice.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number (Name of Ward)	:	City of Albany (All Wards)
Previous Reference	:	Not applicable

DIS050: REQUEST FOR SUPPORT TO CHANGE ALFRESCO LIQUOR LICENCE CONDITIONS - 244-248 YORK ST, ALBANY (ALBANY HOTEL) AND POTENTIALLY OTHER PREMISES

Land Description	: Lot 18 (244-248) York Street, Albany
Proponent	: N Walton, Albany Hotel
Owner	: City of Albany
Attachments	: Letter from proponent with supporting letters : Letter of no objection, Albany Police
Report Prepared by	: Manager Building, Health and Compliance (S Reitsema)
Responsible Officer	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. This item also relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme: 2.** Smart, Prosperous & Growing
 - **Objective: 2.1** To strengthen and grow our region's economic base.
 - **Community Priority: 2.1.1** Work with business and other stakeholders to attract investment, diversify the economy; create jobs and support small business growth.

Maps and Diagrams:



In Brief:

- Council is asked to reconsider a previous 2008 decision which restricts the Albany Hotel to only serve liquor with meals in the alfresco-dining area.
- The licensee has applied to the Department of Racing, Gaming and Liquor (DRGL) for a variation to their Liquor Licence conditions, allowing the service of liquor in the alfresco area without the requirement for it to be consumed with a meal.
- A 6 month trial period is proposed, effective from the date that the Department of Racing Gaming and Liquor issue the new Licence Conditions.
- Should no issues arise during the trial period, it is proposed that the approval carries on until such time as Council considers it appropriate to vary the condition. Confirmation of this will be reported to Council accordingly.
- It is considered appropriate to provide other businesses with a similar opportunity on a trial basis.

RECOMMENDATION

**DIS050: RESOLUTION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR HOLLINGWORTH

1. That Council **APPROVES** on a temporary (six month) basis, effective from the date that the Department of Racing Gaming and Liquor issues the new Licence Conditions, allowing the Albany Hotel (244-248 York Street, Albany) to serve liquor in their alfresco area without a meal, consistent with the licence conditions for the balance of the premises.

Conditions:

- (a) Ongoing strict management of premises, particularly in regards to Responsible Service of Alcohol and patron behaviour in the alfresco area by the licensee.
 - (b) Council approval may be withdrawn if either City of Albany or Police have sufficient reason.
 - (c) If no unresolved problems are reported to DRGL, Police or the City of Albany during the six month trial, then the approval will carry over on a permanent basis, still subject to subsequent withdrawal in accordance with condition (b).
2. That Council **DELEGATES** authority to the Executive Director Development Services to approve six month trials of similar proposals of 'liquor without a meal' for other City of Albany owned alfresco areas, when requested by licensees, for referral to DRGL. Approval would be subject to assessment by staff to confirm no objections from Police and no history of significant compliance issues with the City of Albany. Any approval would be subject to the same conditions as Point (1) of this recommendation.

**CARRIED 12-1
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillor Goode

Officer Comment (Executive Director Development Services):

Inclusion of "*If no unresolved problems are reported to DRGL, Police or the City of Albany during the 6 month trial*" in condition (c) to give the licensee an opportunity to respond and resolve any minor complaints/problems.

Delegated Authority from Council will allow the Executive Director of Development Services to permit six month trials for other establishments wishing to serve alcohol without a meal.

DIS050: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

- 1) THAT Council APPROVES on a temporary (6 month) basis, effective from the date that the Department of Racing Gaming and Liquor issues the new Licence Conditions, allowing the Albany Hotel (244-248 York Street, Albany) to serve liquor in their alfresco area without a meal, consistent with the licence conditions for the balance of the premises.

Conditions:

- (a) Ongoing strict management of premises, particularly in regards to Responsible Service of Alcohol and patron behaviour in the alfresco area.
 - (b) Council approval may be withdrawn if either City of Albany or Police have sufficient reason.
 - (c) If no problems arise during the 6 month trial, then the approval will carry over on a permanent basis, subject to withdrawal if justified.
- 2) THAT Council agrees to approve 6 month trials of similar proposals of 'liquor without a meal' on other City of Albany owned alfresco areas, when requested by licensees, for referral to DRGL. Approval would be subject to assessment by staff to confirm no objections from Police and no history of significant compliance issues with the City of Albany. Any approval would be subject to the same conditions as item (1) of this recommendation.

DIS050: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MULCAHY

THAT an amended Responsible Officer Recommendation be presented to the OCM on 31 October 2017 for consideration by Council.

CARRIED 9-0

DIS050: RESPONSIBLE OFFICER RECOMMENDATION

- 1) THAT Council APPROVES on a temporary (6 month) basis, effective from the date that the Department of Racing Gaming and Liquor issues the new Licence Conditions, allowing the Albany Hotel (244-248 York Street, Albany) to serve liquor in their alfresco area without a meal, consistent with the licence conditions for the balance of the premises.

Conditions:

- (a) Ongoing strict management of premises, particularly in regards to Responsible Service of Alcohol and patron behaviour in the alfresco area.
 - (d) Council approval may be withdrawn if either City of Albany or Police have sufficient reason.
 - (e) If no problems arise during the 6 month trial, then the approval will carry over on a permanent basis, subject to withdrawal if justified.
- (b) THAT Council agrees to approve 6 month trials of similar proposals of 'liquor without a meal' on other City of Albany owned alfresco areas, when requested by licensees, for referral to DRGL. Approval would be subject to assessment by staff to confirm no objections from Police and no history of significant compliance issues with the City of Albany. Any approval would be subject to the same conditions as item (1) of this recommendation.

BACKGROUND

3. The Licensee of the Albany Hotel has requested Council to support their application to the Department of Racing, Gaming and Liquor (DRGL) for a variation to their Liquor Licence conditions to allow the consumption of alcohol in the alfresco dining area without a meal.
4. In 1993, a conditional planning consent was issued by the Council, of the then Town of Albany, allowing the owner of the Albany Hotel to create an enclosed alfresco-dining area upon the York Street footpath.
5. The then owner of the Albany Hotel was also advised that approval was granted with the intention of allowing the consumption of alcohol only with meals in the alfresco dining area (which is in the road reserve) subject to annual review. A copy of this advice was passed on to the then Office of Racing and Gambling (ORG).
6. In May 2007, the Liquor Control Act 1988 (the Act) was amended to allow the consumption of alcohol in areas such as the Albany Hotel alfresco-dining area without a meal under certain conditions.
7. As the alfresco-dining area is located on a City of Albany controlled footpath and is approved and registered under the City of Albany's *Activities on thoroughfares and Public Places and Trading Local Law 2011*, the management of the Albany Hotel require City of Albany support to obtain a permit from the DRGL to allow the consumption of alcohol in the alfresco-dining area without a meal.
8. At the 17/06/2008 Ordinary Council Meeting, Council was requested to reconsider this position and the motion that "*Council reaffirms a previous decision for the Albany Hotel to serve liquor only with meals in the alfresco-dining area*" was carried 8-3.
9. Council is now requested to consider the most recent submission from the licensee to once again consider the request for the alfresco area conditions to be varied to allow for liquor without a meal.

DISCUSSION

10. The premises in question has a long history of compliance with relevant Liquor Licensing and Public Health regulations and has not been subject to any considerable issues of anti-social behaviour or irresponsible service of alcohol.
11. A detailed letter from the proponent is attached outlining the request, along with supporting documentation about the operation of their premises and letters of support from neighbouring business owners.
12. Also attached is a copy of a letter from the Albany Police Station's Liquor Enforcement Supervisor, confirming that they have no objection to the proposal.
13. Responsible service of alcohol, as a requirement under the *Liquor Control Act 1988*, is one of the most crucial tools in providing consumers with safe, responsible venues that are committed to practicing harm-minimisation techniques.
14. There is demand from customers who wish to enjoy an alcoholic beverage without having to consume a meal. The licensee has indicated that this is particularly the case for cruise-ship tourists.
15. Any revised approval will be for the premises, not just the licensee, and will therefore roll-over to prospective operators in the future.
16. At any time Council may withdraw this approval and refer back to DRGL, who will in turn modify the licence conditions to require liquor only to be consumed with a meal in the alfresco area.
17. Other licenced premises who have an alfresco area which is also subject to the "liquor with a meal" condition may also be interested in applying to vary their conditions with DRGL.
18. Confirmation of no objection from Police and the history of compliance will be specific to each premises and will need to be assessed on a case by case basis.

GOVERNMENT & PUBLIC CONSULTATION

19. Advice in regards to this proposal was sought from DRGL. It was confirmed that similar changes to licences have been approved for numerous comparable premises in both Metro and Regional Western Australia.

STATUTORY IMPLICATIONS

20. The *Liquor Control Act 1988* impose mandatory training and management requirements on licensees, approved managers, supervisory staff, bar staff and crowd controllers in relation to the licensed premises and the responsible service of alcohol.
21. Voting requirement is **Absolute Majority**.

POLICY IMPLICATIONS

22. The City of Albany's Public Health Plan identifies a public health priority of reducing alcohol related harm and the need to address alcohol misuse in the community. It is considered that the consumption of alcohol in a licensed premises is sufficiently regulated and managed to mitigate any such risks. Licenced premises are subject to very strict licencing conditions and it is noted that discussions with the proponent confirm that the premises will not permit excessive consumption of alcohol, as per its Responsible Service of Alcohol requirements.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Approval could result in anti-social behaviour from patrons consuming alcohol without meal in alfresco area.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Mitigation through enforcement of Responsible Service of Alcohol and possibility of approval being withdrawn if valid concerns.</i>

FINANCIAL IMPLICATIONS

24. All costs associated with the development will be borne by the proponent.

LEGAL IMPLICATIONS

25. Council is at liberty to use its discretion to approve or refuse the proposal.
26. Point (2) of the Responsible Officer's Recommendation requires **Absolute Majority**, as this is a delegation of power to the CEO.

ENVIRONMENTAL CONSIDERATIONS

27. Refer to Policy Implications section of the report

ALTERNATE OPTIONS

28. 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 proposal.

SUMMARY CONCLUSION

29. The proposal is considered to be consistent with what is currently in place in other Local Government Authorities. The liquor licence conditions imposed on the licensee by DRGL ensure the premises is operated safely and in accordance with relevant regulations.
30. It is therefore recommended that Council approve the proposal, subject to the conditions provided.

Consulted References	:	1. <i>Liquor Control Act 1988</i> 2. <i>City of Albany Activities on thoroughfares and Public Places and Trading Local Law 2011,</i>
File Number (Name of Ward)	:	A146763 (Fredrickstown Ward)
Previous Reference	:	OCM 17/06/08 Item 11.2.1

DIS051: PROPOSED COUNCIL POLICY - BEACH CLOSURE POLICY & PROCEDURE

Attachment	: Beach Closure Policy & Procedures
Report Prepared By	: Manager Governance & Risk (S Jamieson)
Responsible Officer	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme: 1.** Leadership.
 - **Objective: 1.1** To establish and maintain accountable policy positions.
 - **Community Priority: 1.1.2** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

Maps and Diagrams: Detailed in attached Policy & Procedure: Beach Closure

In Brief:

- Adopt the Beach Closure Policy and associated procedure.

RECOMMENDATION

DIS051: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DOUGHTY

THAT Council ADOPT the proposed Beach Closure Policy & RECEIVE the associated PROCEDURE that guides the implementation of this policy.

CARRIED 13-0

DIS051: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

DIS051: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the proposed Beach Closure Policy & RECEIVE the associated PROCEDURE that guides the implementation of this policy.

BACKGROUND

2. The City of Albany is committed to providing a safe and welcoming place for residents and visitors.
3. The City has developed and approved an operational policy position.

DISCUSSION

4. City Officers are seeking the endorsement of Council as it applies to beach areas under the care, control and management of the City of Albany (local government), excluding privately owned land and land in National Parks.

5. The purpose of this policy is to:
 - a. Provide direction for responding to shark attacks and shark sightings, as well as the broader approach to safety warnings and information provided to the public.
 - b. Guide the administration of the City of Albany Local Government Property Local Law 2011, under which a sign may be erected to regulate, prohibit or restrict specific activities on the beach or in the water and the giving of directions to swimmers to leave the water if a shark is suspected of being in the vicinity of the beach.
 - c. Provide a manageable response, while also giving the public the option of making an informed decision about personal safety with regards to entering the water after a confirmed shark sighting / attack.
6. The City's actions are guided by the following considerations:
 - a. Warning the public and closing beaches is a strategy to reduce the likelihood of shark human encounters however complete protection from sharks can never be guaranteed.
 - b. Sharks are very mobile and are capable of travelling large distances in a short period of time.
 - c. Authorised Persons are to access credible information to inform response strategies – primarily from Water Police.

Procedures:

7. The attached procedure provides guidelines for beach closures in response to shark sightings and shark attacks at City of Albany managed beaches.

Shark Response Criteria

8. The City will mobilise Authorised Persons to respond to a confirmed shark sighting where it meets the following criteria:
 - a. **Tagged shark:** Two or more activations of receiver within one hour.
 - b. **Department of Fisheries Notification:** Confirmed sighting of a 3 metres or greater in length or 2 or more sharks 2-3 metres in length.
 - c. **Location:** Within 1km of shore of a category 1 beach, or within 500m of shore of a category 2 beach.

9. **Beach Categories**

Category 1: Patrolled beaches. These are limited to the following:

- Middleton Beach (when patrolled by Surf Life Saving)
- Ellen Cove (Swimming Enclosure).

Category 2: Non-patrolled beaches. These are located on the shores of King George Sound which are managed by the City of Albany. It excludes any beaches on land managed by the Department of Biodiversity, Conservation & Attractions. The following beaches are included:

- Emu Point
- Emu Beach
- Whaler's Cove (Frenchman Bay)
- Goode Beach

Category 3: Not patrolled. No amenities provided.

- All other beaches within the City of Albany not identified as a category 1 or category 2 beach.

GOVERNMENT & PUBLIC CONSULTATION

10. Similar policies across the sector have been reviewed.

11. **Internal Consultation:**

- Manager Ranger & Emergency Services & Associated Teams
- Manager Governance and Risk & Executive Management Team
- Manager Reserves & Associated Teams

STATUTORY IMPLICATIONS

12. The *Local Government Act 1995* (the Act), section 2.17(2) states in part, “the council is to determine the local government’s policies”.
13. Local Government Property Local Law 2011, Part 5 – Matters Relating to Particular Local Government Property, Division 2 – Beaches, Clause 5.4 Powers of authorised persons or surf live saving club members.
14. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

15. There are no policy implications related to this item or existing policy positions.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: As a formal policy position has not been established, there is a risk of misinformation in regards to the City’s role in beach closures.</i>	<i>Almost Certain</i>	<i>Moderate</i>	<i>High</i>	<i>Public education/information made available, noting that action taken will be dependent on jurisdiction and available resources. This information also gives the public the option of making an informed decision about personal safety with regards to entering the water after a confirmed shark sighting / attack.</i>
<i>Opportunity: Public education of City of Albany beach closure practice and enabling the public to make an informed decision about personal safety in regards to entering the water after a confirmed shark sighting / attack.</i>				

FINANCIAL IMPLICATIONS

17. The development of the associated procedure was influenced by current community safety resourcing levels, in particular: Beach Categories and Shark Response actions.

LEGAL IMPLICATIONS

18. Nil.

ENVIRONMENTAL CONSIDERATIONS

19. Nil.

ALTERNATE OPTIONS

20. Adopt the proposed Policy, noting that Council has the option to either accept the draft Policy as presented or make amendments as it sees fit.

CONCLUSION

21. It is recommended that Council adopt the proposed policy.

Consulted References	:	Local Government Act 1995 City of Albany Local Laws
File Number (Name of Ward)	:	CM.STD.7
Previous Reference	:	Presented to the LEMC Committee on 21/09/2017

DIS052: REVIEW OF THE ALBANY LOCAL PLANNING STRATEGY 2010

Land Description	: City of Albany
Attachments	: CONFIDENTIAL 1. Albany Local Planning Strategy (Albany Land Use Directions 2030)
Report Prepared By	: Senior Planning Officer – Strategic Planning (C Simpson)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. The proposed draft Local Planning Strategy (*Land Use Directions 2030*) sets the strategic direction for settlement growth, informs amendment to the City's Local Planning Scheme No. 1 and all other decision in relation to land use and development over the next ten years.
3. Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the draft Local Planning Strategy (*Land Use Directions 2030*) must apply State and regional planning policy that is relevant to the Strategy. The majority of the strategic policy directions applicable to the Strategy will be from the Western Australian Planning Commission (WAPC). However; there are other State government agency policies which also require consideration.
4. This item also relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme: 5.** A connected and safe built environment.
 - **Objective: 5.1** To develop vibrant neighbourhoods which retain local character and heritage.
 - **Community Priority: 5.1.1** Develop and implement a contemporary Local Planning Strategy that reflects our identity and supports economic growth.

In Brief:

- As per the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City of Albany is required review its Local Planning Strategy every five years.
- The current *Albany Local Planning Strategy* was adopted by Council on 15 June 2010. The Strategy was consequently endorsed by the Western Australian Planning Commission later in the same year.
- The current Local Planning Strategy was prepared during a period of high economic growth. As a consequence, land earmarked for future urban development was far in excess of the City's long term population growth, leaving Albany with 60 years supply of land zoned urban residential.
- The review process commenced in 2014 through the preparation of specialist studies and background papers in consultation with internal stakeholders and external agencies. Preliminary community consultation was also undertaken in August 2016.
- The review process found that the current Local Planning Strategy facilitated an oversupply of land zoned for future urban development, resulting the continued urban sprawl.
- The proposed draft Strategy sets a policy direction to not support further urban sprawl beyond the existing and planned supply of land zoned for urban purposes. This approach promotes urban consolidation by making better use of existing infrastructure and land with environmental, economic and social benefits to the City and its community.

- Council is asked to resolve to provide a copy of the draft Local Planning Strategy (*Albany Land Use Direction 2030*) to the Western Australian Planning Commission for the purpose of seeking its consent to advertise the Strategy.
- The WAPC may request the City to make modifications to the draft Local Planning Strategy prior to advertising for public comments.

RECOMMENDATION

**DIS052: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

- 1) THAT Council, in pursuance to the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to provide a copy of the Local Planning Strategy (*Albany Land Use Direction 2030*) to the Western Australian Planning Commission to certify that the Strategy complies with Clause 11 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of proceeding to advertise the Strategy.
- 2) In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertise the strategy once certification has been provided by the Western Australian Planning Commission.

CARRIED 13-0

DIS052: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR SMITH**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

DIS052: RESPONSIBLE OFFICER RECOMMENDATION

- 1) THAT Council, in pursuance to the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to provide a copy of the Local Planning Strategy (*Albany Land Use Direction 2030*) to the Western Australian Planning Commission to certify that the Strategy complies with Clause 11 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of proceeding to advertise the Strategy.
- 2) In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertise the strategy once certification has been provided by the Western Australian Planning Commission.

BACKGROUND

1. The review process of the current Local Planning Strategy was undertaken with the following inputs;
 - The preparation of background papers in conjunction with working groups consisting of relevant staff and State agencies;
 - Specialist reports on key strategic matters; and
 - Stakeholder consultation throughout the strategy preparation.
2. The background papers undertook investigation into five subjects, namely being: population, settlement and housing; the economy & employment lands; community; environment; and infrastructure and services.
3. Working Groups were established to guide the preparation and identification of key planning implications for each of these topic areas. The Working Groups consisted of relevant State government agencies and staff and met twice during the preparation stage. All papers identified key planning implications to be addressed by the draft Strategy.
4. The specialist reports prepared are as follows:
 - *Review of Albany Activity Centres Planning Strategy (2015)*;
 - *Industrial Ecology Mapping and Industry Attraction Strategy (2015)*;
 - *Industrial Land Strategy (2017)*; and
 - *Albany Regional Hot Spots Land Supply Update (2015)*

5. The specialist reports and associated key findings are discussed in details below:

Review of the Albany Activity Centres Planning Strategy (2015):

This review acknowledged the policy shift that has occurred at State level in the way activity centres are planned. The current policy approach expands the functions of activity centres from a retail-centric approach (shopping centres) to include a broader spectrum of activities and interactions taking place in activity centres. Retail activity is therefore considered only a part of the wider function of activity centres. Under the revised strategy, Activity Centres are regarded as basic building blocks of the city's urban form, and the urban focus as places to shop, work, learn, live, socialise and to access community and other services.

Community and stakeholder consultation was undertaken during the preparation of the strategy to gain an understanding of the practical needs of the community and businesses, and the aspirations for the future performance of the activity centres network. Invitations were sent to business owners, residents, community organisation, councillors and local stakeholders. The consultation process took place over a 2 week period in December 2014. Two preliminary workshops and one-on-one consultation sessions were held, including an opportunity to complete a survey. Another workshop was held in March 2015 to discuss the outcomes and main recommendations.

Industrial Ecology Mapping and Industry Attraction Strategy (2015):

The preparation of this Strategy was a collaborative initiative between the Lower Great Southern Economic Alliance (City of Albany, Shire of Denmark and Shire of Plantagenet), LandCorp and the Great Southern Development Commission. LandCorp provided the majority of funding for the project. Funding was also received through the Great Southern Community Chest Fund.

The Industrial Ecology Mapping and Industry Attraction Strategy provides various stakeholders an oversight of potential opportunities to enhance economic development of key export industries and the resultant demand, configuration, location of land and supporting infrastructure to attract industrial investment in the Region. The resultant data informed town planning and economic development strategies.

A preliminary stakeholder consultation workshop was held in March 2015 and another in July 2015 to present the final outcomes.

Industrial Land Strategy (2017):

The purpose of the *Industrial Land Strategy* is to ensure adequate supply of industrial land to attract investment in the region and support the future growth of Albany. The Strategy undertook an audit of the industrial areas in the City to determine land supply and to identify opportunities and constraints associated with future development of industrial areas. The *Industrial Land Strategy* also undertook an industrial land demand analysis and made recommendations for the likely future land needs and improving development outcomes for existing industrial areas.

A stakeholder consultation workshop was held in August 2016.

Albany Regional Hot Spots Land Supply Update (2015):

The West Australian Planning Commission undertook this study. The role of the West Australian Planning Commission includes developing models to better understand land supply and development, and to promote this understanding as part of the land use planning and development process and better align the provision of infrastructure. The HotSpots report tracks and models land supply to assess land for future residential, industrial and commercial uses through the assessment of demand drivers, zoned land, development constraints, recent and future land development activity and existing and required physical and social infrastructure.

This document provided valuable input in the review of Local Planning Strategy and was the main determinant for the growth and development direction set out under the revised Strategy.

6. The background papers were combined to form Part 2 of the Local Planning Strategy (*Albany Land Use Directions 2030*). The main outcomes and recommendations of the specialist and Hotspots reports are summarised under the relevant sections of Part 2 of the draft strategy.
7. Following completion of background papers and part 2 of the Strategy, the preparation of Part 1 commenced. Part 1 consists of the strategies and actions which guide future growth and development in Albany. These strategies were formulated based on the planning implications identified under Part 2 of the Strategy and community input received during the consultation period.
8. City staff have worked closely with staff from the Department of Planning to ensure in-principle agreement with the directions set out in the draft Strategy.
9. In view of the detailed research and consultative approach taken, staff are confident that the Department of Planning will make a positive recommendation to the Statutory Planning Committee of the Western Australian Planning Commission to certify the Strategy for advertising.

DISCUSSION

10. The background papers undertook investigation into the key subjects outlined below, forming the main data for preparation of the strategy. Working Groups were established to guide the preparation and identification of key planning implications for each of these topic areas. The Working Groups consisted of relevant State government agencies and staff and met twice during the preparation stage. All papers identified key planning implications to be addressed by the draft Strategy.

Population, Settlement & Housing:

An analysis of the City's population as it relates to future planning for Albany was undertaken and a paper prepared. The paper further describes the urban settlement of Albany over the last 10-15 years, anticipated lot yield (urban and rural living) over the short, medium and long term, infill potential of existing suburbs and the housing profile and desired outcomes for the City. It also looks in detail at the role of rural villages in the City and their future growth potential.

The Economy and Employment Lands:

This paper undertook an analysis of the City’s economy as it relates to future planning for Albany. It further undertakes an assessment of land in the City which generates employment i.e. activity centres, industry, tourism, agriculture and education growth.

Community, Social Infrastructure and Heritage:

This paper undertook an assessment of community infrastructure and services as it relates to future planning for Albany including; sport and recreation facilities, City provided facilities, health and education. It further describes public transport, walking and cycling in the City and Aboriginal and European heritage and protection.

Environment:

This paper undertook an assessment of matters related to the environment including; fauna and flora protection, bushfire risk, rivers, wetlands and coastal protection and land, soil and climate change.

Infrastructure & Services:

This paper undertook a description of matters related to roads and rail in the City and also assessed the role of Albany Port and Albany Regional Airport. Services such as potable and non-potable water, sewer, power/energy, drainage/stormwater management, telecommunications and waste disposal/recycling are described.

11. The assessment undertaken under Part 2 of the Strategy delivered the following main findings:

Settlement	
Estimated resident population (June 2016)	37,233
Average population growth per annum	1.28%
Population forecast to the year 2026	41,260
There is currently a five year supply of serviced urban residential land	1,562 vacant lots
There is currently a 20 year supply of serviced rural living land	4,139 hectares
There is currently 60 years supply of zoned urban residential land	1,576 hectares five year lot yield: 931 lots five – 10 year lot yield: 1,571 lots
Based on the residential density codes under the Local Planning Scheme No.1, the City can significantly increase the density of neighbourhoods.	<ul style="list-style-type: none"> Theoretical infill potential: 13,490 at a lower residential density code 17,000 at a higher residential density code The availability of land for greenfield development significantly reduces the take-up of infill development and urban renewal opportunities
Albany is a sprawling City.	<ul style="list-style-type: none"> Low density residential development Detached single family homes on large lots Car-dependant communities Retail focussed shopping centres Places where people live, work, shop and recreate are far from one another Public transport, walking and cycling are largely impractical

Housing	
Small households represent the majority. (one and two persons).	<ul style="list-style-type: none"> • 54.6% of households • Higher proportion compared to Regional WA • Largest increase between census years
There is a dominance of single detached dwellings in the City.	<ul style="list-style-type: none"> • 87.5% of dwellings detached • Largest increase between census years • 51.9% of dwellings have only one or two residents
Community	
The City is an attractive place to retire.	Population growth driven by people in the older age groups (50+) moving to the City
The City has an ageing population.	Increase in the age cohort 55 and over follows a national trend in the ageing of communities
There is a predicted increase in young adults.	Predicted increase in young adults (20-35 cohort) to the year 2026
There are inequities between different parts of the City.	Socio-Economic Indexes for Areas (SEIFA) index of relative socio-economic disadvantage shows that larger numbers of people of relative 'disadvantage' live in suburbia where access to public transport, walking and cycling to employment, health and community services and leisure and culture are limited.
People live a sedentary lifestyle and the City's urban form as a sprawling city, plays a fundamental role in this.	<ul style="list-style-type: none"> • Almost half (49%) of Great Southern population undertake insufficient physical activity • Almost a third (31%) are classified as obese
There is a lack of affordable housing in the City.	<ul style="list-style-type: none"> • There is a demand for affordable one and two-bedroom homes • The majority of households under housing stress are occupied by a single person • There is a lack of one and two bedroom units for rent • There is a lack of high density housing in the City • There is a need for housing in close proximity to activity centres, services and facilities

Employment Land	
There is a need to protect the regional centre as the primary activity centre in the City.	<ul style="list-style-type: none"> The regional centre is the historic, tourism and economic heart of the City.
The City's shopping centres are retail-centric.	<ul style="list-style-type: none"> Shopping centres outside of the regional centre offer limited services and facilities, including entertainment opportunities, to the communities that they serve.
There is a need for additional light industry land and large lots zoned for general industry.	<ul style="list-style-type: none"> Based on anticipated growth rates, the City will require a total of 286 hectares of Light Industry zoned land by 2031, this and other uses.
The City and the region has a comparative advantage in tourism.	<ul style="list-style-type: none"> Tourism and hospitality are key industries and major contributors to the City's economy.
The City and the region has a comparative advantage in agriculture.	<ul style="list-style-type: none"> The Great Southern is the second largest food producing region in the State.
Environment	
The district is prone to bushfires.	<ul style="list-style-type: none"> The City's established pattern of development, a growing population, topography, vegetation and fuel loads, along with a drying and warming climate increase the City's susceptibility to bushfires.
Infrastructure	
There is a need to complete construction of the Albany Ring Road.	<ul style="list-style-type: none"> Heavy freight movement has an impact on communities and tourism There is potential for road conflict between heavy freight traffic and adjacent land uses
There is a need to plan for, and construct strategically important road extensions.	<ul style="list-style-type: none"> Improve connectivity within the City

12. Based on the findings and planning implications identified under Part 2 of the Strategy, the main strategic directions set out under Part 1 are as follows:

- No further urban sprawl beyond the current supply of urban zoned and planned land will be supported;
- Consolidation of existing developed areas is supported;
- Build on existing strengths of the regional centre and other nodes such as the Albany Waterfront and Middleton Beach;
- Undertake urban renewal in Spencer Park and Centennial Park;
- Improve housing diversity;
- Move away from retail centric shopping centres;
- Plan for appropriate level of community facilities and services;
- Conserve places and areas of Aboriginal and European heritage significance;
- Provide integrated public transport linkages and provide walkable, bike friendly environments;
- Plan for sustainable rural villages and viable community hubs with a diverse economic base;
- Improve use of commercial and industrial zoned land to attract private investment;
- Set sufficient land aside for light and general industry to support industrial growth;

- Enable tourist growth and diversification;
 - Enable agricultural growth and diversification;
 - Support growth of the tertiary education sector;
 - Integrate environmental and natural resource management with broader land use planning;
 - Build resilience to bushfire risk;
 - Protect natural resources, remnant vegetation and biodiversity, water resources and coastal environments;
 - Protect agricultural land and resources;
 - Advocate for the completion of the Albany Ring Road;
 - Facilitate the planning and construction of strategically important road extensions;
 - Investigate future business growth opportunities at the airport;
 - Recognise Albany Port in the economic development of the region;
 - Protect essential road infrastructure; and
 - Meet the service infrastructure needs of existing and future settlement.
13. The spatial implications of the above strategic directions are presented in map form in the Albany Local Planning Strategy (Land Use Direction 2030). It shows, amongst others, the areas in which Council will support future settlement growth of Albany (urban residential and rural living), neighbourhoods earmarked for urban renewal, existing and future shopping centres, industrial investigation areas, tourism routes, tourism nodes, education nodes, ring road, strategic important road extensions and potential general and light industrial expansion areas.
14. The Western Australian Planning Commission may require the City to modify the draft Albany Local Planning Strategy (*Albany Land Use Directions 2030*) strategy prior to providing certification that the Strategy complies with Clause 11(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
15. Following certification from the Western Australian Planning Commission, the City will advertise the draft Albany Local Planning Strategy (Albany Land Use Directions 2030) for public comment for a period of approximately two months.
16. The City will then review the draft Strategy having regard to submissions made and Council may support the Strategy without modifications or alternatively, support it with modifications to address issues raised in the submissions.
17. The draft Local Planning Strategy will then be submitted to the Western Australian Planning Commission for final endorsement.

GOVERNMENT & PUBLIC CONSULTATION

18. The City undertook preliminary community consultation over a two week period in August 2016 to provide an opportunity for residents to comment on the future planning of Albany. The consultation consisted of an information session at the Council offices, conversation cafés in the City (Vancouver Café), rural west (Cosy Corner Café) and rural east (Nippers Restaurant). One-on-one interviews were also held to allow landowners and planning consultants to discuss specific planning and development proposals.
19. Following certification from the Western Australian Planning Commission that the Strategy complies with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City proceed to advertise for public comment. Various consultation opportunities will be offered to State government agencies, stakeholders, planning professionals (consultants), landowners and residents.

STATUTORY IMPLICATIONS

20. The Albany Local Planning Strategy (Land Use Directions 2030) is prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
21. Clause 11(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that a Local Planning Strategy must:
- (a) Set out the long-term planning directions for the local government; and
 - (b) Apply any State or regional planning policy that is relevant to the strategy; and
 - (c) Provide the rationale for any zoning or classification of land under the local planning scheme.
22. Voting requirement is a **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

23. The draft Local Planning Strategy (*Land Use Directions 2030*) sets the strategic direction for settlement growth, informs future review and amendments to the City's *Local Planning Scheme No. 1* and guides all other decisions in relation to land use and development over the next ten to fifteen years.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community: <i>There is a risk that by not establishing clear guidelines urban growth will continue to be unaffordable and lack key infrastructure services.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Mitigation of impacts by the proposed strategy being endorsed.</i>
Reputation: <i>The proposal may attract objections from members of the public.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Widely consulting with parties who may be affected and authorities should mitigate any risk in this regard</i>
Environment: <i>If greater protection of biodiversity is not given, decline of species likely.</i>	<i>Almost Certain</i>	<i>Minor</i>	<i>High</i>	<i>Preparation of best practice and a contemporary strategy. Mitigation of impacts by adoption of Strategy.</i>
Opportunity: <i>The draft Strategy will set a clear direction for future land use and correct issues faced by the City of Albany.</i>				

FINANCIAL IMPLICATIONS

25. The draft Albany Local Planning Strategy (*Albany Land Use Directions 2030*) has been prepared in accordance with the allocated budget.

LEGAL IMPLICATIONS

26. There are no legal implications related to report.

ENVIRONMENTAL CONSIDERATIONS

27. The strategic directions set out under the draft Albany Local Planning Strategy (*Albany Land Use Directions 2030*) requires the protection of vegetation and biodiversity, rivers, estuaries, wetlands and coastal areas.
28. Environmental agencies will have the opportunity to comment on the strategy as part of the advertising process.

ALTERNATE OPTIONS

29. Council may consider alternate options in relation to these items, such as:
- To resolve to modify the draft Local Planning Strategy (*Albany Land Use Directions 2030*) prior to providing Western Australian Planning Commission with a copy for certification for the purpose of proceeding to advertise the Strategy.

CONCLUSION

30. The *Albany Local Planning Strategy 2010* was prepared in a period of economic growth and land earmarked for future urban development was far in excess of the City's population growth. This has resulted in a vast oversupply of land zoned for future urban development, which has facilitated continued urban sprawl, leaving Albany with 60 years supply of land zoned for urban residential purposes.
31. The draft Strategy sets forward a policy direction to not support further urban sprawl beyond the existing supply of future urban zoned and planned land. Instead, the Strategy promotes urban consolidation by making better use of existing infrastructure and land with environmental, economic and social benefits to the City and its community.
32. It is recommended that Council, in pursuance to the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to provide a copy of the draft Local Planning Strategy (*Albany Land Use Direction 2030*) to the Commission to certify that the Strategy complies with Clause 11 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of proceeding to advertise the Strategy.

Consulted References	:	1. <i>Planning and Development Act 2005</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 3. Albany Local Planning Strategy 2010 4. Local Planning Scheme No.1 5. City of Albany Strategic Community Plan 2023 6. City of Albany Corporate Business Plan 2014-2018
File Number (Name of Ward)	:	LP.PLA.16
Previous Reference	:	OCM 15/06/2010 DS Item 13.2.8

DIS053: ADOPTION OF DOG LOCAL LAW 2017

Proponent / Owner	: City of Albany
Attachments	: Schedule of Submissions Draft Dog Local Law 2017
Report Prepared By	: Manager Governance & Risk (S Jamieson)
Responsible Officer	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme: 1.** Leadership.
 - **Objective: 1.1** To establish and maintain sound business and governance structures.
 - **Community Priority: 1.1.2** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

In Brief:

- Council is requested to resolve to adopt the City of Albany Dog Local Law 2017 that is not significantly different from what was proposed.

RECOMMENDATION

**DIS053: RESOLUTION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT Council:

- (1) **ENDORSES** the Department of Local Government, Sport and Cultural Industries suggested amendments;
- (2) **RECEIVE** the public submission, staff recommendations and **ENDORSES** those recommendations; and
- (3) **NOTE** the purpose and effect of the City of Albany Dog Local Law 2017, being:
 - **PURPOSE:** Limit the number of dogs a person is able to keep; and
 - **EFFECT:** To extend the controls over dogs which exist under the *Dog Act 1976*.

CARRIED 13-0

DIS053: RESOLUTION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SHANHUN

THAT Council, in accordance with section 3.12 of the *Local Government Act 1995*, AGREES to ADOPT the City of Albany Dog Local Law 2017 (as detailed in the attachments) that is not significantly different from what was proposed, subject to the following amendments:

1. **Clause 3.1 – Confinement of dangerous dogs.** Paragraph (f) in clause 3.1 deleted and insert the following subclause:
(3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.
The deletion of the modified penalty for the confinement of dangerous dogs in item 1 of Schedule 3.
2. **Clause 3.2 – Limitation on the number of dogs.** The deletion of the modified penalties in item 2 of Schedule 1.
3. **Clause 4.9 – Compliance with conditions of approval.** The deletion of this clause entirely. Noting the modified penalty in item 3 of Schedule 3 has also been deleted.
4. **Dog prohibited areas and dog exercise areas.** The deletion of clauses 5.1 and 5.2, and the relevant modified penalties in item 4 of Schedule 3 and the deletion of the definition of “Prohibited places” under clause 1.5.
5. **Clause 5.3 – Places which are rural leashing (leash compulsory) areas.** The deletion of clause 5.3 (including the penalty) and the relevant modified penalty at item 5 of Schedule 3.
6. **Infringement notices.** The deletion of the reference in Clauses 7.3 and 7.6 that refer to Form 8 and Form 9 in Schedule 1 of the Regulations. Noting the City can create its own forms for infringement notices and withdrawal notices, or can use the relevant forms prescribed by regulation 26(2) and regulation 27(2) of the *Local Government (Functions and General) Regulations 1996*.

CARRIED 13-0

DIS053: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendations 1 & 2 be ADOPTED.

CARRIED 9-0

DIS053: RESPONSIBLE OFFICER RECOMMENDATION 1

THAT Council:

- (1) ENDORSES the Department of Local Government, Sport and Cultural Industries suggested amendments;
- (2) RECEIVE the public submission, staff recommendations and ENDORSES those recommendations; and
- (3) NOTE the purpose and effect of the City of Albany Dog Local Law 2017, being:
 - i. PURPOSE: Limit the number of dogs a person is able to keep; and
 - ii. EFFECT: To extend the controls over dogs which exist under the *Dog Act 1976*.

DIS053: RESPONSIBLE OFFICER RECOMMENDATION 2

THAT Council, in accordance with section 3.12 of the *Local Government Act 1995*, AGREES to ADOPT the City of Albany Dog Local Law 2017 (as detailed in the attachments) that is not significantly different from what was proposed, subject to the following amendments:

1. Clause 3.1 – Confinement of dangerous dogs. Paragraph (f) in clause 3.1 deleted and insert the following subclause:

(3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.

The deletion of the modified penalty for the confinement of dangerous dogs in item 1 of Schedule 3.
2. Clause 3.2 – Limitation on the number of dogs. The deletion of the modified penalties in item 2 of Schedule 1.
3. Clause 4.9 – Compliance with conditions of approval. The deletion of this clause entirely. Noting the modified penalty in item 3 of Schedule 3 has also been deleted.
4. Dog prohibited areas and dog exercise areas. The deletion of clauses 5.1 and 5.2, and the relevant modified penalties in item 4 of Schedule 3 and the deletion of the definition of “Prohibited places” under clause 1.5.
5. Clause 5.3 – Places which are rural leashing (leash compulsory) areas. The deletion of clause 5.3 (including the penalty) and the relevant modified penalty at item 5 of Schedule 3.
6. Infringement notices. The deletion of the reference in Clauses 7.3 and 7.6 that refer to Form 8 and Form 9 in Schedule 1 of the Regulations. Noting the City can create its own forms for infringement notices and withdrawal notices, or can use the relevant forms prescribed by regulation 26(2) and regulation 27(2) of the *Local Government (Functions and General) Regulations 1996*.

BACKGROUND

2. At the Ordinary Council meeting held on 25 July 2017, Council resolved to make the City of Albany Dog Local Law 2017.
3. Following the meeting public comment was sought.
4. At the submission closing date, Council had received two public submissions, in addition to feedback provide by the Department of Local Government, Sport and Cultural Industries.

DISCUSSION

5. The preparation of this local law was based on comparable local laws that have passed the scrutiny of the Joint Standing Committee on Delegated Legislation (JSCDL).
6. Administrative changes and feedback from the community have been consolidated for Council’s consideration, as is detailed in the Schedule of Submission (attached).

GOVERNMENT & PUBLIC CONSULTATION

7. Council and Public were formally advised of the proposal to make the local law at the 25 July 2017 Ordinary Meeting of Council, followed by prescribed advertising.
8. Public submissions closed on Monday 18 September 2017.
9. State Government. Recommendations were received on 15 September 2017 from the Department of Local Government, Sport and Cultural Industries and amendments made accordingly.

STATUTORY IMPLICATIONS

10. In making a local law, a local government is to follow the procedure described in section 3.12 of the *Local Government Act 1995*.
11. After the last day for submissions (18 September 2017), the local government is to consider any submissions made and make the local as proposed or make a local law that is not significantly different from what was proposed.
12. Resolution of Council to make the local law must be carried by Absolute Majority.
13. After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister for Local Government.
14. After the local law has been published in the Gazette the local government is to give local public notice.
15. 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.

POLICY IMPLICATIONS

16. Post adoption of the proposed local law, Council will be empowered to determine dog exercise and prohibited areas through Council resolution (*Absolute Majority Required and 28 days public notice*).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>If the need for the proposed local law is not articulated and justified, negative community feedback may result.</i>	Possible	Major	Medium	Communicate and justify rationale.
Community Health & Safety. <i>A local law is required to administer dog control, no law will restrict compliance action.</i>	Possible	Major	Medium	Adopt a local law that meets the communities’ expectation to be kept safe from dog hazards.

FINANCIAL IMPLICATIONS

18. An appropriate budget line exists for the cost of giving public notice and advertising.

LEGAL IMPLICATIONS

19. Section 3.12 of the Act prescribes the procedures for making Local Laws.
20. Whilst the Act does expressly prescribe a time frame 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. There are no direct environmental considerations related to this item; however appropriate dog control has a direct effect on the natural environment and public safety.

CONCLUSION

22. It is recommended that Council ADOPT the City of Albany Dog 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>City of Albany Animal Local Law 2001</i>• <i>Dog Act 1976</i>• <i>Dog Regulation 2013</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 25/07/2017 Resolution DIS036

DIS054: ALBANY AGRICULTURAL SOCIETY - REQUEST FOR SELF SUPPORTING LOAN

Land Description	: Eastern Precinct <ul style="list-style-type: none">• Reserve 405, Lot 1359 Lockyer Avenue, Centennial Park• Lot 305, Lockyer Avenue, Centennial Park• Lot 32, North Road, Centennial Park• Reserve 23110, No 27-47 North Road, Centennial Park
Proponent	: Albany Agricultural Society (AAS)
Owner	: City of Albany (as freehold or as Management Body of Crown Reserve)
Attachments	: <i>Items Attached under CONFIDENTIAL cover, in accordance with section 5.23(2)(c) of the Local Government Act 1995, being a contract which has been entered into:</i>
Report Prepared By	: Executive Director Infrastructure and Environment (M Thomson)
Responsible Officers:	: Executive Director Corporate Services (M Cole) Executive Director Infrastructure and Environment (M Thomson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Themes:**
 - 1. Leadership.
 - 5. A connected and safe built environment.
 - **Objectives:**
 - 1.2 To provide strong, accountable leadership supported by a skilled & professional workforce.
 - 5.2 To advocate, plan for and build friendly and connected communities.
 - **Community Priority:**
 - 1.2.1 Provide positive leadership that delivers community outcomes and gains a reputation for doing what is good for Albany and the surrounding region.
 - 5.2.2 Create infrastructure and connected streets that are consistent and reflect our unique heritage.

In Brief:

- Council consideration for a self-supporting loan to the Albany Agricultural Society (AAS) for \$150,000, for a 10-year term.

Maps and Diagrams:



RECOMMENDATION

DIS054: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR HOLLINGWORTH

THAT DIS054: Albany Agricultural Society – Request For Self-Supporting Loan be deferred in order that:-

- 1. Further financial information can be provided by the Albany Agricultural Society including an updated business plan prepared by an appropriate qualified professional.**
- 2. Council staff investigate appropriate loan security requirements and report back to Council at the earliest opportunity.**

CARRIED 13-0

DIS054: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT DIS054: Albany Agricultural Society – Request For Self-Supporting Loan be deferred in order that:

1. Further financial information can be provided by the Albany Agricultural Society including an updated business plan prepared by an appropriate qualified professional.
2. Council staff investigate appropriate loan security requirements and report back to Council at the earliest opportunity.

CARRIED 9-0

Reason for the motion: Council was not able to consider the loan request due to insufficient financial information.

DIS054: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) APPROVE a total of \$150,000 (excluding GST) self-supporting loan for a term of up to 10 years to the Albany Agricultural Society at the prevailing interest rates from Western Australian Treasury Corporation at the time of loan disbursement subject to the provision of three suitable personal guarantors.
- (2) AMEND the 2017/2018 budget to reflect an internally-funded, self-supporting loan to the Albany Agricultural Society through:
 - a. Approving the transfer from the Debt Management Reserve of \$150,000.
 - b. Approving an Expenditure line item within the 2017/18 Budget to pay the Albany Agricultural Society \$150,000.

BACKGROUND

Context

2. The Albany Agricultural Society (AAS) has used Centennial Park East since the 1900s. However, a formal licence agreement was only put in place in 1980. The latest licence expired on 31 December 2010 and the AAS then occupied the site under holding-over arrangements.
3. On 26 November 2014, the City issued a termination notice to the AAS, with their occupation of the site terminating on 27 November 2015. The City came to an arrangement to permit occupation of the McCormick and Goat Pavilions for an interim period and this concluded on 13 October 2016, with final vacation of the building by 24 October 2016. All of the previous AAS buildings are demolished.
4. At Council's direction, from February 2014 through to the present, City Officers have been involved in various ongoing negotiations with the AAS inclusive of a large scale and time critical construction project. Various matters have been considered by Council on multiple occasions throughout this period.
5. The two most recent and relevant Council meetings in relation to this item are the Ordinary Council Meeting (OCM) held on the 24 May 2016 and the Special Council Meeting (SCM) on the 29 November 2016.
6. In summary, at the OCM in May 2016 Council resolved to make a direct and in-kind contribution to the AAS to deliver the 2016 Annual Agricultural Show (the Show). This contribution amounted to \$100,000.

7. At the SCM in November 2016, Council resolved to make variations to the Deed of Agreement, with the AAS to amend the lease area to accommodate a new integrated office building and remove the old Royals clubhouse from the lease agreement, thus allowing for its demolition.
8. In addition, Council noted a business plan presented by the AAS and considered tenders for the construction of the pavilions, noting that the contract was to be awarded directly by the AAS.

Show Delivery 2016

9. The Show, with assistance from the City of Albany as directed by Council at the May 2016 OCM, was successfully delivered.
10. The AAS office was also relocated with City support to the Athletics Building (Centennial Park West) preceding the 2016 Show until September 2017. The City negotiated the sub-lease, provided support to the relocation and met the lease fee.

Construction

11. The AAS entered into a contract with AUSPAN for the construction of the 3 main steel-framed pavilions. The City of Albany managed the projects initiation, procurement and site works in addition to acting as Superintendent for the contract. The AAS has made its own direct arrangements for the construction of the office building, with City expertise provided where required.
12. The construction project is expected to be practically completed prior to the 2017 Annual Show with the exception of the office building. The office building is well underway and expected to reach practical completion before the New Year. The AAS is currently operating out of temporary facilities within the pavilions (relocated from the Athletics Building).
13. The AAS has had full financial control of the building project.

AAS Request for Self-Supporting Loan

14. The City of Albany has received a letter from the AAS requesting that Council consider the provision of a self-supporting loan of \$150,000 over a 10 year term.
15. The letter details the financial difficulty the AAS is experiencing from an initial cashflow perspective as they have not been able to raise income over the past year due to the construction project and their ongoing displacement from permanent facilities.
16. Prior to formalising their request City officers suggested that the provision of guarantors for the loan may assist Council in its deliberations. The AAS have provided the names of three guarantors in their letter of request.
17. Combined with some additional expenses incurred associated with the building construction, the AAS claim that they are not able to support their immediate cash flow requirements to complete the construction project while delivering the Annual Show.

DISCUSSION

18. The business plan noted by Council at the November 2016 SCM did not make provision for the loss of income (eg. through not being able to hire out their facilities) during the construction period.

19. The AAS has made a number of decisions with regard to the buildings which has resulted in a positive outcome for the precinct and the community in general. In particular, the curved roof has softened the impact of the steel-framed structures from an aesthetic perspective, and the improved capacity of the ablution facilities will provide additional amenity to the precinct during a range of events.
20. The AAS has had financial control over the project and decisions could have been made to avoid the cash flow shortfall, such as scaling the project. However, under the circumstances, it is considered that an outcome has been achieved for the AAS and the community that is mutually-beneficial and, in general, the request to provide financial assistance by way of a self-supporting loan is considered reasonable.
21. Provision of the loan will see the project completed to a high standard and should enable the AAS to establish its business model to ensure the funds can be repaid to the City.

STATUTORY IMPLICATIONS

22. It is proposed to internally-fund the loan. The usual advertising requirements are therefore not necessary.
23. Voting Requirement: **Absolute Majority**.

POLICY IMPLICATIONS

24. There are no policy implications related to this report.
25. Note: The Council policy position pertaining to long term borrowing pertains to the City of Albany borrowing funds to accommodate acquisition, renewal or construction of specified assets.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial. <i>If proposed loan is not supported, the AAS will have difficulty in funding its operations in the short term.</i>	<i>Likely</i>	<i>Major</i>	<i>High</i>	<i>Support the proposed loan or encourage the AAS to access alternative sources of funding.</i>
Reputation. <i>Non-approval of loan may result in elements of the project being incomplete.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Support the proposed loan or encourage the AAS to access alternative sources of funding.</i>
Opportunity. <i>To complete the AAS pavilions and office to a high standard and to provide the initial funds for the AAS to establish their business model.</i>				

FINANCIAL IMPLICATIONS

27. The Albany Agricultural Society have requested Council’s approval of a self-supporting loan up to the amount of \$150,000 to be funded from the Debt Management Reserve.

LEGAL IMPLICATIONS

28. There are no legal implications related to this item.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

30. Council may:
- a. Approve the self-supporting load as recommended; or
 - b. Not approve the self-supporting loan. This would require the AAS to find alternative sources of funding.

CONCLUSION

31. The AAS, as a result of the ongoing construction works, has incurred some financial loss to their usual operating income.
32. As a result, there is a cash flow shortfall and the completion of the pavilions and office in the Eastern Precinct of Centennial Park may be impacted.
33. The ASS has requested assistance from the City of Albany by way of a self-supporting loan of \$150,000 over 10 years.
34. This report recommends that the loan be approved subject to personal guarantors being provided.

Consulted References	:	Past documentation, correspondence & items to Council <i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	CP.DEC.1; PRO411; PRO412
Previous References	:	<ul style="list-style-type: none"> • OCM 22/07/2014 Item CS011 • OCM 25/02/2014 Item CS008 • OCM 16/07/2013 Item 3.1 • OCM 23/07/2015 Item CSF1777 • OCM 15/12/2015 Item CSF214 • OCM 08/11/2016 Item CSF279 • SCM 26/11/2016

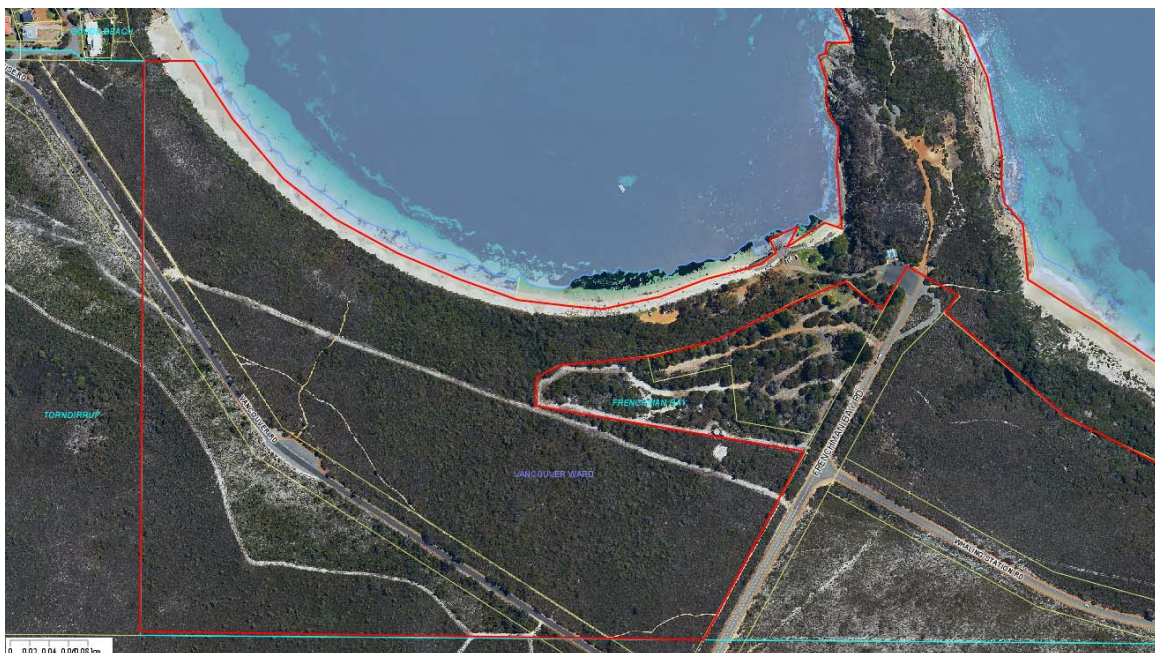
DIS055: FRENCHMAN BAY HERITAGE TRAIL – FEASIBILITY STUDY

- Land Description** : • City of Albany Managed Reserve 21337
• City of Albany Managed Reserve 26221
- Proponent / Owner** : City of Albany (Land vested in the care and control of the City of Albany)
- Attachments** : • Proposed Frenchman Bay Heritage Trail Feasibility Study – H+H Architects (September 2015)
• Revised trail map (May 2016)
• Trail & dam sketch (June 2016)
- Report Prepared By** : Reserves Officer (A Tucker)
- Responsible Officers:** : Executive Director Works & Services (M Thomson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
- **Theme:** 1. Leadership and 3. Clean, Green & Sustainable
 - **Objectives:**
 - 1.1 To establish and maintain sound business and governance structures.
 - 3.1 To protect and enhance our natural and built environment in a changing climate.
 - **Community Priorities:**
 - 1.1.2 Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.
 - 3.1.2 Sustainable protected and enhance our iconic coastline, reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves.

Maps and Diagrams:



Reserve 21337 – off Vancouver Road, Goode Beach

In Brief:

- Council consideration and approval is sought for the feasibility study and associated concept plans for Frenchman Bay Heritage Trail which will guide future development and improvements in the area, based on funding availability.

RECOMMENDATION

**DIS055: RESOLUTION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR STOCKS**

THAT Council APPROVE the Frenchman Bay Heritage Trail Feasibility Study and Concept Plan for PUBLIC ADVERTISING and that submissions received as part of the public advertising be presented to Council with a Responsible Officer Recommendation at a future Council Meeting.

CARRIED 13-0

Officer Comment (Executive Director Infrastructure and Environment):

Feedback from the Goode Beach community suggests that the consultation undertaken has not been extensive and there is some opposition to the proposed trail. It is suggested that Council advertise the proposal so that the consultation is managed and that submissions be considered by Council at a future meeting.

The costs of advertising are minimal and officer time to consider submissions is manageable.

**DIS055: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council ENDORSE the Frenchman Bay Heritage Trail feasibility study and concept plan and include this trail in the Albany Trails Hub Strategy 2015-2025.

DIS055: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR MULCAHY
SECONDED: COUNCILLOR DOWLING**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

DIS055: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ENDORSE the Frenchman Bay Heritage Trail feasibility study and concept plan and include this trail in the Albany Trails Hub Strategy 2015-2025.

BACKGROUND

2. The Frenchman Bay Heritage Trail is a project driven by the Frenchman Bay Association (FBA) which has been working on improving the trails within the area since 2015.
3. The feasibility study makes recommendations for \$380,000 of upgrades to improve and create a loop trail that showcases the spectacular coastline of Goode Beach.
4. This proposed trail is not included in the approved City of Albany Trails Hub Strategy 2015 – 2025 as there are a number of other priority projects in the vicinity within Torndirup National Park and Discovery Bay.
5. Council consideration and approval is sought for the Frenchman Bay Heritage Trail feasibility study and concept plan which will guide future trail development in the reserve depending on funding availability.

DISCUSSION

6. A feasibility study has been developed by H+H Architects on behalf of the FBA. This study was developed in close consultation with City Reserves staff and local Noongar Elders.
7. The objective of the document is to establish a plan for a loop trail and associated interpretative signage that acknowledges the Noongar and European cultural heritage of the area. The plan identifies a total of 11 interpretative nodes along the trail and the background information for these have been researched and included in the plan.
8. An indicative cost estimate for the full project is \$380,000. Funding would need to come from a number of external grants if the project is to proceed. Given that the project is not a priority in the Trails Hub Strategy, it is not proposed that the City contribute to the project at this stage, and the City would need to guide any funding submissions made, so as to not compete with existing City priorities.
9. The proposed trail has been developed as a standalone attraction and there may be potential to expand in the future (to Discovery Bay and Bald Head Island walk to the east and to Little Grove and the City centre to the west) to become a valuable section of a larger trail hub within the City. At this stage, the proposal is considered a worthwhile local community project however it is not considered a strategic priority.
10. The loop trail was initially proposed to pass in front of Lots 1 and 2 Frenchman Bay Road. However, since the completion of the report in September 2015, various meetings between the private property owners and FBA have not been successful in obtaining approval for public access through the property.
11. As a result of this, a revised map was submitted by the FBA in June 2016. This revised trail includes stairs down onto the beach from the Vancouver dam as a backup plan if access through Lots 1 and 2 cannot be successfully negotiated prior to construction.
12. Having an adopted feasibility study for the reserve will enable the FBA to apply for external funding opportunities in consultation with the for the construction of the trail.

GOVERNMENT & PUBLIC CONSULTATION

13. The study authors consulted with a number of stakeholders during the planning of the trail to ascertain their views on the type, location and potential impact of the trail. The organisations consulted include Albany Historical Society, Albany Museum, Department of Water, Department of Parks and Wildlife, Discovery Bay, Great Southern Development Commission, South Coast Natural Resource Management, Kinjarling Trail Project Committee and the City of Albany.
14. A site visit and walkover was held with two local Noongar Elders in early 2016 to discuss the plan. At this site visit, a number of concerns were raised about the underground water source that feeds the natural spring.
15. As a result of these concerns, the initial plan was amended and a new map showing the works around the spring and dam were altered. This amended plan was then presented to the Noongar Consultative Committee on 10 August 2017.
16. The committee supported the amended plan and the project, and noted that a formal heritage survey would be required as the next step prior to any onground works. A detailed archaeological survey of Noongar heritage has been included as a specific step in the feasibility study.
17. City Staff met with members of the FBA who confirmed they have undertaken community consultation by putting information and regular updates of the project into their newsletter, with no negative feedback received. The City is satisfied that this level of consultation is appropriate for this stage and further community consultation will be undertaken as part of the detailed design.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

19. There are no policy implications for this matter.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations. <i>Infrastructure not planned and built in a co-ordinated way.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council prioritises and implements works in accordance with current priorities.</i>
Finance. <i>Funding opportunities missed due to lack of planning.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council adopt the feasibility study.</i>

FINANCIAL IMPLICATIONS

21. The construction of the trail and associated infrastructure will be funded through external funding bodies as opportunities arise. It is not proposed that City funds be directed to this project due to other priorities in the Trails Hub Strategy.
22. Once constructed, ongoing costs for maintenance and renewal will be the responsibility of the City of Albany and will be funded through the Reserves maintenance budget.

LEGAL IMPLICATIONS

23. There are no legal implications relevant to this item. All actions will be consistent with legislative requirements.

ENVIRONMENTAL CONSIDERATIONS

24. The purpose of both Reserves is consistent for this type of activity; R21337: Recreation, Pleasure Resort and Caravan Park and R26221: Recreation Special Conditions.
25. As a part of the feasibility study, Aurora Environmental undertook an initial environmental impact study of the area. They found four (4) potential threats that require further consideration prior to construction. These potential threats were spread of dieback, erosion, disturbance to rare and endangered flora, and fire.
26. All of above threats can be suitably mitigated as part of final trail design.
27. Prior to construction, all onground works will be referred to the City Reserves officers to ensure all appropriate approvals and permits are in place and there are no outstanding environmental issues.

ALTERNATE OPTIONS

28. Council may choose not to approve the Frenchman Bay Heritage Trail Feasibility Study and therefore the project will not proceed. Council may wish for plans to be altered or amended and represented to Council at a future time.

CONCLUSION

29. Frenchman Bay Heritage Trail feasibility study and concept plan is considered a worthwhile local community project which is currently not featured in the City of Albany Trails Hub Strategy.
30. This report recommends that the study be approved, allowing the Frenchman Bay Association further progress the project, and explore avenues for funding in consultation with the City of Albany.

Consulted References	:	City of Albany Trails Hub Strategy 2015 – 2025
File Number (Name of Ward)	:	Vancouver Ward
Previous Reference	:	Nil

DIS056: PLANNING AND BUILDING REPORTS SEPTEMBER 2017

Proponent : City of Albany
Attachment : Planning and Building Reports September 2017
Report Prepared By : Administration Officer-Planning (V Martin)
Administration Officer-Development Services (J Corcoran)

Responsible Officer(s): : Executive Director Development Services (P Camins)

RECOMMENDATION

DIS056: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TERRY

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

CARRIED 13-0

**DIS057: CENTENNIAL PARK SPORTING & EVENT PRECINCT
STAGE 2**

- Attachments** : Project Summary sheet Centennial Park Sporting and Event Precinct Stage 2.
- Report Prepared By** : Executive Director Infrastructure & Environment (M Thomson)
- Responsible Officers:** : Executive Director Infrastructure & Environment (M Thomson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Themes:**
 - 2. Smart Prosperous and Growing
 - 4. Community Health & Participation
 - **Objectives:**
 - 2.3 To develop and promote Albany as a unique and sought-after visitor location.
 - 4.3 To develop and support a healthy inclusive and accessible community.
 - **Community Priorities:**
 - 2.3.1 Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.
 - 4.3.1 Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages.

In Brief:

- Council consideration to enter into a funding agreement for the completion of stage 2 of the Centennial Park Sporting and Event Precinct.
- The total funding agreement is \$6.92million phased over 2 to 3 financial years with project completion anticipated in October 2019.

RECOMMENDATION

**DIS057: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TERRY**

THAT Item DIS057: Centennial Park Sporting and Event Precinct Stage 2 be ACCEPTED as an urgent item for consideration by Council.

**CARRIED 13-0
ABSOLUTE MAJORITY**

**DIS057: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TERRY**

THAT Council:

- 1. AMEND the 2017/2018 budget to include and Expenditure line item for Centennial Park Sporting and Event Precinct Stage 2 - \$3.0 million and an Income line item for a grant from the Department of Primary Industries and Regional development for \$3.00million.**
- 2. NOTE that \$3.92million will be allocated in the 2018/2019 budget with unspent funds carried forward into the 2019/2020 budget to completion which will make the total funding contribution \$6.92 million.**
- 3. AUTHORISE the Chief Executive Officer to enter into a funding agreement with the Department of Primary Industries and Regional Development for Centennial Park Sporting and Event Precinct Stage 2.**

**CARRIED 13-0
ABSOLUTE MAJORITY**

BACKGROUND

Centennial Park Sporting & Event Precinct Stage 2.

2. The Centennial Park Sporting and Event Precinct has been an ongoing key and high profile project for the City of Albany since Council adopted the Centennial Park Sporting Precinct Master Plan in February 2014.
3. The City of Albany has successfully delivered stage 1 of the project totalling a \$27 million investment.
4. Funding thus far has been a mix of State and Federal funding with a contribution from the City of \$4.0million.
5. Following a successful lobbying campaign by the City in the lead up to the 2017 State Government election a total of \$6.92million has been offered by the State Labour Government phased over 2 to 3 years to deliver stage 2 of the project
6. A funding agreement is currently being prepared between the City of Albany and the Department of Primary Industries and Regional Development.
7. Stage 2 includes the following elements which is further detailed in the attached project summary:
 - a. Completion of the AFL junior node including shelter, toilet facilities and storage;
 - b. Field improvements in the Eastern Precinct;
 - c. Completion of central promenade including lighting to link the 3 sub precincts (Eastern, Central and Western).
 - d. Enhancements to Yakamia Creek;
 - e. Vehicle parking, lighting, pedestrian links;
 - f. Enhancements to Youth precinct (adjacent to PCYC); and
 - g. Landscape and fencing treatments, public art overlay and wayfinding.
8. The completion of stage 2 effectively delivers the original master plan vision with the outcome being a high quality public realm enabling people of all ages to enjoy passive and active recreation pursuits and for programmed sport within the overall precinct being future proofed.

DISCUSSION

Project Delivery & Funding

9. The overall master plan for Centennial Park Sporting and Event Precinct was estimated to be a \$42 million investment.
10. Through the adoption of a packaged delivery model, the City has been able to make considerable savings in the overall project cost thus delivering value for money for stage and better outcomes than originally forecast.
11. While the original master plan was costed at \$42million, savings and value management judgements made through the project will enable the project to be predominately complete with the \$6.92 million investment.
12. The City is currently negotiating to secure funding to further contribute to the project to enhance Yakamia Creek in the Western Precinct and to enhance water quality outcomes into Oyster Harbour with another State Government agency. Once confirmed, Council will be apprised of this separately.
13. The State Government through the Department of Primary Industries and Regional Development will administer the grant requiring no further commitment from Council from municipal funds.

GOVERNMENT & PUBLIC CONSULTATION

14. Ongoing liaison with affected stakeholders will be required during the delivery of the project.
15. Community consultation in relation to the master plan has been extensive in the lead up to its adoption by Council.

STATUTORY IMPLICATIONS

16. Due to the presence of a registered Aboriginal Heritage Site located along the Yakamia Creek the City is in the process of preparing documentation for a Section 18 clearance under the Aboriginal Heritage Act. This affects work immediately adjacent the Yakamia Creek in the Western Precinct but is not expected to delay project milestones.

POLICY IMPLICATIONS

17. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation & Financial</p> <p><i>Risk: Resources have been deployed to the project over the past few years, a delay or interruption may result in a loss of momentum and negative community and stakeholder feedback</i></p>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>City to manage and redeploy as necessary its resources until a funding agreement can be put in place.</i>
<p>Opportunity: <i>This project will deliver a high quality public space which will future proof sporting and event programming for many years in addition to providing a high quality public realm for people to enjoy both passively and actively.</i></p>				

FINANCIAL IMPLICATIONS

19. The project is fully funded from external sources and therefore there are no impacts on municipal funds.
20. The project will be phased over 2 to 3 financial years as follows:
 - a. 2017/18 \$3.00 million
 - b. 2018/19 \$3.92 million
 - c. 2019/20 unspent funds carried forward to completion.
21. The anticipated completion date is October 2019, however the City will negotiate this completion date with the funding agency.

LEGAL IMPLICATIONS

22. Nil

ENVIRONMENTAL CONSIDERATIONS

23. Nil

ALTERNATE OPTIONS

24. Council could choose not to support the funding agreement.

CONCLUSION

25. The City of Albany has been offered \$6.92million to complete stage 2 of the Centennial Park and Event Precinct through a Stage Government Grant administered by the Department for Primary Industries and Regional Development.
26. The funding will enable the completion for stage 2 of the project and the overall Master Plan vision as adopted by Council in 2014 without any additional municipal funds.
27. This report recommends that the CEO be authorised to negotiate and enter into a funding agreement to enable works to commence without delay.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Not applicable.

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

CCCS070: Local Tourism Organisation-Detailed Design
CCCS071: Anzac Centenary 2018: FORM-Concept Proposal
PR004: Chief Executive Officer Performance Review
DIS057: Centennial Park Sporting and Event Precinct Stage 2.

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil.

16. REPORTS OF CITY OFFICERS Nil.

17. MEETING CLOSED TO PUBLIC

CCCS069: Appointment of Executive Director
CCCS071: Anzac Centenary 2018: FORM-Concept Proposal
PR004: Chief Executive Officer Performance Review

18. CLOSURE

There being no further business the Mayor declared the meeting closed at [8.33PM](#)



Dennis W Wellington
MAYOR

TABLED ADDRESS BY MS JENNIFER LEONARD

Address to the Albany City Council at the OCM of 31st October 2017 on Proposed Structure Plan No 9 read by Jenni Leonard of 48 Karrakatta Road, Albany on behalf of Dr John Myers of 40 Karrakatta Road, Albany.

It would be hard to find a more unsuitable location for a resort hotel, especially one that claims to be ecofriendly. The site is too tightly constrained between the foreshore reserve and the Lake Vancouver wetland reserve, both in the care of the City of Albany. The location on sand dunes, close to the sea and only just above sea level, poses a serious threat to the safety of the hotel, which in turn poses a serious, unavoidable, threat to the survival of the pristine Lake Vancouver ecosystem.

There is no precedent in south-west WA for hotel development in such a fragile and dangerous location. Most such developments are on limestone or granite except for the old Esplanade hotel site. But this lies on a much firmer foundation of stratified marine sand at the most sheltered part of Middleton Beach. Yet the WA government considers it necessary to spend nearly 3.6 million dollars on a sea wall to protect this development.

The site at Goode Beach is both more fragile and more exposed to storm surges. It would require much greater protection than the Esplanade hotel site. It is utterly unsuitable for the proposed hotel and could be catastrophic for both the hotel and adjacent wetland. Such a hotel requires a much more secure location, with long-term sustainability, should be on firmer ground and away from such proximity to the only pristine lake and wetland in the region.

I should like to table this address along with the attached letter from Dr Myers to Councillors which explains more about the physical and environmental setting of the proposed hotel site. I would be most grateful if these copies of the letter could be distributed to Councillors.

TABLED DOCUMENT FROM DR JOHN MYERS

1

City of Albany, 102 North Road, Albany 6330

Dear Councillor,

Re: Structure Plan no.9 - Tourist Resort Lot 660 La Perouse Road, Goode Beach, Albany

Goode Beach is part of a region of outstanding scenic, scientific and historical importance at both national and international levels. It is also a region of physical and environmental fragility. Nowhere is this fragility more extreme than at Lot 660.

This extreme fragility raises two fundamental concerns with the proposed location of the resort hotel at Goode Beach:

- The physical vulnerability of the hotel site
- The threat posed by the hotel to the pristine wetland ecosystem of Lake Vancouver.

1. Location on Sand Dunes by the Sea

The proposed resort hotel at Goode Beach is to be located on sand dunes, within a narrow space of only 200m between the shore and the Lake Vancouver wetland (photo 1A). It is intended to completely clear the dunes within the outer blue line, and to place buildings in the area marked by black dots.

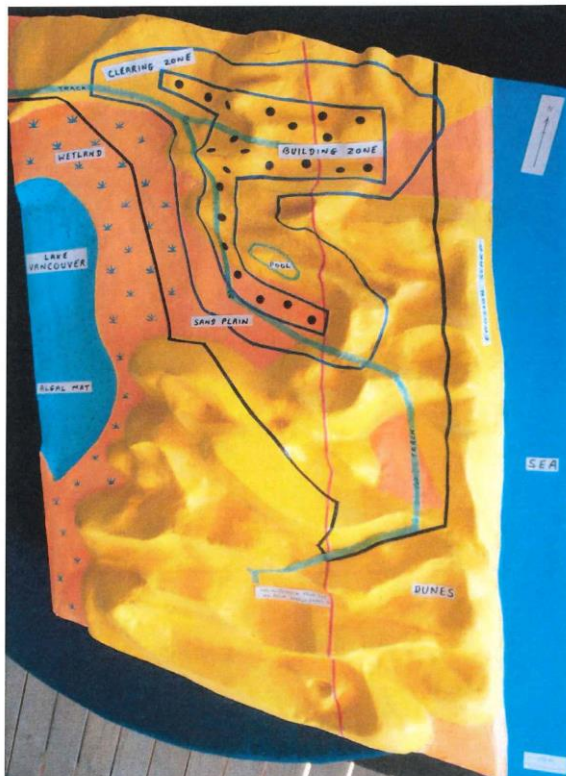


Photo 1A. Relief model (ve x2) showing sand dunes (yellow) truncated by a straight smooth erosional scarp, overlying marine sand (orange) deposited on former receding shorelines of Princess Royal Harbour. Black line shows the boundary of Lot 660. Red line marks 100m from the shore. The area inside the outer blue line would be totally cleared and the dunes restructured. The inner blue line enclosing black dots marks the area where buildings would be placed.

The dunes formed from beach sand, blown from the south-east when sea level was lower. When sea level rose again, the sand dunes were progressively washed away as the shoreline moved about 1 km westwards. This erosion led to the smooth scarp along Goode Beach that cuts sharply across the dune structures (photos 1A, 2). After a long period of stability, sea level has recently started to rise, and again the shoreline will start to move westwards as the dunes are washed away (photo 2).



Photo 2. Recent ongoing erosion of both the older steep, high erosional scarp and the younger low erosional bench at the northern end of Goode Beach, as seen on 3 October 2017

25 years ago, the minimum setback required for development on a solid landform, on a stable coast was 100 m (red line on photo 1A). Here, on sand dunes, on an eroding shoreline, the setback was to be much greater, and this was before the expectation of rising sea level. Now we know that sea level is rising and this is expected to accelerate. Yet the hotel plan locates buildings as close as 60 m from the shore, only 2-3 m above sea level.

To accommodate rising sea level, the development plan proposes a managed retreat of the hotel buildings. They say this “ensures that coastal protection works, would not need to be completed ... under any circumstances”. Meanwhile, the State Government is providing nearly 3.6 million dollars to build a seawall to protect the Esplanade hotel site. Lot 660 is a much more exposed location, and there is little room for a managed retreat as the buildings would already extend to the edge of the wetland, and are the minimum 100 m setback from the lake.

The perceived need for a seawall to protect development at the most sheltered part of Middleton Beach reinforces the concern that the sand dunes at Lot 660, on a much more exposed part of the more exposed Goode Beach, form an unsafe site for the proposed resort hotel.

Global warming is expected to produce more frequent and more severe storms, with increasing risk of storm surges. The proposed hotel is fronted by a seaward-opening v-shaped gap in the dunes (photos 1A, 1B). This would funnel and amplify any storm surge directly to the proposed restaurant, function centre and adjacent residential buildings that are only 2-3 m above current sea level and extend to 60 m from the beach.

Therefore, in this particular location, a combination of rising sea level and increasing frequency and severity of storm surges poses a serious threat to the safety and stability of the hotel, and could be catastrophic even within the 50 year life-time proposed for the hotel.

In addition, this particular location would similarly be vulnerable to a tsunami although such an event is not mentioned in the Structure Plan. However, such an event is a possibility and should be considered. A recent warning was provided by the Albany Earthquake of 15 May 1977. This earthquake was felt up to 300 km away and was of moderate magnitude 4.5. The epicentre was located near Emu Point and probably reflects

movement on the Boyup Brook Fault that passes through King George Sound in a NW-SE direction (Myers and Hocking 1998, Geological Map of WA). If there was further movement on this fault within King George Sound and it generated even a small tsunami, it would be so close to Lot 660 that there would be no warning time for an evacuation of the site.

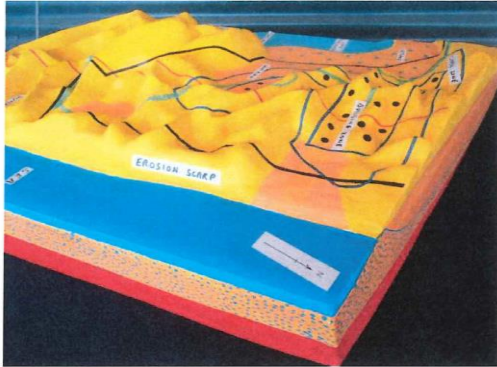


Photo 1B view from the NE showing the seaward-opening v-shaped gap in the dunes that would focus and amplify any storm surge directly to the proposed hotel complex. The sections show granite bedrock and the interface between salt water (dense blue dots) and freshwater (open blue dots) sloping westwards under Lake Vancouver. (sections based on bores by Rockwater1986)

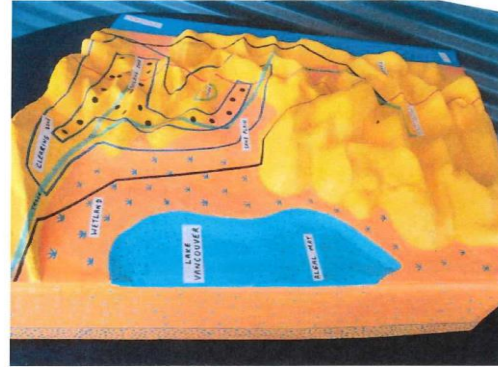


Photo 1C view from the west showing Lake Vancouver, a window in the watertable, and associated wetland in the lee of sand dunes (yellow) that moved from the SE. If the area within the blue line is flattened for buildings, it will open up a passageway for storm surge to reach the wetland sooner than if left undisturbed.

Therefore caution should be exercised in approving a resort hotel in such an exposed and vulnerable location, and on such a fragile foundation as sand dunes so close to sea level and the shore, at a time of rising sea level. The outcome of a storm surge or tsunami could be catastrophic and could happen in the proposed 50 year life of the resort hotel. If the City of Albany Council approved the development knowing of this possibility, they would be responsible for any loss of life.

2. Lake Vancouver wetland

Lot 660 abuts Lake Vancouver and associated wetland that is of outstanding importance as the only body of freshwater on the Torndirrup and Vancouver peninsulas. In addition, the lake and wetland are especially rare in south-west WA because they are still in a pristine state. The small, shallow lake is a window in the groundwater and lies in sand at sea level, 250 m from the shore. The wetland is inundated in winter and spring and then forms an extension of the shallow lake. The resort hotel would directly abut the wetland and entirely overlies the groundwater lens (photos 1A, 1B, 1C).

The proposal says there will be no harm to the wetland because wastewater going into the groundwater will flow east, out through the beach. But there is hardly any evidence to support this conclusion. Only 2 bores in the Rockwater study of 1986-92 are located on the proposed hotel site and only one indicates some groundwater movement to the beach in winter and to the lake in summer. The relief model (photos 1A, 1B, 1C) shows that the freshwater / saltwater interface slopes westwards below Lake Vancouver, suggesting that for much of the year, much of the groundwater may go into the wetland. Global warming, and the alterations made to the groundwater regime by the hotel development, will both lead to a higher percentage of groundwater moving to the lake, and for more months of the year.

Measurements need to be taken of groundwater flow below the site for at least a year. The development will change the quantity and quality of the groundwater inflow and both these need to be calculated, as well as the effects of levelling the dunes and adding buildings, roads and car parks.

The hotel plan says that wastewater will be treated to minimize harm, but even minimal pollution could have a catastrophic impact on the fragile wetland ecosystem. In addition, runoff from roads (photo 3) and car parks would inevitably reach the wetland that is only a few metres away (photos 1A,1C).



*Photo 3. Summer track along the northern side of Lake Vancouver that is intended to become the main access road to the resort hotel. This area is inundated during the winter and spring as an important part of the wetland ecosystem.
Photo taken on 3 October 2017*

Degradation of the pristine lake and wetland by invasive plants is also a major concern. It is hard to see how this could be avoided during the building of an access road and the fire emergency exit track, and later from the lawns and new planting around the proposed hotel. Plans for the nearby Discovery Woods and Austin Road subdivisions in the 1990's claimed there would be no introduction of invasive weeds. However the verges of both access roads (La Perouse and McBride) were infested with diverse invasive weeds as soon as the roads were completed and invasive weeds remain dominant along these roads (photo 4).



Photo 4. Diverse invasive weeds dominate along the edge of La Perouse Road as seen on 3 Oct. 2017

In addition to the ecological importance, the cultural heritage of Lake Vancouver is also significant. Prior to European settlement, the lake would have been a place of practical and spiritual importance to Noongar people. The location of the lake was mapped by George Vancouver in 1791 and was the first freshwater lake recorded in WA. The lake was also shown on Matthew Flinders map of 1801-02 and the surrounding

landscape illustrated by William Westall. The famous Albany pitcher plant *Cephalotus follicularis* that still lives in the Lake Vancouver wetland was discovered by Bauer and Westall on 1 January 1802 during a walk from Princess Royal Harbour across the Vancouver Peninsula to Lake Vancouver and Goode Beach. The Albany pitcher plant was described by Robert Brown and illustrated by Ferdinand Bauer (photo 5) in Flinders 1814, *Voyage to Terra Australis*, vol. 2 p.600, tab. 4. This plant, from the vicinity of Lake Vancouver, “caused the greatest stir in botanical circles of the time” (Vallance, Moore, and Groves 2001, ABRS Canberra).

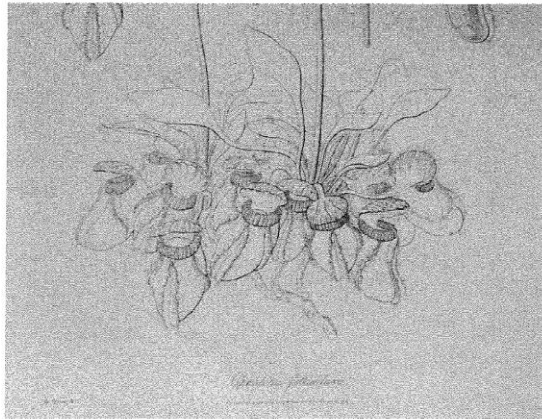


Photo 5. The Albany pitcher plant *Cephalotus follicularis* drawn by Ferdinand Bauer. from Flinders 1814, *Voyage to Terra Australis* vol. 2 p.600, tab. 4

The pristine lake and wetland are an ecological gem that should be treasured and preserved for present and future generations to enjoy.

The resort hotel is described as an eco-tourist facility. It would be an irony if its creation led to the degradation and demise of this unique ecosystem, which it considers one of the special attractions of the locality.

Such concentrated development in this tight location is likely to be more immediately devastating for the Lake Vancouver wetland than the previous proposals of 1989-1997 that intended to spread about 15 residential blocks over a much wider area. These former proposals were rejected by the Shire of Albany and several government agencies (see 1.6) because of the fragility of the location on sand dunes, the proximity to the wetland and concerns that “enforcement of the proposed planning provisions ... would require an unreasonable commitment of Council resources” (Shire of Albany Council meeting, 9 April 1997).

Conclusions

The measures outlined in Structure Plan No. 9 to overcome these environmental issues are superficial. They indicate a poor understanding of the natural environment at this locality and naïve optimism. This is also shown in the proposed location of the resort hotel: on sand dunes close to sea level, on an exposed, eroding shore, at the beginning of a cycle of sea level rise that will accelerate in the coming years.

The location, on sand dunes between a low sandy shore and the Lake Vancouver wetland, is too fragile and too constrained to support the proposed development. With rising sea level and increasing likelihood of storm surge, and the possibility of a tsunami, this location, close to sea level, at the apex of a low seaward-opening v-shaped gap in the dunes is an especially unsafe place to concentrate people in a resort hotel, function centre and restaurant.

The intended 50 year life span of the resort aims to reap relatively short-term financial gain at the cost of long-term environmental damage of the dunes, the shoreline and likely devastation of the wetland ecosystem. Remediation costs may fall on the City of Albany.

Such development requires a much more secure location, with long-term sustainability, should be on firmer ground and away from such proximity to the only pristine lake and wetland in the region. A vacant, much more sustainable site already exists in the vicinity: the former camp site above Whalers Beach.

Therefore you should vote to reject Structure Plan 9 and thereby avoid putting human lives, infrastructure and the survival of the wetland ecosystem at risk.

Dr John Myers PhD, BSc, ARCS, DIC, FGS formerly Chief Geoscientist, Geological Survey of WA 1982-1999

40 Karrakatta Road, Goode Beach, Albany 9 October 2017

TABLED ADDRESS BY MS KIM STANTON

31st October 2017 CoA Council Meeting.
Ms Kim Stanton re Lot 660 Proposed Chalet Development

As I said in my recent submission re Lot 660 (the old Lot 401) the history of different developers goes back to the mid 1980's. The CoA Council Minutes 21/6/2005 refers to Nildra P/L wanting a development of 30 single storey chalets and combined restaurant facility. The CoA Rural Strategy at the time required environment protection of the block and only allowed for a small chalet for tourism use and a scheme amendment process would be required for more than 4 tourism units. Those Minutes show the Scheme Amendment Request was refused and would only be considered when 1) a proper regard for the land capability assessments in the Local Rural Strategy and the State Coastal Planning Policy and 2) shows an appropriate low key, clustered tourism development. Carried 8/5.

These same conditions should still apply.

Our current Local Planning Scheme 1 only permits 10 chalet/cottages for those same reasons of 2005. What is so worrying now, is this supposed Structure Plan proposing 51 holiday units, caretaker residence, function centre etc, which is NOT ALLOWED under the current Scheme 1 and against all the previous advice from Govt Agencies and WAPC over all those years.

A Structure Plan only allows for the provision of the current Scheme 1. What is happening to WA's Planning System if the WAPC allows this Structure Plan to be approved, before a Scheme Amendment is approved.

A Structure Plan is only supposed to be for subdivision of the property not for development on a single lot. Surely this is unlawful. Because, if for instance, I wanted a "development" on my property in Little Grove (a single lot) would I be allowed to prepare a Structure Plan. I don't think so !

So why is this single block Lot 660 allowed that right?

Roley Paver's concerns re Structure Plans that foreshadow a scheme amendment, should not only be addressed by the City of Albany Planners, but by the WAPC as well, who now seem to be able to control all local planning, with their "new planning law changes". They seem to be taking control away from the Local Govt, who should have the right to make the proper planning and environmental decisions for their particular area. We have to make a stand. This is not right. Residents expect their elected Councillors to have the freedom to decide what is best for their area.

In researching data for my submission I have been extremely impressed by Prof. John Myers model of Lot 660 and his comprehensive submission to the City of Albany. His data cannot be ignored, because if the usual severe storm comes in and happens on a full tide to wash out this 51 unit development, then who takes responsibility. The City of Albany for approving it ? Because in the 1980's and 90's this was a big concern for the Shire of Albany and recorded in Council Minutes if they approved the Lot 401 proposed developments.

In my submission I discussed the possible issue of unexploded ordnance on L660. I was concerned, because up to 2003 the CoA Agendas and Minutes dealing with the various developments had always noted in their conditions for the proposed development that "There is to be no soil disturbance or excavation of the site until the land has been searched for unexploded ordnance to the satisfaction of the WAPC".

ORDINARY COUNCIL MEETING
MINUTES – 31/10/2017

I rang your planning Dept and asked Jan if there was still a caveat or memorial on L660's land title re the problem. He did not know . I also asked if the City had a copy of a Report from around that time the Defence Dept had done a giger- counter sweep of the Lot. I found out that only 5-10% of 401 was ever searched. Only the west side of Lake Vancouver and where the subdivision on Las Perouse Crt. was proposed. I know this to be fact, because through a few Defence Dept contacts, the actual man that did the search, is still working, talked to me and told me where they scanned. He did not have a copy of the report, said copies went to Nildra and he thought the CoA. The other 90% of Lot 401 was not scanned due to the thick vegetation on the steep sandhills. Neither was the Lake or wet surrounds. Nothing significant was found, so classed the risk as "Slight".

He said future landowners developing and especially bulldozing should be aware there is still a risk.

During WW2 the 6" Albany Fort guns did fire 16kms and could reach this area. Also firing did occur from warships during gun range practice. It seems unexploded ordnance is a big problem for many WA L/Govt areas.