

MINUTES

**For the Ordinary Meeting of Council
Held on
Tuesday, 11 October 2011
7.00pm
City of Albany Council Chambers**

CITY OF ALBANY STRATEGIC PLAN (2011-2021)

The City of Albany Strategic Plan was adopted by Council on 16 August 2011 and is available at www.albany.wa.gov.au

The Plan states our vision and values as:

VISION

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

VALUES

The values of the City of Albany apply to elected members and staff who commit to:

- Results
- Ethical behaviour
- Accountability
- Leadership

ORDINARY COUNCIL MEETING
 MINUTES – 11/10/2011
 ** REFER DISCLAIMER **

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IX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC

XX. NEXT ORDINARY MEETING DATE

XXI. CLOSURE OF MEETING

I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 7.00PM

II. OPENING PRAYER

The Mayor read the opening prayer.

“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.”

ITEM 2.0: RESOLUTION

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR WOLFE**

- 1. THAT Standing Order 3.1 be SUSPENDED to allow recording of proceedings.**
- 2. THAT Standing Order 4.2(4)-Seating at Meetings of Council-be SUSPENDED to allow CEO Faileen James to be seated on the Mayor’s right.**

CARRIED 9-0

III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

7.02pm Councillor J Bostock

Summary of key points:

- Thanked electors who put their trust in her, and said that it was her privilege to serve the community.
- Believed that she had a good understanding of the moral and legal aspects of governance
- Referred to the turbulent period over the last two years, and hoped that Council could move forward in a positive way

7.04pm Councillor Holden

Summary of key points:

- Attended the Perth Royal Show to volunteer at the Amazing Albany Guest Town display
- Commended City staff and the consultant on organising a wonderful display

7.05pm Councillor D Bostock

Summary of key points:

- Also attended the Royal Show and volunteered at the Amazing Albany Guest Town display
- Had a terrific time, and felt that the feedback from the public was extremely positive
- Impressed by the facilities provided for residents of Perth and said that the City of Albany must think ahead to provide large open spaces for the public to enjoy

7.07pm Councillor Dufty

Summary of key points:

- Privileged to represent Council at the Police Memorial Service
- Concerned over the move to remove Police involvement in the PCYC

7.10pm Councillor Wolfe

Summary of key points:

- Thanked fellow Councillors for their support over the past fourteen and a half years that he has been on Council
- Also thanked City staff for their help and support and wished all candidates in the election the very best

7.11pm Councillor Leavesley

Summary of key points:

- Final meeting he would attend as a Councillor, thanked staff and electors of the Kalgan ward

7.12pm Councillor Wellington

Summary of key points:

- Farewelled the three Councillors retiring, and thanked them for their contribution to Council.

7.13pm The Mayor presented his report which is detailed at Appendix B.

ITEM 3.0: RESOLUTION

MOVED: COUNCILLOR WOLFE

SECONDED: COUNCILLOR DUFTY

The Mayor's Report be RECEIVED.

CARRIED 9-0

IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC

Nil.

V. PUBLIC QUESTION AND STATEMENT TIME

Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

7.22PM Ms Kate Lown

Summary of key points:

- Said that business tourism would have an advantage with a hotel development alongside the Albany Entertainment Centre, but still requires research and development
- Business tourism is high yield dollars.

7.24PM Mayor closed open forum

VI. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Mayor	MJ Evans
Councillors:	
Breaksea Ward	J Bostock
Frederickstown Ward	Vacant
Frederickstown Ward	D Wellington
Kalgan Ward	C Holden
Kalgan Ward	M Leavesley
West Ward	D Wolfe
West Ward	D Dufty
Yakamia Ward	J Matla
Vancouver Ward	D Bostock
Vancouver Ward	Vacant

Staff:

Chief Executive Officer	F James
Acting Executive Director Corporate Services	P Wignall
Executive Director Planning & Development Services	G Bride
Minutes	J Williamson

Apologies:

Breaksea Ward	R Hammond
Yakamia Ward	R Sutton
Acting Executive Director Community Services	L Hill

VII. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ITEM 8.0: RESOLUTION

**MOVED: COUNCILLOR HOLDEN
SECONDED: COUNCILLOR MATLA**

THAT the minutes of the Ordinary Council Meeting held on 20 September 2011, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 8-1

Record of Vote

Against the Motion: Councillor J Bostock

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IX. DECLARATIONS OF INTEREST

Name	Item Number	Nature of Interest
Cr Leavesley	2.1	Impartiality. Councillor Leavesley receives income from the tourist industry. Councillor Leavesley remained in the Chamber and participated in the discussion and vote.
Cr Leavesley	2.4	Impartiality. Mr London is a past customer of Councillor Leavesley. Councillor Leavesley remained in the Chamber and participated in the discussion and vote.

X. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS

ITEM 11: RESOLUTION

MOVED: MAYOR EVANS

SECONDED: COUNCILLOR WELLINGTON

THAT the Petition regarding Cockburn Road footpaths be RECEIVED by Council.

CARRIED 9-0

XII. ADOPTION OF RECOMMENDATIONS EN BLOC

RISK MANAGEMENT FRAMEWORK

The City of Albany Organisational Risk Management Framework, which will be used as a Reference Document for the “Risk Identification and Mitigation” Section for all Papers in the Agenda, has been previously distributed to all Elected Members.

1.1.1: BUSHCARERS ADVISORY COMMITTEE MEETING 25th MAY 2011

Proponent : City of Albany
Attachments : Minutes of the Bushcarers Advisory Committee meeting held 25th May 2011
Responsible Officer(s) : Chief Executive Officer (F James)

IN BRIEF

- Receive the minutes of the Bushcarers Advisory Committee

**ITEM 1.1.1: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR MATLA**

THAT the CONFIRMED minutes of the Bushcarers Advisory Committee meeting held on Wednesday 25 May 2011 be received.

CARRIED 9-0

1.1.2: AIRPORT USERS FOCUS GROUP COMMITTEE

File Number (Name of Ward) CS.MEE.3
Proponent City of Albany
Appendices : Confirmed Minutes of the Airport Users Focus Group
Committee 18 July 2011
Responsible Officer : Community Services Leader
(L Hill)

IN BRIEF

- Receive the minutes of the Airport Users Focus Group Committee

ITEM 1.1.2: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR MATLA

THAT the CONFIRMED minutes of the Airport Users Focus Group Committee meeting held on the 18 July 2011 be RECEIVED.

CARRIED 9-0

1.1.3: AUDIT COMMITTEE

File Number (Name of Ward)	FM.MEE.1 (All Wards)
Proponent	City of Albany
Appendices	: Confirmed Minutes of the Audit Committee 9 August 2011
Responsible Officer	: Chief Executive Officer, Faileen James

IN BRIEF

- Receive the minutes of the Audit Committee
- Received and adopted the recommendations of the Audit Committee held on 9 August and 13 September 2011

ITEM 1.1.3: COMMITTEE RECOMMENDATION 1**MOVED: COUNCILLOR WELLINGTON****SECONDED: COUNCILLOR WOLFE**

THAT the CONFIRMED minutes of the Audit Committee meeting held on 9 August 2011 be RECEIVED.

CARRIED 9-0

THIS RECOMMENDATION WAS WITHDRAWN AS IT WAS RESOLVED AT THE SEPTEMBER ORDINARY COUNCIL MEETING

ITEM 1.1.3: COMMITTEE RECOMMENDATION 2

- (1) THAT the City of Albany, Chief Executive Officer, is requested to progress bargaining through Fair Work Australia, through an appropriately qualified and authorised bargaining agent.
- (2) That the City of Albany seek increased productivity returns and the Council acknowledges that the terms of the City of Albany and Australian Services Union Outside Collective Enterprise Agreement 2010 are not affordable for 65 % of the City of Albany Workforce and outside of the budget.

ITEM 1.1.3: COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY**MOVED: COUNCILLOR WELLINGTON**
SECONDED: MAYOR EVANS

THAT the Motion resolved at Item 12.2.1, 'Proposal to Incorporate a Day Hospital in the Brooks Garden Estate' dated 17 February 2009 as follows:

"THAT Council AGREE to prepare a business plan in relation to the Proposed Day Hospital concept, and that such business plan be represented for Council consideration prior to any formal processes being implemented."

Be revoked.**CARRIED 9-0****ITEM 1.1.3: COMMITTEE RECOMMENDATION 4****MOVED: COUNCILLOR WOLFE**
SECONDED: COUNCILLOR WELLINGTON

THAT in respect of Deposited Plan - D020956 and Lots (Lot 1 – 1710m2, Lot 2 – 1875m2, Lot 3 - 1872m2), Corner of Chesterpass and Mercer Roads, Lange WA 6330 adjoining land (Lot 1004 Viastra Drive Lange WA 6330) Council:

- 1. Request the Chief Executive Officer to investigate possible issues relating to the land title of Lots 1, 2 and 3 (Deposited Plan - D020956) and possible covenants' over it.**
- 2. Recommend the Chief Executive Officer commence negotiations with a possible proponent regarding a proposed development in the Brooks Garden Estate including possibly:
 - a) Preparing a scheme amendment document for Council's consideration to rezone Lots 1, 2 and 3 Chester Pass Road, Lange from the 'Rural' zone to 'Mixed Business' zone (with additional uses of medical centre and aged persons village);**
 - b) Seeking an independent land valuation of City of Albany owned land (Deposited Plan - D020956 and Lots (Lot 1 – 1710m2, Lot 2 – 1875m2, Lot 3 - 1872m2); and**
 - c) Subject to 2 (a) and (b), preparing a further report to a future ordinary Council meeting, advising Council of the benefits and risks of disposing of City of Albany owned lots, potentially through entering a private treaty with the adjoining land owner (Lot 1004), in accordance with the provisions of the *Local Government Act 1995*, Section 3.58 (3) & (4)****

CARRIED 8-1**Record of Vote**

Against the Motion: Councillor D Bostock

ITEM 1.1.3: COMMITTEE RECOMMENDATION 5

**MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR DUFTY**

THAT Council adopt the following principles for revised or new policies in accordance with the *Local Government Act 1995* and as prescribed in the *Local Government (Administration) Regulations 1996*:

- (i) Information Technology (IT) Allowance**
An Information Technology (IT) Allowance to be paid to elected members in quarterly instalments in arrears.
- (ii) Reimbursement of Travel Costs**
Travel Cost Expenses (including accommodation) reimbursed to elected members on provision of a travel log and expense receipts.
- (iii) Child care Expenses**
The cost must be actually incurred by the elected member before a claim may be lodged and is limited to the actual cost of the care of the child for attendance at meetings, or \$20.00 per hour, whichever is the lesser, as prescribed in the *Local Government (Administration) Regulations 1996*, Regulation 31. Expenses are only to be reimbursed on provision of receipts.

CARRIED 9-0

ITEM 1.1.3: COMMITTEE RECOMMENDATION 6**VOTING REQUIREMENT: SIMPLE MAJORITY****MOVED: COUNCILLOR WOLFE****SECONDED: MAYOR EVANS**

THAT Council note in revising its allowance policies, in accordance with Regulation 10(1a) of the *Local Government (Administration) Regulations 1996*, Council Resolution dated 17 August 2010, Item 4.3, being:

“1. The practice of making the annual IT allowance as quarterly cash payments be discontinued and replaced by providing the members with an opening IT credit as per option 2 on the attached table, as follows:

- Mayor Evans, Crs Wolfe and Paver - \$2,050 each***
- Crs J Bostock and Matla - \$2,237.50 each***
- Cr Wellington - \$3,239***
- Crs D Bostock, Hammond, Leavesley, Sutton - \$3,426 each***
- Cr Dufty - \$3,814***
- Cr Holden - \$1,394***
- Cr Swann - \$1,123***

Any adjustment necessary to the current budget to be made at the quarterly budget review.

2. The conditions associated with the acquisition of IT equipment and related goods and services be as described in clauses 6 to 10 of this report and the participating elected members be required to sign an agreement subscribing to those conditions.

3. That any IT equipment purchased by or for a member under the IT allowance be subject to a condition that the purchase be made locally or sourced through a local supplier provided the total cost difference - including GST, transport and/or delivery - is not greater than 10% of the price available from any alternative source.”

is REVOKED.

CARRIED 9-0

1.2: PLANNING AND BUILDING REPORTS SEPTEMBER 2011

Responsible Officer : Executive Director Planning and Development
Services (G Bride)
Attachment : Planning and Building Reports September 2011

IN BRIEF

- Receive the contents of the Planning and Building Report for September 2011.

ITEM 1.2: RESPONSIBLE OFFICER RECOMMENDATION

MOVED: MAYOR EVANS
SECONDED: COUNCILLOR WOLFE

THAT the Planning and Building Report for September 2011 be RECEIVED.

CARRIED 9-0

1.3: COMMON SEAL AND EXECUTED DOCUMENTS UNDER DELEGATION REPORTS

Responsible Officer : Chief Executive Officer (F James)
Attachments : Common Seal Report

IN BRIEF

- Receive the Common Seal Report for September 2011, which include decisions made by Delegated Authority

ITEM 1.3: RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR WOLFE

THAT the Common Seal Report for September 2011 be RECEIVED.

CARRIED 9-0

1.4: ANNUAL REVIEW OF COUNCIL DELEGATIONS - DEVELOPMENT APPROVALS

Proponent	:	City of Albany
Attachments	:	Planning Processes Guidelines (Amended) Delegations – Schedule 1 – Town Planning Scheme 1A Delegations – Schedule 2 – Town Planning Scheme 3
Appendices	:	Nil
Responsible Officer(s)	:	Chief Executive Officer (F James)

IN BRIEF

- Council is required to review its planning delegations every 12 months as per the *Local Government Act 1995* and clauses within its Town Planning Schemes; the current delegations were last reviewed at Council's OCM of 19 October 2010.
- It is recommended that the same delegation powers be granted by Council as per the previous year.
- The *Planning Applications* Guidelines which are linked to the planning delegations have been amended on three separate occasions in the past year. Accordingly, and given the creation of Development Assessment Panels (DAPs) and that Council has no delegation to approve development applications referred to the Great Southern Joint Development Assessment Panel, change to the delegations documents are required

RECOMMENDATION**ITEM 1.4: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY****MOVED: MAYOR EVANS****SECONDED: COUNCILLOR MATLA****THAT Council:**

- A. pursuant to clause 7.22 of the City of Albany Town Planning Scheme No 1A, and section 5.42 of the *Local Government Act 1995* DELEGATES to the Chief Executive Officer those functions specified in Schedule 1 as attached as they relate to Town Planning Scheme No 1A, subject to the specified parameters;**
- B. pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3 and section 5.42 of the *Local Government Act 1995* DELEGATES to the Chief Executive Officer those functions specified in Schedule 2 as attached as they relate to Town Planning Scheme No 3, subject to the specified parameters;**
- C. in accordance with the provisions of section 5.44 of the *Local Government Act 1995*, the Chief Executive Officer be AUTHORISED to sub-delegate all or some of the functions identified in Schedule 1 and Schedule 2 based on the position of the officer and their level of experience.**
- D. APPROVE the updated *Planning Applications Guidelines* as attached to reflect the recent introduction of the Development Assessment Panels in Western Australia.**

CARRIED 9-0**BACKGROUND**

1. According to Clause 5.46 of the *Local Government Act 1995* and Clause 7.22 of Town Planning Scheme No. 1A and Clause 6.10 of Town Planning Scheme No. 3 each year the delegations provided to officers are to be reviewed by Council with the ability for the delegation to be revoked, amended or renewed. The current delegations were reviewed in October 2010.
2. The delegations are provided through the provisions of the City's Town Planning Schemes and relate to matters under the *Planning and Development Act 2005*. Both Schemes provide for delegations to be made to Committees of Council or directly to staff.
3. Council at its meeting held on 19 April 2011 reviewed the *Planning Applications Guidelines* which effectively guides the delegation path for development applications at the City. This follows reviews undertaken by Council at its meetings held on 19 October 2010 and 15 February 2011.

DISCUSSION

4. A review of the Town Planning delegations for development approvals has been conducted. Delegation should continue as it delivers a more efficient and time effective service to the City's customers.
5. The Chief Executive Officer will sub-delegate to individual staff based upon their experience, qualifications and capabilities. The CEO can modify or withdraw the authority, without further referral to Council, if the performance of an individual officer does not meet organisational standards or if staff members change.
6. Currently the CEO has 6 levels of sub-delegation to staff, with Level 1 extending only to the Executive Director Planning and Development Services, down to level 6, for the Building Inspection Officer.
7. In September 2010 Charles Johnson reviewed the operations of the Planning and Development Services directorate and found that officer delegation resulted in 90% of all planning decisions being made at the staff level. This was seen as comparable to a sample of seven metropolitan local governments reviewed in 2009 where 93.7% of decisions were made under delegated authority.
8. As Council is no longer the decision making body on development applications over \$7 million, or applications valued between \$3 and \$7 million where the proponent chooses to have their proposal assessed by the Great Southern Joint Development Assessment Panel, this change in legislation is reflected in the *Planning Applications Guidelines* and the Schedule of Delegations as attached.
9. Since the previous delegations were endorsed by Council no amendments to either Scheme have been made which have altered the scheme provisions pertaining to development matters; therefore, the same delegations that currently exist have been proposed to continue with the exception of the Development Assessment Panels delegation as discussed above.

GOVERNMENT CONSULTATION

10. Not applicable.

PUBLIC CONSULTATION / ENGAGEMENT

11. Consultation processes for planning applications are defined in the Scheme and in Council's *Planning Applications Guidelines*.

STATUTORY IMPLICATIONS

12. Section 7.22 of the City of Albany Town Planning Scheme No. 1A and Section 6.10 of the City of Albany Town Planning Scheme No. 3 establish the mechanisms for Council to delegate decision-making. The wording in the two documents is slightly different however they both provide that Council can delegate at any time and the delegation must be reviewed annually. The exact wording is as follows:

13. Section 5.42 of the *Local Government Act 1995* allows Council to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of its duties. The Chief Executive Officer can then administratively arrange, pursuant to Section 5.44, to allow another person to perform the required function. This method is the most appropriate one for Council to use, as it allows the CEO to change a delegation within 24 hours if needed, as opposed to seeking approval presenting an item to Council.

STRATEGIC IMPLICATIONS

14. This item relates to the following elements of the City of Albany Strategic Plan (2011-2021):

Key Focus Area

Organisational Performance

Community Priority

- Policy and procedures
- Elected Member's performance

Proposed Strategies

- Develop clear processes and policies and ensure consistent, transparent application across the organisation.
- Clearly define and separate roles and responsibilities between elected members and staff.

POLICY IMPLICATIONS

15. This item seeks Council's endorsement of Guidelines.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>If delegations are not updated and adopted by Council all planning applications would need to be forwarded to Council for decisions. This would involve over 30 applications a month and would mean turnaround times as recommended by Council in its Planning Applications Guidelines would not be met and there would be a considerable dissatisfaction from the community and development industry.</i>	<i>Almost Certain</i>	<i>High</i>	<i>Extreme</i>	<i>Mitigation entirely dependent on Council.</i>

11/10/11

REFER DISCLAIMER

FINANCIAL IMPLICATIONS

17. If Council does not grant delegations to staff to process development applications all applications would need to be forwarded to Council for assessment. This would place an additional workload burden on staff in order to prepare thirty to fifty agenda items for Council's consideration each month, and additional staff resources may be required.

LEGAL IMPLICATIONS

18. If Council does not grant delegations to staff to process development applications all applications would need to be forwarded to Council for assessment.

ALTERNATE OPTIONS

19. Council has the option to amend the delegations to the CEO as presented or withhold all delegations from staff.

SUMMARY CONCLUSION

20. The adoption of staff delegations for development applications will ensure the City continues to operate efficiently in the delivery of town planning assessment.

Consulted References	Town Planning Scheme No. 1A Town Planning Scheme No. 3 Planning and Development Act 2005
File Number (Name of Ward)	PE.AUT.1
Previous Reference	OCM 19 October 2010 (Item 4.1) OCM 15 February 2011 (Item 1.7) OCM 19 April 2011 (Item 1.4)

1.5: STANDING ORDERS LOCAL LAW (MEETING PROCEDURES)

Proponent : City of Albany
Attachments : Draft Local Law Meeting Procedures 2011
Responsible Officer : Chief Executive Officer, Faileen James

IN BRIEF

- Give public notice of the Councils intent to make a new City of Albany Local Law (Meeting Procedures).

RECOMMENDATION

ITEM 1.5 RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR MATLA

THAT Council in accordance with section 3.12 of the *Local Government Act 1995*, agrees to GIVE PUBLIC NOTICE of its intention to MAKE the City of Albany Local Law Meeting Procedures 2011.

LOST6-3

DID NOT ACHIEVE ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillors J Bostock, D Bostock and M Leavesley

BACKGROUND

1. The Standing Orders Local Law 2009 was gazetted on 24 June 2009.
2. Given identified deficiencies in the current Standing Orders, Council conduct a review of these Standing Orders and has proposed a new Local Law (Meeting Procedures).
3. Council has conducted an extensive review of the current standing orders over the past 12 months and has proposed a new Standing Orders Local Law (Meeting Procedures).

DISCUSSION

4. Feedback from the majority of Council members indicates the desire to have this matter considered by the Council who has “lived with” the inadequacies of the current Standing Orders.
5. A series of workshops have been conducted to allow elected member participation into the Local Law Meeting Procedures and policies with the final workshop being conducted on 27 September 2011.

GOVERNMENT CONSULTATION

6. The Joint Standing Committee on Delegated Legislation was contacted on 19 September 2011 in order to verify actions required to make a new local law and ensure compliance.

PUBLIC CONSULTATION / ENGAGEMENT

7. Statewide and local public notice of the proposed new local law will invite submission from the public.
8. Copies of the proposed local law will be made available on the internet and hardcopy at the City of Albany public library.

STATUTORY IMPLICATIONS

9. Section 3.12 (3)(a)(iii) of the *Local Government Act 1995* requires local governments to advertise their proposed local laws and provide the public with a statutory period of 'not less than six weeks after the notice is given' in which to lodge submissions.
10. The presiding member is to give notice to the Council meeting of the purpose and effect of the proposed local law.

Purpose and Effect

11. Purpose. The purpose of this local law is to provide a set of procedures to assist in the good conduct of meetings of the Council and committees.
12. Effect. This local law is intended to result in:
 - better decision-making by the Council;
 - orderly and efficient conduct of meetings dealing with business of the Council;
 - greater community participation and understanding of the business of the Council; and
 - more open and accountable local government.

STRATEGIC IMPLICATIONS

13. The introduction of a new Local Law (Meeting Procedures) directly links to the City's Vision and Values (2011-2021), being: Results: Strive for business excellence and continuous improvement.

Key Focus Areas

- **Community Priorities:** Policy and procedures
- **Proposed Strategies:** Regularly review all policies in consultation with community and key stakeholders.

POLICY IMPLICATIONS

14. This new local law will replace the Standing Orders Local Law 2009 (as amended) 15 September 2009.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Proposed local law contains clauses that will be disallowed by the Joint Standing Committee on Delegated Legislation.</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>The local law has been modelled on what the Department of Local Government considers to be "Best Practice" meeting procedures.</i>
<i>Council fails to make the new local law</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>Local Law will be further reviewed and resubmitted to a future Council meeting.</i>

FINANCIAL IMPLICATIONS

16. The cost of government gazettal, state-wide and local public notices will be undertaken by the Office of the CEO using staff resources within existing budget lines.

LEGAL IMPLICATIONS

17. Section 3.12 of the Act prescribes the procedures for making local laws.
18. In accordance with section 3.13 of the Act if during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

ALTERNATE OPTIONS

19. Council can chose to adopt the new local law or continue to use the current standing orders.
20. If Council chooses to continue to use the current standing orders, the City will require finalise the outstanding undertaking resolved by Council on 15 September 2009 to the Parliament of Western Australia, Joint Standing Committee on Delegated Legislation, being:

“THAT Council give a written undertaking that the City of Albany will affect the following amendments within the next two years and not rely or use the following clauses and sub clauses in the interim, being:

- a. Delete clause 4.8 and clause 4.12;*
- b. Amend sub clause 4.15(3) by deleting the words "and must be accepted by the meeting without argument or comment" after the word "final";*
- c. Amend sub clause 4.16(3) by deleting the words "that meeting" after the words "part in" and insert the words "the debate of the item"; and*
- d. Delete sub clause 5.11(3).”*

Consulted References	Local Government Operational Guidelines – Number 16, September 2006 Circular No. 04-201. Minister’s Directions – Local Laws Explanatory Memoranda (EM) Directions 2010
File Number (Name of Ward)	CM.STD.2 (All Wards)
Previous Reference	OCM 15/09/2009 - Item 19.1

1.6: ADOPTION OF COUNCIL POLICIES

- Proponent** : City of Albany
- Attachments** :
 - Draft Code of Conduct for Members of Council
 - Draft Mayoral Vehicle Allowance Policy
 - Draft Elected Members Communications Policy
 - Draft Elected Member Induction Manual
 - Draft Handling of Complaints By or Against Elected Members Policy
 - Draft Handling Complaints By or Against the Chief Executive Officer Policy
- Responsible Officer** : Chief Executive Officer, Faileen James

IN BRIEF

- Rescind old Council Policies and Adopt new Council Policies.

RECOMMENDATION**ITEM 1.6: RESOLUTION****VOTING REQUIREMENT: SIMPLE MAJORITY****MOVED: MAYOR EVANS****SECONDED: COUNCILLOR WOLFE**

THAT Council RESCIND any previous policies and associated procedures and guidelines relating to the below matters and ADOPT the following Council Policies:

- 1. Code of Conduct for Members of Council**

CARRIED 6-3**Record of Vote**

Against the Motion: Councillors D Bostock, J Bostock and M Leavesley

ITEM 1.6: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**MOVED: COUNCILLOR MATLA**
SECONDED: COUNCILLOR DUFTY**THAT Council RESCIND any previous policies and associated procedures and guidelines relating to the below matters and ADOPT the following Council Policies:**

1. Mayoral Vehicle Allowance

CARRIED 9-0**ITEM 1.6: RESOLUTION**
VOTING REQUIREMENT: SIMPLE MAJORITY**MOVED: COUNCILLOR MATLA**
SECONDED: COUNCILLOR WOLFE**THAT Council RESCIND any previous policies and associated procedures and guidelines relating to the below matters and ADOPT the following Council Policies:**

1. Elected Members Communications Policy

CARRIED 7-2**Record of Vote**

Against the Motion: Councillors J Bostock and Leavesley

ITEM 1.6: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**MOVED: COUNCILLOR MATLA**
SECONDED: COUNCILLOR WOLFE**THAT Council RESCIND any previous policies and associated procedures and guidelines relating to the below matters and ADOPT the following Council Policies:**

1. Elected Member Induction Manual

CARRIED 6-3**Record of Vote**

Against the Motion: Councillors D Bostock, J Bostock and Leavesley

ITEM 1.6: MOTION BY COUNCILLOR D BOSTOCK
VOTING REQUIREMENT: SIMPLE MAJORITY**MOVED: COUNCILLOR D BOSTOCK**
SECONDED: COUNCILLOR J BOSTOCK**THAT the Handling of Complaints by or Against Elected Members Policy be laid on the table for further consideration by Council.****LOST 3-6****Record of Vote**

For the Motion: Councillors D Bostock, J Bostock and Leavesley

ITEM 1.6: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**MOVED: COUNCILLOR MATLA**
SECONDED: COUNCILLOR WELLINGTON**THAT Council RESCIND any previous policies and associated procedures and guidelines relating to the below matters and ADOPT the following Council Policies:**

- 1. Handling of Complaints By or Against Elected Members Policy**

CARRIED 6-3**Record of Vote**

Against the Motion: Councillors D Bostock, J Bostock and Leavesley

ITEM 1.6: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**MOVED: COUNCILLOR MATLA**
SECONDED: COUNCILLOR DUFTY**THAT Council RESCIND any previous policies and associated procedures and guidelines relating to the below matters and ADOPT the following Council Policies:**

- 1. Handling Complaints By or Against the Chief Executive Officer Policy**

CARRIED 7-2**Record of Vote**

Against the Motion: Councillors J Bostock and D Bostock

BACKGROUND

1. A number of deficiencies have been identified in the listed policies or in some cases no Council Policy position existed.
2. The following Council policies are new:
 - Mayoral Vehicle Allowance Policy;
 - Elected Member Induction Manual (previous versions not endorsed by Council);
 - Handling of Complaints By or Against Elected Members Policy; and
 - Handling Complaints By or Against the Chief Executive Officer Policy.
3. The following Policies have been revised:
 - Code of Conduct for Members of Council (previous version endorsed by Council 20 August 2008); and
 - Elected Members Communications Policy (previous version endorsed by Council 20 July 2010).

DISCUSSION

4. Council members requested revision and or development of new Council policies.
5. A series of workshops have been conducted to allow elected member discussion on some of the policies, with the final workshop being conducted on 27 September 2011.

GOVERNMENT CONSULTATION

Nil

PUBLIC CONSULTATION / ENGAGEMENT

Nil

STATUTORY IMPLICATIONS

6. In accordance with section 2.7 of the *Local Government Act 1995*, Council is responsible for determining the local government's policies.

STRATEGIC IMPLICATIONS

7. The introduction of a new policy directly links to the City's Vision and Values (2011-2021), being: Results: Strive for business excellence and continuous improvement.
8. This report directly links to the City of Albany Strategic Plan 2011-2021, being: Values: Results – Strive for business excellence and continuous improvement.

Key Focus Areas

- **Community Priorities:** Policy and procedures
- **Proposed Strategies:** Regularly review all policies in consultation with community and key stakeholders.

POLICY IMPLICATIONS

9. The listed new policies will come into effect and the old policies and associated guidelines and procedures will be rescinded.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council fails to adopt the proposed draft policies</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>Policies will be further reviewed and resubmitted to a future Council meeting.</i>

FINANCIAL IMPLICATIONS

11. The cost of reviewing and administering the proposed draft policies was undertaken by the Office of the CEO using staff resources within existing budget lines.

LEGAL IMPLICATIONS

12. Adoption of the new Elected Member Code of Conduct Policy means a code of conduct prepared or adopted under section 5.103(1) of the Act, being: *Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.*
13. In accordance with section 5.104(6) of the Act, the Rules of Conduct do not limit what a Code of Conduct under section 5.103 may contain.
14. A Council member commits a minor breach if he or she contravenes a Rule of Conduct under section 5.104(1) of the Act.

ALTERNATE OPTIONS

15. Council can chose to adopt or revise the new policies or continue to use the current policies.

Consulted References	Local Government Act 1995
File Number (Name of Ward)	CM.STD.7 (All Wards)
Previous Reference	<ul style="list-style-type: none"> • Elected Members Communications Policy (OCM 20/07/10 Item 16.4.2) • Code of Conduct for Members of Council (OCM 21/10/08 Item 14.5.1)

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REFER DISCLAIMER

1.7: ADMINISTERING ORDINARY MEETINGS OF COUNCIL

Attachments : Nil
Responsible Officer : Chief Executive Officer (Faileen James)

IN BRIEF

- Continue with the current process for administering ordinary meetings of Council for a further period of one year and Council to reassess in October 2012.

RECOMMENDATION

ITEM 1.7: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR WELLINGTON

THAT Council continue with the provision of the finalised agenda one week (7 days) prior to the conduct of Ordinary meetings of Council for another 12 months.

CARRIED 5-4

Record of Vote

Against the Motion: Councillors Dufty, J Bostock, D Bostock and Leavesley

BACKGROUND

1. A recommendation was made to Council to implement a new Agenda Briefing time frame, and provision of finalised OCM papers, holding the Agenda Briefing 14 days prior to the monthly Ordinary Meeting of Council.
2. On 10 May 2011 the CEO requested of the Audit Committee the opportunity to trial a new process, which Council endorsed on 21 June 2011, with the new process to be trialled over a six month period.
3. On 21 June 2011, Council resolved:

THAT Council:

 - (i) *Gives the opportunity to the Chief Executive Officer to fully implement the new process adopted by Council at the 15 February 2011 Ordinary Meeting of Council, being:*

“Agenda Briefing session be held two weeks (14 days) prior to Ordinary meetings of Council”;
 - (ii) *Reviews the new process at the 11 October 2011 Ordinary Meeting of Council.*
4. The Draft Briefing Agenda was introduced to give Council and members of the public greater notice of proposed Officer recommendations being presented to Council, and provide time to make amendments to Reports based on Councillor and public feedback at the Agenda Briefing Session.

DISCUSSION

5. The need for improvement within Council meeting processes and timelines was identified by Council and the Chief Executive Officer.
6. This new process, although taking some to transition and “bed down”, has allowed Elected Members more time to scrutinise the Officer Reports and Officers greater time to prepare reports and conduct appropriate additional research into the cause and effect of an Officer recommendation or an Elected Member’s motion.
7. The new proposed *City of Albany Meeting Procedures Local Law 2011* detailed at Report item 1.5 will compliment this arrangement with the Ordinary Council Meeting agenda being distributed one week in advance of Ordinary Meetings of Council.

GOVERNMENT CONSULTATION

Nil

PUBLIC CONSULTATION / ENGAGEMENT

8. Council, City staff and the public have trialled this new process since April 2011, but only fully implemented it in June 2011.

STATUTORY IMPLICATIONS

9. The meeting process procedure is compliant with the *Local Government Act 1995* (the Act), section 5.5, being: “*The CEO is to convene an ordinary meeting by giving each council member at least 72 hours’ notice of the date, time and place of the meeting and an agenda for the meeting.*”
10. If Council chose to change the meeting dates, in accordance with section 5.25(1)(g) of the Act, the local government is to give local public notice of any change to the date, time or place of a ordinary meeting.

STRATEGIC IMPLICATIONS

11. The introduction and trial of this new process directly links to the City’s Vision and Values (2011-2021), being: Results: Strive for business excellence and continuous improvement.

Key Focus Areas

- **Community Priorities:** Policy and procedures
- **Proposed Strategies:** Regularly review all policies in consultation with community and key stakeholders.

POLICY IMPLICATIONS

12. The continued trial of the meeting process has not policy implications.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not support the continued trial of the Council meeting process.</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>Process will be further reviewed and resubmitted to a future Council meeting.</i>

FINANCIAL IMPLICATIONS

14. The current meeting calendar is valid until March 2012.
15. If Council chose to change the times the cost of preparing local public notices will be undertaken by the Office of the CEO using staff resources within existing budget lines.

LEGAL IMPLICATIONS

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

ALTERNATE OPTIONS

17. Council can continue to trial the new Council meeting process, trial a new process or revert to the previous timelines.
18. It is recommended that if Council chose a process other than the current process that an Elected Member Workshop is conducted to ensure appropriate time is allocated to discuss the pros and cons and allow staff input. The current HR effort that goes into preparing for an OCM is significant so consideration of that would be needed.

Consulted References	Local Government Act 1995
File Number (Name of Ward)	All Wards
Previous Reference	OCM 21/06/11 Item 1.5 (2) OCM 15/02/11 Item 4.1

1.8: PROPOSED NEW COMMITTEES OF COUNCIL

Attachments : Nil
Responsible Officer : Chief Executive Officer (Faileen James)

IN BRIEF

- Present Council with a proposal to defer most appointments to Committees of Council until the new Council has been elected and had the opportunity to consider Committee need, Terms of Reference and leadership.

RECOMMENDATION

ITEM 1.8: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR WELLINGTON

Council ENDORSE deferring the appointment of Committees of Council until the November 2011 Ordinary Meeting of Council, with the exception of appointments to the Audit Committee on 18 October 2011, and appointment of a member of Council to the Great Southern Regional Road Group.

CARRIED 9-0

BACKGROUND

1. As part of the governance review conducted by the Chief Executive Office and feedback from some Councillors it was identified that possible changes to the current Committee structure is required to better reflect functions and responsibilities.

DISCUSSION

2. It is proposed that new Committees are formed (supported by possible operational working groups or sub committees) at the November 2011 Ordinary Meeting of Council.
3. This will allow existing and newly elected Members the opportunity to discuss the proposed changes, and consider how to best meet the governance requirements through its Committees structures, including Committee membership and Terms of Reference.

4. Suggested future City of Albany Council Committees:

- **Local Emergency Management Committee (LEMC) (incl. Airport Emergency Committee.** To continue to operate but as a subcommittee to the LEMC.)
 - The LEMC is established by the local government to overview, plan and test the local community emergency management arrangements; convening every three months. The Committee includes representatives of agencies, organisations and community groups with expertise relevant to the identified community hazards and risks and emergency management arrangements. Members of the City of Albany LEMC include representatives from FESA, St John Ambulances, City of Albany Councillors, Police, Health Service, Albany State Emergency Unit, Main Roads Western Australia and State government departments. The LEMC also facilitates training and exercises for emergency management.
 - The Local Emergency Management Committee should ensure the capabilities of agencies are adequately documented and understood by all stakeholders, and that all agencies are represented at the appropriate organisational level.
 - There is also a dedicated Emergency Management Plan that needs reviewing.
 - The Airport Emergency Committee currently operates as a subcommittee of the Local Emergency Management Committee.
 - It is also proposed that the Bushfire Management Working Group be a working group of LEMC:
 - strategic matters relating to the preventing, controlling and extinguishing of bush fires;
 - the strategic requirements for planning of the layout of fire-breaks in the district;
 - the performance of the City in regards to it's obligations under the *Bush Fires Act 1954*;
 - the operational efficiency of bush fire brigades and the grouping thereof under group brigade officers;
 - opportunities and deficiencies identified in the levels of co-operation and co-ordination of bush fire brigades in their efforts and activities and between bush fire brigades and other fire agencies; and
 - any other matter relating to bush fire control.

- **Audit and Finance Strategy Committee.** It is proposed to combine the Audit and Finance Strategy Committees. The Audit Committee is established under section 7.1A of the *Local Government Act 1995*.
 - The current Audit Committee usually meets monthly, and assists Council meet its oversight responsibilities in relation to risk management, internal and external financial audit, financial reporting and the overall system of internal control.
 - To coincide with OCM papers preparation and distribution, it is proposed that this Committee meet on the first Tuesday of the Month and membership is extended to all Councillors.
 - The Audit and Finance Strategy Committee functions would include the legislated requirement to review the annual financial statements with the external auditor prior to Council adoption of annual accounts.
 - Oversee the preparation of the 5 Year Financial Sustainability Plan.
 - Financial management review and oversight, including Annual Carry Forwards and quarterly budget reviews;
 - Matters pertaining to the Council's Asset Strategies, including strategic property issues (buying, selling, acquiring and leasing of land or buildings);
 - Matters pertaining to Asset management, Financial management, Write off of Debts, Fees and charges and Insurance;

- **Planning and Development Committee.** This proposed Committee would be a new Committee of Council.
 - It is proposed that the Planning and Development Committee meets on the fourth Tuesday of the month and considers items from the Planning and Development Services Directorate of the City.
 - The nature of the reports presented to this Committee covers Health issues (Liquor Licensing, Noise, Prosecutions), Building license requests (non conforming), and Planning matters (Scheme amendments, group developments, policy development, planning studies, non conforming applications).
 - The proposed Planning and Development Committee could consist of six members being one Councillor from each Ward as a minimum. Executive Directors and other senior staff members would attend according to the business to be discussed.
 - The Committee meetings will be open to the public. Members of the public could speak on matters listed on the agenda.

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- **Governance Committee:** This proposed Committee would be a new Committee of Council. It is proposed that this Committee will oversee the following functions:
 - Review of Council's policies;
 - Matters relating to supporting Elected Members;
 - Drafting changes or additions to existing or new local laws;
 - Preliminary consideration of the Council's draft Strategic Plan;
 - Preliminary consideration of the Council's draft Annual Plan;
 - Matters pertaining to the conduct of the Council's Annual General Meeting;
 - Consideration of the proposed meeting schedule for Council and its Committees;
 - Receiving reports from Council representatives on outside bodies and from other bodies as determined by Council;
 - Considering matters not falling within the terms of reference of other Council committees.
 - Chief Executive Officer Performance Appraisal Committee;

- 5. In respect of the Chief Executive Officer Performance Appraisal, section 5.38 of the Act requires a review of the performance of the CEO.
 - **Environment and Reserves Committee.** It is proposed that this new Committee would include the current functions of the **Bush Carers Advisory Committee.**: Currently this Committee is responsible for coordinated external assistance and resources to community bush care groups including :
 - Promote the value, conservation and management of bushland.
 - Provide a forum and support to local groups, including funding, training and activities.
 - Encourage networking, providing access to ideas, information and expertise concerning bush land.
 - Promote policy development for the protection and management of bush land.
 - Seek legislative changes for bush land protection.
 - The Environment and Reserves Committee could be responsible for setting the strategic direction for developed and natural reserves placed in the care and control of the City of Albany.

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REFER DISCLAIMER

- **Cultural & Community Development Committee.** This proposed Committee will consolidate the following Committees: Aboriginal Advisory Committee, Albany Arts Development Committee, Community Financial Assistance Committee, Sports Person of the Year Judging Panel, Premiers Australia Day Active Citizenship Award Committee, Senior's Advisory Committee and Youth Advisory Committee.
 - This proposed Committee's role would be to:
 - Encourage the involvement of the community in the City of Albany's art and cultural development.
 - Provide a forum for the sharing of ideas and resources between the City of Albany and the community and provide mutual support and assistance in developing and implementing public art and cultural activities in Albany.
 - Identify community development projects to seek funding for projects.
 - Community Development enhancement, including community safety, cultural diversity, civic awards and equality and access;
 - Consider services for special needs groups such as children, youth and older people;
 - Consider Sister City Relationships;
 - Facilitate Community, Cultural and Major Event Grants;
 - Facilitate Sports person of the year judging panel;
 - Facilitate the Premiers Australia Day Active Citizenship Award;
- **Marketing Albany Committee.** This proposed Committee will replace the Albany Tourism Marketing Advisory Committee (ATMAC) and the Streetscape Committee;
 - The proposed Committee's role is to make recommendations to Council on matters pertaining to marketing Albany as a liveable and tourism destination, and to enhance economic development opportunities for Albany and the region.
 - The composition of the Committee is proposed at four Elected Members, two tourism industry representatives and two business representatives and an officer of the Great Southern Development Commission and Regional Development Australia.

GOVERNMENT CONSULTATION

Nil

PUBLIC CONSULTATION / ENGAGEMENT

Nil

STATUTORY IMPLICATIONS

6. The following Committees have a statutory requirement to be conducted:
 - Audit Committee
 - Local Emergency Management Committee (LEMC)
 - Airport Emergency Committee
7. In accordance with section 5.11(1)(d) of the *Local Government Act 1995*, a person's membership of a Committee continues until the next ordinary election. Therefore, all Committee members must be reappointed after the 15 October 2011 ordinary election.

STRATEGIC IMPLICATIONS

8. The introduction and trial a new committee structure directly links to the City's Vision and Values (2011-2021), being: Results: Strive for business excellence and continuous improvement.

Key Focus Areas

- **Community Priorities:** Policy and procedures
- **Proposed Strategies:** Regularly review all policies in consultation with community and key stakeholders.

POLICY IMPLICATIONS

9. The introduction of the new committee structure will amend associated policies and terms of reference.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not support the proposed committee structure at the November Ordinary meeting of Council.</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>The proposed committee structure will be further reviewed and resubmitted to a future Council meeting.</i>

FINANCIAL IMPLICATIONS

11. The current meeting calendar is valid until March 2012. If Council chooses to change the type and times of Committee meetings the cost of preparing local public notices will be undertaken by the Office of the CEO using staff resources within existing budget lines.

LEGAL IMPLICATIONS

12. There are no legal implications related to this item except for compliance with specific provisions of the *Local Government Act 1995*, including sections 7.1A; 5.11(1)(d) and 5.38.

ALTERNATE OPTIONS

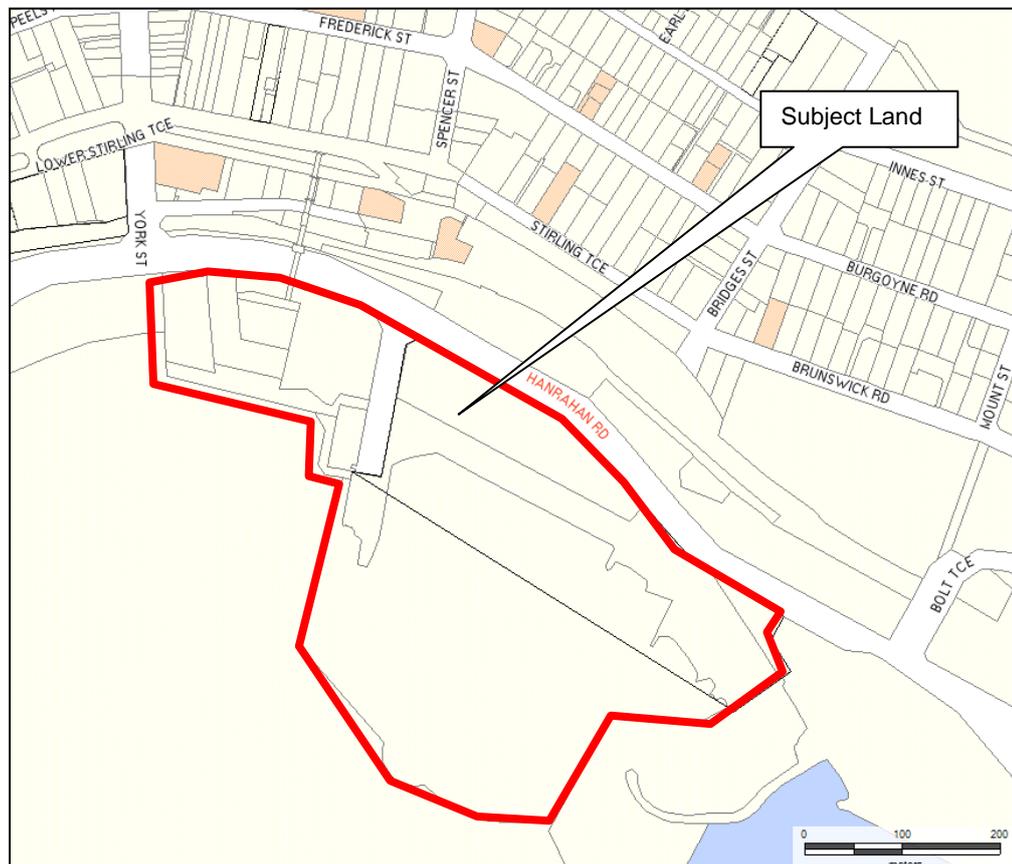
13. Council can continue to with existing Committee structures.

Consulted References	Local Government Act 1995
File Number (Name of Ward)	All Wards
Previous Reference	OCM 18/05/10 Item 16.2.2

2.1: FINAL ADOPTION OF REVISED ALBANY WATERFRONT PROJECT STRUCTURE AND PRECINCT PLANS

Land Description	: Albany Waterfront Precinct
Proponent	: Western Australian Land Authority/Landcorp
Owner	: Crown Land
Business Entity Name	: N/A
Attachments	: Exert from Albany Waterfront Planning Framework Report 2 nd Edition (Plan showing changes and visual perspectives) Summary of Submissions
Appendices	: Nil
Councillor Workstation	: Albany Waterfront Planning Framework Report 2 nd Edition (in full) Copies of Submissions
Responsible Officer(s)	: E/ Director Planning and Development Services (G Bride)

Maps and Diagrams:



IN BRIEF

- The City has received 60 submissions commenting on the proposed revisions to the Structure and Precinct Plans for the Albany Waterfront (AWF) project.
- The planning scheme requires Council to now consider the submissions and determine whether to adopt, or not adopt, the revised plans.

RECOMMENDATION

**ITEM 2.1: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR MATLA**

That Council:

- 1) Pursuant to the provisions of Town Planning Scheme No. 1A **ADOPT** the revised Structure and Precinct Plans for the Albany Waterfront Project (Albany Waterfront Planning Framework Report 2nd Edition) as final adopted plans (to replace the existing plans) subject to the following modifications:
 - i) The landscaping proposed on the decked car park should:
 - Be planted with local species including groundcovers, shrubs and trees,
 - Form part of the overall stormwater treatment system for the development, and
 - Include paths, seating, lights etc.
 - ii) An additional clause is included in the Precinct Plan at Part 24.0 'Short-Stay Residential' to ensure that all tourist use should be restricted to a maximum of 3-months in any 12-month period in accordance with the recommendations of WAPC Planning Bulletin 83.
- 2) Direct the CEO to **GIVE NOTICE** in the local media of the final adopted plans as required by the Town Planning Scheme No. 1A.
- 3) **RECEIVE** the submissions and direct the CEO to **ADVISE** all submitters in writing of the final adopted Structure and Precinct Plans.

CARRIED 8-1

Record of Vote

Against the Motion: Councillor D Bostock

BACKGROUND

1. The City at its 19 July 2011 meeting (OCM Item 2.2) resolved to adopt the revised Structure and Precinct Plans for the Albany Waterfront Project and seek public comment as follows:

That Council:

- 1) *Pursuant to the provisions of the Town Planning Scheme No. 1A **ADOPT** the modified Structure and Precinct Plan titled the 'Albany Waterfront Planning Framework' for the purposes of advertising for public comment for a period of 35-days subject to the images contained within the Attachments, and an overshadowing plan being prepared to identify the extent of overshadowing that is likely to result from the sixth storey of the short stay accommodation building, being inserted into the report; and*
 - 2) ***REQUIRE** the proponents (Landcorp) undertake a manned public display in the Albany Public Library during the advertising period to assist public awareness of the proposed modifications to the plans.*
2. The advertising period has been completed and a total of 60 submissions were received (see attached Summary of Submissions) for consideration.

DISCUSSION

3. As required in Council's July decision, a study showing the shadows expected to be cast during summer/winter from the hotel and short-stay apartment buildings was included in the Albany Waterfront Planning Framework Report 2nd Edition report along with other supporting information prior to the document being placed on public advertising (the shadow study is attached to the rear of this report).
4. The proposal is to modify the existing Structure Plan and Precinct Plan adopted by the City in 2006. These plans provide the planning framework including land use and development controls and standards for the AWF project.
5. The Structure Plan provides the strategic background and long-term vision and objectives for the project whilst the Precinct Plan provides the details including requirements for the individual precincts, permitted land uses and planning and design guidelines for the buildings to control development within the project.
6. The proponents (Landcorp) seek the revisions due to the previous unsuccessful attempts to develop the hotel/motel and short-stay apartment component of the AWF project. As a result of the discussions between Landcorp and prospective developers during this process, they consider these modifications will improve the marketability and potential take-up of the development site and ultimately the construction of a hotel/motel and short-stay apartments within the Albany waterfront.
7. The modifications requested by Landcorp include increasing building heights, floor area allowances, car parking bays and changing some design criteria for the roofs of the buildings for some parts of the Commercial and Accommodation Precincts as set out in the following tables:

Accommodation Precinct	
This precinct covers the eastern side of Toll Place comprising the hotel/motel and short-stay apartments.	
Land Uses	Hotel Motel Residential Building (short-stay accommodation only) Reception Centre Shop Restaurant Office Other minor or incidental uses within the precinct may be permitted at the discretion of Council
Floor Area (m ² gross floor area)	10,500m ² for Hotel (<i>up from 7,500</i>) 6,800m ² for Short-stay apartments (<i>up from 4,600</i>)

Potential for Units (dependent on size)	120-145 Hotel rooms (<i>up from 125</i>) 80-90 Short-stay apartments (<i>up from 50</i>)
Building Height	Hotel/Motel 5-storeys (<i>use of roof volume removed</i>) Short-stay 6-storeys (<i>up from 4-storeys and use of roof volume removed</i>)
Parking Bays within AWF	792 (<i>increase from 700 bays</i>)

Commercial Precinct	
This precinct covers the east section of the AWF comprising maritime focussed mixed commercial/retail uses with capacity for short-stay apartments on the third floor.	
Land Uses	Shop Restaurant Office Museum Residential Building (short-stay accommodation only) (<i>added</i>) Other minor or incidental uses within the precinct may be permitted at the discretion of Council
Floor Area (m ² GFA)	6,750 Mixed use commercial/retail/short-stay apartments (<i>short-stay apartment added and floor area up from 4,000</i>)
Building Height	Mixed use commercial/retail/short-stay apartments 3-storeys (<i>up from 2-storeys and use of roof volume removed</i>)
Parking Bays within AWF	792 (<i>increase from 700 bays</i>)

8. The submissions have been received from residents, visitors, business operators/organisations and Government agencies. The submissions received generally favour the overall AWF project, although the views on the revised plans were mixed. A total of 60 submissions were received and the outcomes can be generally summarised as:

Submission		Number of Submissions	%
Opposing Plans	Revised	26	43
Supporting Plans	Revised	27	45
Neutral		7	12
Totals		60	100

9. As required by Council, the revised plans have been circulated for comment within the area around the AWF.
10. The May 2006 Structure Plan received some 22 submissions and the September 2006 Precinct Plan received 148 submissions, petitions.
11. As part of this round of advertising the City advised 660 landowners within the local area directly by mail and this yielded some 20 submissions. Of those submissions, the opposition/support to the proposal was evenly split at 10 submissions each.
12. The submissions contain a wide range of views, some of which still express their overall opposition to the AWF project, and others that although agreeing with the existing plans feel that Landcorp as the proponents should provide better justification and project details before the City agrees to the modifications. Some of the submissions point to the present economic climate and question the overall viability of the project.
13. The submissions that oppose the revised plans and that comment directly on the revised plans do not support any increase in building heights stating it will further restrict views to the harbour from areas within town and adversely affect the heritage values along Stirling Terrace. Some submissions commented on the bland nature of the buildings illustrated within the photomontages and some questioned the purpose of the photomontage, stating they don't represent a true indication of what views will be restricted.
14. The submissions supporting the revised plans generally point to the overall economic benefits to be derived from the project and the opportunities for local contractors/suppliers and employment gains. Some submissions believe that modifications are inevitable given the changing requirements of the tourism industry and the need to ensure that the project is viable to enable it to be developed.
15. Some of the submissions raised matters that are beyond the scope of the revised plans or seek to revisit previous decisions, including perceived traffic difficulties and land use conflict with the operations of the Port.
16. Those submissions received from Government agencies were largely neutral on the revised plans. Some reiterated previous concerns (such as Co-operative Bulk Handling Ltd on traffic matters) and some provided advice on servicing and process matters.
17. The revised plans were referred to the Heritage Council of WA for assessment given the proximity of the development to both Stirling Terrace and Town Jetty which are included on the State Register of Heritage Places (highest status for heritage places in WA). The Heritage Council of Western Australia has assessed the revised plans in the context of these places and have advised that whilst they will have a minor impact, the Council does not object to the revised proposal proceeding.

18. The increased building heights and footprints will restrict some views from areas around the development. These changes have been presented in the photomontages provided by Landcorp. It is accepted that the photomontages can only show, in a general sense, the likely affects/changes and these are restricted to existing developments only. It is clear that some people will have their views affected more than others.
19. The proponent advises the changes are necessary to progress the AWF project. The overall long-term benefits to the City and region from the tourism investment dollars associated with the construction of the accommodation areas within the AWF project (with their economic multiplier effects) are considered to outweigh the negative impacts.
20. It is clear that the size of the hotel and service apartment buildings is critical to the ability for Landcorp to market the site to potential developers and secure its purchase and development. These developments provide the necessary support to the other mixed use/retail activities and vice versa.
21. Council needs to determine whether the modifications sought to the Structure and Precinct Plans continue to reflect the direction and developments it wishes to promote for the AWF project. Clearly it is in the interests of the City to ensure that the buildings achieve the high standards promoted in the plans.
22. The need to remain flexible about changes over time is reflected in the status of the project as a Local Strategic Tourist Site under the Tourist Accommodation Planning Strategy (Pracsys/City of Albany, July 2010) and its identification of a substantial shortfall in 4+ star accommodations with potential demand for 4-5 star motel/hotel style accommodation. The report suggests that this demand may equate to between 240-400 rooms and this proposal will go a long way to satisfying that unmet need.
23. There are some minor modifications recommended to the revised plans as a result of the submissions as follows:
 1. The landscaping proposed on the decked car park should:
 - Be planted with local species including groundcovers, shrubs and trees,
 - Form part of the overall stormwater treatment system for the development, and
 - Be made available for use by the patrons and visitors to the hotel/apartment buildings by including paths, seating, lights etc
 2. An additional clause be included in the Precinct Plan at Part 24.0 'Short-Stay Residential' to ensure that all tourist use should be restricted to a maximum of 3-months in any 12-month period in accordance with the recommendations of PB83.
24. The revised plans do not affect the overall outcomes of the Traffic Assessment report prepared for the original Structure/Precinct Plans and the traffic system is able to meet the increased vehicles and demand without additional interruption to port activities. The Port of Albany and Department of Transport did not provide a submission or raise any concerns regarding the revised plans and its impacts on roads or their operations.
25. The additional hotel rooms and serviced apartments will generate the need for an additional 55-65 car parking bays. The revised plans include an additional 92 bays (up from 700 to 792) which adequately caters for the increased parking needs.

GOVERNMENT CONSULTATION

26. The revised plans were referred directly to relevant state departments and agencies for comment including the Fire and Emergency Services Authority of WA, Environmental Protection Authority, WA Police Service, WA Land Authority, WA Museum (Albany), Main Roads WA, Albany Port Authority, Alinta Gas, Telstra, Water Corporation, Western Power, Westnet Rail, Department of Water, Department of Transport, Heritage Council of WA, Department of Indigenous Affairs, Department for Planning (Albany Regional Office, Perth Tourism Branch and Coastal Branch) and Department of Housing.
27. A total of nine submissions were received from Government agencies including Main Roads WA, Telstra, Water Corporation, Western Power, Department of Water, Heritage Council of WA and the Department for Planning (Albany Regional Office, Perth (Tourism Branch and Coastal Branch)).

PUBLIC CONSULTATION / ENGAGEMENT

28. In accordance with Council's decision, the revised plans were:
- Advertised in the local newspaper (28 July and 4 August 2011);
 - Directly referred to nearby landowners (with 660 letters sent);
 - Displayed on photoboards and information notice displays (including information sheets, comment forms and submission box) at Albany Public Library by Landcorp (28 July – 1 September 2011);
 - Displayed personally at the Albany Public Library by a Landcorp representative (12 August 2011); and
 - Discussed at a public information session (including information sheets and comment forms) at the Albany Entertainment Centre by Landcorp representatives (13 August 2011).
29. A total of 51 submissions were received from the public or non-government agencies.

STATUTORY IMPLICATIONS

30. The subject land is contained in the Foreshore Development Zone under Town Planning Scheme No. 1A.
31. The Scheme contains the following requirements for any land in the Foreshore Development Zone:

STRUCTURE PLAN

- 4.40 *For the purposes of guiding the development of land within the Foreshore Development Zone, the Council has adopted a Structure Plan for the whole of the area contained within the zone.*
- 4.41 *The Structure Plan shows the intended general distribution of land uses, open spaces and major reserves within the Foreshore Development Zone, but does not precisely locate or dimension and land use or land parcel, nor does it reserve, or purport to reserve, land for any purpose.*

- 4.42 *The Structure Plan may be elaborated, amended or another plan substituted for it in the same manner as prescribed for modifications to the Central Area Policy Plan in Clause 4.29 of the Scheme Text.*
- 4.43 *The Foreshore Development Zone is divided into Precincts and the location and boundaries of the Precincts are also shown on the Structure Plan.*

PRECINCT PLANS

- 4.44 *No person shall carry out any development within the Foreshore Development Zone unless such development is in accordance with a Precinct Plan which has first been adopted by the Council.*
- 4.45 *A Precinct Plan may be prepared by the Council, or by any other person who may then submit the Precinct Plan to the Council for its approval and adoption.*
- 4.46 *The Council shall neither approve nor adopt a Precinct Plan unless it complies with, or is substantially in accordance with, the Structure Plan.*
- 4.47 *The Council shall neither approve nor adopt a Precinct Plan unless the Precinct Plan shows or otherwise clearly describes the following:*
- (a) *The proposed use of all land within the Precinct, including both public and privately owned land;*
 - (b) *The location and dimensions of any roads, pedestrian and cycle paths, car parking areas, public open spaces and other reserves;*
 - (c) *The number of cars which any car parking areas are designed to accommodate;*
 - (d) *The boundaries and approximate dimensions of any lots to be created through the subdivision of land within the Precinct; and*
 - (e) *The planned disposition of buildings in terms of height and setbacks from lot or reserve boundaries.*
- 4.48 *The Council may also require that a Precinct Plan show or otherwise described the following:*
- (a) *The type and colour of the paving materials which are proposed to be used in the construction of roads, paths and public open spaces;*
 - (b) *Indicative designs of any buildings to be constructed;*
 - (c) *The location and form of outdoor furniture or any other artefact proposed to be placed within any public space;*
 - (d) *The location, quantities and species of any plants which are to be used for landscaping the Precinct; and*
 - (e) *Any other detail which the Council, at its discretion, considers necessary or desirable for the Precinct Plan to show or describe.*
- 4.49 *The Council shall not adopt a Precinct Plan until after the following procedures have been completed:*
- (a) *The Council, having first approved the Precinct Plan, shall publish a notification once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the Precinct Plan may be inspected, and in what form and during what period submissions may be made.*
 - (b) *The Council shall review the Precinct Plan in the light of any submissions received and shall then resolve either to formally adopt the Precinct Plan with or without modification, or not to adopt the Precinct Plan.*
 - (c) *Following final adoption of a Precinct Plan, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.*
- 4.50 *A Precinct Plan may be amended or another plan substituted for it in the same manner as provided for the approval and adoption of a Precinct Plan in Clause 4.48 and the provisions of that clause shall apply with the necessary changes to an amendment or substitution.*

4.51 *Where, in the opinion of the Council, an amendment to a Precinct Plan is minor and of little coincidence, the Council may approve the amendment without first carrying out the requirements of Clause 4.49.*

32. The proposed modifications affect components of both the existing Structure Plan and Precinct Plan for the Albany Waterfront project and the revised plans have been advertised in accordance with scheme requirements.

STRATEGIC IMPLICATIONS

33. The recently adopted City of Albany Strategic Plan (2011-2021) states under the Key Focus Area of *'Sustainability and Development'* the following community priorities in relation to this item:

"A diversified industrial base

Facilitate the sustainability of the Port, by protecting the freight routes from urban encroachment."

"Tourism Development

Improve and expand tourism infrastructure and attractions.

Encourage investment in quality hotel accommodation (e.g. the Former Esplanade site at Middleton Beach and the Waterfront site)."

34. The AWF project is located on Princess Royal Drive which also serves as the main vehicle access route to the Port of Albany. From the project's inception, the City has required the proponents (Landcorp) to complete and implement a Traffic Management Plan to address the impacts and ensure that port activities including transport are not adversely affected.
35. The Traffic Management Plan is now being implemented in conjunction with Main Roads WA/City and Landcorp with Toll Place and Princess Royal Drive etc being upgraded to accommodate the changes.
36. The development of the hotel/motel and serviced-apartments components of the AWF project would significantly assist the City's and community's goal to increase tourism development within the City and region.
37. The AWF project is included within the WA Planning Commission's Lower Great Southern Strategy and Albany Local Planning Strategy as a strategic project for Albany.

POLICY IMPLICATIONS

38. In its submission, the Department of Planning (Albany Office) advised *"...As far as SPP2.6 goes, the Council needs to have due regard to the SPP when amending its planning scheme, which in this instance would include the Structure Plan I expect, under S77 of the Act."*

39. The requirements of the WA Planning Commission State Planning Policy 2.6 'State Coastal Planning Policy' (SPP2.6) impact on the revised plans where at Part 5.3 it states:

5.3 Building Height Limits

The provisions of this part of this policy apply to all urban development, including residential, hotel, short-stay accommodation, car-parking, retail and office development, or any combination of those uses, but does not apply to industrial or resource development, transport, telecommunications and engineering infrastructure, and Port Works and Facilities (as defined by the Port Authorities Act 1999) within 300 metres of the horizontal setback datum. A varied distance from the horizontal setback datum may be approved as part of controls set out in a local planning scheme, on the basis of appropriate analysis with reference to built form, amenity, landscape and topography and having regard to cadastral boundaries.

The height of buildings should be limited to a maximum of five storeys (and not exceeding 21 metres) in height. Local planning schemes may specify lower maximum height limits in particular localities in order to achieve outcomes which respond to the desired character, built form and amenity of the locality.

Higher structures up to a maximum of eight storeys (and not exceeding 32 metres) in height may be permitted where:—

- (a) There is broad community support for the higher buildings following a process of full consultation;*
 - (b) The proposed development(s) is suitable for the location taking into account the built form, topography and landscape character of the surrounding area;*
 - (c) The location is part of a major tourist or activity node;*
 - (d) The amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and*
 - (e) There is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.*
40. The main purpose of SPP2.6 is to inform and guide the WA Planning Commission in the undertaking of its planning responsibilities, and in integrating and co-ordinating the activities of State agencies that influence the use and development of land on the coast. The SPP is also to guide Local Governments, other agencies, SAT etc. of those aspects of SPP2.6 concerning the protection of the coast that should be taken into account in planning decision making.
41. The implementation of any SPP is primarily through the preparation of regional/local strategic plans, local planning schemes and other relevant plans (such as management plans), as well as through the decision-making on subdivision and/or development applications etc. Any new or amended planning scheme should be consistent with the objectives, policy and guidelines content of any relevant SPP and Local Governments and State agencies should take account of SPP's to ensure integrated decision-making.
42. The revised plans:
- Maintain the existing maximum building height of the hotel/motel to 5-storeys (maximum building height of 19m) and removed the ability to use roof volume.
 - Increase the maximum building height of the short-stay apartments to 6-storeys (maximum building height of 22m) and removed the ability to use roof volume.

43. In regards to building heights, the Precinct Plan at Part 11.6 'Levels and Height Management' requires:
- 11.5 *Ground floor ceiling heights throughout the development should generally be higher than minimum to reflect the ceiling heights associated with historical buildings in Albany. Minimum ceiling heights in the order of 3.0 to 3.5m are suggested. The AEC will have a ground level ceiling height commensurate with its public function.*
- 11.6 *Floor to floor levels, excluding the ground floor, in the Hotel and short-stay serviced apartment buildings should be limited to 3.0m.*
44. Overall, whilst the revised plans include a 6th storey on the short-stay apartment building, the proposed building heights are well within the maximum building heights (5-storeys and not exceeding 21m and buildings up to 8-storeys and not exceeding 32m) as set out in Part 5.3 of SPP2.6 requirements.
45. The Department of Planning/Western Australian Planning Commission have not provided any advice on what constitutes '*broad community support for the higher buildings*' and it is unclear if this is required to be shown in the submissions or some other way. The submissions where commenting directly on the proposed increased building heights and land use changes, generally support the revised plans. The decision of the Council, whether to adopt the revised Structure and Precinct Plans represents a decision on behalf of the broader community as set out in SPP2.6(a). All other criteria have been resolved through the development of the Concept, Structure and Precinct Plans.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Modified Structure and Precinct Plans not adopted by Council and the proponent is unable to "market" the site for economically viable enterprise, it is unlikely that a tourism development will be constructed on the site.</i>	<i>Likely</i>	<i>Significant</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council.</i>

FINANCIAL IMPLICATIONS

47. The AWF project is being developed by the State Government which included the construction of the Albany Entertainment Centre.
48. The assessment of the proposal has been conducted by staff within existing budget lines and resources.

LEGAL IMPLICATIONS

49. Given the introduction of Development Assessment Panels (DAPs) from 1 July 2011 and the likelihood that any development of a hotel/motel and/or service apartments etc within the AWF project would have a development cost exceeding \$7m, such a proposal will be required to be sent to the Great Southern Joint DAP for a decision. As stated before, this requires that the City ensure the AWF Structure/Precinct Plans reflects the direction it wishes to promote for the Albany Waterfront.

ALTERNATE OPTIONS

50. Council has the following options in relation to this application:

Option A

To accept the revised plans (in part or whole).

Option B

To not accept the revised plans (in part or whole) and continue with the existing adopted 2006 plans.

Option C

Defer consideration of the proposal, should Council believe more information is required.

SUMMARY CONCLUSION

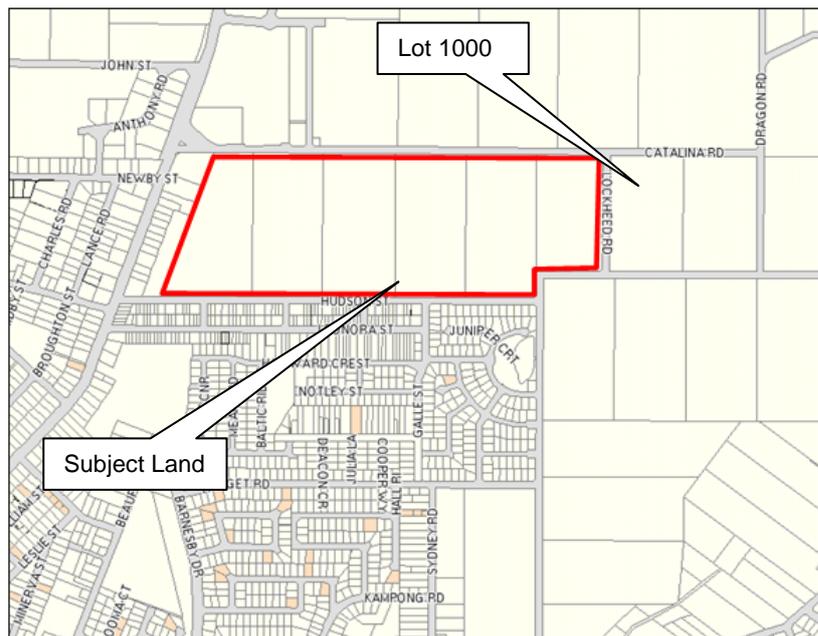
51. The revised AWF Structure/Precinct Plans is submitted to Council to provide the best opportunity for development of a significant tourist accommodation development within the Albany Waterfront.

Consulted References	Town Planning Scheme No. 1A Albany Waterfront Planning Framework Report (including Structure Plan Report & Precinct Plan Report) Albany Waterfront Memorandum of Agreement (September 2007)
File Number (Name of Ward)	ED.PJT.4 (Frederickstown Ward)
Previous Reference	OCM 19/09/06 - Item 11.1.2 OCM 20/06/06 - Item 11.1.1 OCM 16/05/06 - Item 11.3.1 OCM 21/03/06 - Item 11.3.2 OCM 19/07/11 – Item 2.2

**2.2: ADOPTION OF OUTLINE DEVELOPMENT PLAN - LOTS 30 TO 35
CATALINA ROAD, LANGE**

Land Description	: Lots 30 to 35 Catalina Road, Lange
Proponent	: Dykstra Planning
Owner	: AF & MF Pierce, N & A Lionetti, WG & ID Steinert, PE & L Pocock, CRS & TA Powell and Amaroo Limousin Stud Pty Ltd
Business Entity Name	: N/A
Attachment(s)	: Outline Development Plan (map only as advertised with changes required by Council at 14 December OCM) Letters from Department of Education Letter from owner of Lot 1000 Lockheed Road (Mr R Green) Letter from City of Albany to Mr Green (via his agent) Schedule of Submissions
Appendices	: Nil
Councillor Workstation	: Complete Version of Outline Development Plan Copies of Submissions
Responsible Officer	: E/Director Planning and Development Services (G Bride)

Maps and Diagrams:



IN BRIEF

- Council at its December 2010 meeting adopted the Outline Development Plan (ODP) over Lots 30 - 35 Catalina Road, Lange for the purposes of advertising.
- At the close of the advertising period, eleven submissions were received.
- It is recommended that the ODP is adopted subject to modifications and forwarded to the Western Australian Planning Commission seeking endorsement.

**ITEM 2.2: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

MOVED: MAYOR EVANS

SECONDED: COUNCILLOR DUFTY

THAT Council;

1. **ADOPTS** the Outline Development Plan for Lots 30 to 35 Catalina Road, Lange subject to the following modifications:

- (a) Point 1 under Development Requirements being amended to the following:

“Catalina Road and Hudson Road will need to be constructed to an urban standard at the time of subdivision, including drainage to be piped, road to be kerbed, road surface to be upgraded and traffic calming devices (Hudson Road) to be installed. Treatment of the Hudson Road and Chester Pass Road intersection is to be to the satisfaction of the City of Albany and Main Roads WA.”

- (b) Point 8 under Development Requirements being amended to the following:

“Other than for a ‘homestead lot’ subdivision in accordance with Appendix E, Public Open Space areas shall be given up as part of the initial stage of subdivision on each lot. Cash-in-lieu shall be paid for any shortfall in Public Open Space, whereas Public Open Space that exceeds the 10% requirement shall be set aside as a separate Public Open Space lot for acquisition. In the areas identified as Public Open Space on the ODP, existing mature jarrah and marri trees are to be retained.”

- (c) Update Planning Report and identify new point 10 under Development Requirements being included as follows:

“At the time of subdivision, an Urban Water Management Plan is to be submitted addressing the following requirements:

- i. late winter groundwater testing;*
- ii. the use of groundwater and/or stormwater (not scheme water) to irrigate areas of Public Open Space; and*
- iii. Infiltration at site rather than the standard pipe to detention basin.”*

- (d) New Point 11 under Development Requirements being included as follows:

“At the time of subdivision a dust management plan is to be prepared and implemented to the satisfaction of the City of Albany.”

- (e) Remove the existing annotation involving Lots 34 and 35 (Development Requirement No. 9) relating to a future primary school site and advise the Western

Australian Planning Commission that in response to the submission made by the Department of Education, that Option 4 of the officers report is supported, which involves:

- **inclusion of Lot 1000 Lockheed Road, Lange within the boundaries of the Catalina Road Outline Development Plan area (Figure 3);**
- **identification of a primary school site on the northern 4 hectare portion of Lot 1000 with the following annotation *'indicative primary school site (subject to negotiation and purchase by the Department of Education with agreement of the landowner)'*;**
- **identification of the southern 2 hectare portion with an indicative residential subdivision layout;**
- **placement of an annotation on the Outline Development Plan (Figure 3) which states *'Lot 1000 is currently zoned 'Rural' and is to be rezoned in its entirety to Future Urban by the City as part of the review of its Draft Local Planning Scheme No. 1'*; and**
- **Placement of an annotation on the Outline Development Plan (Figure 3) stating *'interim subdivision to separate the school site from the parent lot in accordance with the ODP being permitted'*.**

- 2. FORWARDS the Outline Development Plan to the Western Australian Planning Commission requesting endorsement subject to the modifications identified above.**

CARRIED 7-2

Record of Vote

Against the Motion: Councillors J Bostock and D Bostock

BACKGROUND

1. At its meeting dated 14 December 2010 Council resolved the following in relation to the Outline Development Plan proposal:

"1. The Outline Development Plan (ODP) for Catalina Road be ADOPTED for the purposes of advertising subject to the following modifications;

- A. Additional pockets of R40 be considered in the north-west portion of the ODP which is directly opposite the Brooks Garden shopping centre.*
- B. The homestead lot associated with Lot 34 be reconfigured so that no portion encroaches into Range Road.*
- C. A provision being placed within the ODP which requires at the time of subdivision that an acoustic engineers report be prepared certifying that the noise mitigation measures within the ODP for the western most lots are suitable, and where further noise attenuation measures are required as part of the dwelling's construction, this information will need to be included within a Detailed Area Plan (DAP) with appropriate notifications placed on the title of the relevant lots.*
- D. The ODP map being annotated to include a round-a-bout or other suitable intersection type for the intersection of Catalina Road/Range Road.*
- E. The alignment of Range Road be repositioned approximately 10 metres to the east as it is 'off-centre' to the portion of Range Road to the south of the subject land, and does not represent good road design practice.*

- F. The ODP report and plan be amended identifying that the subdivision of Lots 34 and 35 shall not be considered until such time as an alternative school site has been identified in the endorsed Yakamia Structure Plan (Cells A & B).*
2. *The Outline Development Plan be ADVERTISED for public comment for an extended period of 42 days (in lieu of 28 days) to allow additional consultation during the upcoming Christmas and New Year period.”*
2. In accordance with the above resolution modifications A to F were made to the Outline Development Plan and the proposal was subsequently advertised for a period of 42 days. A copy of the updated Outline Development Plan (map only) is attached to the rear of this report.

DISCUSSION

3. The Outline Development Plan (ODP) has been designed taking into account planning, transport and water management principles defined in the following respective documents; WAPC Liveable Neighbourhoods document (2007), Department of Water Stormwater Management Manual (2004) and the WAPC Transport Assessment Manual (2006).
4. The ODP proposes a lot yield of around 500 lots with a variety of lot sizes ranging from a density of R30 and R40 (250m² to 333m² lots) adjacent to the Brooks Garden Shopping Centre and the linear public open space system through to a density of R20 (ie. lots typically between 500m² to 700m²).
5. The ODP proposes a public open space network that is equally distributed and follows the natural valley of the subject land, creating opportunities for the incorporation of water sensitive drainage design within linear Public Open Space (POS) areas, as identified in the Local Water Management Strategy (LWMS) submitted with the ODP.
6. The ODP was referred to all relevant government agencies and surrounding landowners and at the end of the consultation process a total of eleven submissions were received; seven from government agencies and four from the general community. No major objections to the ODP were received however the following issues were raised:
- Traffic and pedestrian impacts on Chester Pass, Catalina and Hudson Roads;
 - Storm Water Management and the impact on ground water;
 - Protection of isolated large trees frequented by White Tailed Cockatoo's;
 - The location of a primary school site;
 - Dust Management and Construction issues; and
 - Strategic planning for the area, inclusive of cost sharing and open space.
7. As outlined in the Government and Public Consultation sections of this report, the above issues can be controlled through modifications to the Catalina Outline Development Plan as identified in the responsible officer recommendation.

PUBLIC CONSULTATION / ENGAGEMENT

8. The ODP was open for comment from the 30 December 2010 to the 10 February 2011 (42 days). Letters were sent to neighbouring properties and an advert placed in the local newspaper inviting comment.
9. At the close of advertising, three submissions were received from the general public and one from the proponent, the subject of the ODP (which are summarised in the attached schedule of submissions).
10. Concern has been raised by two residents of Hudson Road that whilst this road carries a speed limit of 50km/h vehicles are regularly observed travelling 90km/h. With the upgrading of Hudson Road to an urban standard, which is a long straight road, the submissions have recommended that traffic calming devices be installed to slow down the traffic. This has the added advantage of making Catalina Road a more viable alternative to access Chester Pass Road. A modification to the ODP is recommended requiring the installation of traffic calming measures along Hudson Road which would be identified as part of the detailed engineering plans at the subdivision stage.
11. A submission was also received from MGA Town Planners on behalf of an adjacent landowner and developer (Ardross Estates) that identified that a contribution schedule was required over the wider Yakamia Structure Plan area to ensure equitable contributions were made for the construction of Range Road, the connection of Barnesby Drive through to Chester Pass Road and the purchase of District Open Space.
12. It is believed that this issue has been adequately addressed in the ODP which identifies that contributions for district infrastructure that are identified in the Yakamia Structure Plan will apply to the ODP.

GOVERNMENT CONSULTATION

13. Letters were sent to government agencies inviting comment (42 day consultation period) and the issues raised are discussed below.

Main Roads WA

14. Main Roads WA, whilst not objecting to the proposed ODP have raised a number of concerns relating to the increase in traffic movements that are likely to occur at the intersection of Chester Pass Road with Hudson Road and Catalina Road. Main Roads WA have reinforced the importance of establishing Range Road from Mercer Road through to North Road to assist in the distribution of traffic through the neighbourhood and relieve the growing pressure on Chester Pass Road and particularly the Chester Pass Road / Albany Highway round-a-bout which is approaching capacity.
15. The ODP recognises and caters for the future construction of Range Road consistent with the City's Road Hierarchy Plan encapsulated in its Local Planning Policy No. 1 – Conceptual District Structure Plan. The ODP also identifies that contributions towards the overall construction of Range Road will be considered in the context of the wider Yakamia Structure

Plan (Cells A and B) into the future. Whilst the construction of Range Road is a priority road for the City, the road is not likely to be constructed for several years and will only occur when there are sufficient funds from a combination of developer contributions, state or federal government funding and through Council budget allocations. In the meantime traffic from the subdivision of land within the ODP area will utilise either Chester Pass Road or the local road network within the suburb of Yakamia to access the Albany town centre. The ODP does address this issue to some extent by limiting the number of north-south connections onto Hudson Road to encourage traffic towards Catalina Road, which has an improved intersection treatment with Chester Pass Road, compared to Hudson Road.

16. It is recognised that the ODP will create additional pressure particularly on the intersection of Hudson Road and Chester Pass Road, however it should be pointed out that the subdivision of the subject land is likely to take place over a 10 to 15 year period and is dependent on the aspirations of the six landowners involved. The ODP already requires the upgrade of Hudson Road and Catalina Road to a full urban standard, and at the time of subdivision Main Roads WA may request an upgrade to the intersection of Chester Pass and Hudson Roads.
17. Main Roads WA have expressed concern that a primary school site could be located on either Lot 34 or 35 given this land is adjacent to the intersection of the Range Road extension and Catalina Road. According to Main Roads WA such a location is likely to create a hazard to motorists and danger for school children. The Department of Education also accept this position, and it is agreed that the school site identified on the original draft version of the Yakamia Local Structure Plan (Cells A and B) prepared in 2004 is not appropriate.
18. Main Roads WA have also advised that insufficient consideration has been made for pedestrian and bicycle movements between the subject land and the North Albany Senior High School and that a pedestrian overpass should be installed over Chester Pass Road at the cost of the landowners within the ODP area. North Albany Senior High School is approximately 3km to the west of the subject land and is considered to be an unreasonable distance for pedestrians accessing the school site (3km represents a 35 minute walk). It is acknowledged that the school would be within a reasonable cycling distance from the subject land, however bicycles can use existing road and pathway links along with the safety of divided carriageways and traffic crossings to commute to school. The consideration of an overpass is an excessive requirement for this development, and further is not consistent with pedestrian management along other arterial roads around the Albany area.

Department of Water

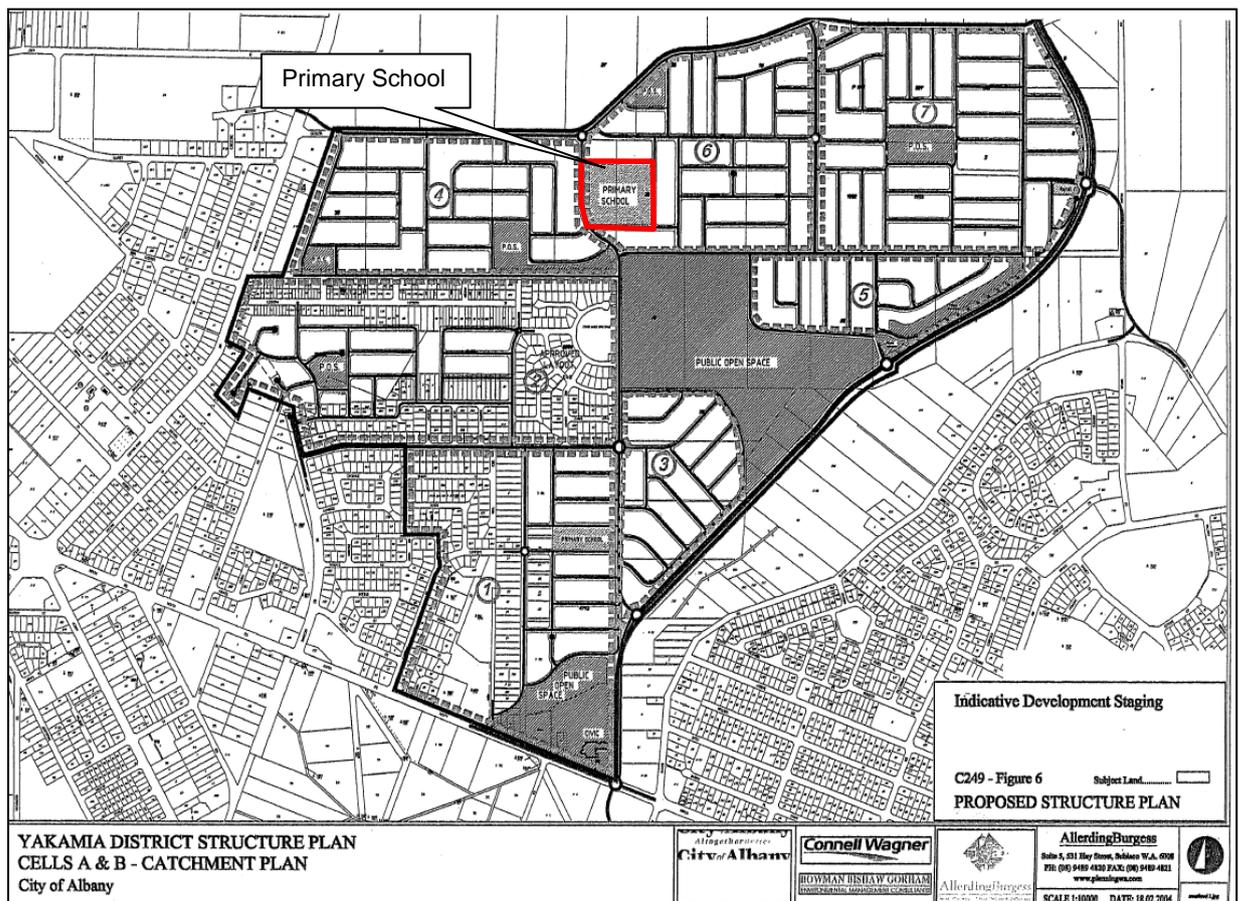
19. The Department of Water have supported the ODP design which seeks to establish public open space areas along existing valleys and drainage lines encouraging water sensitive urban design. The Department of Water have generally supported the Local Water Management Strategy submitted with the ODP. The Department initially required additional information in relation to winter ground water details and the management of the public open space, however they have agreed that this information can be provided at the subdivision stage through the submission of a more detailed Urban Water Management Plan.

Department of Environment and Conservation

20. The Department of Environment and Conservation had initially advised that they had no objections to the ODP and were pleased to see cleared land was being used to accommodate new development. Additional advice was received that some of the isolated trees in the south-west corner of the site are frequented by Baudin's White Tailed Cockatoo and that where opportunities present, particularly within POS areas and road reserves such trees should be conserved. Staff support this position and have recommended a modification to this affect.

Department of Education

21. In discussion with the City the Department of Education (DoE) had originally identified a possible school site over Lots 34 and 35 Catalina Road and this was shown on the draft Yakamia Local Structure Plan (Cells A & B) prepared in 2004 (refer below). Whilst the DoE have given considerable weight to this draft plan in the absence of an adopted structure plan, this plan was never subject to formal advertising or adopted by Council and therefore has no formal status.

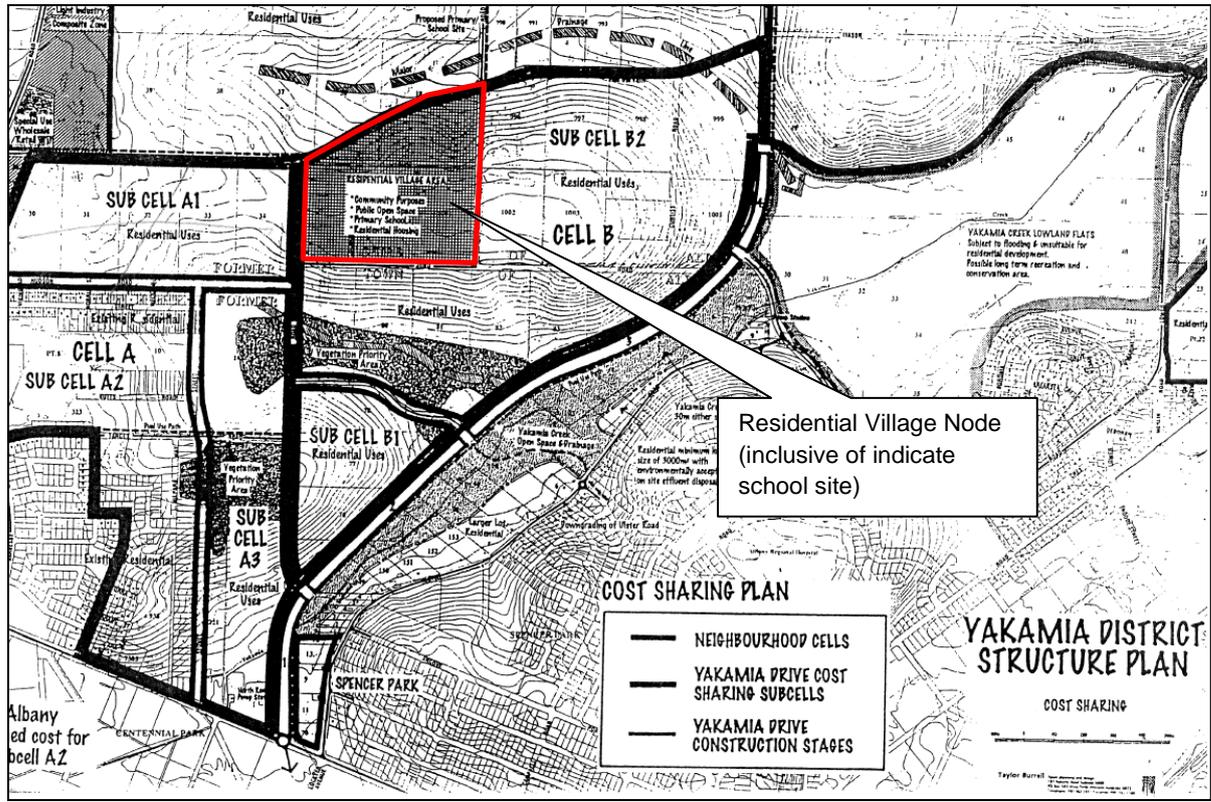


22. Local Planning Policy No. 1 titled 'Conceptual District Structure Plan' identifies a true north-south alignment for Range Road and effectively dissects the school site previously identified by the DoE. Whilst the DoE's original response was supportive of 'Modification F' as per the City's resolution of 14 December 2010 (refer Paragraph 1 above), the DoE have reviewed the comments of Main Roads WA and now agree that a school site positioned immediately to the

east or west of the Range Road / Catalina Road intersection (ie. Lots 34 and 35) would pose significant traffic and pedestrian safety concerns.

23. After several discussions with DoE representatives, inclusive of a site inspection to the subject land and surrounds, the DoE have identified a number of school site options within and outside of the Catalina Road ODP area. They have advised that a potential school site across either Lots 32 and 33 or Lots 33 and 34 within the ODP area could be feasible, however according to the DoE it is up to the City to identify the site either within the ODP area or the wider locality before finally adopting the Catalina ODP. The DoE would then negotiate with the affected landowner and purchase the site in the future when the need for the construction of a school was imminent (that could be more than 5 years away given the DoE have advised that this would occur when 600 lots were sold and 300 houses were constructed).
24. Given the fragmented land ownership and the prevailing lot sizes in the area being in the vicinity of 6 to 8 hectares, and the requirement for school sites to be a minimum of 4 hectares, the imposition of a school designation has a significant impact on lot yield in such cases. This compares to large scale ODP's such as Bayonet Head and McKail where land holdings are considerably larger and developers have sufficient lot yields to plan for and await the future purchase of the school site by the DoE.
25. Staff have written to the DoE requesting this Department considers the purchase of land within or adjacent to the ODP area under its early acquisition program. Staff were aware of a land parcel immediately to the east of the subject land (Lot 1000) that was zoned 'Rural' and for sale. The owners of this property were interested in selling a portion of their land to the DoE, and DoE officers believed the site was sufficiently flat and well positioned central to the future population catchment to accommodate a school. The DoE have advised however that they would not be in a position to negotiate with this landowner further until the site was designated as a primary school on an Outline Development Plan and steps were put in place to rezone the land. They have advised that they cannot commit to a specific timeframe in purchasing and acquiring the land; this lack of certainty has hampered staff's efforts to identify a specific school site. It is important to note that the Department of Education would receive pro rata contributions from other subdividers in the locality to recoup any early outlay in purchasing the land.
26. The most recent letter received from the Department of Education is dated 5 September 2011 as attached to the rear of this report, whereby the Department has requested that Council establish a site location for a school within the ODP area (ie. over lots 32, 33 and 34 as per the sketch plan attached to the rear of this report) or incorporate Lot 1000 into the ODP area and identify a school site on this property.
27. The Yakamia District Structure Plan (1998) identified a broad road network, future precincts for structure planning (Cells A to D) and a residential village (inclusive of a primary school site) on the eastern side of Range Road (refer below). The draft Yakamia Structure Plan Cells A and B (2004) also identified the school site being located on the eastern side of Range Road. Given the considerable traffic that is likely to use Catalina Road between Range Road and Chester Pass Road, there is a strong case for the school to be located to the east of the Catalina Road ODP area which would also be more central to the future population catchment for Yakamia (which extends as far east as Martin Road). A school site could be identified as

part of the Yakamia Structure Plan Cells (A and B) through further consultation with the Department of Education.



28. The options available to progress the location of the school need consideration and discussion. The finalisation of the Catalina ODP has been deemed a priority by the City and this unresolved matter is preventing the plan from being progressed towards finalisation.

Council has the following options in relation to this issue:

Option 1

Do not identify a specific school site within the ODP area and instead place a general annotation on the ODP which states:

“Land to the north and east of this ODP area is likely to be subject to future structure planning by the City of Albany (Yakamia Structure Plan Cells A and B), which will require the identification of a primary school site.

The Department of Education is responsible for the acquisition and development of all public school sites and in the event that this Department wishes to pursue acquisition of a primary school site within the Catalina Road ODP area, this will be subject to negotiation and agreement between the Department and the landowner and will not affect the rights of individual landowners to subdivide in accordance with the adopted ODP.”

Option 1 has been proposed to the Department of Education however it has advised that such an approach does not give them sufficient certainty (refer letter dated 5 September 2011).

The option does not reference the indicative sites identified within the Catalina ODP as provided by the Department of Education, but does allow for the Department of Education to liaise with landowners with the Catalina ODP area should it wish to consider a school site west of the Range Road extension.

Option 2

Option 2 is a slight modification to Option 1, which references the indicative sketch plan for potential school sites within the ODP area as supplied by the Department of Education, with such an annotation stating:

“Land to the north and east of this ODP area is likely to be subject to future structure planning by the City of Albany (Yakamia Structure Plan Cells A and B), which will require the identification of a primary school site.

The Department of Education is responsible for the acquisition and development of all public school sites and in the event that this Department wishes to pursue acquisition of a primary school site within the Catalina Road ODP area, particularly over Lots 32, 33 and/or 34 Catalina Road (as per its indicative sketch plan), this will be subject to negotiation and agreement between the Department and the landowner concerned and will not affect the rights of individual landowners to subdivide in accordance with the adopted ODP.”

This option identifies that should a school site be required by the Department of Education within the ODP area, it is most likely to be located on the above mentioned lots (Lot 31 is too close to Chester Pass Road and entry points into the shopping centre and Lot 35 is too close to intersection with Range Road as per Main Roads WA comments). This option is supported by staff on the basis that a school site is best located east of the Range Road extension (consistent with the previous two draft structure plans that have been prepared) for traffic safety purposes and due to its central position in the future expansion of the Yakamia locality. The option does however give the ability for the Department of Education to liaise with landowners within the Catalina ODP area should it wish to consider a school site west of the Range Road extension. This option still allows for the landowners within the Catalina ODP to progress subdivision proposals in the intervening time.

In the event that the Department of Education wishes to pursue a school site within the Catalina ODP area and enters into negotiation with the relevant landowners, indicative school sites 1 and 2 (as per the sketch plan) could be accommodated without significant disruption to the subdivision pattern identified within the ODP and their location is supported by the Department of Education. The north-south connection between Hudson Road and Catalina Road straddling Lots 33 and 34 would however be affected (it would become a T-junction).

This option places an onus on the Department of Education to negotiate with the affected owner/s within a reasonable timeframe if a site is required within the Catalina ODP area. As part of the future Yakamia Structure Plan (Cells A and B) the City, in conjunction with the Department of Education, will consider all potential school site options and it is likely that a school site to the east or north-east of the Catalina ODP area will need to be identified; when

this occurs the Catalina ODP could be updated accordingly (removing all references to indicative sites etc).

Option 3

Identify a potential school site across Lots 32 and 33 and/or Lots 33 and 34 (Sites 1 and 2 as discussed above) and utilise a similar annotation previously applied to Lots 34 and 35, albeit more flexible in allowing subdivision over these lots outside of the indicative primary school site areas, such as:

“The subdivision of the land affecting those portions of Lot 32, 33 and 34 identified as ‘indicative primary school sites’ shall not be considered until such time as an alternative school site been identified in the endorsed Yakamia Structure Plan (Cells A & B).”

This option is consistent with the recommendations contained within the Department of Education letter dated 5 September 2011. This option would have a negative impact on the affected landowners resulting in the quarantining of 6 to 8 hectares of land within the ODP area until a specific school site is identified, either within or outside the ODP area.

Option 4

Lot 1000 (to the east of the ODP as per the map on the cover page of this item) is added into the boundary of the Catalina ODP area and a 4 hectare school site is specifically identified on this lot. The owner of Lot 1000 was originally interested in this option but was seeking a commitment to purchase the land from the Department of Education within a short timeframe (say within 12 months). Staff have recently updated the owner of Lot 1000 in relation to the Department’s advice that acquisition within the next 12 months is not likely and could be beyond 5 years depending on the rate of housing construction in the area.

A letter has been received from the landowner of Lot 1000 Lockheed Road that they would be willing to have their land included in the Catalina ODP area (a copy of this attachment is at the rear of this report). The benefits to this landowner would be that he could be subdivide his property into two lots in the interim period to separate the school site from the southern lot (around 2 hectares), which could be sold separately with a subdivision design identified over it.

Staff have also met with Mr Green in relation to his request for clarification on the rezoning process. Once the ODP is formally adopted by the Western Australian Planning Commission there would be no reason why the City could not identify the land as ‘Future Urban’ as part of the Scheme Review (via the public submission period). The Scheme is likely to be advertised prior to the end of this calendar year and gazetted in mid-late 2012.

This option would be consistent with the recommendations of the Department of Education and would allow for more detailed negotiations between the landowner and the Department to proceed on the timing of purchase and acquisition. This is staff’s preferred option.

Option 5

Defer consideration of the ODP pending the designation of a school site within the wider Yakamia Structure Plan (Cells A and B). This Structure Plan will recommence this year (pending the completion of a water management strategy for the Yakamia Drainage catchment as requested by the Department of Water) however as discussed above the identification of a specific site for a school without a commitment by the DoE to purchase the land from the landowner within a reasonable timeframe may continue to frustrate the completion of the Structure Plan.

29. Staff recommend that Option 4 be pursued as the best option as the landowner of Lot 1000 is willing to have their land included within the boundaries of the Catalina Road ODP. The officer recommendation is in accordance with its letter to Mr Green dated 12 September 2011 (as attached). Staff have met with the landowner to resolve the only point of clarification and believes that Option 4 should be presented to the WAPC as a requested modification to resolve the school site issue.

STATUTORY IMPLICATIONS

30. Clause 5.5.3 of Town Planning Scheme No. 3 states that an ODP should address as a minimum requirement:

- (a) The location and width of the distributor road system proposed;*
- (b) The approximate location and quantity of shopping, civic and public facilities proposed together with an analysis of the factors used in determination of such facilities;*
- (c) The distribution of the recreation and open space proposed;*
- (d) The population and residential densities proposed;*
- (e) The physical condition of the land having regard to the need for deep sewerage and/or main drainage.*

31. The ODP adequately addresses the above criteria and principles associated with the WAPC Liveable Neighbourhoods document.

STRATEGIC IMPLICATIONS

32. The Albany Local Planning Strategy (ALPS) has designated the subject land as a future urban area for development within the short term. As required by the ALPS:

- the land forms a logical extension to land already developed adjacent to the south; and
- retail, service and community infrastructure exists in close proximity of the site.

33. This item relates directly to the following element of the City's Strategic Plan (2011-2021):

Key Focus Area

Sustainability and Development

Community Priority

A sustainable future

Proposed Strategy

Advocate for an affordable housing supply.

FINANCIAL IMPLICATIONS

34. The Draft Transport Model indicates the need for a north/south integrator arterial road (4 lanes) to help distribute traffic to the city centre. The ODP area is part of the wider Yakamia Structure Plan area. A condition has been included in the ODP requiring Lots 30 to 35 Catalina Road to contribute to the cost of the ultimate four lane road.

POLICY IMPLICATIONS

35. The proposed ODP is consistent with Council's Local Planning Policy No. 1 – Conceptual District Structure Plan and identifies the extension of Range Road on a true north-south axis through the ODP area.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>A school site is not secured in the short term by the Department of Education within the Catalina Road ODP.</i>	<i>Likely</i>	<i>Medium</i>	<i>High</i>	<i>The City will be undertaking further structure planning in Yakamia (to the north and east of the subject land). There are other potential sites outside of the Catalina Road ODP area that could be considered if an opportunity to secure a site within the Catalina Road is not achieved. At the time of preparing the Yakamia Structure Plan discussions with the Department of Education will be necessary to secure a school site through early acquisition in negotiation with affected landowners. This issue has been resolved through inclusion of Lot 1000 into the ODP area and identification of a school site on this lot.</i>

LEGAL IMPLICATIONS

37. There are no legal implications related to this item as should Council adopt the Outline Development Plan, the Western Australian Planning Commission will review the document and decide whether to endorse it with or without modifications.

ALTERNATE OPTIONS

38. Council has the following additional options in relation to the ODP:

Option 1

Adopt the ODP with additional or reduced number of modifications. This may include one of the five options regarding the location of a future primary school site as discussed in this report.

Option 2

Defer consideration of the ODP until the wider Yakamia Structure Plan (Cells A and B) is completed.

39. Option 2 is not recommended. The Catalina Road ODP can proceed without the wider structure plan because it:

- is not affected by environmental constraints unlike the majority of the land holdings within the Yakamia Structure Plan area.
- will link the requirement for infrastructure contributions with the Yakamia District Structure Plan where such contributions are identified or considered necessary.
- is in accordance with the Albany Traffic Model (road hierarchy) and Local Planning Policy No. 1 – Conceptual District Structure Plan.
- With the inclusion of Lot 1000 into the ODP area a school site can be identified giving some security to the Department of Education and ensuring negotiations between the Department and the landowner on purchase and acquisition.
- identifies that a more detailed traffic assessment will be undertaken at the subdivision stage to determine road reserve widths and intersection treatments.

SUMMARY CONCLUSION

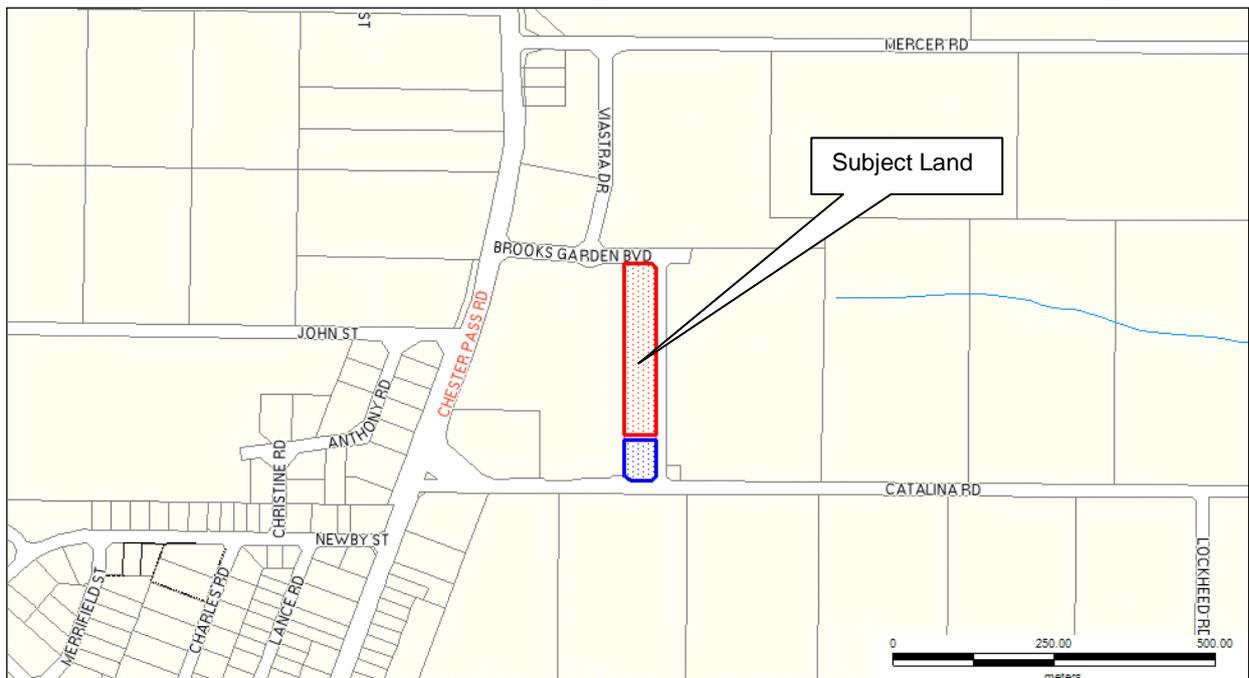
40. Submissions received as a result of the advertising process for the ODP were reviewed and some changes and additions to the conditions of development listed on the ODP have been recommended.

File Number (Name of Ward)	ODP005 (Yakamia Ward)
Disclosure of Interest	Nil
Previous Reference	OCM 15/12/2009 Item 13.5.1 OCM 14/12/2010 Item 1.4
Consulted References	Town Planning Scheme No. 3 Draft Yakamia District Structure Plan Draft Transport Model WAPC Liveable Neighbourhoods document WAPC DCP 2.3 'POS in Residential Areas' Albany Local Planning Strategy

2.3: DEVELOPMENT APPLICATION – 86 X GROUPED DWELLINGS – 35 CATALINA ROAD, LANGE

Land Description	: Lot 1005 (35) Catalina Road, Albany
Proponent	: Taylor Burrell Barnett Town Planning & Design
Owner	: King Open Pty Ltd (controller acting)
Business Entity Name	: LM Investment Ltd
Directors	: Eghard van der Hoven
Attachments	: Planning Report, Plans and Visual Perspectives
Appendices	: Acoustic Report and Engineers Servicing Report Copy of submissions Proponent's response to submissions made
Councillor Workstation	: Legal Advice x 2
Responsible Officer(s)	: E/Director Planning & Development Services (G Bride)

Maps and Diagrams:



IN BRIEF

- Grouped Dwelling proposal of 86 units arranged in six distinct groups at an approximate R50 density.
- The Mixed Business Zone in Town Planning Scheme No. 3 does not identify the acceptability/permissibility of 'Grouped Dwellings', however this is clearly intended within the adopted Catalina Central Planning Framework (Structure Plan and Precinct Plan).

**ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON
SECONDED: COUNCILLOR WOLFE**

THAT Council ISSUE a Notice of Planning Scheme Consent for 86 'Grouped Dwellings' at 35 Catalina Road, Lange, subject to the following conditions:

1) Prior to the issuing of a building licence

- A. A schedule of external materials and finishes shall be submitted to and approved in writing by the City of Albany.**
- B. A landscaping plan showing full details of both hard and soft landscaping shall be submitted to and approved in writing by the City of Albany.**
- C. The location of the crossover and means of access to the unit at the southeast corner of the development (Unit 1), closest to the intersection of Catalina Road and Stirling View Drive, will be repositioned to the satisfaction of the City of Albany.**
- D. A stormwater management plan is to be submitted to and approved by the City of Albany. Such plan shall be designed and certified by a suitably qualified practicing Civil Engineer.**
- E. Intersection treatment designs for the Catalina Road/Stirling View Drive and Brooks Garden Boulevard/Stirling View Drive intersections are required to be submitted to and approved by the City of Albany. Such plans are to be designed and certified by a suitably qualified practicing engineer with traffic engineering expertise.**
- F. Detailed engineering plans identifying all works to be undertaken within Brooks Garden Boulevard, Catalina Road and Stirling View Drive road reserves (such as the installation of on-street parking bays, drainage works, dual use paths and intersection treatments) are required to be submitted to and approved by the City of Albany.**
- G. The dual use paths surrounding the development should be increased in width to 2.5 metres.**
- H. A dust management plan is to be submitted to and approved by the City of Albany and be complied with throughout the construction of the development.**
- I. The proponent is required to provide evidence that a restrictive covenant pursuant to Section 150 of the *Planning and Development Act 2005*, preventing direct motor vehicle access onto Catalina Road and Brooks Garden Boulevard benefiting the local government has been lodged on the Certificates of Title of the subject land. The full expense for such restrictive covenant, compliance shall be borne by the landowner.**

2) Prior to occupancy of the development

- A. The following works are to be completed to the satisfaction of the City of**

Albany:

- i. Landscaping works in accordance with the approved landscaping plan (Condition 1B);
 - ii. The stormwater drainage system in accordance with the approved stormwater management plan (Condition 1D);
 - iii. All works within the road reserve in accordance with the approved engineering drawings (Conditions 1E and 1F).
- B. The new crossover(s) being constructed to the City of Albany's specifications, levels and satisfaction in accordance with drawing no. 97024 1/3. A permit from the City of Albany is required prior to any work being carried out within the road reserve.**
- C. The approved vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of the City of Albany.**
- D. All pedestrian access-ways within the subject land being constructed drained, landscaped and provided with lighting at the landowners cost to the satisfaction of the City of Albany.**
- E. Street lighting is to be provided at the Developer's cost to the satisfaction and specification of the City of Albany.**
- F. A solid wall 1.8m in height (as per the elevations submitted on Plan SD13 revision B) is to be constructed on the western boundary adjacent to the shopping centre for noise attenuation purposes.**
- G. All boundary fencing to the boundary with Stirling View Drive shall be visually permeable above a height of 1.2m above natural ground level.**
- H. All parking spaces within the development being marked out and maintained in good repair thereafter.**

CARRIED 6-3

Record of Vote

Against the Motion: Councillors J Bostock, D Bostock and Leavesley

BACKGROUND

1. The subject site is a long, narrow, relatively flat, north-south orientated lot located to the east of the Brooks Garden Shopping Centre. The lot is split in two by a pedestrian access way towards the southern end of the lot. The northern part of the lot is 13,173m² in area and the portion south of the pedestrian access way is 3,118m² in area, giving a total lot area of 16,291m². The lot is zoned Mixed Business under Town Planning Scheme No. 3.
2. There is an anomaly with the zoning table of Town Planning Scheme No. 3 in so much as the permissibility of residential type uses is not defined, with the zoning table left blank against these uses.

3. Clause 3.3 of the Scheme details the meaning behind the symbols in the development table and the permissibility of the uses within the zones. Clause 3.3 reads:

The symbols used in the cross reference in Table No. 1 following clause 3.9 and in the table appended to clause 3.7 have the following meanings:

- “P” - A use that is permitted under this Scheme;*
- “AA” - A use that is not permitted unless planning consent to it is granted by the Council after notice has been given in accordance with Clause 5.1.4.*
- “A” - A use that is not permitted unless approval is granted by the Council;*
- “IP” - A use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council;*
- “X” - A use that is not permitted.*

4. Nowhere within the Scheme is there an explanation for a blank entry within the zoning table, so it is unclear how a use with a blank entry for the zone is to be considered. For the Mixed Business zone there are four blank entries against dwelling type uses.

5. However, Clause 3.12 of the Scheme provides some assistance on this matter and reads:

Those areas zoned as ‘Mixed Business’ on the Scheme Map shall be subject to specific precinct plans as specified in clause 5.22 of the Scheme.

It should be noted that the above reference to Clause 5.22 should now read Clause 5.25 due to amendments inserting additional clauses without the cross-referencing being corrected.

6. Clause 5.25 details the requirements for development within the Mixed Business Zone as follows:

The following provisions shall apply generally to all land included in the Mixed Business Zone.

- No person shall carry out any development within the Mixed Business Zone unless such development is in accordance with a Precinct Plan which has first been adopted by Council.*
- A Precinct Plan may be prepared by the council, or by any other person who may then submit the Precinct Plan to the Council for its approval and adoption.*
- ‘Office’ developments are to be permitted only as a use incidental to the predominant land use on a site and are not to occupy an area exceeding 200 sq. metres.*
- Development of a Discount Department Store is not permissible.*

Council may require the preparation of a Structure Plan for larger mixed business areas showing the intended general development within the zone. The Structure Plan area will be divided into Precincts with a Precinct Plan to be prepared over each.

In general, a Precinct Plan may include the following;

- *The proposed use of land within the precinct;*
- *The movement network including location of roads, pedestrian and cycle paths and car parking areas;*
- *Built Form and design elements.*

In approving a Precinct Plan over an area, Council may also require, at its discretion, the preparation of detailed Design Guidelines. The detailed Design Guidelines may be required to show or otherwise describe the following;

- *Setbacks and height*
- *Building form, treatment and bulk*
- *Access and parking*
- *Windows, openings and façade treatments*
- *Loading*
- *Landscaping and public art*
- *Materials and colour*
- *Signage*

The following provisions shall apply to the land identified as the Catalina Central Mixed Business Zone:

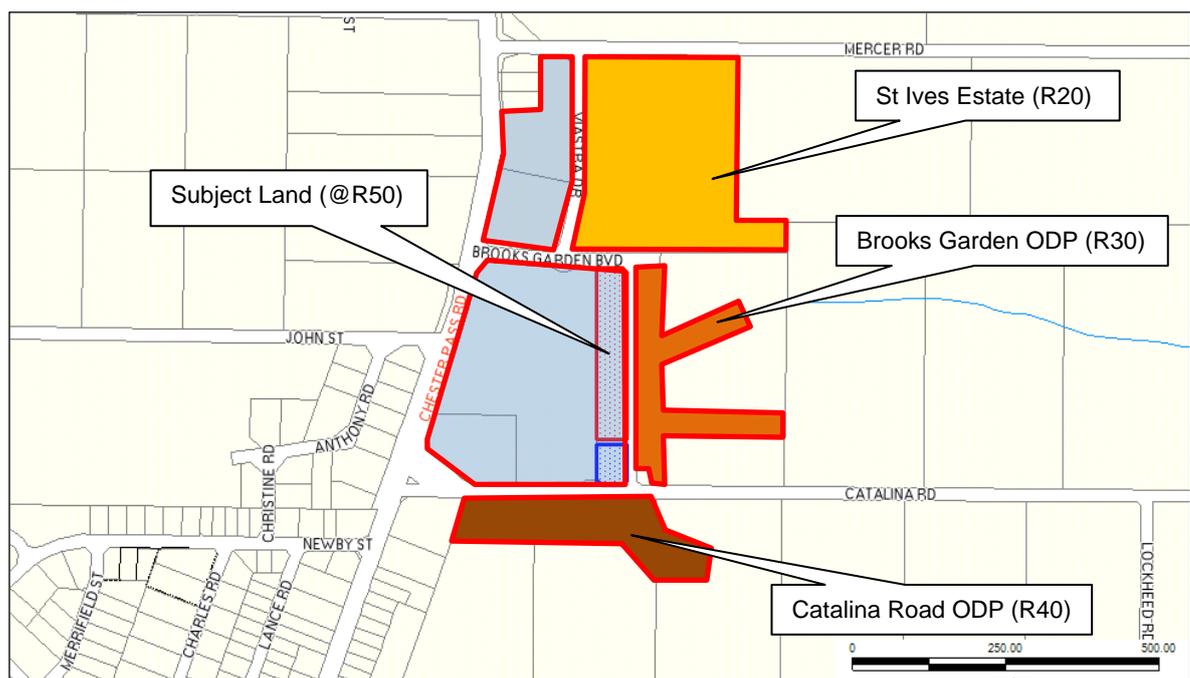
- *Preparation of a Stormwater Management Plan, to the satisfaction of Council, will be required prior to development (including subdivision).*
- *No direct access to Chester Pass Road will be permitted from any lot.*
- *No development is to be undertaken within the Catalina Central Mixed Business zone without arrangements being made to the satisfaction of the City of Albany and Main Roads Western Australia for the creation and construction of the re-aligned Catalina Road as indicated on the scheme map. A minimum separation distance of 170 metres is to be achieved between Newby Street and the re-aligned Catalina Road.*
- *The cost of all road works (including land requirements) associated with access to the site, including the realignment of Catalina Road and the provision of deceleration lanes on Chester Pass Road, is to be met by the developer.*
- *All development is to be in accordance with a structure plan adopted by Council.*

7. It is therefore considered that where a blank appears within the Mixed Business Zone column of the zoning table, one should refer to any adopted precinct plan for the relevant area to determine the permissibility of that use. The proponent has provided two legal opinions on this matter which draw the same conclusion.
8. To satisfy the requirements of Clauses 3.12 and 5.25 Council has adopted the Catalina Central Planning Framework as a precinct plan under Clause 6.9 of the Scheme.

9. The subject site falls within Precinct 1 of the Catalina Central Planning Framework. Section 4.1.2 of the Framework clearly refers to Grouped Dwellings as a proposed use within the precinct plan. Furthermore, Plan 4 shows the subject site as a Special Development Area and details requirements for residential development on the site.
10. Accordingly, Grouped Dwelling development (as proposed) can be considered for this site.
11. This application is referred to Council in accordance with the Planning Processes Guidelines as the proposal seeks consent for development of 86 Grouped Dwellings. Any Grouped Dwelling proposal exceeding 25 units is required to be referred to Council for determination.

DISCUSSION

12. Having established that Grouped Dwelling development can be considered on this site, the specifics of this proposal must be considered. As the lot is within the Mixed Business zone there is no residential density coding applied and density is not covered in the Catalina Central Planning Framework. However, given the site adjoins and forms part of a significant neighbourhood centre a higher density of development is appropriate.
13. With the proposed 86 units over a lot area of 16,291m², an average of 189.4m² of land per unit is achieved. This equates to a density similar to the R50 density which identifies an average of 180m² (which is considered to be a medium density under the R-Codes). To put this in context, the St Ives Retirement Village is being developed at an R20 density. The land to the east is proposed to be developed to a mix of R20 and R30 density, with the R30 area being directly opposite. The land to the south side of Catalina Road, within the Catalina Road Outline Development Plan (ODP) is mostly an R20 density with pockets of R40 envisaged opposite the shopping centre on the south side of Catalina Road. The map below identifies the existing or proposed residential densities within the immediate vicinity of the site.



14. Council has also previously supported an increase in density immediately adjacent to the Spencer Park neighbourhood shopping centre with densities of R60 and R80. Given the subject land will be the closest residential development to the Brooks Garden neighbourhood shopping centre it is considered that a density comparable to the R50 code is an appropriate level of density making the most efficient use of the land.
15. In order to assess the development against the R-Codes the R50 density code has been used as a guide as identified in the following table.

Assessment against the Acceptable Development Criteria of the Residential Design Codes (R-Codes)

Criteria	Codes Requirement	Compliance
Setback of building generally (using R50 as guide)	<ul style="list-style-type: none"> 4m average primary street setback, with 2m minimum setback. 	Yes, meets average setback and no encroachments are less than 2 metres from boundary.
Minor incursions into the street setback area	<ul style="list-style-type: none"> Porch, balcony, verandah, chimney etc not to project more than 1m into the street setback. Such projections not to exceed 20% of the frontage. 	Not Applicable. No such features proposed.
Setback of garages and carports	<ul style="list-style-type: none"> Behind setback line Garages setback 4.5m from primary street or 3m where parallel to street 	Direct access garages are setback 5.5m and meet acceptable standard, however parallel garages are setback 2m (refer Paragraph 17).
Surveillance of the street	<ul style="list-style-type: none"> One habitable room window has clear view of street 	Yes. All dwellings facing Stirling View Drive and private internal access ways have at least one habitable room window facing street/access way. Some units are located behind units facing the street and internal access ways and these units would not technically meet this requirement. Consideration under the performance criteria required (refer Paragraph 18 and 19).
Street walls and fences	<ul style="list-style-type: none"> Front walls and fences within the primary street setback area being visually permeable above 1.2m above natural ground level. 	Yes, open style fencing to primary street to provide passive surveillance.

Criteria	Codes Requirement	Compliance
Sight lines at vehicle access points and street corners	<ul style="list-style-type: none"> Walls & fences truncated or no higher than 0.75m within 1.5m of where wall/fence adjoins vehicle access points where a driveway meets a public street and where two streets intersect. 	No, within Village 1 the unit closest to Catalina Road has open railing fence up to 1m high immediately adjacent to driveway (refer Paragraph 20).
Garage doors	<ul style="list-style-type: none"> Garage doors and supporting structure not to exceed 50% of the frontage 	Yes, only single garages proposed with five (5) facing the primary street.
Building setback from the boundary	<ul style="list-style-type: none"> In compliance with R-Codes table based on wall length and height with or without major openings. Generally 1 – 1.5m 	General setback is greater than 1.5m. However, garages along the west boundary are located on the boundary as part of the acoustic boundary treatment. Refer paragraph 21.
Buildings on boundary	<ul style="list-style-type: none"> Walls built up to a boundary behind the front setback line within the following limits, subject to the overshadowing provisions of design element 6.9: ... iii) in areas coded R30 and higher, walls not higher than 3.5m with an average of 3m for two-thirds the length of the balance of the boundary behind the front setback to one side boundary only. 	The garages referred to above are on the rear boundary, but otherwise comply with this requirement.
Open Space (areas not covered by buildings)	<ul style="list-style-type: none"> 45% minimum open space. 	Yes, 45% equates to 7331m ² . The proposal gives 8644m ² of open space which equates to 53%.
Outdoor Living Areas	<ul style="list-style-type: none"> Minimum 16m² with minimum dimension of 4m. Directly accessible from a habitable room with two-thirds without roof covering. 	No, six(6) units facing Stirling View Drive have an area only 3m in depth towards the road although they exceed 4m in length (refer Paragraph 22).
Landscaping requirements	Landscaping of grouped dwelling common property and communal open spaces	

Criteria	Codes Requirement	Compliance
	<p>in accordance with the following:</p> <ul style="list-style-type: none"> • Street setback developed without parking, except visitor bays and with a maximum 50% hard surfaced; • Pedestrian paths providing wheelchair accessibility connecting all entries to buildings with the public footpath and parking areas; • Landscaping between each consecutive parking spaces; • Lighting to pathways, communal open space and parking areas; • Bin storage areas conveniently located and screened from view; • Retention in open space of trees greater than 3m in height; • Adequate sight lines for pedestrians and vehicles; • Clear line of sight between communal open space and at least two habitable room windows; • Clothes drying areas which are secure and screened from view; • Unroofed visitor's parking bays effectively screened. 	<ul style="list-style-type: none"> • No, 50% hard surface is exceeded (refer Paragraph 23). • Yes, differing surface treatment denotes pathways. • Yes. • Not shown, but can be conditioned. • Yes. • Not applicable as no existing trees onsite. • No, the close proximity of the crossover for Unit 1 from intersection of Catalina Road and Stirling View Drive is of concern. This can be addressed through the application of a condition. • Yes. • Yes. • Locations of parking and landscaping considered appropriate to meet this requirement.
Parking (onsite & offsite)	<ul style="list-style-type: none"> • 2 parking spaces for 2 and 3 bedroom dwellings with one for exclusive use 	<ul style="list-style-type: none"> • No. 154 bays have been provided on site for resident parking which is 8 bays

Criteria	Codes Requirement	Compliance
	<p>of that dwelling. A total of 152 bays needed for 76 of these dwelling types. One parking space per Single bedroom dwellings. A total of 10 bays required for these 10 dwelling types. A total of 162 bays required. Visitor parking at a rate of one space per four dwellings which equates to 22 visitor bays. A total of 184 parking bays are required.</p> <ul style="list-style-type: none"> • Some or all of the required parking spaces may be located off-site, where the parking is sufficiently close to ensure use by residents and/or visitors. 	<p>short, however an additional 31 bays are provided on the street which delivers a total of 185 bays meeting the overall requirements of 184 bays. Each unit has one dedicated space. As a portion of the parking requirement has been achieved via on street parking Council discretion is required to consider parking provision as discussed in Paragraph 26.</p> <ul style="list-style-type: none"> • This is considered to comply as on-street bays are within close proximity of units given narrow width of subject land.
Vehicular access	<ul style="list-style-type: none"> • Minimum width of 4m where the number of dwellings served is five or more; • Designed to allow vehicles to pass in opposite directions at one or more points. 	<ul style="list-style-type: none"> • Minimum width of 4 metres achieved. • In excess of 6 metres at various points to allow vehicles to pass in opposite directions.
Pedestrian access	<ul style="list-style-type: none"> • Communal access serving 10 dwellings or more to have a separate pedestrian path minimum 1.2m wide and barrier free; • No closer than 3m to a wall with a major opening, unless screened. 	<ul style="list-style-type: none"> • Yes, demarcated through different surface treatment. • Where the path is close to units there is a minimum setback 1.5-2m that will be landscaped.
Excavation or Fill	<ul style="list-style-type: none"> • Within street alignment and building or 3m of street alignment or 1m of a common boundary, not to exceed 0.5m 	<ul style="list-style-type: none"> • Yes, no significant filling proposed as working with minor natural slope. Minimal levelling may be required.

Criteria	Codes Requirement	Compliance
Building Height	<ul style="list-style-type: none"> Category B of the R-Codes (buildings to be less than 9m in height to gable and 6 m to eaves or 7m with a concealed roof such as parapet). 	<ul style="list-style-type: none"> Yes, development proposed is all regular proportion single storey units with roof height of 5.2m and internal ceiling heights of 2.7m.
Solar access for adjoining sites	<ul style="list-style-type: none"> Development designed so its shadow cast at midday on 21 June does not exceed 50% of any one adjoining residential lot. 	<ul style="list-style-type: none"> Yes, this is single storey development on a large lot bounded by public roads and the shopping centre service road. There are no adjoining residential lots.
Stormwater disposal	<ul style="list-style-type: none"> Where conditions allow to be retained onsite directed to garden areas, sumps and rainwater tanks. 	<ul style="list-style-type: none"> Each unit is proposed with a rainwater tank. Onsite storage pits are also proposed.
Essential facilities	<ul style="list-style-type: none"> Minimum 4m² storage area with minimum dimension of 1.5m; Adequate clothes drying area screened from view from street 	<ul style="list-style-type: none"> Yes, each unit has an external lockable storage area. Each unit is provided with space for clothes drying in a private area.

16. There are parts of the R-Codes where this proposal does not meet the acceptable development criteria and consideration under the performance criteria or associated relaxations are required.

Setback of garages and carports

17. Some garages are orientated parallel to Stirling View Drive and setback 2m rather than 3 metres as specified under the acceptable criteria of the R-Codes. It should be noted that there are only three such occurrences in the 340m frontage of the subject lot. With significant distances and landscaping between these garage side walls, it is considered that the three parallel garages would not detract from the streetscape or the appearance of the dwellings in the street. Given the overall development pattern proposed these garages will not obstruct views of the dwellings from the street or vice versa. This is considered by staff to comply with the performance criteria of this element of the R-Codes.

Surveillance of the street

18. The intention of this element is to ensure security or the perception of being observed whilst on the street or in communal areas. With the layout of this higher density development, some units are located to the rear of other units without direct line of sight to the public road or communal street.

19. Although these units do not contribute directly to surveillance of the street, the other units within the development are considered to provide adequate surveillance, such that staff consider the performance criteria is satisfied.

Sight lines at vehicle access points and street corners

20. The unit proposed in the southeast corner of the subject site (Unit 1) is the only area of non-compliance with the acceptable development criteria of this element of the R-Codes. Although having said this with the boundary fence proposed as an open style railing and no landscape planting indicated behind the railing, visibility would be acceptable to meet the performance criteria requirement.

Buildings setback from the boundary / Buildings on boundary

21. The only elements of the development that do not meet standard boundary setbacks required under the R-Codes are the garages positioned along the western boundary. However, as part of noise attenuation measures identified in the Catalina Central Planning Framework, a solid wall is proposed along most of this boundary to help shield the residential development from noise associated with the shopping centre. Having the garage walls as part of this required boundary treatment makes effective use of space onsite and enhances the amenity and privacy of occupiers of the development. This meets the performance criteria of the R-Codes.

Outdoor living areas

22. Six of the eighty-six units proposed have outdoor living areas that do not meet the minimum 4m length/width requirement, having dimensions of 8m x only 3m. As the other dimension exceeds the 4m minimum and the overall area is in excess of the 16m² of space required it is considered that the areas are capable of use in conjunction with a habitable room and therefore meets the performance criteria of this element of the R-Codes.

Landscaping requirements

23. More than 50% of the street setback of common property is hard surfaced because the common property in question is the access legs serving the development. This is mostly due to the shape of the lot presenting its primary frontage to Stirling View Drive. Although more than 50% of the common property is hard surfaced, this is more than offset by the soft landscaped garden areas of the units that are visible from the street. This meets the needs of the residents and contributes significantly to the streetscape and therefore meets the performance criteria of the R-Codes in this respect.

Traffic Considerations and Parking

24. The City's officers have concerns over the location of the driveway for Unit 1 being too close to the intersection of Catalina Road and Stirling View Drive and have recommended the driveway is repositioned further to the north. The proponents have advised they are agreeable to this and requested that a re-design be conditioned as a requirement on any approval.

25. The City's officers have also requested that the identified public footpaths be widened to 2.5m dual use paths and appropriate intersection treatments be designed for the Catalina Road/Stirling View Drive and the Brooks Garden Boulevard/Stirling View Drive intersections. Again the proponents are liaising with the City on these requirements and have requested these be the subject of appropriate conditions.
26. In relation to parking it is considered reasonable that 31 parking bays are located on the street to provide visitor parking. The R-Codes do allow on-street parking bays to be included in the overall parking calculation if Council is supportive of such parking. In this instance the bays will assist in providing a traffic calming function to reduce vehicle speeds on Stirling View Drive which is a relatively flat and straight road and together with parking bays on site meets the overall parking requirement of 184 bays.

Noise Attenuation

27. The Catalina Central Planning Framework requires a minimum separation of 27 metres between the shopping centre and residential development on the subject land. The residential development is setback 30.3 metres from the rear wall of the shopping centre and meets this requirement. An acoustic assessment submitted by Herring Storer Accoustics which involved the monitoring of noise associated with the adjacent loading dock revealed that compliance with the regulation noise levels as per the *Environmental Protection (Noise Regulations) 1997* would be achieved. Further mitigation measures including the construction of a solid 1.8m high wall would have the effect of lowering noise levels further. Double glazing of windows is not considered necessary based on the acoustic assessment.

GOVERNMENT CONSULTATION

28. The development proposal is consistent with the Catalina Central Planning Framework which has previously been considered by all relevant government agencies.

PUBLIC CONSULTATION / ENGAGEMENT

29. Given the scale of the development, wide public consultation was undertaken with letters sent to all landowners within 500m of the site. A total of 36 consultation letters were sent out on 7 July 2011. In addition, an advertisement for the proposal appeared in the Public Notices section of the Albany Advertiser on 14 July 2011. Any submissions or responses commenting on the proposal were to be received by 4 August 2011.
30. Two responses were received; one on behalf of Centro (shopping Centre operators) and the other from a local landowner.
31. The submission on behalf of Centro, whilst not objecting to the proposed development, seeks assurances that this development will not impact on the future development of the neighbouring shopping centre site. This relates to the minimum 27m setback separation distance between the shopping centre and any adjoining residential development. This requirement is contained within the Catalina Central Planning Framework, but clarifies that the setback must be considered at the time of building the shopping centre site. Therefore the design and positioning of any further shopping centre facilities must take this into account and allow for the residential development.

32. The submission from the local landowner queries the suitability of residential development on this site as well as raising concerns with the integrity of the noise assessment. The submission further raises the issue of stormwater runoff and the existing impacts of the attenuation basin as part of the existing drainage system dealing with runoff downhill from this site.
33. Since the inception of the Catalina Central Planning Framework it is clear that medium density residential development has been intended for this site. The location of medium density residential development in close proximity to neighbourhood centres is an established planning objective.
34. In relation to noise issues, an acoustic consultant did visit the site and recorded the noise levels associated with the unloading activities at the shopping centre. The consultant found that the noise associated with the shopping centre as outlined by the shopping centre manager and measured on site during the 29 and 30 March 2011 would comply with the regulation noise levels.
35. The issue of stormwater and pre-development flows from the site will need to be addressed via the stormwater management plan which will be undertaken by a qualified civil engineer for this development. The provision of water tanks and onsite infiltration will retain a significant amount of stormwater on site, with the remaining water being directed into the existing drainage system. The consultant engineer have provided the following commentary in relation to the stormwater issues raised in this submission:

“The original stormwater management plan was undertaken by Arup and indicated separate catchment areas in the Brooks Garden development. This report was subsequently reviewed by Opus at the request of Council and accepted by Council.

The issue of stormwater quantity increasing as development proceeds on Brooks Garden site is correct but this additional stormwater is attenuated in the existing pond. The outflow from this pond is controlled and does not change only that it will discharge for a longer period once the development has been completed.”

STATUTORY IMPLICATIONS

36. As explored in the background section at the start of this report the permissibility symbol for ‘Grouped Dwellings’ within the Mixed Business zone is missing from the zoning table of Town Planning Scheme No. 3. However in the absence of a permissibility symbol, the clauses relating to the Mixed Business Zone within the Scheme (Clauses 3.12 and 5.25) as outlined above, empower a Precinct Plan (the Catalina Central Planning Framework) to identify land use mix. The Catalina Central Planning Framework has always identified grouped dwellings on the subject site. The proponent has provided two legal opinions to this effect.
37. Clause 5.4 of the Scheme details the matters to be considered by Council and states:

- 5.4 *The Council in considering an application for planning consent is to have due regard to such of the following matters as are in the opinion of the Council relevant to the use or development the subject of the application:*
- (f) *any Town Planning Scheme Policy adopted by the Council under clause 6.9, and any other plan or guideline adopted by the Council under the Scheme;*
 - (i) *the compatibility of a use or development with its setting;*
 - (o) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
 - (p) *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring, and parking of vehicles;*
 - (y) *any relevant submission received on the application;*
 - (zb) *any other planning consideration the Council considers relevant.*

STRATEGIC IMPLICATIONS

38. This item relates directly to the following element of the City of Albany Strategic Plan (2011-2021):

Key Focus Area

Sustainability and Development

Community Priority

A sustainable future

Proposed Strategy

Advocate for an affordable housing supply.

POLICY IMPLICATIONS

39. Council has adopted the Catalina Central Planning Framework as a precinct plan policy under Clause 6.9 of the Scheme.
40. This policy clearly indicates that a grouped dwelling development is intended for this site. This proposal meets the aims, objectives and intentions of the Catalina Central Planning Framework.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Should Council decide not to endorse the recommendation, the proponent may lodge an application for review to the State Administrative Tribunal.</i>	<i>Likely</i>	<i>Insignificant</i>	<i>Low</i>	<i>Entirely dependent on Council.</i>

FINANCIAL IMPLICATIONS

42. The appropriate planning fee has been paid by the proponent and staff have processed the proposal within existing budget lines.

LEGAL IMPLICATIONS

43. Should Council refuse the development the proponent has the ability to seek review of Council’s decision at the State Administrative Tribunal (SAT) which would involve legal costs for the City.
44. The one factor affecting the proposal that is not expressly clear is the permissibility of ‘Grouped Dwellings’ in the Mixed Business zone of Town Planning Scheme No. 3, where a blank entry appears in the zoning table. Legal opinions provided by the proponent advises that in the absence of a permissibility symbol the Catalina Central Planning Framework, which represents the adopted Precinct Plan for the purposes of the Scheme should be used to guide Council’s discretion in this instance. The Catalina Central Planning Framework identifies grouped dwellings over the subject land.

ALTERNATE OPTIONS

45. Council has the ability to approve or refuse the development, in addition to modifying or adding any of the proposed conditions within the officer recommendation.

SUMMARY CONCLUSION

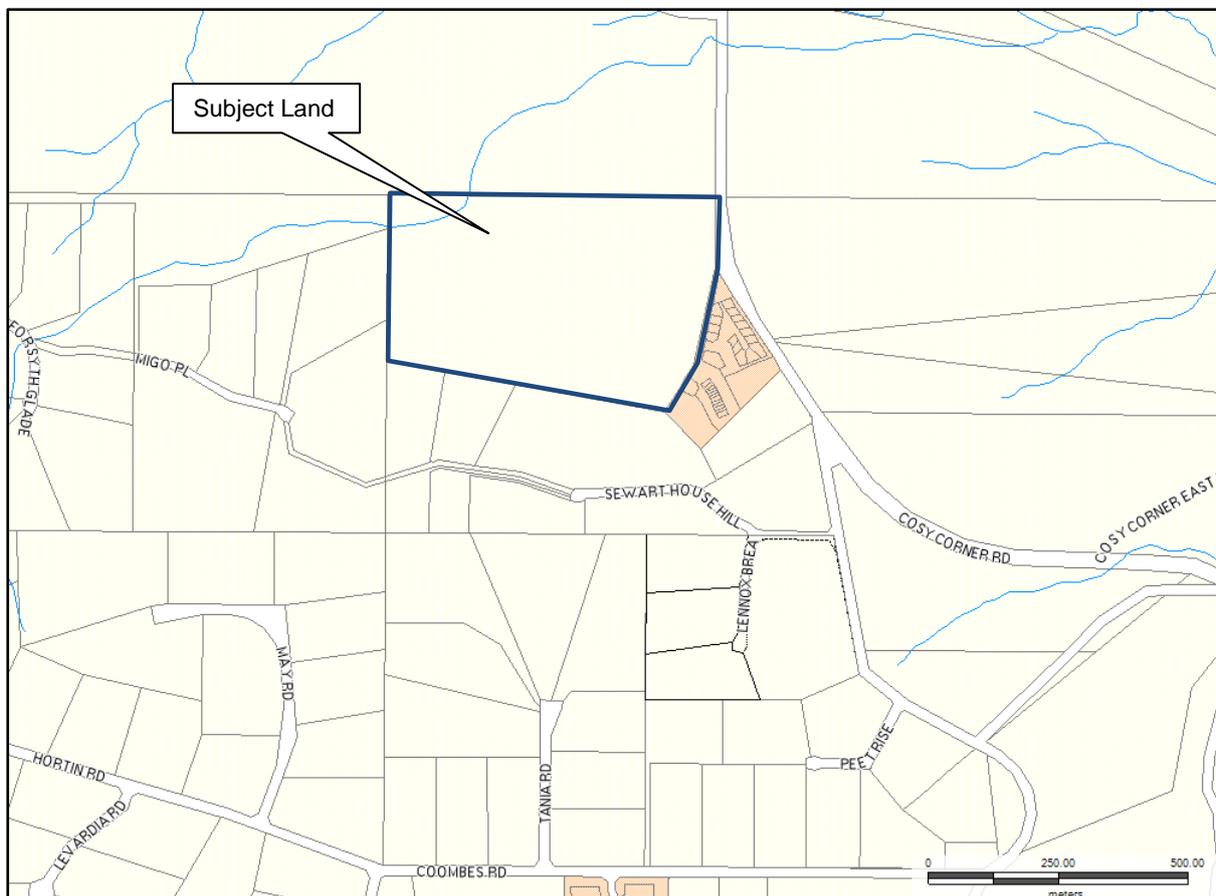
46. This application is for a grouped dwelling development at an approximate density equivalent to R50. Given the proximity of the development to the Brooks Garden neighbourhood shopping centre, it is considered that the density envisaged for the site is appropriate and is not out of keeping with the R40 and R30 density planned to the south and east of the subject land which are further removed from the shopping centre.
47. Subject to such conditions the proposal is considered acceptable and is recommended for approval.

Consulted References	Residential Design Codes of Western Australia Town Planning Scheme 3 Catalina Central Planning Framework Liveable Neighbourhoods 2007
File Number (Name of Ward)	A209460 (Yakamia Ward)
Previous Reference	Nil

2.4: INITIATION OF AMENDMENT – LOT 4 COSY CORNER ROAD, KRONKUP

Land Description	: Lot 4 Cosy Corner Road, Kronkup
Proponent	: Craig Pursey Planning
Owner/s	: A.H. and P. R. London
Business Entity Name	: Trading as 'Torbay Olives'
Attachment(s)	: Proposed Subdivision Guide Plan
Appendices	: Amendment Document (AMD308)
Councillor Workstation	: Fire Management Plan Land Capability Assessment
Responsible Officer(s)	: E/Director Planning and Development Services (G Bride)

Maps and Diagrams:



IN BRIEF

- Determine whether to initiate the proposed Scheme Amendment to rezone Lot 4 Cosy Corner Road, Kronkup from the 'Rural' zone to the 'Special Rural' zone.
- It is recommended that the amendment be initiated with modifications.

**ITEM 2.4: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR WELLINGTON**

THAT, subject to the following modifications being made;

- i. The wording of proposed provision 11.0(d) being deleted and replaced with a new provision stating that *“at the time of subdivision Council may recommend that a Section 70A notification be placed on titles of Lot U, V, W, X and Y advising future purchasers that they may be affected by the operations associated with existing farming activities in the area inclusive of the Olive Grove on Lot T”*;
- ii. The building envelope on Lot V being repositioned to the west to ensure no portion of the building envelope is within 60 metres of the lot boundary associated with Lot T (lot associated with the Olive Grove) and an area of revegetation being identified on the eastern boundary of Lot V; and
- iii. a new provision being placed in the special provisions for Special Rural Area No. 30 stating that *“future buildings to be placed on Lot W and X are to be constructed to Bushfire Attack Level (BAL) 19 under Australian Standard 3959 – Buildings in Bushfire Prone Areas”*,

Council Resolves to INITIATE Amendment No. 308 to Town Planning Scheme No. 3 in pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 25(1)c* of the *Town Planning Regulations 1967*, for the purposes of:

- 1) Rezoning Lot 4 Cosy Corner Road, Kronkup from the Rural zone to Special Rural zone and amending the Scheme Maps accordingly;
- 2) Including Lot 4 Cosy Corner Road, Kronkup in Special Rural Area No. 30, Schedule 1 – Special Rural Zones – Provisions Relating to Specified Areas;
- 3) Amending Schedule I – Special Rural Zones – Provisions Relating to Specified Areas, Special Rural Area No. 30 by amending provisions 4.1 and, 10.4;
- 4) Amending Schedule I – Special Rural Zones – Provisions Relating to Specified Areas, Special Rural Area No. 30 by deleting provision 5.1 (a); and
- 5) Inserting provision 3.3 (d) and 11.0 (d) in Schedule I – Special Rural Zones – Provisions Relating to Specified Areas Schedule, Rural Area No. 30.

CARRIED 8-1

Record of Vote

Against the Motion: Councillor J Bostock

BACKGROUND

1. Amendment No. 308 proposes to amend Town Planning Scheme (TPS) No. 3 by rezoning Lot 4 Cosy Corner Road, Kronkup from the ‘Rural’ zone to the ‘Special Rural’ zone.
2. The amendment is also proposing the following additional uses on one of the proposed lots;
 - a. Maximum 3 chalets;
 - b. Craft Studio
 - c. Cafe /Restaurant or Country Kitchen
 - d. Horticulture
 - e. Garden Centre
 - f. Sales outlet for Olive Grove

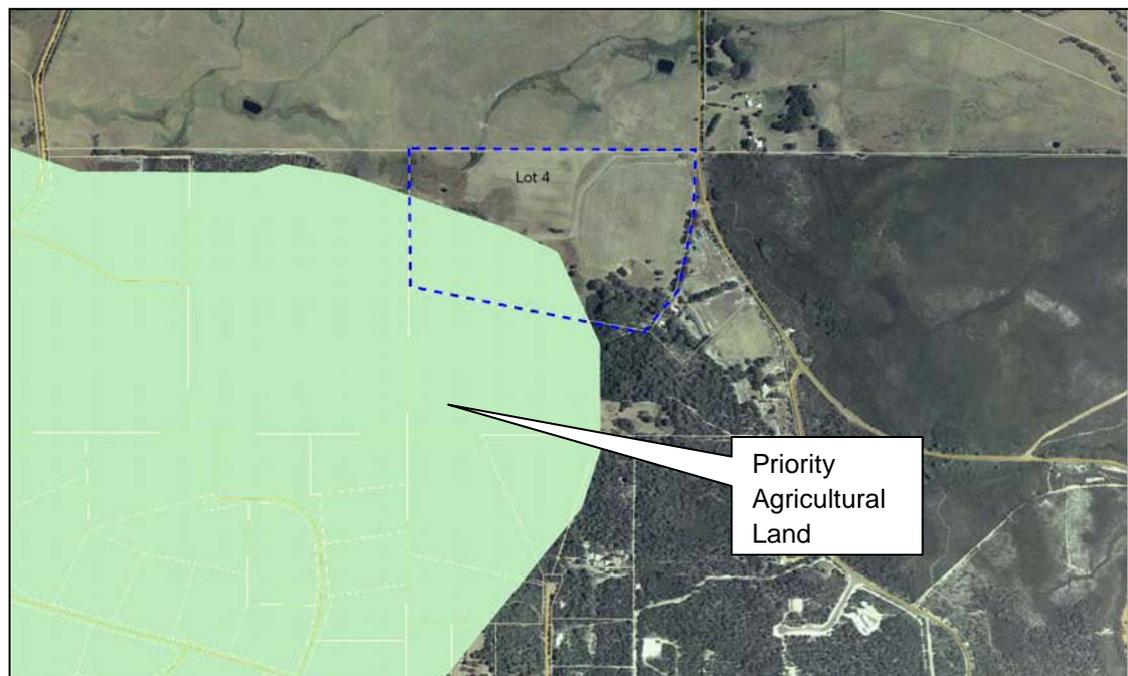
3. A Scheme Amendment Request (SAR149) proposing the rezoning of Lot 4 Cosy Corner Road, Kronkup from the 'Rural' zone to the 'Special Rural' zone was lodged with Council in September 2010.
4. Council considered SAR 149 at its Ordinary Meeting on 15 March 2011 and resolved to support the formal submission of a Scheme Amendment and to include the subject land within the boundary of the Torbay Hill Town Site when the ALPS is next reviewed.
5. The support of a formal submission of a Scheme Amendment is subject to the following matters being addressed and/or included as part of that formal amendment application:
 - a. An Agricultural Impact Statement (as per SPP 2.5, Appendix 3) being prepared by a suitably qualified professional to determine the impact of the proposal on existing agricultural operations and whether sufficient separation distances between building envelopes and existing rural activities, inclusive of the Olive Grove, are appropriate.
 - b. A land capability report being prepared to determine that the proposed building envelopes are capable of supporting the development envisaged.
 - c. A Fire Management Plan being prepared to determine whether there is sufficient separation between the proposed building envelopes and the vegetated areas.
6. To address the matters outlined above, the proponent provided a land capability report and a fire management plan as part of the amending document. An agricultural impact statement was also provided consistent with Part 2 (Land Use Conflict) of Appendix 3 within SPP2.5 which addresses the impact of the proposal on existing agricultural operations (grazing to the north and the Olive Grove) and separation distances between building envelopes and existing rural activities as requested by Council.

DISCUSSION

7. The subject land is zoned 'Rural' and has a total land area of 22.73 hectares and forms part of Torbay Hill, sloping down to the Kronkup flats along its northern boundary. Minor hills and drainage lines dissect the property. The subject land slopes down from a high point of 76m AHD in the south west corner of the lot to a low point of 30m AHD in the north eastern corner of the lot.
8. The subject land is currently developed with an olive grove, a single residence and a number of sheds used as outbuildings to the residence and as storage for farm equipment and olive oil reserves. The land is used for rural purposes with the olive grove producing limited commercial quantities with the remainder of the lot being grazed with cattle. There are large areas revegetated with native vegetation and a karri forest in the south eastern corner of the property.
9. Surrounding land uses include the following;
 - the land to the north is used for agricultural purposes (grazing of cattle);
 - the land to the south and west is being used for rural residential purposes and the land adjoining the site to the east is used as the Torbay Motel, chalets and a general store and cafe.

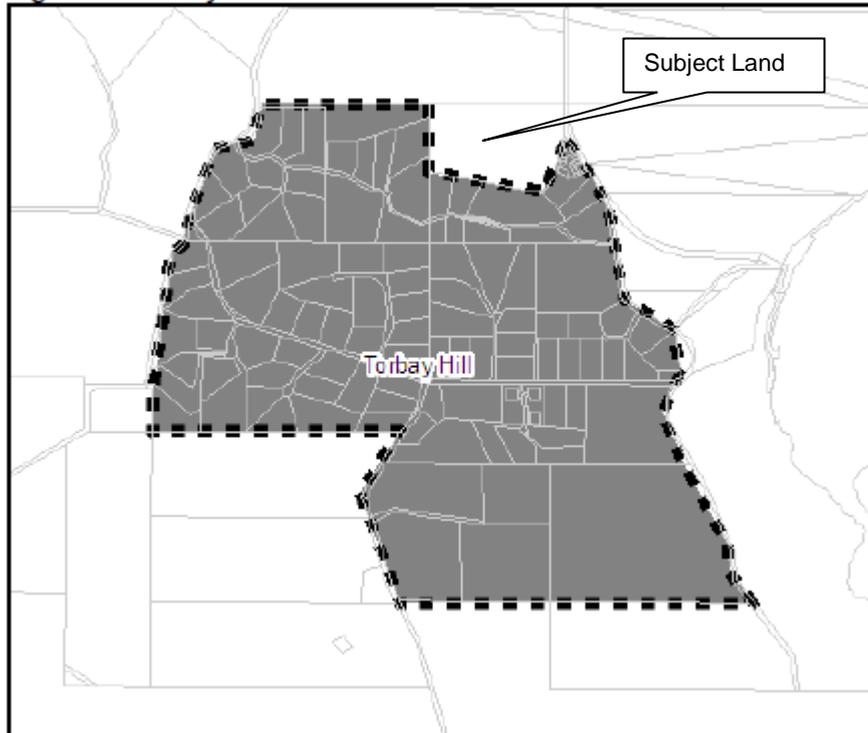
10. The subject land shares the same characteristics as the remainder of Torbay Hill with some cleared areas and large areas of remnant vegetation.
11. The introduction of additional dwellings contemplated under the proposal should not have a detrimental impact on the amenity of the area, as the area is already characterised by this type of development. The provision of a landscaped strip along the property's northern boundary is proposed; this will serve as a vegetated buffer to the large grazing areas to the north and as a visual buffer to Torbay Hill when viewed from Cosy Corner Road.
12. The subject land will be incorporated into the neighbouring Special Rural Area No. 30 with a subsidiary Subdivision Guide Plan (SGP) for the subject land carrying through the same terminology and information applicable to the existing SGP for Special Rural Area No. 30. The amendment seeks to modify the existing special provisions for Special Rural Area No. 30 in the following manner:
 - Clarifying that 'new' intensive agricultural pursuits are not permitted, recognising the existing Olive Grove operation;
 - Identifying that on Lot W as per the Subdivision Guide Plan, an alternative treatment effluent disposal system is required in accordance with the recommendations of the land capability study;
 - Introducing some additional uses that are permitted on Lot T (lot with the existing Olive Grove) including Chalets (maximum of three), Craft Studio, Cafe/Restaurant, Horticulture, Garden Centre and Sales Outlet for Olive Grove; and
 - Notifications to potential purchasers of the new lots identifying that they may be subjected to nuisance impacts associated with noise from the existing Olive Grove operations.
13. The proponent has stated that creating a retail outlet for the olive grove, with complimentary activities such as a café and chalets would support the economic viability of the olive grove and support the Torbay Hill Rural Village centre and the adjacent holiday accommodation. These uses will provide for an additional tourist experience at the Olive Grove and is supported by staff.
14. The small scale tree nursery on the site grows local endemic species for revegetation works in the locality. Trees are grown to 1-1.5m high and sold in bags from a separate entry to the property on Cosy Corner Road. This use is also complimentary to the organic farming methods of the olive grove and gives people another reason to visit the Torbay Hill Rural Village.
15. The proponent has detailed the operational activities associated with the Olive Grove and believes the potential for land use conflict is limited as the operation involves:
 - limited hand spraying (with no associated spray drift);
 - a short annual harvesting period of 10 days (with use of an air compressor and hand rakes); and
 - pruning by hand or battery powered sabre saw and pest control measures being applied once a year direct to the trees (application of white oil which is an organic pest control measure with no detrimental health effects).

16. The proponent has identified a minimum noise separation distance of 60 metres from any dwellings to the Olive Grove. This distance is recommended for such activities within the *Queensland Department of Natural Resources Planning Guidelines: Separating Agricultural and Residential Land Uses (August 1997)* which is identified in Western Australian Planning Commission Planning Bulletin 63 (*Policy for dealing with potential conflicts between residential subdivision and market gardens in East Waneroo*). The proponent has also recommended that potential purchasers be advised in writing by the owner of the existence of the Olive Grove operations associated with the Olive Grove on the purchase of the new lots, however this form of notification is broken once the original purchaser on sells their property. It is recommended that a Section 70A notification be placed on the titles of the proposed lots.
17. The Fire Management Plan submitted with the application identifies that the future dwellings on Lots W and X will need to be constructed to Bushfire Attack Level (BAL) 19 construction under Australian Standard 3959 – Buildings in Bushfire Prone Areas. A provision to this affect should be included within the special provisions for Special Rural Area No. 30.
18. The Land Capability Assessment identified a number of constraints including a creek line in the north western corner of the site requiring a 30 metre development setback and areas subject to water logging which have been avoided by the positioning of building envelopes outside of these areas. Soil testing and an assessment of winter ground water levels were carried out which revealed that the identified building envelopes can support dwellings and effluent disposal systems; Lot W will require an alternative treatment effluent disposal system (ie. ecomax/biomax system).
19. The subject land is within an area that is identified by the ALPS as Priority Agricultural land. Detailed mapping from the Department of Agriculture and Food WA (DAFWA) identified that only the south-west corner of the site was identified as 'Priority Agriculture'. The existing priority agricultural cell in this locality, being to the west and south of the subject land, is situated over existing special rural allotments, and due to their size and zoning do not support intensive agriculture. For these reasons it is clear that the proposal would not detrimentally impact existing or future agricultural production in the immediate locality.



20. The subject land is not within the Townsite Boundary as per Figure 19: Torbay Hill (refer below) and Table 5 of the ALPS recommends no further expansion of the Town Site.

Figure 19: Torbay Hill.



21. The proponent has stated that the inclusion of the subject land into the same zoning (Special Rural) as surrounding land parcels to the west and south would be a logical 'rounding off'. In relation to precedent concerns the proponent states:
- This property shares the same land characteristics as the existing special rural development (being the last property before the land flattens off into the Kronkup flats);
 - The land is surrounded by non-rural land uses on three sides;
 - The land is virtually the last smaller lot in the immediate area capable of being developed for rural residential purposes. Nearby land that is not located on the flats is designated as Priority Agriculture and is of a size capable of being further developed for agricultural purposes.
 - Hortin Road forms a boundary to rural residential development to the west. Cosy Corner Road forms a logical boundary to the east.
22. The boundaries of the Torbay Hill townsite (as identified in Figure 19 above) appear to have been based on the existing special rural areas that were in place at the time or were in the final stages of a scheme amendment process. The subject land, being zoned 'Rural' and identified as suitable for Priority Agriculture use in the ALPS, was therefore excluded. The proponent has identified that with the exception of the subject land being outside of the townsite boundary, the proposal meets all relevant objectives of the ALPS as it relates to the creation of Rural Living areas as:

- The land will not create an 'additional' rural townsite;
 - The small portion of the land is affected by the priority agricultural land designation, however the balance of this cell is over existing special rural lots, and therefore the proposal will not detrimentally affect opportunities for priority agriculture. The proposal will also retain the Olive Grove.
 - The land is not in an area of extreme bushfire risk and is not subject to flooding.
 - The land is beyond the area identified in ALPS as future urban or long term residential.
23. Table 5 within the ALPS identifies no additional growth for the Torbay Hill town site, and states that a maximum yield of 100 lots is envisaged. The number of existing and proposed lots within the town site boundary, as defined by Figure 19 of the ALPS, is approximately 102 (which includes the final yield identified in the relevant subdivision guide plans for the existing special rural areas). The proposal to add six additional lots would have a marginal impact on the maximum lot yield envisaged for the town site.
24. Whilst the land is not included within the boundaries of the Torbay Hill town site, the proposal meets all other relevant objectives identified within the ALPS, and it is recommended that the proposal be supported.

GOVERNMENT CONSULTATION

25. Should Council initiate the Amendment and the Environmental Protection Authority decides not to assess the proposal, the Amendment will be referred to all relevant Government agencies for assessment and comment.
26. As part of the Scheme Amendment Request process, support was received from the Albany Office of the Department of Planning, Health Department WA, Department of Water and the Water Corporation.
27. The Department of Agriculture and Food did express some concerns that the proposal could set a precedent for the subdivision of rural land elsewhere within the City and that should the proposal proceed, buffers should be imposed to minimise landuse conflict.

PUBLIC CONSULTATION / ENGAGEMENT

28. Should Council initiate the Amendment and the Environmental Protection Authority decides not to assess the proposal, the Amendment will be advertised to all affected and surrounding landowners. A sign will be placed on site and a notice will also be placed in the local newspaper inviting comment.

STATUTORY IMPLICATIONS

29. All Scheme Amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
30. Council's resolution under Section 75 of the *Planning and Development Act 2005* is required to amend the Scheme.

31. An Amendment to a Town Planning Scheme adopted by resolution of a Local Government must then be referred to the EPA for assessment.
32. Advertising of an Amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the Amendment is environmentally acceptable.
33. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

STRATEGIC IMPLICATIONS

34. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021):

Key Focus Area

Sustainability and Development

Community Priority

A sustainable future

Proposed Strategies

Establish satellite township hubs in areas such as Young's Siding, Redmond, Manypeaks and Wellstead to provide services (*basic shopping necessities and recreational areas*).

35. Council's decision on the Scheme Amendment should be consistent with the objectives of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.
36. Section 8.3.1 – *Strategic Settlement Direction* sets the following Strategic Objective:

“Facilitate and manage sustainable settlement growth for the urban area in the City of Albany”.

This objective is supported by a set of aims that have been devised to contain the spread of fragmented urban and rural living areas in the City. They are as follows:

- *Providing for growth in urban areas, rural townsites and rural living areas as designated in ALPS.*
- *Minimising the development footprint on the landscape to help protect biodiversity and the environment.*
- *Promoting energy conservation.*
- *Providing greater housing choice.*
- *Minimising journey length from home to work/school/services and encouraging the use of public transport, cycling and walking.*
- *Reducing government expenditure on servicing current and future populations.*

37. Section 8.3.5 – *Rural Living* sets the following Strategic Objective in the ALPS:

“In the long term encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential.”

The ALPS expands on this by stating that: “The strategy’s objectives for Rural Living areas are to:

- *Discourage the creation of additional rural townsites for living purposes.*
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Avoid the development of Rural Living areas on future and potential long-term urban areas.*
- *Provide compact growth of selected existing rural townsites in accordance with Table 5, based on land capability and available services and facilities.*
- *Minimise potential for generating land-use conflicts.*

Existing Rural Residential areas in the ALPS are mainly on the fringe of the proposed Future Urban area.

Existing Special Rural and Special Residential zones in the City’s current Town Planning Scheme are fragmented and located within or next to rural areas on the periphery of the Albany urban area, along the King and Kalgan Rivers and around Princess Royal and Oyster Harbours. These zones are at different stages of development and not required to be connected to reticulated sewerage. Some of the outer areas, such as Millbrook and most of Gull Rock, are also not connected to reticulated water”.

38. The proposal is considered to be consistent with Section 8.3.5 of the ALPS, as it:

- discourages the creation of additional rural town sites for living purposes;
- avoids the development of a Rural Living area on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity;
- avoids the development of a Rural Living area on future and potential long-term urban areas, as the land has been identified in the ALPS as suitable for Special Rural purposes; and
- will create lot sizes similar to those adjoining the subject land, which are being used for similar rural residential living purposes, therefore minimising the potential for generating land-use conflicts.

POLICY IMPLICATIONS

39. The most relevant policy applicable to this proposal is the Western Australian Planning Commission’s Statement of Planning Policy 2.5 – Agricultural and Rural Land Use Planning. This Policy contains the following objectives that are relevant to this proposal:

1. *Protect agricultural land resources wherever possible by:*

- discouraging land uses unrelated to agriculture from locating on agricultural land;
- minimising the ad hoc fragmentation of rural land; and

2. *Plan and provide for rural settlement where it can:*

- benefit and support existing communities; and
- have access to appropriate community services and infrastructure.

3. Minimise the potential for land use conflict by:

- providing adequate separation distance between potential conflicting land uses;
- introducing management requirements that protect existing agricultural land uses;
- identify areas that are suitable and capable for intensive agricultural pursuits as agricultural priority areas.

40. In relation to the above objectives staff believe the proposal will minimise the potential for land use conflict through the application of a separation distances and notification of titles designed to ensure the existing Olive Grove operation can continue to operate into the future.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Approval for the amendment facilitating the creation of six lots may cause potential landuse conflict and associated noise complaints to Council associated with existing Olive Grove operation.</i>	<i>Possible</i>	<i>Medium</i>	<i>High</i>	<i>The application of a separation distance (minimum 60 metres from all building envelopes to Olive Grove), revegetation on eastern boundary of Lot V and notification on titles for all lots.</i>

FINANCIAL IMPLICATIONS

42. The appropriate fee has been paid by the proponent and the proposal has been assessed by staff within existing resources and budget lines.

LEGAL IMPLICATIONS

43. There are no specific legal implications related to this item. If Council initiates the amendment the proposal will be referred to the Environmental Protection Agency to determine whether the proposal needs to be formally assessed.

ALTERNATE OPTIONS

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

- To resolve to initiate the Scheme Amendment without modifications;
- To resolve to initiate the Scheme Amendment with modifications; or
- To resolve not to initiate the Scheme Amendment.

SUMMARY CONCLUSION

- 45. The proposed re-zoning will allow subdivision of the subject land to create six special rural allotments all in excess of 2 hectares which is comparable to existing lot sizes to the south and west of the subject land.
- 46. The proposal adequately addresses fire management, land capability and land use conflict issues.

Consulted References	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
File Number (Name of Ward)	AMD 308 (West Ward)
Previous References	OCM 15/03/11 – Item 1.3 (SAR 149)

4.1: LIST OF ACCOUNTS FOR PAYMENT

File Number (Name of Ward) : FM.FIR.2 - All Wards
Appendices : List of Accounts for Payment
Responsible Officer : Acting Executive Director Corporate Services (P Wignall)

ITEM 4.1: RESPONSIBLE OFFICER RECOMMENDATION

MOVED: MAYOR EVANS
SECONDED: COUNCILLOR LEAVESLEY

The list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15th September 2011 totalling \$2,419,890.39 be RECEIVED.

CARRIED 9-0

BACKGROUND

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

DISCUSSION

- The table below summarises the payments drawn from the municipal fund during the month of September 2011. Further details of the accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.

Municipal Fund

Trust	Totalling	\$153,720.00
Cheques	Totalling	\$65,651.91
Electronic Fund Transfer	Totalling	\$1,773,060.95
Credit Cards	Totalling	\$5,282.46
Payroll	Totalling	\$422,175.07
	TOTAL	<u>\$2,419,890.39</u>

- As at 15th September 2011, the total outstanding creditors, stands at **\$737,792.05** and made up follows:

Current	\$ 257,730.24
30 Days	\$480,233.18
60 Days	-\$142.37
90 Days	-\$29.00
TOTAL	\$737,792.05

4. Cancelled cheques – 27561 – replacement cheque 27571 issued – incorrect amount on original cheque.

STATUTORY IMPLICATIONS

5. 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.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. 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.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 September 2011 has been incurred in accordance with the 2011/2012 budget parameters.

POLICY IMPLICATIONS

9. The City's 2011/2012 Annual Budget provides a set of parameters that guides the City's financial practices.

SUMMARY CONCLUSION

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

File Number (Name of Ward)	FM.FIR.2 - All Wards
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4.2: FINANCIAL ACTIVITY STATEMENT – 30TH SEPTEMBER 2011

Responsible Officer : Acting Executive Director Corporate Services (P Wignall)

IN BRIEF

- Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 30 September 2011.

ITEM 4.2: RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR LEAVESLEY

**The Financial Activity Statement for the period ending 30 September 2011 be RECEIVED.
CARRIED 9-0**

BACKGROUND

1. The Statement of Financial Activity for the period ending 30 September 2011 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Performance, 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.

“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.”

6. STATEMENT OF FINANCIAL ACTIVITY – AS AT 30 SEPTEMBER 2011

	Actual Year to Date 30-Sep-11	Current Budget Year to Date 30-Sep-11	Current Budget vs Actual Variance
REVENUE			
Operating Grants, Subsidies and Cont	781,093	749,916	31,177
Fees and Charges	6,621,833	6,636,785	-14,952
Interest Earnings	246,189	249,190	-3,001
Other Revenue	183,825	184,879	-1,328
	7,832,941	7,820,770	12,171
EXPENDITURE			
Employee Costs	3,825,461	4,095,391	-269,930
Materials and Contracts	2,284,046	3,467,155	-1,183,109
Utility Charges	368,091	319,011	49,080
Interest Expenses	-29,140	-28,492	-648
Insurance Expenses	315,982	422,233	-106,251
Other Expenditure	343,604	192,235	151,369
Depreciation	2,962,968	2,953,272	9,696
	10,071,012	11,420,805	-1,349,793
Adjustment for Non-cash Revenue and Expenditure:			
Depreciation	-2,962,968	-2,953,272	-9,696
CAPITAL REVENUE			
Non-Operating Grants, Subsidies and Cont	1,985,447	2,069,135	-83,688
Proceeds from asset disposals	141,541	931,933	-790,392
Proceeds from New Loans	0	0	0
Self-Supporting Loan Principal Revenue	0	0	0
Transfers from Reserves (Restricted Assets)	4,855,084	4,855,084	0
	6,982,072	7,856,152	-874,080
CAPITAL EXPENDITURE			
Capital Expenditure	482,651	2,239,496	-1,756,846
Repayment of Loans	15,144	15,144	-0
Transfers to Reserves (Restricted Assets)	3,745,008	3,751,223	-6,215
	4,242,802	6,005,863	-1,763,061
Estimated Surplus B/fwd			
ADD Net Current Assets July 1 B/fwd	4,582,872	4,582,872	n/a
LESS Net Current Assets Year to Date	33,512,257	31,274,794	n/a
Amount Raised from Rates	-25,465,219	-25,488,396	23,177

* √ Is higher than expected revenue or lower than expected expenditure

* X is lower than expected revenue and higher than expected Expenditure

7. CITY OF ALBANY – NET CURRENT ASSETS - 30 SEPTEMBER 2011

	Actual 30-Sep-11	Actual 30-Jun-11
NET CURRENT ASSETS		
Composition of Net Current Asset Position		
CURRENT ASSETS		
Cash - Unrestricted	21,125,051	5,767,118
Cash - Restricted	5,356,443	6,634,295
Receivables	14,071,947	2,136,618
Inventories	3,177,078	3,202,824
Total Current Assets	43,730,519	17,740,855
LESS: CURRENT LIABILITIES		
Payables and Provisions	4,861,819	6,523,688
	38,868,700	11,217,167
Less: Cash - Restricted - Trust	(1,150,524)	(1,318,300)
Less: Cash - Restricted - Reserves	(4,205,919)	(5,315,995)
NET CURRENT ASSET POSITION	33,512,257	4,582,872
NET CURRENT ASSETS PER BALANCE SHEET	30,655,487	2,819,433
Difference	(2,856,770)	(1,763,439)
Difference Represented by:		
Restricted Cash (Trust)	1,150,524	1,318,300
Reserve Funds - Financial Assets	327,010	327,010
Reserve Funds - Other	3,878,909	4,988,985
Self Supporting Loans (part of Receivables and Other)		
	5,356,443	6,634,295
Less:		
Borrowings	7,123,031	7,138,175
Trust Liabilities	1,090,182	1,259,559
Difference	(2,856,770)	(1,763,439)

**8. CITY OF ALBANY - STATEMENT OF FINANCIAL POSITION
AS AT 30 SEPTEMBER 2011**

	Actual 30-Sep-11	Actual 30-Jun-11
CURRENT ASSETS		
Cash - Municipal	21,125,051	5,767,118
Restricted cash (Trust)	1,150,524	1,318,300
Reserve Funds - Financial Assets	327,010	327,010
Reserve Funds - Other	3,878,909	4,988,985
Receivables & Other	14,071,947	2,136,618
Investment Land	2,398,674	2,398,674
Stock on hand	778,405	804,151
	43,730,519	17,740,856
CURRENT LIABILITIES		
Borrowings	7,123,031	7,138,175
Creditors prov - Annual leave & LSL	2,657,164	2,381,578
Trust Liabilities	1,090,182	1,259,559
Creditors prov & accruals	2,204,655	4,142,110
	13,075,032	14,921,422
NET CURRENT ASSETS	30,655,487	2,819,433
NON CURRENT ASSETS		
Receivables	46,211	46,211
Pensioners Deferred Rates	370,759	370,759
Investment Land	2,220,758	2,220,758
Property, Plant & Equip	73,024,231	73,526,288
Infrastructure Assets	188,499,074	190,555,179
Local Govt House Shares	19,501	19,501
	264,180,534	266,738,695
NON CURRENT LIABILITIES		
Borrowings	12,626,394	12,626,394
Creditors & Provisions	464,911	464,911
	13,091,305	13,091,305
NET ASSETS	281,744,714	256,466,823
EQUITY		
Accumulated Surplus	258,036,691	231,648,724
Reserves	4,933,389	6,043,465
Asset revaluation Reserve	18,774,634	18,774,634
	281,744,714	256,466,823

9. STATEMENT OF COMPREHENSIVE INCOME (BY NATURE OR TYPE)

30 SEPTEMBER 2011

INCOME	YTD Actual 2011/12	Budget- Total 2011/12	Actual 2010/11
Rates	25,465,219	25,619,665	24,114,001
Grants & Subsidies	675,896	2,710,582	3,570,141
Contributions. Reimb & Donations	105,198	349,697	1,215,224
Fees & Charges	6,621,833	13,327,249	7,660,720
Service Charges	274	0	3,741,095
Interest Earned	246,189	697,000	1,184,413
Other Revenue / Income	185,151	617,625	578,062
	33,299,760	43,321,818	42,063,656
EXPENDITURE			
Employee Costs	3,825,461	16,948,783	15,295,323
Utilities	368,091	1,319,732	1,507,429
Interest Expenses	(29,140)	1,042,761	1,114,199
Depreciation on non current assets	2,962,968	11,817,938	11,449,614
Contracts & materials	2,284,046	12,973,799	11,290,975
Insurance expenses	315,982	584,845	543,500
Other Expenses	343,604	223,994	1,382,740
	10,071,012	44,911,852	42,583,780
Change in net assets from operations	23,228,747	(1,590,034)	(520,124)
Grants and Subsidies - non-operating	1,985,447	6,770,372	9,180,800
Contributions Reimbursements and Donations - non-operating	0	3,148,907	1,567,374
Profit/Loss on Asset Disposals	63,697	(905,815)	142,634
Cash Backing of Reserves	0	718,230	0
Fair value - Investments adjustment	0	0	0
	25,277,891	8,141,660	10,370,684

10. PORTFOLIO VALUATION – MARKET VALUE – AS AT 30 SEPTEMBER 2011

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value Jul-11	Market Value Aug-11	Market Value Sep-11	Latest Monthly Variation
MUNICIPAL ACCOUNT							
NAB	20/08/2011	1,544,652	4.00%	1,544,642	0	0	
				1,544,642	0	0	n/a
RESERVES ACCOUNT							
No funds currently invested				0	0	0	
				0	0	0	n/a
COMMERCIAL SECURITIES - CDOs (New York Mellon)**							
Saphir (Endeavour) AAA	4/08/2011	413,160	9.10%	0	0	0	0
Zircon (Merimbula AA)	20/06/2013	502,450	8.87%	0	0	0	0
Zircon (Coolangatta AA)	20/09/2014	1,002,060	9.12%	0	0	0	0
Beryl (AAAGlobal Bank Note)	20/09/2014	200,376	8.42%	0	0	0	0
		2,118,046		0	0	0	0

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value	Market Value	Market Value	Latest Monthly Variation
				Jul-11	Aug-11	Sep-11	
COMMERCIAL SECURITIES - CDOs - Other							
Magnolia (Flinders AA)	20/03/2012	171,994	9.32%	144,500	144,500	144,500	0
Start (Blue Gum AA-)	22/06/2013	276,708	8.77%	0	0	0	0
Corsair (Kakadu AA)	20/03/2014	273,710	8.37%	68,750	68,750	68,750	0
Helium (C=Scarborough AA)	23/06/2014	602,244	8.77%	113,760	113,760	91,980	0
		1,324,656		327,010	327,010	305,230	0
PORTFOLIO TOTAL				1,871,652	327,010	305,230	0

Notes:

** These CDO's have been the subject of a Court Ruling in the United States Bankruptcy Court (as advised in a memorandum from the Executive Director Corporate and Community Services). The ruling has the potential to significantly impact the valuations for these CDOs. However, until the US Court and the English Court have worked together to reconcile their opposing rulings, it is unlikely that the City will receive any revised valuations.

11. FINANCIAL RATIOS - AS AT 30 SEPTEMBER 2011

	30-Jun-10	30-Jun-11	30-Sep-11	Benchmark
Liquidity Ratios				
Current Ratio ¹	73.7%	81.3%	320.2%	>100%
Untied Cash to trade creditors Ratio ²	19.7%	273.6%	5135.4%	>100%
Financial Position Ratio				
Debt Ratio ³	11.2%	9.8%	8.5%	<100%
Debt Ratios				
Debt Service Ratio ⁴	11.1%	9.1%	0.0%	<10%
Gross Debt to Revenue Ratio ⁵	63.2%	47.0%	59.3%	<60%
Gross Debt to Economically Realisable Assets ⁶	26.2%	22.6%	17.5%	<30%
Coverage Ratio				
Rate Coverage Ratio ⁷	58.5%	46.2%	76.1%	>33%
Effectiveness Ratio				
Outstanding Rates Ratio ⁸	3.7%	3.3%	44.7%	<5%

1. This ratio focuses on the liquidity position of a local government.
2. This ratio provides an indication of whether a local government has sufficient unrestricted cash to pay its trade creditors.
3. The ratio is a measure of total liabilities to total assets or alternatively the number of times total liabilities are covered by the total assets of a local government. The lower the ratio of total liabilities to total assets, the stronger is the financial position of the local government.
4. This ratio measures a local government's ability to service debt (principal and interest) out of its available operating revenue.
5. This ratio measures a local government's ability to service debt in any given year out of total revenue.
6. This ratio provides a measure of whether a local government has sufficient realisable assets to cover its total borrowings.
7. The Coverage Ratio measures the local governments dependence on rate revenue to fund its operations. The higher the ratio, the less dependent a local government is on grants and external sources to fund its operations.
8. The Effectiveness Ratio measures the effectiveness of a local governments with the collection of its rates. It would be expected to be above 5% at this time of the year, as rates have only just been issued, but reduce steadily over the next few months, to below the benchmark at 30 June.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS Expenditure for the period ending 31 August 2011 has been incurred in accordance with the 2011/12 proposed budget parameters. 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.

13. VARIANCES TO BUDGET IN EXCESS OF \$100,000 - AS AT 30 SEPTEMBER 2011

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD Percentage Variance	Variance Ticks	Comments
<u>OFFICE OF THE CEO</u>								
132650. Subdivision Land Sales	(2,000,000)	(2,000,000)	(499,800)	(80,705)	(419,095)	-84%	×	Cull Rd development continues to be offered for sale. Only 1 sale to date in 2011 - 12
<u>DIRECTOR CORPORATE</u>								
148230. Passenger Vehicles-P/Loss Sale Of Asset	1,053,522	1,053,522	263,274	38,655	224,619	85%	✓	2 passenger vehicles disposed YTD
<u>DIRECTOR WORKS & SERVICES</u>								
134850. ASSET FUNDING - REGIONAL ROAD GROUP	(894,607)	(894,607)	(447,303)	(340,293)	(107,010)	-24%	×	Timing issue with budget to receipts of grants. Budget should align with actual over next few months
135440. Passenger Vehicles Purchase	777,101	777,101	194,196	45,455	148,741	77%	✓	2 passenger vehicles traded-in so far.
135540. Commercial Vehicles (Utes) Purchase	1,100,000	1,100,000	549,890	0	549,890	100%	✓	No new ute purchases have been made.
138070. Waste Minimisation Contract	2,363,896	2,363,896	590,730	368,224	222,506	38%	✓	Subject to 10/11 EOY accrual adjustments Timing issue.
141550. Passenger Vehicle Proceeds	(625,017)	(625,017)	(156,189)	(37,273)	(118,916)	-76%	×	Only 2 passenger vehicles traded-in so far.
141650. Commercial Vehicles Proceeds	(550,000)	(550,000)	(274,945)	0	(274,945)	-100%	×	No commercial vehicles sold or traded-in.
144450. State Black Spot Funding	(123,714)	(123,714)	0	(111,392)	111,392	100%	✓	Balance of 10/11 funding (\$93 000) not received until 11/12.
146520. WO-WORKERS COMP INSURANCE	50,000	50,000	25,000	(126,443)	151,443	606%	✓	Prior years premium adjustment accrual. Invoice yet to be received.

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD Percentage Variance	Variance Ticks	Comments
149940. ASSET PRESERVATION	3,195,730	3,195,730	183,357	24,398	158,959	87%	✓	No major projects yet commenced for 11/12.
150140. DRAINAGE CONSTRUCTION	1,175,070	1,175,070	237,465	35,355	202,110	85%	✓	Major projects budgeted for 11/12 yet to commence.
151640. PATHWAY CONSTRUCTION	1,498,497	1,498,497	374,415	180,087	194,328	52%	✓	Waiting for final funding approval. No major projects commenced.
167640. Peace Park	990,214	990,214	247,452	5,319	242,133	98%	✓	Funding has been received, project costs will align to budget timing as construction work increase.
Total DIRECTOR WORKS & SERVICES	8,957,170	8,957,170	1,524,068	43,437	1,480,631	97%		

POLICY IMPLICATIONS

14. The City's 2011/12 Annual Budget provides a set of parameters that guides the City's financial practices.
15. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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5.1: PROPOSED EXCISION OF PORTION OF RESERVE 14943 FOR DEDICATION AS ROAD RESERVE

Land Description	: Portion of A class Reserve 14943, Mettler
Proponent	: City of Albany
Owners	: A class Reserve 14943 - Crown
Attachment(s)	: Diagram depicting road re-alignment and changes to Crown A class Reserve 14943 (prepared by Harley Global)
Responsible Officer(s)	: Chief Executive Officer (F James)

IN BRIEF

- Council's support is sought to excise portion of A class Reserve 14943 for dedication as a road reserve.

**ITEM 5.1: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR MATLA**

THAT Council:

- i) **SEEKS** the Minister for Lands approval, under section 42(4) of the *Land Administration Act 1997*, to excise portion of A class Reserve 14943, as depicted in the plan attached;
- ii) **SEEKS** the Minister for Lands approval, under section 56 of the *Land Administration Act 1997*, to dedicate the proposed land as road reserve, as depicted in the attached plan, as a public road;
- iii) **INDEMNIFIES** the Minister for Lands from any claims for compensation, as is required under Section 56 of the *Land Administration Act 1997*.

CARRIED 9-0

1. Grange Resources are developing an open pit magnetite mine at their Southdown Magnetite deposit near Wellstead, and will be pumping the slurry via a pipeline to the Albany Port. Grange also plans a desalination plant which will require pipe easements.
2. Grange Resources have been negotiating with the City to obtain legal access to various road reserves to progress the project.

DISCUSSION

3. As part of this negotiation process, Grange Resources have identified piping could follow the Cape Riche Road alignment, to a proposed desalination plant at Cape Riche.
4. A portion of the Cape Riche Road was constructed outside of the designated road reserve and is in A class Reserve number 14943. Information from the Department of Regional Development and Lands indicate the gravel road was first shown on their public plans in 1964.
5. The Department of Regional Development and Lands (DRDL) has advised, that while Landgate's public plan indicates Cape Riche Road is a dedicated road across A class Reserve 14943, it is a "Protected Road" listed on their 1964 Public Plan. Consequently, the road requires excision from the reserve and dedication as a public road.

GOVERNMENT CONSULTATION

6. The Department of Regional Development and Lands has been in discussions with Grange Resources representatives, and has advised a Council resolution is required to:
 - a. Excise a portion of A class Reserve 14943 for a road reserve,
 - b. dedicate the resultant land as a public road, and
 - c. indemnify DRDL from any compensation claims.

PUBLIC CONSULTATION / ENGAGEMENT

7. While the City is not required by legislation to seek public comment for the excision of a portion of Reserve 14943 and dedication of the subsequent land as a public road, an advertisement will be placed in the local newspaper advising the public of its intention to remedy this historical error.

STATUTORY IMPLICATIONS

8. Section 42(4) of the *Land Administration Act 1997* allows the local government to request the Minister for Lands to excise an area from an A class reserve for the purpose of creating a road.

9. Section 56 of the *Land Administration Act 1997* allows the local government to request the Minister for Lands to dedicate land as a public road, and indemnify the Minister from any claim for compensation.

STRATEGIC IMPLICATIONS

10. This item directly relates to the following elements of the City of Albany Strategic Plan 2011-2012:

Key Focus Area

Lifestyle and Environment

Community Priority

Road Improvements

Proposed Strategies

Formalise public access of road reserves.

POLICY IMPLICATIONS

11. There are no policy implications relevant to this item.

RISK IDENTIFICATION & MITIGATION

12. The risk identification and categorisation relies on the City's Risk management Framework.

Risk	Likelihood	Consequence	Risk Rating	Mitigation
The provisions of the Land Administration Act 1997 are not appropriately addressed.	Unlikely	Moderate – Council has continued to maintain this gravel road for public access.	Medium	To comply with the requirements of the <i>Land Administration Act 1997</i> by Council resolution and advertising the proposal in local newspapers.

FINANCIAL IMPLICATIONS

13. Grange Resources representatives have advised that all costs relating to the survey requirements will be met by their client. The City will only incur the costs of advertising, which will be covered in the current budget from Land Acquisition account 131340.

LEGAL IMPLICATIONS

1. This item will facilitate compliance with the legislative requirements of the *Land Administration Act 1997*.

ALTERNATE OPTIONS

2. If the road is left as is, then the Department of Regional Development and Lands advice is this road is not legally available for public access.

SUMMARY CONCLUSION

3. The resolution of Council will ensure compliance with the *Land Administration Act 1997* and will meet the requirements of the Department for Regional Development and Lands.

Consulted References	Land Administration Act 1997
File Number (Name of Ward)	RD.ACQ.1 (Kalgan Ward)
Previous References	Nil

**5.2: PUBLIC NOTICE OF CLOSURE OF CLYDESDALE ROAD AT SOUTH
COAST HIGHWAY**

Proponent : Main Roads WA
Owner : City of Albany
Attachment : McKail Street Map
Responsible Officer : Chief Executive Officer (F James)

IN BRIEF

- The local public notice of closure of a thoroughfare being the southern end of Clydesdale Road at South Coast Highway. The closure has previously been approved by Council as part of the McKail Local Structure Plan.

ITEM 5.2: PROCEDURAL MOTION BY COUNCILLOR DUFTY

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR J BOSTOCK

THAT this item lay on the table for a period of two months to allow for further consideration by Council.

CARRIED 8-1

Record of Vote

Against the Motion: Councillor Matla

ITEM 5.2: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- In accordance with Section 3.50 of the *Local Government Act 1995*, proceed with the local public notice of the closure of Clydesdale Road at its intersection with South Coast Highway; and
- Authorise staff to finalise the closure.

BACKGROUND

1. As part of the approved subdivision works being undertaken by Department of Housing in McKail, Main Roads Western Australia have conditioned that the access from South Coast Hwy to Clydesdale Road be closed off and a new intersection and access road (Englehart Drive) be constructed.
2. This proposed closure is included in the Local Structure Plan for Lots 1, 2 and 3 South Coast Highway, McKail. This Plan was advertised and subsequently adopted by Council at the March 2010 Ordinary Council meeting.
3. At the June 2011 Council meeting, the staff recommendation was:

“THAT Council:

- i. In accordance with Section 3.50 of the *Local Government Act 1995*, proceed with the local public notice of the closure of Clydesdale Road at its intersection with South Coast Highway;
- ii Authorise staff to finalise the closure.”

Council resolved –

“THAT this Item lay on the table for a period of one month for public consultation”

DISCUSSION

4. As part of the development of the McKail Structure Plan a traffic study was undertaken. The following comment was made in that study. “The removal of the existing four-way intersection in South Coast Highway is considered to be a major safety benefit for the highway.” The results of this study are incorporated into the road layout in the Structure Plan.
5. In accordance with Council direction, the proposal to close the access from South Coast Hwy to Clydesdale Road was advertised in the local newspaper, with a deadline for comments set at 1 September 2011. Only two submissions were received, one supportive and the other objecting to the proposal.
6. The road closure will turn the existing four way intersection of South Coast Highway, Balston Road, and Clydesdale Road into a three way intersection approximately 150 metres further west. This should improve road safety and traffic flow at the intersection.
7. Some traffic travelling between Pegasus Boulevard and South Coast Highway (east) may decide to use alternative routes, including Boundary Road and Costigan Street rather than Engleheart Drive. Traffic counts will be undertaken on these roads before and following the closure to determine the extent of this.

8. The newly constructed three way intersection should also provide access for traffic to the new subdivision areas around McKail.
9. Main Roads is able to close access to South Coast Highway from Clydesdale Rd under its own legislative powers. However, because Clydesdale Road is a local road, the City should ensure compliance with the *Local Government Act 1995* notifying the public of the closure.

GOVERNMENT CONSULTATION

10. Main Roads WA has been sent a copy of the contents of the notice of closure as required by Section 3.50 of the *Local Government Act, 1995*.
11. Notification has been given to other Government agencies that may be affected by the closure including Police, Fire Services, Ambulance Services, Water Corporation, and Western Power.

PUBLIC CONSULTATION / ENGAGEMENT

12. Public consultation occurred as part of the finalisation of the Local Structure Plan for Lots 1, 2 and 3 South Coast Highway McKail. To comply with the specific requirements of the *Local Government Act* on closure of thoroughfares, a 35 day public submission period was advertised in local newspapers, closing on 1 September 2011.
13. Two submissions were received –
 - a. One supported the proposed closure, and
 - b. One opposed the proposal, preferring the City use improved road signage to control traffic.

STATUTORY IMPLICATIONS

14. Section 3.50 of the Local Government Act, 1995, -

“3.50 Closing certain thoroughfares to vehicles

(1) A local government may close any thoroughfare that it manages for the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.

(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.

(2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.

[(3) repealed]

****REFER DISCLAIMER****

- (4) *Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to-*
- (a) *give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission:*
- (b) *give written notice to each person who-*
- (i) is prescribed for the purposes of this section; or*
(ii) owns land that is prescribed for the purposes of this section; and
- (c) *allow a reasonable time for submissions to be made and consider any submissions made.*
- (5) *The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).*
- (6) *An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which the local public notice is given.*
- (7) *repealed]*
- (8) *If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.*
- (9) *The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.”*

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

15. This item directly relates to the following elements of the City of Albany Strategic Plan 2011-2021:

Key Focus Area

Lifestyle and Environment

Community Priority

Road Improvements

Proposed Strategies

Advocate to Main Roads for improvements to South Coast Highway.

POLICY IMPLICATIONS

16. There are no policy implications.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
Clydesdale Rd remains open and the 4 way intersection results in traffic accidents	Possible	Medium	High	Close Clydesdale Rd
A significant amount of traffic uses other local roads to access McKail rather than Engleheart Rd	Possible	Medium	High	Compare traffic counts before and after the closure. Investigate traffic management measures if a problem.

FINANCIAL IMPLICATIONS

18. All costs involved with the closure of the intersection are to be borne by the developer, Department of Housing.

LEGAL IMPLICATIONS

19. The McKail Structure Plan which has been adopted by Council, and endorsed by the Western Australian Planning Commission on 17 February 2011, sets the subdivision pattern for the locality. It provides guidance for future subdivisions and ensures they are in accordance with the intentions and objectives approved by Council.
20. The McKail Structure Plan seeks to provide the necessary planning framework for a 40 hectares portion of land bounded by Gregory Road, Clydesdale Road, South Coast Highway and the special residential development contiguous with the western boundary of the subject land.
21. Should the proposed closure of Clydesdale Road not be implemented, then the Council approved land use and infrastructure requirements detailed in the McKail Structure Plan would be compromised.

ALTERNATE OPTIONS

22. Decline to close Clydesdale Road at its intersection with South Coast Highway. This will likely cause Main Roads to use its powers to close the road.

SUMMARY CONCLUSION

23. The Council has previously adopted the Local Structure Plan for Lots 1, 2 and 3 South Coast Highway McKail which requires the closure of Clydesdale Road at South Coast Highway. Little community objection has been received to this proposed closure.

File Number (Name of Ward)	ODP012 (Kalgan Ward)
Previous Reference	OCM 16/03/10 - Item 13.5.1; OCM 21/06/11 - Item 5.5

XIV. MOTIONS WITH NOTICE

XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING

Nil.

XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING

Nil

XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.

Nil

XVIII. ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING.

ITEM 18.1: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK

Item 18.1: Notice of Motion by Councillor D Bostock

THAT membership of the Audit and Finance Strategy, Planning and Development, Governance and CEO Performance Appraisal Committees be extended to all Elected Members.

Councillor's Reason:

These four committees cover the central functions of Council and all Councillors should be able to attend, as full voting members, if they so desire.

XIX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC

XX. NEXT ORDINARY MEETING DATE

Tuesday 15 November 2011 at 7pm.

ITEM 20: RESOLUTION

**MOVED: COUNCILLOR HOLDEN
SECONDED: COUNCILLOR DUFTY**

That Standing Order 3.1 to stop recording of proceedings be RESUMED.

CARRIED 9-0

XXI. CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed at 9.21pm.

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR

APPENDIX A

**STATUS REPORT ON DEFERRED ITEMS
FROM PREVIOUS MEETINGS**

Meeting Date	Item Number	Details/Status
15/06/2010	15.2.3	Lot 5 Rufus Street - Claim for Subdivision Design Changes. CEO LIAISING WITH LAND OWNER/DEVELOPER REGARDING POSSIBLE SOLUTIONS.
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. REQUIRES FURTHER CONSIDERATION BY COUNCIL PENDING THE COMPLETION OF THE AIRPORT MASTERPLAN/BUSINESS PLAN.
15/02/2011	4.11	Padre White Lookout Project. CEO to undertake further investigation of this project, including detailed budget analysis for project scope and provide further advice to council. AWAITING ANZAC ALLIANCE PROGRESS.
19/04/2011	4.7	Audit Committee Recommendations. That Council request the Chief Executive Officer to further review the investment of Surplus Funds Policy through the Finance Strategy Committee, prior to recommendation to Council. PENDING. - AWAITING DEVELOPMENT OF FIVE YEAR (FINANCE) PLAN.
17/05/2011	3.1	Albany Leisure and Aquatic Centre. That the Business Plan be Brought back to Council for the Approval of the Recommendation. PENDING COMPLETION OF BUSINESS PLAN TO BE PRESENTED TO FUTURE OCM.
July 2010	18.3	Notice of Motion by Councillor Paver-Review Standing Orders Local Law 2009 before the December 2010 Council Meeting. PENDING. – EXPECTED TO BE CONSIDERED AT OCTOBER 2011 OCM.
16/08/2011	15.4	Notice of Motion by Councillor J Bostock-Allocation of Public Open Space Funds to Mills Park, Little Grove. DEFERRED-THIS MATTER TO BE BROUGHT BACK TO COUNCIL AT A FUTURE MEETING WITH MORE INFORMATION TO BE PROVIDED.
20/09/2011	2.2	Development Application-Junk Yard (Timber Salvage Only)- 235-239 Ulster Road, Collingwood Heights LAI D ON THE TABLE FOR A FURTHER MONTH TO ALLOW THE CITY TO MAKE FURTHER ENQUIRIES.

APPENDIX B

TABLED DOCUMENTS

Mr Brian Burns	Petition received by the City on 30/09/2011	GO.COM.3
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TABLED DOCUMENTS BY ELECTED MEMBERS

Mayor Evans	Mayors Report to Council	GO.COM.3
Councillor Don Dufty	Item 3.0	GO.COM.3

PETITION RECEIVED

2

PETITION TO ALBANY CITY COUNCIL

We, the undersigned, being users, residents, and/or rate payers in the city, wish Council to consider the safety of pedestrians, and construct a footpath the full length of Cockburn Road

Date	Name	Address	Signature
7.9.11	J. TAYLOR	108 165 MT BARKER	J. Taylor
7.9.11	S. Ball	27 Bonthorpe Ct, Alb	S. Ball
7.9.11	L. ROYSON	15 DAVID STREET	L. Royson
7/9/11	Lvlahov	13 Notley St Alb	Lvlahov
8/9/11	R. PANT	44 Nambucca Close YMS	R. Pant
8/9/11	L. Beeveroff	15 Windermer Rd	L. Beeveroff
8.9.11	L. Harrop	McKail	L. Harrop
8.9.11	K+M LORD	9-18 Cockburn	K. Lord
8.9.11	AMY WRIGHT	2 maeida crt	Amy Wright
8.9.11	Rhonda Anderson	20 main St	Rhonda Anderson
8.9.11	M. MURRAY	K6	M. Murray
8/11	C. T. N	370 serpentine Rd	C. T. N
8/9/11	J. UOBY	20 Hentley Grove Mvata	J. Uoby
9/9/11	P. J. Smith	53 Henrichs Rd Alb	P. J. Smith
9/9/11	K. PERS	6 DAVID ST ALBANY	K. Pers
9.9.11	Angela Clements	36 Gladville Rd Albany	A. M. Clements
9.9.11	Hayley Lawrence	59 Warrangoo Rd	Hayley Lawrence
10.9.11	M. McKenna	10 Lindfield Cres Albany	M. McKenna
10-9-11	S. Steadman	86 Fl Bay Rd	S. Steadman
10.9.11	EB Davis	Angove Rd	EB Davis
10.9.11	JANET HERSHCO	5 HANSA COURT ^{ALBANY} 5330	Janet Hershco
10.9.11	M. BURTON	51 Bond Circle	M. Burton
10.9.11	Charmayne	Chesterpassid	Charmayne
10.9.11	Jenny Shirley	Unit 3 30 Bathurst St	Jenny Shirley
10.9.11	M. MURPHY	McKail Inme Rd	M. Murphy
10.9.11	J. POWELL	17 NAMBUCCA RISE	J. Powell

PETITION RECEIVED

③

PETITION TO ALBANY CITY COUNCIL

We, the undersigned, being users, residents, and/or rate payers in the city, wish Council to consider the safety of pedestrians, and construct a footpath the full length of Cockburn Road

Date	Name	Address	Signature
6-9-2011	GREAT WINGUP	COCKBURN RD	[Signature]
6-9-2011	JOHN MALLABY	NANJARUP	[Signature]
7.9.2011	TAMI FONE	COLLINGWOOD	[Signature]
7.9.11	Jayne Wood	PUSH wheelchairs-there. YOUNGS	[Signature]
4.9.11	MYRA MAHLBAY	USE COCKBURN RD TWICE NANJARUP WORKERS	[Signature]
7.9.11	JOHN DAVISON	LOOKYER	[Signature]
7.9.11	DOUG GOODWIN	69 OXFORD ST	[Signature]
7.9.11	PHIL MARLESON	36 SHERWOOD AVE	[Signature]
7/9/11	N. DARTNALL	13 COCKBURN RD	[Signature]
7/9/11	N. KORTHUIS	21 COCKBURN RD	[Signature]
7-9-11	R. COOKSEY	17-21 COCKBURN RD	[Signature]
7/9/11	C. CASLER	25 COCKBURN RD	[Signature]
7/9/11	JOE RAYNER	25 COCKBURN RD	[Signature]
"	CHRISTINA TOMME	COCKBURN RD	[Signature]
"	R. EDEN	ANDREVE LD	[Signature]
"	WIREMU	27 KNIGHT	[Signature]
07-09-11	G. OSARUS	12 MCKEAN AVE	[Signature]
"	KEN WHITLUS	12 DAUNTON ST	[Signature]
07.09.11	Joche Cornley	48 COCKBURN RD (WORK)	[Signature]
7.9.11	JEREMY WHEELER	58 BARNSBY AVE	[Signature]
7.9.11	GREG COLLINS	5 LE GRANDE AVE	[Signature]
7.9.11	Tony Cameron	48 COCKBURN RD	[Signature]
7.9.11	Richard Manser	23 KINGSWOOD ROAD	[Signature]
7.9.11	Paul de Jay	52 COCKBURN RD	[Signature]
7.9.11	DIANA LO GULLER	51 COCKBURN RD	[Signature]
7.9.11	Brett Richards	57 ALLWOOD AVE	[Signature]
7/9/11	Andrew Griffiths	51b COCKBURN RD	[Signature]

PETITION RECEIVED

④

PETITION TO ALBANY CITY COUNCIL

We, the undersigned, being users, residents, and/or rate payers in the city, wish Council to consider the safety of pedestrians, and construct a footpath the full length of Cockburn Road

Date	Name	Address	Signature
7.9.11	D RESIDE	56 COCKBURN RD	[Signature]
7.9.11	J Anderson	Spencer Park	[Signature]
7.9.11	J. Vanderbyl	McKail	[Signature]
7.9.11	S. ROBINSON.	YAKAMIA	[Signature]
7.9.11	H. Carr	Gledhow	[Signature]
7.9.11	J. Brennan	Cockburn rd	[Signature]
7.9.11	R Darmody	Cockburn Rd	[Signature]
7.9.11	L Troughton	cockburn Rd	[Signature]
7.9.11	D WALKER	COCKBURN RD	[Signature]
7.9.11	P. Andreotti	Cockburn Rd.	[Signature]
7.9.11	L GIUNTOLI	COCKBURN RD	[Signature]
7.9.11	D. Pilgr	COCKBURN RD	[Signature]
7.9.11	John Clark	EDMUNSTONE RD	[Signature]
7.9.11	C. RYAN	COCKBURN RD	[Signature]
7.9.11	R CHARLES	2 PROIR ST	[Signature]
7.9.11	M. Wassink	58 BOROMIA	[Signature]
7.9.11	C Ryder	40 north Rd	[Signature]
7.9.11	D Smith	73 COCKBURN RD	[Signature]
7.9.11	I BAIRSTON	79 Cockburn Rd	[Signature]
7.9.11	N. CROSBY	85 COCKBURN RD	[Signature]
7.9.11	G JONES	87 COCKBURN	[Signature]
7.9.11	A. HARRIS	87 COCKBURN RD	[Signature]
7.9.11	KIMMIE MILLER	UNIT 1 79 COCKBURN RD	[Signature]
7/9/11	Wally Savill	Unit 1/89 "	[Signature]
7/9/11	M ASHED	"	[Signature]
7/9/11	S. IRONMONGER	93 COCKBURN RD	[Signature]
9/9/11	Alex Cottill	COCKBURN RD, ROYALS	[Signature]

PETITION RECEIVED

5

PETITION TO ALBANY CITY COUNCIL

We, the undersigned, being users, residents, and/or rate payers in the city, wish Council to consider the safety of pedestrians, and construct a footpath the full length of Cockburn Road

Date	Name	Address	Signature
7.9.11	DARYL EDWARDS	PO BOX 1163 ALBANY ⁶³³¹	D Edwards
7.9.11	Graeme Cassidy	101 Cockburn rd	G Cassidy
7.9.11	Karin Burns	126 Lockyer Ave.	K Burns
7.9.11	MARK BRADLEY	27 CAMPBELL RD	M Bradley
7.9.11	Shirley Burns	6 COCKBURN RD ALBANY	Shirley L Burns
7.9.11	Bridget Joyce	126 Walford Rd	B Joyce
7/9/11	BALLAMIN BURNS	6 Cockburn Rd	B Burns
7-9-11	Diana Allen	Albany Highway	D Allen
10-9-11	Richard Maddy	Cockburn Rd	R Maddy
10-9-11	Anthea Burdett	Cockburn Rd	A Burdett
10.9.11	Joanne Buidett	COCKBURN RD	J Buidett
10-9-11	Rachel Crispe	COCKBURN RD	R Crispe
10-9-11	JAMIE MINITER	Cockburn RD	J Minter
10-9-11	Kyle Wright	COCKBURN RD	K Wright
10.9.11	MARY LORD	Cockburn Rd	M Lord
10.9.11	Pam Wignall	COCKBURN RD	P Wignall
10.9.11	BRAD OSTLE	COCKBURN RD	B Ostle
10/9/11	J Wabba	5 COCKBURN RD	J Wabba
10/9/11	Wayne Best	1143 COCKBURN RD	W Best
10/09/11	Rodolph Catterson	57A COCKBURN RD	R Catterson
10/9/11	AIDA OMBENAN	57 A COCKBURN RD	A Ombenan
10/9/11	Joy Rita Cruz	57 COCKBURN	J Rita Cruz
10/9/11	STEVE ELLIOTT	2/12 COCKBURN	S Elliott
26.9.11	Pam Johnson-Layne	3/18 Cockburn Rd	P Johnson-Layne
26.9.11	Sune Woods	24 Bluff St	Sune Woods
26.9.11	Lareessa Woods	24 BLUFF ST	L Woods
26/9/11	Elijah Forrest	28 Bluff st	E Forrest

PETITION RECEIVED

6

6 COCKBURN RD
99415288

PETITION TO ALBANY CITY COUNCIL

We, the undersigned, being users, residents, and/or rate payers in the city, wish Council to consider the safety of pedestrians, and construct a footpath the full length of Cockburn Road

Date	Name	Address	Signature
8-9-11	Ally Lawrence	5 Tassell St	Ally
15-10-11	BRAD HITCHCOCK	360/35 PRACIN	[Signature]
15/10/11	S. CHAPMAN	DAVIS ST.	[Signature]
15.10.11.	e. GAY.	BLISTER RD	[Signature]
15/11	R. GAY	UNSTER RD	[Signature]
15/11	H. Thomas	COCKBURN RD	[Signature]
15/9/11.	Aun MARI	STANERS ST	Mari
15/9/11	Sullivan Komward	Symers St	[Signature]
15/9/11	Cherie La	Symers	[Signature]
15/9/11	Peter Cremonius	Symers	[Signature]
15/9/11	Callum Findlay	Little Grove	[Signature]
15/9/11	Josh Cunningham	#24 Symers St	[Signature]
15/9/11	MICHAEL JACKSON	32 COCKBURN ROAD	[Signature]
16/9/11	Greg Bailey	32 Cockburn Rd	[Signature]
16/9/11	Lionel Roberts	24 GLEDSTON WEST RD	[Signature]
16/9/11	AGNES ROBERTS	24 Gledhows West Rd	Agnes E Roberts
16/9/11	BRIAN O'CALLAGHAN	27 BEDWELL ST	[Signature]
21/9/11	B.J. Burns	6 Cockburn Rd	[Signature]
21/9/11	D. Motton	5 Bluff St	[Signature]
26/9/11	J. Chisholm	31 Bluff St	[Signature]
26/9/11	KIPUS	29 Bluff St.	[Signature]
26/9/11	BMALE	16 BLUFF ST	[Signature]
26/9/11	Jody Leonard	20 Bluff St	[Signature]
26/9/11	JOHN ARETIBALL	14A BLUFF ST	[Signature]
26/9/11	EVE	"	[Signature]

APPENDIX B**MAYORS REPORT**

Councillors, Staff, members of the public.....

Following is a summary of my past month's activities which are in addition to scheduled meetings with our C.E.O., Community members, Government Departments and utility officials, Council and Committee meetings.

Since the last Council meeting held on 20 September 2011 I have engaged in the following:

- Opening of the Good Sammy New Store
- W.A. Rural Clinical School Reception which was co-hosted by the City of Albany.
- Southern Art & Craft Trail Official Opening at the Rickety Gate Winery in Denmark.
- St. Joseph's Trade Training Centre Official Opening
- Great Southern Zone of WALGA Meeting held in Albany and followed by a National Broadband Network seminar hosted by Regional Development Australia –Great Southern and Great Southern Development Commission.
- Thank you to Cr Don Dufty who represented the City at the Police Remembrance Day Service and wreath laying.
- On my way to Perth for Royal Show commitments, I attended the Katanning Super Town Launch in my capacity as Chair of RDA-GS.
- Whilst in Perth it was an honour to be present for the Premier's Book Awards when Albany's Kim Scott received the overall Award for his fiction novel "That Deadman Dance".
- It was a great thrill to be involved with Albany's Guest Town Exhibit at the Perth Royal Show. The display showcased Albany in a truly exemplary manner and all City of Albany staff, Albany businesses, performers and volunteers who contributed their time and expertise are to be congratulated.
As a result of all their efforts, Albany won the Design & Presentation – Outside Sites Award along with many accolades from show visitors.
- On Saturday 1st of October, by invitation of the Consul General of Malaysia my wife and I attended the official opening of "Malaysia the Guest Nation" and in the evening the Perth Royal Show Presidents' Cocktail function followed by the Official opening of the show by the Governor Malcolm Mc Cusker QC.
- Monday the 3rd we attended the President's Luncheon where awards were presented to several young people who were high achievers in Agriculture science.
- Last Wednesday we welcomed 26 new Australians at a Citizenship Ceremony. Along with their guests, we had approximately 60 people share what translated into a very happy occasion with much celebration.
- Regional Development Australia, Great Southern, Annual General Meeting. The committee enjoyed a presentation by our CEO Faileen James on the City of Albany – The Future.
- Saturday the 8th Dedication of the Albany Sea Rescue new "Rescue Two" vessel. The ability of Albany Sea rescue to raise 50% of the funds through their tireless efforts is testament to the strength of dedication of the Squad members. With the addition of RESCUE TWO to it's fleet the Squad is now custodian of over \$1 million in assets dedicated to the safety of our community. This is just outstanding.
- Sunday the 9th Albany City Kart Club hosted the 2011 W.A. State Sprint Kart Championships for the first time in the Albany Club's 21 year history. I was pleased to say a few words of welcome to competitors who came from all over WA to the finals competitions.
- On Sunday evening I delivered a short welcome at the Albany Raiders versus the Indonesian National Basketball Team at our Leisure and Aquatic Centre and then went on to enjoy a great game of basketball.

And this brings me to my closing remarks at the end of my term as Mayor of the City of Albany.

I would like to acknowledge the contributions of retiring Councillors Mervyn Leavesley, Joy Matla , Jill Bostock, Des Wolfe and Roley Paver .

I thank you all for your service to the community of Albany. I extend my best wishes to Councillor Wolfe and new candidates as they contest their respective wards.

Looking back over the last 4 years I'm proud of the achievements of the city.

Just a few milestones and significant activities include.....

- Anzac Peace Park Dedication
- Albany Entertainment Centre completion and opening.
- Albany Waterfront Official Opening
- Completion of a new Strategic Plan – ref. attached letter from the Department of Local Government.
- Anzac Centenary Commemorations and infrastructure project in conjunction with the RSL through the creation of the Albany Centenary of Anzac Alliance – Ref. attached letter from Premier.
- WA Regional Cities Alliance (WARCA) membership along with City of Greater Geraldton, Bunbury, Kalgoorlie/Boulder and more recently Broome, Port Hedland and Karratha. The RCA aims to move past competing with each other as regional centres and ensure we get a collective and supportive approach to securing better outcomes.
- The City underwent a Better Practice Review of which many of the recommendations have now been implemented.
- Decision to master plan and upgrade security at the Albany Airport.
- Over the last 4 years \$38 million have been expended on roads maintenance, upgrades and renewal, pathways and other city infrastructure. This expenditure was funded both from City general revenue and funded externally through grants.

In closing, I am confident that under the guidance of a new Council and with the support of our new Chief Executive Officer Faileen James and staff, we will see our City continue to grow and prosper and set new standards in local government best practice.

MAYORS REPORT



Government of **Western Australia**
Department of **Local Government**

Your Ref: CM.PLA.11 / LT1147243
Our Ref: 628-10 E1126779



Doc No: City of Albany Records
File: ICR1140851
Date: CM.PLA.11
Officer: 18 JUL 2011
MECD



Mr Milton Evans
Mayor
City of Albany
PO Box 484
ALBANY DC WA 6331

Attach:
Box
Vol
Box+Vol.

Dear Mayor Evans

Thank you for your letter addressed to Hon. John Castrilli MLA, Minister for Local Government, dated 27 June 2011 with which you provided a draft of the City of Albany's Strategic Plan 2011 to 2021.

I would like to take this opportunity to congratulate you, the City of Albany Council and your administration on the development of a draft Strategic Plan which articulates a clear, long-term vision for the future of your City.

It is pleasing to see from your Strategic Plan that the City of Albany has sought to thoroughly engage not only the Albany community but also other tiers of government. In addition, your proposed timeframes for implementing the plan have placed the City in a good position to meet the new integrated planning requirements when these come into effect.

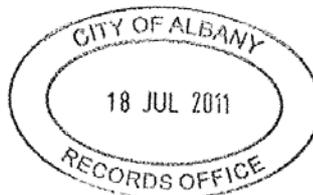
Once again I congratulate you, the City of Albany Council and your administration on the development of your draft Strategic Plan and I look forward to hearing of your achievements in delivering this plan.

Yours sincerely

Brad Jolly
A/DIRECTOR GENERAL

13 July 2011

TD



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22/04/01

MAYORS REPORT



Premier of Western Australia



Cr. Milton Evans JP
Mayor
City of Albany
PO Box 484
ALBANY WA 6331

City of Albany Records
Doc No: LT1147384
File: GR.STL.9
Date: 16 SEP 2011
Officer: MAYOR1

Attach:
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Dear Mr ^{Milton,} Evans

RECENT VISIT TO ALBANY

I was pleased to visit Albany and the Great Southern Region over 24-25 August 2011. During this time, I had the opportunity to meet with the City of Albany on 24 August.

It was a pleasure to meet with yourself, your fellow Councillors and CEO, it gave me the chance to listen to the issues affecting the local community.

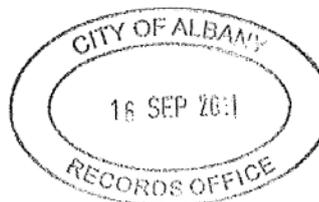
I appreciated the presentation on the upcoming events surrounding the ANZAC Centenary. Albany will play an important role in the celebrations for ANZAC Day 2015, with events such as the re-enactment of the Departure of the Gallipoli Convoy.

The Liberal National Government remains committed to working with the City of Albany to ensure that the ANZAC Centenary receives appropriate support. If there are any issues that present themselves in the lead up to the ANZAC celebrations, please do not hesitate to contact my office for assistance.

I look forward to visiting the Great Southern Region and the City of Albany in the future and will hopefully have the opportunity to attend the Albany ANZAC Day Dawn Service in 2012.

Yours Sincerely

Colin Barnett MLA
PREMIER
13 SEP 2011



TABLED ADDRESS COUNCILLOR DON DUFTY

Mr Mayor and Councillors

I spent some time reading the submissions and note that the majority want development – but that there are many different suggestions about the detail. I am most ...to Sally Malone's contribution which is fairly detailed and suggests that we "trade" some pedestrian improvements for the building relaxations we are giving.

However, in one point I disagree, the suggestion of further building setback from the marina. I believe this would be a waste as the promenade space obtained which may have sunshine occasionally would be cold and windy on many more occasions than calm and sunny.

Actually, I believe the short term stay apartments should have an enclosed walkway and the building could be above it. This would provide a warm and cosy area and would encourage year round use. A second promenade (open) on the higher level would be a windswept waste of space.

Councillors, I want to see businesses that can prosper and have customers all year round in comfort.

Our conditions say that short stay apartments have a maximum stay of three months which I support. However, to get the hotel and short stay apartments built perhaps Landcorp and Council should consider allowing some top floor penthouse apartments which would provide the developers with an immediate financial return to offset the massive development costs.

I am not going to move amendments to include these suggestions, but will ask that this be included in the minutes and forwarded to Landcorp as an indication of alterations they may consider.

I support the motion.

TABLED ADDRESS BY COUNCILLOR DUFTY

Yesterday, I spoke with Andrew Duffield at Main Roads Albany. He didn't totally rule out the roundabout idea.

Councillors, to go via Englehart Drive requires two left hand turns and a right hand turn, all at T junctions, and to go via Costigan would require a right at the Costigan/Webb cross roads, a right at the Webb/South Coast Highway. Left into Balston.

I am fairly sure that a safety audit would agree that a roundabout at the existing Clydesdale/South Coast Highway junction would be the safest or at least as safe an option as the alternative route.

Given the response I had from two experts and Andrew Duffield at Main Roads, I believe we should again leave this on the table for a month or so to pursue the best option, and I so move.

TABLED ADDRESS BY COUNCILLOR DUFTY

Mr Mayor and Councillors

When this proposal came to Council – I think it was in June- I moved that it lay on the table for a month to allow discussion with Main Roads to see if putting a roundabout at the Clydesdale/Balston/South Coast Highway Junction was not a better option.

Now we have it back – unchanged – with a recommendation that we allow the closure as Main Roads will do it anyway, whether we like it or not.

I don't know who discussed this with Main Roads or if the reasons I raised were talked through – I certainly wasn't party to them. I am aware that Mr Bride is soon to propose a Local Road Strategy for the City- that is roads within the ring road for the existing and future suburban areas of the City.

I strongly maintain that the through road Clydesdale/Balston is a convenient and much used direct route to the Lower York Street and south coast area for 1500 to 2000 people who live in the Lakeside area – I personally used it three times in past week.

A fortnight ago I attended a funeral at Echuca in Victoria. One of the passengers in the car was the Senior Policy Officer Road Safety in the Department of Justice in Victoria.

I ran it past him and explained that the crossing was certainly a danger but would be a local road when the ring road was constructed and all the information I have previously spoken about. He very carefully said in best "public servant speak" that he was inclined to agree that putting a roundabout at that cross roads was probably a good long term solution, but because of public service protocol he could not give me any better advice.

Returning to Perth I ran it past Bill Burrell who first alerted me to the accident proportions at T junctions and cross roads – same answer.