

# **MINUTES**

## **ORDINARY MEETING OF COUNCIL**

**on  
Tuesday, 15<sup>th</sup> August 2006  
7.30pm  
City of Albany Council Chambers**

# City of Albany

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Signed \_\_\_\_\_

**Andrew Hammond**  
Chief Executive Officer

Date: 18<sup>th</sup> August 2006

## TABLE OF CONTENTS

<b>1.0</b>	<b>Declaration of Opening</b>	<b>4</b>
<b>2.0</b>	<b>Record of Attendance/Apologies/Leave of Absence (Previously Approved)</b>	<b>4</b>
<b>3.0</b>	<b>Opening Prayer</b>	<b>4</b>
<b>4.0</b>	<b>Response to Previous Public Questions Taken On Notice</b>	<b>4</b>
<b>5.0</b>	<b>Public Question Time</b>	<b>4</b>
<b>6.0</b>	<b>Confirmation Of Minutes of Previous Meeting</b>	<b>5</b>
<b>7.0</b>	<b>Applications For Leave Of Absence</b>	<b>7</b>
<b>8.0</b>	<b>Disclosures of Interest</b>	<b>8</b>
<b>9.0</b>	<b>Matters for Which Meeting May Be Closed</b>	<b>8</b>
<b>10.0</b>	<b>Petitions/Deputations/Presentations</b>	<b>8</b>
<b>11.0</b>	<b>Reports – Development Services</b>	<b>9</b>
11.1	Development	
11.1.1	Development Application – Nightclub – 120 York Street, Albany	10
11.1.2	Development Application – Multiple Dwellings – 14 Marine Terrace, Middleton Beach	17
11.1.3	Landswap Proposal – Portion of Sub Lot 388 and Portion of Reserve 37440, Wright Street & Lake Seppings Drive, Seppings	25
11.2	Health, Building & Rangers	
	Nil.	35
11.3	Development Policy	
11.3.1	Scheme Amendment Request – Lot 1 South Coast Highway and Lot 8 Beaudon Road, McKail	36
11.3.2	Scheme Amendment Request – Lot 2 Albany Highway, Drome	40
11.3.3	Initiate Scheme Amendment – Lots 296, 297, 298, 299, 302 and 303, plus portion of the ‘Road Reserve’ at Wellington Street, Yakamia	46
11.3.4	Initiate Scheme Amendment – Lot 126 (134) Lowanna Drive, Marbellup	50
11.3.5	Final Approval for Scheme Amendment - Lots 3 & 4 Roberts Road, Robinson	55
11.3.6	Final Approval for Scheme Amendment – Pt Lot 1 Nanarup Road, Lower King	66
11.3.7	Final Approval for Scheme Amendment – Lot 56 Havoc Road, Warrenup	74
11.4	Reserves Planning	
	Nil.	86
11.5	Development Service Committee	
	Nil .	86
<b>12.0</b>	<b>Reports – Corporate &amp; Community Services</b>	<b>87</b>
12.1	Finance	
12.1.1	List of Accounts for Payment	88
12.1.2	Financial Activity Statement	90
12.2	Administration	

ORDINARY COUNCIL MEETING MINUTES – 15/08/06

\*\* REFER DISCLAIMER \*\*

	Nil.	94
12.3	Library Services	
	Nil.	94
12.4	Day Care Centre	
	Nil.	94
12.5	Town Hall	
	Nil.	94
12.6	Recreation Services	
	Nil.	94
12.7	Corporate & Community Services Committee	
	12.7.1 Finance Strategy Advisory Committee meeting minutes – 27 July 2006	95
	12.7.2 Albany Arts Advisory Committee informal meeting minutes – 12 <sup>th</sup> July 2006	97
	12.7.3 Community Financial Assistance Committee meeting minutes – 21 <sup>st</sup> July 2006	98
12.8	Council Representation	
	12.8.1 Council Committee Representation – Cat Law Working Committee	100
	12.8.2 Town Hall Theatre Advisory Committee	103
<b>13.0</b>	<b>Reports – Works &amp; Services</b>	<b>104</b>
13.1	City Assets - Asset Management	
	Nil.	105
13.2	City Services – Waste Management	
	13.2.1 Waste Minimisation Strategy	106
	13.2.2 Waste Minimisation – Cleanaway – Change of Ownership	114
13.3	City Services – Airport Management	
	Nil.	116
13.4	City Services – Contract Management	
	13.4.1 Contract C06013 – Traffic Management	117
	13.4.2 Contract C06033 – Annual Bulk Order for Concrete Drainage Products	120
	13.4.3 Contract C06010 – Hire of Waste Compactor for Two Years 2006/08	123
13.5	City Services – Property Management	
	Nil.	126
13.6	City Works – Capital Works	
	Nil.	126
13.7	City Works – Reserves, Planning & Management	
	13.7.1 Change of Reserve Purpose – Cosy Corner Reserve	127
	13.7.2 Change of Reserve Purpose – Recreation to Sewer Pump Station, Lower King	130
13.8	Works & Services Committees	
	13.8.1 Streetscape Committee meeting minutes – 20 <sup>th</sup> July 2006	135
	13.8.2 Albany Airport Advisory Committee meeting minutes – 1 June 2006	136
<b>14.0</b>	<b>Reports – General Management Services</b>	<b>137</b>
14.1	Strategic Development	
	Nil.	138

ORDINARY COUNCIL MEETING MINUTES – 15/08/06

\*\* REFER DISCLAIMER \*\*

14.2	Organisational Development	
	Nil.	138
14.3	Economic Development	
	Nil.	138
14.4	General Management Services Committee	
	Nil.	138
<b>15.0</b>	<b>Elected Members' Monthly Report / Information Bulletin</b>	<b>139</b>
<b>16.0</b>	<b>Motions Of Which Previous Notice Has Been Given</b>	<b>139</b>
<b>17.0</b>	<b>Mayors Report</b>	<b>139</b>
<b>18.0</b>	<b>Urgent Business Approved by Mayor or by Decision of the Meeting</b>	<b>141</b>
18.1	Appointment of Project Manager – Cull Road Subdivision Project	141
18.2	Ordinary Council Meetings – Change of Commencement Time	144
<b>19.0</b>	<b>Closed Doors</b>	<b>144</b>
<b>20.0</b>	<b>Next Ordinary Meeting Date</b>	<b>144</b>
<b>21.0</b>	<b>Closure of Meeting</b>	<b>144</b>

**1.0 DECLARATION OF OPENING**

Her Worship the Mayor declared the meeting open at 7.30pm and extended a welcome to all present.

**2.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

Mayor	-	A Goode, JP
Councillors	-	DW Wellington
	-	MJ Evans, JP
	-	P Lionetti
	-	SM Bojcun
	-	JD Williams
	-	DJ Wolfe
	-	RH Emery
	-	J Waterman
	-	S Marshall
	-	J Walker
	-	D Wiseman
	-	J Jamieson
Chief Executive Officer	-	AC Hammond
Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	L Hewer
Executive Director Development Services	-	R Fenn
Minute Secretary	-	J Byrne
Approximately 15 members of the public		
2 media representatives		

<u>Apologies / Leave of Absence:</u>	-	R Paver
	-	I West

**3.0 OPENING PRAYER**

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

**4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**5.0 PUBLIC QUESTION TIME**

**\*C Pursey**

Mr Pursey addressed Council in regard to Item 11.3.7 and spoke against the recommendation.

Mr Pursey also addressed Council in regard to Item 11.1.3 and supported the officer recommendation.

**\*A Bentley**

Mrs Bentley addressed Council in regard to Item 11.1.3 and spoke against the officer recommendation. She also presented a petition containing 196 signatures opposing the proposed land swap.

Item 5.0 continued

**\*T Harrison**

Mr Harrison addressed Council in regard to coastal erosion. He requested Council to consider adopting a policy preventing the use of rocks to control coastal erosion.

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

6.1 Ordinary & Special Council Meeting Minutes (as previously distributed).

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 18<sup>th</sup> July 2006; as previously distributed be confirmed as a true and accurate record of proceedings.

AMENDED RECOMMENDATION

THAT the following minutes:

- Ordinary Council meeting held on 18<sup>th</sup> July 2006; as previously distributed be confirmed as a true and accurate record of proceedings, subject to:

- i) The words, 'For the motion: Councillors Marshall, Paver, Jamieson and Emery' be replaced with the words, 'Against the motion: Councillors Marshall, Paver, Jamieson and Evans'; at Item 11.3.1, immediately following the Council decision.

and

- ii) The deletion of the motion at Item 18.0, immediately prior to Item 18.1 as follows:

'MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR MARSHALL

THAT the late item be considered by Council.

MOTION CARRIED 12-0'

and

- iii) The inclusion of a motion to accept a late item following Item 18.1 as follows:

'MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR MARSHALL

THAT the late item to extend the public consultation period in relation to the Frenchman Bay Caravan Park and Tea Rooms development proposal be considered by the Council.

MOTION CARRIED 12-0'

and

Item 6.1 continued

- iv) The inclusion of Late Item 18.2 – Extension of Public Consultation Period – Frenchman Bay Caravan Park and Tea Rooms Development Proposal, as follows:

‘18.2 Extension of Public Consultation Period – Frenchman Bay Caravan Park and Tea Rooms Development Proposal

**BACKGROUND**

Councillor Paver expressed his concern that the current submission period of 21 days was inadequate for a development proposal of this complexity and that many of the surrounding property owners did not reside in the locality. He sought to extend the submission period to enable greater opportunity to consult with the community.

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR MARSHALL**

THAT Council extend the public consultation period by one (1) month from 21 July 2006, in relation to the Frenchman Bay Caravan Park and Tea Rooms development proposal.

MOTION CARRIED 12-0’

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR JAMIESON**

**THAT the following minutes:**

- **Ordinary Council meeting held on 18<sup>th</sup> July 2006;**  
**as previously distributed be confirmed as a true and accurate record of proceedings, subject to:**

- i) **The words, ‘For the motion: Councillors Marshall, Paver, Jamieson and Emery’ be replaced with the words, ‘Against the motion: Councillors Marshall, Paver, Jamieson and Evans’; at Item 11.3.1, immediately following the Council decision:**

**and**

- ii) **The deletion of the motion at Item 18.0, immediately prior to Item 18.1 as follows:**

**‘MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR MARSHALL**

**THAT the late item be considered by Council.**

**MOTION CARRIED 12-0’**

**and**

- iii) **The inclusion of a motion to accept a late item following Item 18.1 as follows:**

Item 6.1 continued

**‘MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR MARSHALL**

**THAT the late item to extend the public consultation period in relation to the Frenchman Bay Caravan Park and Tea Rooms development proposal be considered by the Council.**

**MOTION CARRIED 12-0’**

**and**

**iv) The inclusion of Late Item 18.2 – Extension of Public Consultation Period – Frenchman Bay Caravan Park and Tea Rooms Development Proposal, as follows:**

**‘18.2 Extension of Public Consultation Period – Frenchman Bay Caravan Park and Tea Rooms Development Proposal**

**BACKGROUND**

**Councillor Paver expressed his concern that the current submission period of 21 days was inadequate for a development proposal of this complexity and that many of the surrounding property owners did not reside in the locality. He sought to extend the submission period to enable greater opportunity to consult with the community.**

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR MARSHALL**

**THAT Council extend the public consultation period by one (1) month from 21 July 2006, in relation to the Frenchman Bay Caravan Park and Tea Rooms development proposal.**

**MOTION CARRIED 12-0’**

**MOTION CARRIED 13-0**

**7.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor Walker sought leave of absence from the September 2006 Ordinary Council Meeting.

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR JAMIESON**

**THAT Councillor Walker be granted leave of absence from the September 2006 Ordinary Council Meeting.**

**MOTION CARRIED 13-0**

**8.0 DISCLOSURES OF INTEREST**

Item 12.7.3 - Councillor Evans

Item 12.7.3 - Chief Executive Officer, Andrew Hammond

Item 12.7.3 - Executive Director Corporate and Community Services, Peter Madigan

**9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil.

**10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

A petition in regards to Item 11.1.3 was presented during Public Question Time.

**11.0 REPORTS – DEVELOPMENT SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on green –  
See Pages 9-87]

**12.0 REPORTS – CORPORATE & COMMUNITY SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on yellow –  
See Pages 88-104]

**13.0 REPORTS – WORKS & SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on pink –  
See Pages 105-137]

**14.0 REPORTS – GENERAL MANAGEMENT SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on buff –  
See Pages 138-139]

# **Development Services**

## **REPORTS**

## - R E P O R T S -

### 11.1 DEVELOPMENT

#### 11.1.1 Development Application – Nightclub – 120 York Street, Albany

<b>File/Ward</b>	: A74192 (Frederickstown Ward)
<b>Proposal/Issue</b>	: Change of use from Office to Nightclub
<b>Subject Land/Locality</b>	: 120 York Street, Albany
<b>Proponent</b>	: J Pages, Autingo Pty Ltd
<b>Owner</b>	: Daniele Nominees Pty Ltd
<b>Reporting Officer(s)</b>	: Planning Officer (I Humphrey)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Support Change of Use
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	:



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**BACKGROUND**

1. An application has been received for a change of use back from “Offices” to a “Nightclub”. The original consent for the nightclub dates back to 1979, where the whole of the building was converted from the empire theatre to a discotheque. Since then the building has been extended to increase the nightclub floor area (with additional car parking spaces being provided off site and controlled by a caveat), and a change of use for the downstairs element to various shops and to provide office accommodation. This currently vacant office space is the subject of this application.
2. The building is classified as Category B within the Municipal Heritage Inventory; “a *building of high heritage value*”.
3. The modifications to the building will be undertaken within the existing footprint, with no additional floor space being provided. The proposal includes a unisex/disabled toilet, lounge area, DJ booth, dance floor/stage and an alfresco area contained within the existing lobby of the building. A copy of the proposed floor plan and proponent’s letter of justification is attached to the rear of the report.

**STATUTORY REQUIREMENTS**

4. The use ‘Nightclub’ is defined within Town Planning Scheme No. 1A as follows:  
*“...means land and buildings used for the provision of entertainment and meals.”*
5. The nightclub use under Town Planning Scheme No. 1A is a discretionary land use (‘AA’ use), which states it is not permitted unless planning consent is granted by the Council. It should also be noted that under the Development Guidelines for Town Planning Scheme 1A (Jan 2005), a nightclub cannot be approved under officers delegated powers.
6. Under the Scheme the use ‘Nightclub’ requires 1 parking space for every 10m<sup>2</sup> of bar and lounge area, which in this case would equate to 36 bays. The office development that recently occupied the ground floor of the building would have needed 14 parking bays based on current Scheme standards.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

8. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS**

9. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**“Community Vision:**

*Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...*

- *Diverse and affordable cultural, recreational and sporting opportunities;*

*Albany’s community will enjoy economic growth and outstanding opportunities for our youth through...*

- *Excellent community infrastructure and services;*
- *Being the regional retailing and services hub;*

**Mission Statement:**

*The City of Albany is committed to...*

- *Delivering excellent community services;*
- *Providing sound governance;*

**Priority Projects:**

*Nil.”*

**COMMENT/DISCUSSION**

10. This application involves the re-use of a currently vacant premises, which has previously been used as a nightclub. The proposed new downstairs element will be run more closely to a ‘hotel’ use, with the bars closing at midnight, and a 30 minute handover period for upstairs (which plans to open at 11.30pm). The reason for applying for a ‘nightclub’ use rather than a ‘hotel’ use is that the existing nightclub liquor license will be used. The applicant has stated that the upstairs element is permitted to open earlier under current licensing arrangements, however attempts to open the nightclub before 11:00pm have failed from a trading perspective.
11. Whilst an alfresco area has been shown on the plans this area is fully enclosed and is separated from York Street via the façade of the building and entrance doors. In order to alleviate the potential for noise complaints in the future it is recommended that a noise management plan be prepared and implemented prior to the opening of the building for nightclub purposes. A professional acoustic consultant would need to prepare modelling to determine what noise attenuation measures are needed to comply with the Noise Regulations. Testing prior to operating the nightclub would also be required to ensure the predicted modelling was accurate, and to determine whether alternative treatment is required.
12. In relation to the parking requirements a caveat was previously placed on a nearby property for the provision of 8 car parking spaces, when an extension to the upper floor of the nightclub was approved.
13. Staff believe that the provision of additional parking bays for the change of use is not applicable in this instance for the following reasons:
  - The change of use does not involve any extension of floor space.
  - The ground floor of the building has previously been utilised as a nightclub.
  - There are already 8 parking bays designated on an adjacent property for use by the nightclub when the top floor was extended in 2000.
  - The upstairs portion of the club will open 30 minutes before the ground floor bar is closed.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

- The facility will be open outside of normal working hours when on-street parking will be more readily available.

**RECOMMENDATION**

THAT Council resolves to support the issuing of a Notice of Planning Scheme Consent for the use of Night Club at 120 York Street, Albany, subject to, but not limited to, the following conditions:

- i) the ground floor nightclub being open no later than 12:00am; and
- ii) preparation and implementation of a noise management plan by a suitably qualified acoustic consultant, inclusive of testing, prior to the operation of the use.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WELLINGTON**

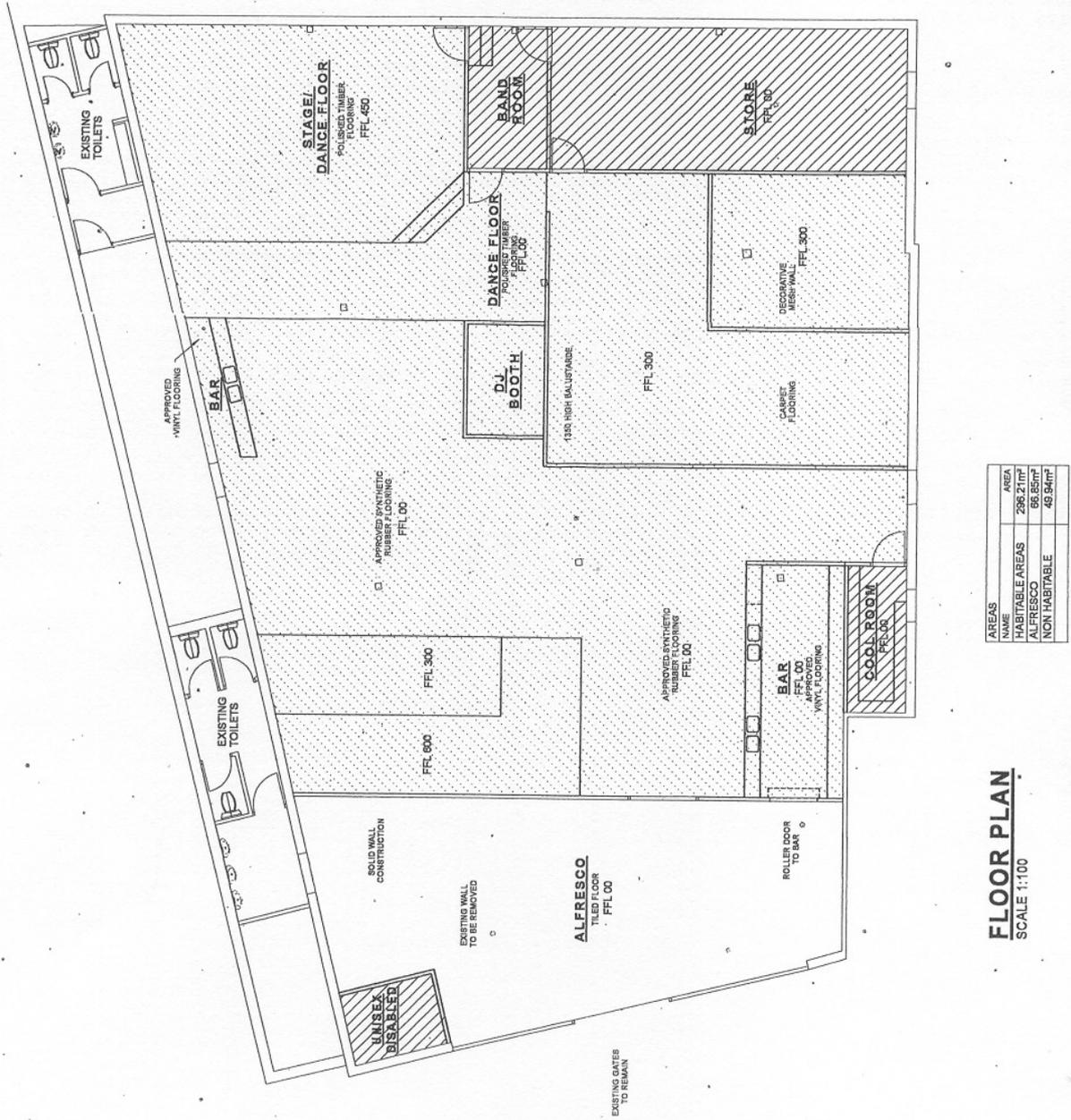
**THAT Council resolves to support the issuing of a Notice of Planning Scheme Consent for the use of Night Club at 120 York Street, Albany, subject to, but not limited to, the following conditions:**

- i) the ground floor nightclub being open no later than 12.00am; and**
- ii) preparation and implementation of a noise management plan by a suitably qualified acoustic consultant, inclusive of testing, prior to the operation of the use.**

**MOTION CARRIED 13-0**

ORDINARY COUNCIL MEETING MINUTES – 15/08/06  
 \*\* REFER DISCLAIMER \*\*  
 DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

*IAN*  
*Humphreys*  
30

Autingo PTY LTD - ATF The Pages Family Trust  
ABN 85 009 404 657

Facsimile: 9842 6397  
PO Box 1788 Albany WA 6331  
Email: nightclub@inet.net.au



Flashbax Lounge Bar  
338 Middleton Loop, Albany WA 6330  
Phone: 9842 9202

*Plan 10*  
*A74191*  
*P265345*

Monday, 17 July 2006

Ian Humphrey  
Planning Officer  
City of Albany  
PO Box 484  
ALBANY WA 6330

**Re: Application to change the use of a building**

Dear Ian

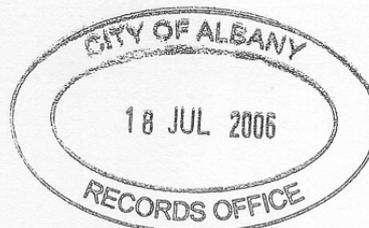
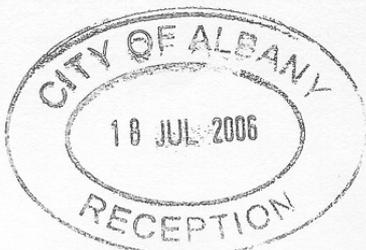
Please find enclosed an application to change the approved use of a building that we already partially occupy.

As previously discussed we are seeking permission to use a as a nightclub, part of the bottom floor of the Empire Building on the corner of York St and Stirling Terrace. As you are aware we already occupy part of the top floor of this building.

We are seeking to use the bottom floor to provide alternative entertainment to that which we currently offer on the top floor. The proposed downstairs venue will open around eight o'clock both nights of the weekend and close at midnight. Although we are permitted to open the upstairs venue during these hours, we have found that people only appear to want to go to the upstairs venue around midnight, previous attempts to create earlier trade have not been successful.

We intend to use the same cabaret liquor licence we have upstairs to cover both operations. This area was previously operated as a nightclub a little over six years ago when Daniele Nominiees operated Club 1912.

As discussed, in relation to the provision of parking we are seeking permission use the development agreement already in place with the council. There will only be a half hour overlap in the trading hours between the two operations. The proposed downstairs venue will open at eight and close at midnight. The upstairs venue will open around 11:30. Therefore we do not feel that we will be creating the need for extra parking within the city.



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

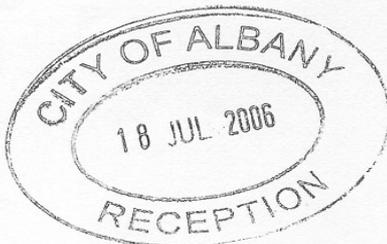
With the increased use of taxis by patrons and the already large amount of parking in this area (e.g. Rivers clothing store car park) I do not feel that we should be required to provide more parking, or money in lieu of parking. The parking bays covered in the current agreement do not currently appear to be used by our patrons so it could be argued that there is not even the need for these bays.

Should you wish to discuss this matter further please do not hesitate to contact either me on 0407 088 131

Yours sincerely



Jason Pages  
Director



**DEVELOPMENT SERVICES REPORTS**

**11.1.2 Development Application – Multiple Dwellings – 14 Marine Terrace, Middleton Beach**

**File/Ward** : A87325 (Frederickstown Ward)

**Proposal/Issue** : Proposal to construct 4 dwellings

**Subject Land/Locality** : Lot 653, 14 Marine Terrace, Middleton Beach

**Proponent** : Nick Pagano

**Owner** : J & D Cann

**Reporting Officer(s)** : Planning Officer (L Brown)

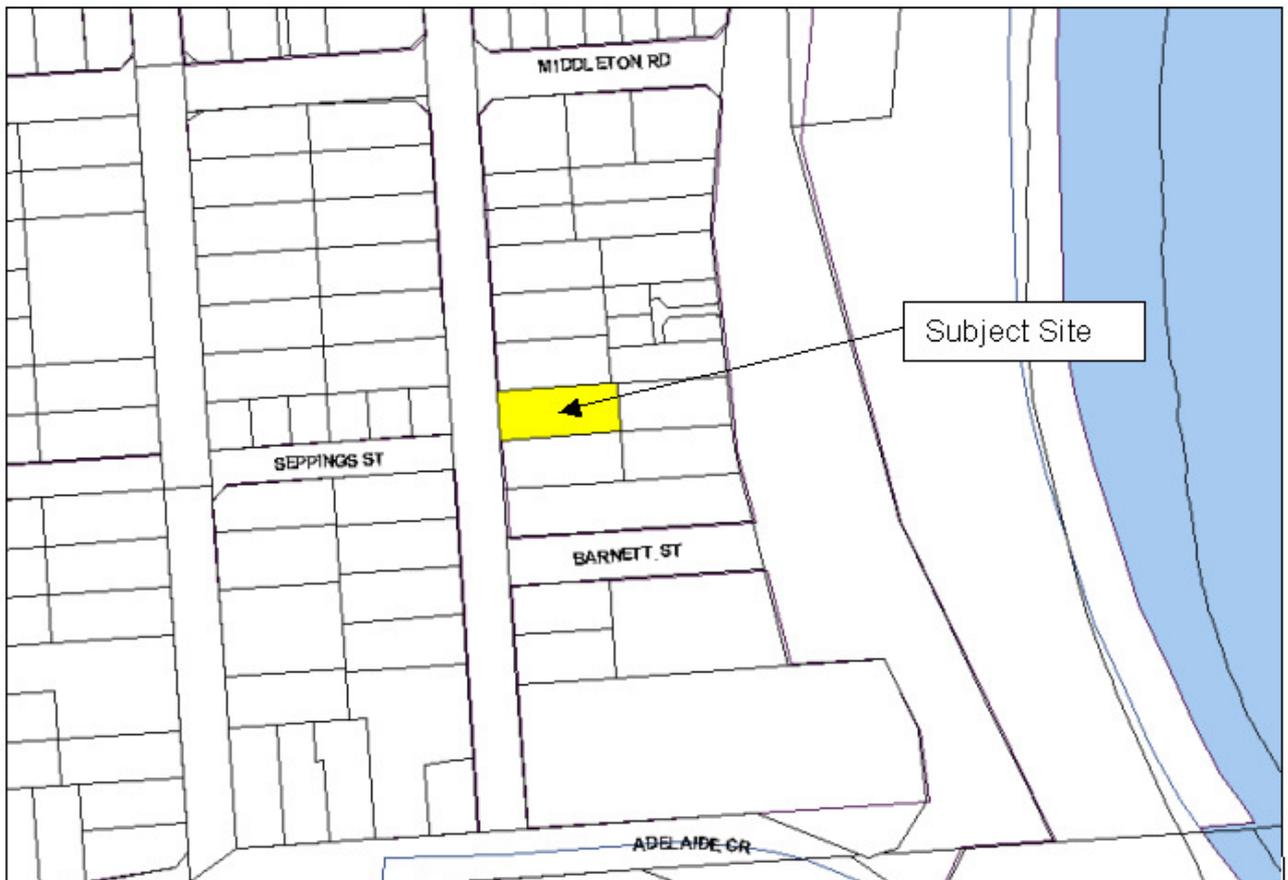
**Disclosure of Interest** : Nil

**Previous Reference** : Nil

**Summary Recommendation** : Grant Planning Scheme Consent

**Bulletin Attachment** : Nil

**Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**BACKGROUND**

1. An application has been received for 4 residential apartments (multiple dwellings) at 14 Marine Terrace, Middleton Beach. A site plan and unit elevations are attached to the rear of this report.
2. The subject land is zoned “Residential R60” within Town Planning Scheme No. 1A and is 1017m<sup>2</sup> in size.
3. Each of the 4 proposed multiple dwellings meet the average site area of 180m<sup>2</sup>. Two apartments constitute the ground floor level and 2 apartments on the first floor. All apartments contain 3 bedrooms, study, kitchen, dining and lounge rooms and outdoor alfresco or balcony areas. All parking and storage areas are contained underground in the basement level.
4. As the proposed development is valued at \$2 million, exceeding staff’s delegated authority, the item has been referred to an ordinary meeting of Council for deliberation.

**STATUTORY REQUIREMENTS**

5. In accordance with Section 5.44 of the Local Government Act 1995, the Chief Executive Officer has been given delegated authority to issue planning scheme consents as they relate to Town Planning Scheme No. 1A within certain limits.
6. Clause 4.12 of Town Planning Scheme No. 1A states that the development of land for any residential purpose is to be dealt with by the Residential Design Codes (R-Codes).
7. The Residential Design Codes applies various standards for multiple dwelling developments, inclusive of the requirement to have storage areas, visitor parking and private outdoor living areas. The development has been assessed against such criteria in the comment/discussion section of this report.

**POLICY IMPLICATIONS**

8. The ‘Development Guidelines – Scheme 1A’, is a town planning scheme policy adopted pursuant to Clause 7.21 of Town Planning Scheme No. 1A. The policy states the following in relation to delegated authority:

*“Guideline 1: Authority to issue Planning Consents*

*1.1 For the purpose of Schedule 1 to Council’s Delegated Authority notice, authority to issue planning consents or refusals, with or without conditions shall be restricted to those uses nominated in Appendix 1 – Zoning Table in the Town of Albany Town Planning Scheme, but excluding:*

*o. Projects exceeding \$1 million value other than those involving the subdivision of land.”*

**FINANCIAL IMPLICATIONS**

9. There are no financial implications relating to this item.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**STRATEGIC IMPLICATIONS**

10. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

***“Community Vision:***

*A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...*

- *Excellent community infrastructure and services; and*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

***Mission Statement:***

*The City of Albany is committed to ...*

- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

11. The proposal has been assessed against the Residential Design Codes as follows:

Housing Density

12. The R60 coding of the site allows for 1 unit per 180m<sup>2</sup>; the number of apartments proposed (4) is divisible into the site area of 1017m<sup>2</sup> and is therefore compliant with the density criteria.

Open Space

13. The site is 1017m<sup>2</sup> in area, with the development covering 453m<sup>2</sup> of the site at ground level. The open space left on the site will meet the 50% required.

Outdoor Living Space

14. Each apartment has a private courtyard or balcony, which is accessible directly from a living space. In combination with the open space at ground level, this aspect of the development is catered for sufficiently.

Setbacks

- Front: Compliant with acceptable development criteria
  - Northern boundary: One overlooking issue, no objection from the adjoining landowners.
  - Rear (eastern) boundary: Overlooking & side setback relaxations required (not compliant with acceptable development criteria) however adjoining landowners have no objections to a relaxation; performance criteria met.
  - Southern boundary: Overlooking & side setback relaxations sought (not compliant with acceptable development criteria).
15. Staff consulted with the 4 landowners (within the strata title land parcel) regarding the setback relaxations. Two objections have been received on the basis of lost privacy and sunlight and two adjoining landowners did not comment.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

16. The southern side setback of the development makes effective use of the space on site and has been designed in the most practical manner so the closest and highest point of the wall contains non-habitable spaces or spaces that are screened. The original development design has been amended in respect to several aspects of overlooking (and wall heights) since it was submitted to lessen the impact of building bulk, mass and overlooking to the adjoining property lying to the south. Staff are satisfied that the performance criteria in relation to overlooking setbacks and side setbacks have been met.

Over height

17. The structure exceeds acceptable development building heights (6m wall height, 9m ridge), with wall heights up to 6.7m and ridge heights up to a maximum of 11m being proposed (measured from Natural ground level). The highest points of the building are generally contained to the middle of the land parcel with exception of the closest wall facing the southern boundary, which measures 7.8m in height. The development does not inhibit views of significance (no land immediately behind it). The outdoor living space of the grouped dwellings immediately to the south are likely to have their direct sun impeded during the bulk of daylight hours. This is the only aspect of the development that potentially does not meet the performance criteria relating to building height.

Overshadowing

18. As per the discussion above relating to the over height issues, it is acknowledged that the grouped dwellings to the south will be partially overshadowed, however the development does not overshadow the adjoining site in excess of 50% which is compliant with Clause 3.9.1 (A1) of the R-Codes for sites zoned R40 or higher (plan attached).

Access

19. The development is to be serviced by one entry and exit point, which has been positioned at the western frontage of the site.

Parking

20. 12 bays are provided in the underground basement, which easily meets the requirement to have 2 bays per dwelling and 1 visitor bay for every 4 units.

Storage Areas

21. Each unit has a storage area greater than 4m<sup>2</sup> located within the underground basement.

Surveillance

22. The two units fronting Marine Terrace have unfettered visual surveillance of the road through windows of habitable rooms.

23. With the exception of the structure being over height, which will have an impact on the land parcel immediately to the south in respect to adequate sunlight, the development is in accordance with the requirements of the Residential Design Codes from all other aspects and it is recommended that the development is granted planning scheme consent.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**RECOMMENDATION**

THAT Council resolves to support the issuing of a Notice of Planning Scheme Consent for the development of 4 Multiple Dwellings at Lot 653, 14 Marine Terrace, Middleton Beach subject to, but not limited to, the following conditions:

- i) all Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council;
- ii) all landscaping to be in accordance with the approved plans, being implemented prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council; and
- iii) detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval prior to the issue of a building licence.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR EMERY**

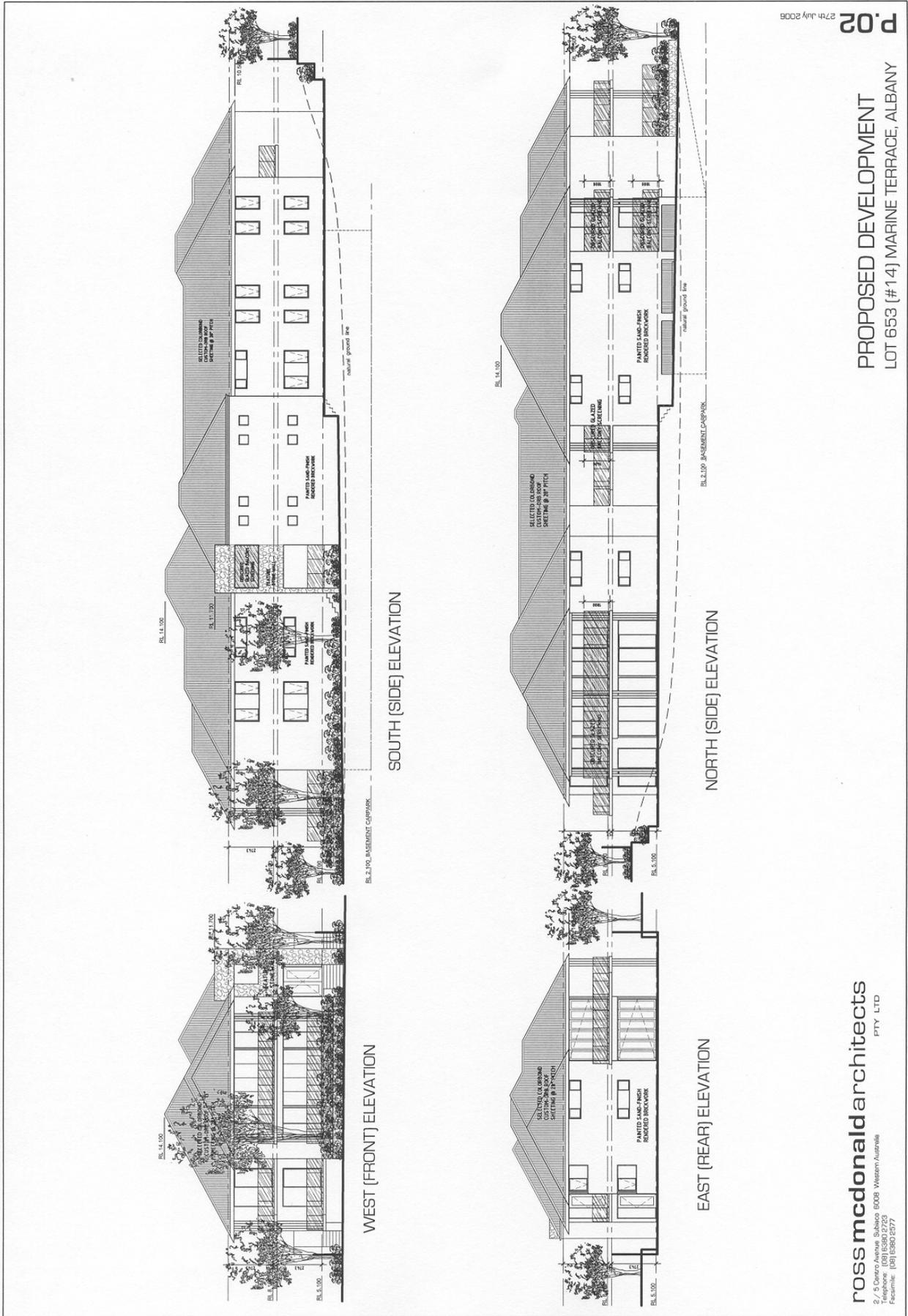
**THAT Council resolves to support the issuing of a Notice of Planning Scheme Consent for the development of 4 Multiple Dwellings at Lot 653, 14 Marine Terrace, Middleton Beach subject to, but not limited to, the following conditions:**

- i) all Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council;**
- ii) all landscaping to be in accordance with the approved plans, being implemented prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council; and**
- iii) detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval prior to the issue of a building licence.**

**MOTION CARRIED 13-0**



Item 11.1.2 continued



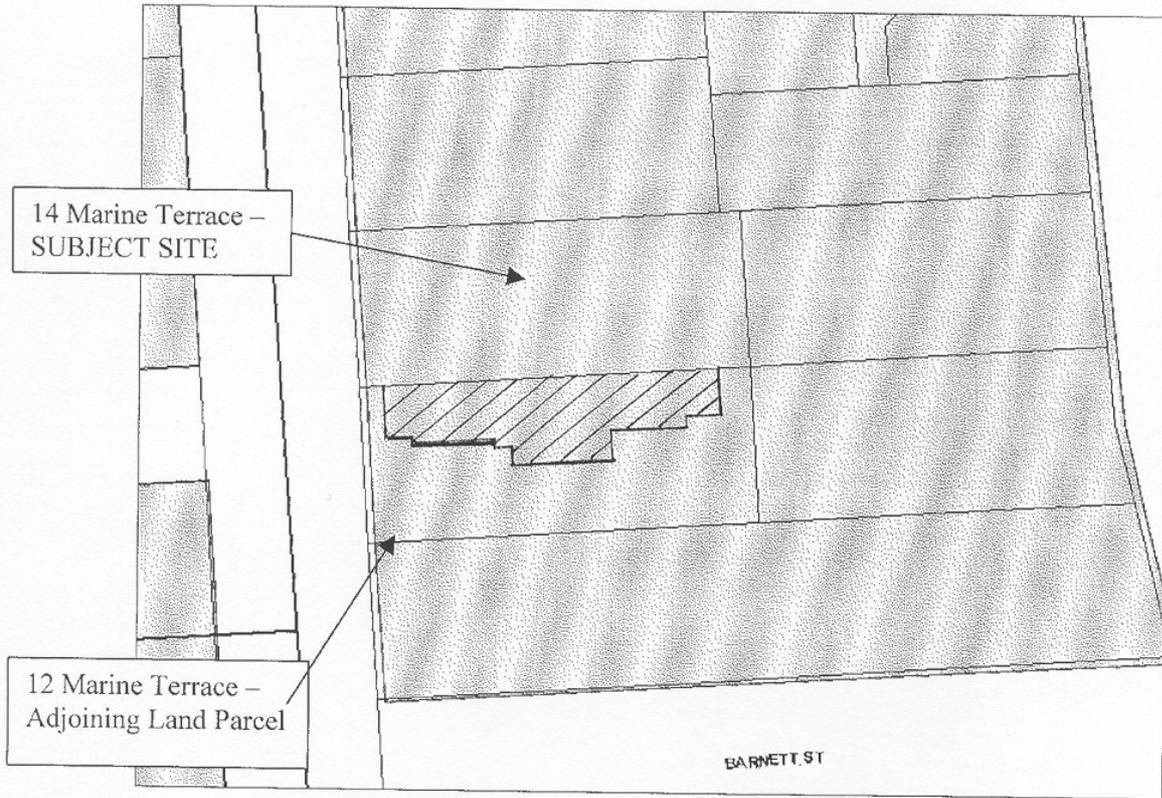
P.02  
 27th July 2008

PROPOSED DEVELOPMENT  
 LOT 653 (#14) MARINE TERRACE, ALBANY

ross mcdonald architects  
 PTY LTD  
 2 / 5 Ouseiro Avenue, Subiaco 6008 Western Australia  
 Telephone: (08) 9394 2723  
 Facsimile: (08) 9390 2577

Item 11.1.2 continued

**Overshadowing Calculation – Noon, 21<sup>st</sup> June, 31° Sun Angle (in Albany)**



**Conclusion:** Overshadowing to adjoining site less than 50% as per Clause 3.9.1 (A1) of the Residential Design Codes 2002.

**DEVELOPMENT SERVICES REPORTS**

**11.1.3 Landswap Proposal – Portion of Sub Lot 388 and Portion of Reserve 37440, Wright Street & Lake Seppings Drive, Seppings**

- File/Ward** : A148717 (Breaksea Ward)
- Proposal/Issue** : Proposal to swap Crown Land (zoned “Parks & Reserves”) with privately owned land (currently zoned “Parks & Reserves”)
- Subject Land/Locality** : Portion of Sub Lot 388 and Portion of Reserve 37440, Wright Street & Lake Seppings Drive, Seppings
- Proponent** : City of Albany
- Owner** : Crown & Walker Paddon Real Estate Pty Ltd & Blacktora Pty Ltd & Firststar Holdings Pty Ltd
- Reporting Officer(s)** : Planning Officer (L Brown)  
Manager Planning & Rangers (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 18/10/05 – Item 11.4.1
- Summary Recommendation** : Support Proposed Land Swap
- Bulletin Attachment** : Submissions from Albany Residents
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**BACKGROUND**

1. At its meeting dated 25 March 1997, Council considered a request to swap a portion of Reserve 37440 (Crown Land) with a portion of Lot 388 Wright Street which is privately owned. At this meeting Council resolved as follows:

*“THAT Council support the request from Harley, Hedderwick & Webber to the Department of Land Administration to swap portion of Reserve 37440 for a portion of Sub Lot 388 conditionally that equal areas of land be exchanged and the subject land be rezoned to the satisfaction of Council and at the owners expense.”*

2. Since the request was made the then owner appointed a surveyor to draft up a plan showing the exact areas of land involved in the land swap. The survey found that the portion of the Reserve was 600m<sup>2</sup> larger than the portion of Lot 388. In this regard the Department for Planning & Infrastructure (DPI) has advised that should the land swap proceed the proponent will be required to compensate the Crown for the 600m<sup>2</sup> portion based on an independent valuation.
3. Lot 388 has recently changed ownership, and the new owners have approached Council to progress the land swap arrangements.
4. The DPI has advised that prior to finalising the land swap the proposal needs to be advertised and Council is required to pass a resolution supporting the request. In accordance with this advice the following advertising process were commenced:
  - Signposting of the affected area with the intended proposal for 60 days;
  - Advertising the proposal in the local newspaper for 35 days; and
  - Sending letters to adjoining landowners explaining the proposal and inviting submissions.
5. The advertising period has concluded whereby Council received 10 submissions in total; one supporting the proposed land swap and 9 expressions of objection inclusive of a petition with 167 signatures. Copies of the submissions are included in the Elected Members Report / Information Bulletin.
6. All comments submitted on the proposed land swap are discussed in the comment section of this report.
7. Correspondence has also been received from the Department of Environment (DOE) expressing concerns with the potential for future development on both land parcels (a copy of the letter follows this report).

**STATUTORY REQUIREMENTS**

8. As the Crown Land is currently vested in the City of Albany for Public Recreation Purpose, Council's Resolution is required under Section 27(1) of the *Land Administration Act 1997*, in order for the Department for Planning and Infrastructure to proceed with the land swap process.

**POLICY IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**FINANCIAL IMPLICATIONS**

10. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS**

11. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

***“Community Vision:***

*A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through...*

- *Excellent community infrastructure and services;*

***Mission Statement:***

*The City of Albany is committed to...*

- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

12. In relation to the objections received the main concerns involved the following:

- Concerns for environmental impact upon Lake Seppings and associated wetland environment.
- Concern regarding environmental impact of residential development on bushland.
- Property devaluation due to adjoining residential development.
- Concerns regarding potential loss of privacy.
- Purchase decision based on property adjoining reserve that was never to be ‘rezoned’.
- Development Proposal for Sub Lot 389 proceeding through to Sub Lot 388 and the incapability of a development proposal meeting requirements ie road widths and lot sizes.

13. The above concerns are discussed below:

Environmental Concerns

14. The correspondence received from the DOE does not differentiate between this application, which is a land swap, and the processes involved in rezoning the land and subsequent subdivision. Despite the fact that Reserve 37440 is between 1 and 2 metres higher than Lot 388, has a greater coverage of vegetation, and is setback further from the ecologically important Lake Seppings, the letter makes no reference to the environmental benefits of the land swap.
15. The lots and their associated environments are not being altered, cleared or harmed in any way by this current proposed land swap.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

16. If Council supports the land swap proposal there would be no presumption or right to development. The land would need to be rezoned from “Parks and Recreation” to “Residential” and the proponent would need to undertake a full environmental investigation of the issues on site. The Department of Environment and the community would be able to comment on the proposal at that time when all of the site development issues are known.
17. The aerial photograph below shows the land parcels involved.



18. Devaluation/Loss-of Privacy/Reason for purchasing property  
The land swap is not expected to have any major impact on land values in the area as the zoning of both land parcels involved in the proposal will still be reserved for Parks and Recreation.
19. Should development be permitted into the future the proponent would need to connect the land to reticulated sewerage, which is likely to have a beneficial affect on surrounding land values.
20. In relation to privacy this issue would need to be addressed at the development stage in accordance with the Residential Design Codes. Given the level of Reserve 37440 is at a similar height to existing residential lots there would appear to be no overlooking issues that would result from future development.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

21. Objections have been received stating that a significant factor in the purchase of their property was that they backed onto a reserve. Whilst the land swap may result in development at the rear of existing residential lots, the proposal will result in Lot 388, which is lower lying, contains more vegetation and is closer to Lake Seppings, being amalgamated into the surrounding reserve network assisting the long term conservation of the area.

22. Whilst it would be beneficial to have both Reserve 37440 and Lot 388 in public ownership, the reality is Lot 388 is more important strategically to be in Council's care and control. The only way to secure Lot 388 within public ownership would be for Council to purchase the Reserve, at a substantial cost, which is unlikely to be explored. It is also advised that should the proponent's of Lot 388 apply for development on their existing property, albeit a single house, and that development is refused, compensation for loss of development potential could be sought by the proponent from Council.

Future Development

23. In relation to concerns over future development meeting minimum lot sizes and road reserve width's, Council will assess such applications against standard development requirements laid out in the Residential Planning Codes and in Council's Subdivision and Development Guidelines document.

Conclusion

24. In summary staff are supportive of the land swap proposal for the following reasons:

- The conversion of Lot 388 into public ownership will allow for better integration with the surrounding reserve network and due to it's low lying nature, vegetation cover and proximity to Lake Seppings, would represent an improved environmental outcome.
- The land swap gives no presumption to development on Reserve 37440, as the proponent would need to apply to rezone the land to residential, and in doing so address the environmental concerns identified on the site.

**RECOMMENDATION**

THAT Council advises the Department of Planning & Infrastructure that it supports the proposed land swap affecting portions of Reserve 37440 and Lot 388 Wright Street, Seppings, and requests that arrangements be made to finalise the land swap process.

*Voting Requirement Simple Majority*

.....

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

ALTERNATE MOTION

MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR WALKER

THAT Council lay on the table for a period of one month the landswap proposal to allow an opportunity for discussions to occur on the potential to purchase Sub Lot 388 Wright Street for inclusion into the Lake Seppings reserve network.

*Voting Requirement Simple Majority*

.....  
Reason:

Prior to making a final decision on the proposal it would be prudent to ascertain the potential to purchase Lot 388 Wright Street and undertake negotiations with the landowner with a view to purchasing the subject land for integration into the surrounding reserve network.

With the approval of the Mayor, the Chief Executive Officer read aloud a written statement from Councillor Paver in relation to Item 11.1.3, as follows:

*'I am opposed in principle to any landswap of privately owned land for publicly owned land. Whether or not any land, private or public, should be developed, is a matter that should be decided objectively on the merits in accordance with normal planning principles.*

*If, for reasons of public interest, privately owned land should not be developed, it should be resumed from the public purse. It should not be made the subject of a landswap that can be perceived as underwriting private risk at public expense.*

*Landswaps should only be countenanced when the sole consideration is the public interest. In other words I would be prepared to support a landswap of City of Albany owned land for State Government owned land. In such circumstances there is no tension between public and private interest.'*

FORESHADOWED MOTION

Councillor Jamieson foreshadowed the following motion:

THAT Council advise the Department for Planning and Infrastructure and the proponent that it no longer wishes to pursue a land swap affecting portion of Reserve 37440 and Lot 388 Wright Street, Seppings.

*Voting Requirement Simple Majority*

Reason:

There is no capacity under the current environmental standards for the potential development of the land that would be created if the land swap was to proceed.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

The substantive motion was put as follows:

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR WALKER**

**THAT Council lay on the table for a period of one month the landswap proposal to allow an opportunity for discussions to occur on the potential to purchase Sub Lot 388 Wright Street for inclusion into the Lake Seppings reserve network.**

**MOTION CARRIED 8-5**

Reason:

Prior to making a final decision on the proposal it would be prudent to ascertain the potential to purchase Lot 388 Wright Street and undertake negotiations with the landowner with a view to purchasing the subject land for integration into the surrounding reserve network.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued



Department of Water  
Government of Western Australia

Your ref: 1248/997  
Our ref: SC770 SC753-06 SRS16889  
Enquiries: Marisa Papalia

Department of Planning and Infrastructure  
Land Asset Management Services  
South East Regional Services  
PO Box 1575  
MIDLAND WA 6936

ATTENTION: ROBYN CORBETT

Dear Sir/Madam

**Proposed Land Swap – Sub Lot 388 and Reserve 37440 - Seppings, City of Albany**

Further to the Department's letter of 18 July 2005, I write to advise that the Department recently undertook a site inspection of the subject land and adjacent Lot 400 Everard Street. The reason for this visit was two fold: one to assess the subdivision application on Lot 400 Everard Street (WAPC ref: 131194) and the other to review the general area and its impact on the Lake Seppings Wetland System.

A Senior Natural Resource Officer who specialises in wetlands visited the site with other officers of our Department. Based on the site visit the following advise is provided for your information:

Both parcels of land subject to the land swap are entirely located within a wetland, being the Lake Seppings Suite, which is regarded as being regionally significant, and has inadequate buffers (V & C Semeniuk Research Group 1998).

Lake Seppings has been identified as a regionally significant wetland due to its unique formation history. The regional classification includes the entire wetland system, which consists of the main lake (open water body), the extensive area of flat and basins that are seasonally/intermittently inundated or waterlogged, to the tidal margins of Oyster Harbour.

There is presently limited upland fringing vegetation buffering the wetland system, particularly along the northern margins of the system, and for this site the wetland vegetation borders urban development. Typical fringing vegetation communities and landform does not exist to provide a buffer between the wetland and development area.

The Department would object to the land swap if the intent were to provide development potential for the portion of the reserve land transferred to another landowner. The Department could not support the development of the subject land as it forms part of the Lake Seppings Wetland system.

South Coast Region  
5 Bevan Street Albany Western Australia 6330  
PO Box 525 Albany Western Australia 6331  
Telephone (08) 9842 5760 Facsimile (08) 9842 1204  
www.water.wa.gov.au

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

The absence of a dryland area and vegetation community means that any development on the subject land and adjacent land cannot be undertaken without direct impacts on the wetland. Any filling of the site and increase in surface run off will lead to a direct loss of wetland vegetation and habitat. Clearing of wetland vegetation will occur, and the lack of a buffer or even demarcation between development and wetland will result in further impacts through weed invasion, litter, recreation impacts and stormwater. Of note, is the fact increased drainage from urban areas is causing flooding of the wetland area to the south of the development site, as evidenced by stands of dead vegetation.

Our previous advice indicated that buffers would be required from the wetland. The site inspection confirmed that buffers from the wetland could not be achieved as the subject land itself forms part of the wetland.

Should the land swap go ahead, the new landowners will need to be advised that development of the subject land would require referral of the development to the Environmental Protection Authority (as required under Section 38 of the Environmental Protection Act) be undertaken.

Please note: The former Department of Environment (DoE) and Department of Conservation and Land Management (CALM) is now operating as the Department of Environment and Conservation (DEC), but amalgamation is yet to be completed. The advice in this letter is provided from the former Department of Environment. Further advice may also be received from the Department of Environment and Conservation (former CALM).

Should you require any further information on this proposal please contact Marisa Papalia at the address shown.

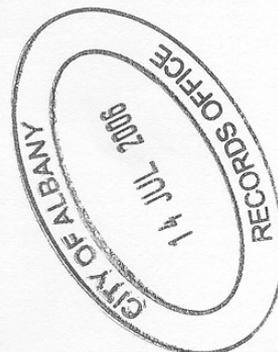
Yours sincerely



per/ **Naomi Arrowsmith**  
**Regional Manager**  
**Department of Water**

10 July 2006

cc: City of Albany, Graeme Briede, Manager Planning & Ranger Services.



**11.2 HEALTH, BUILDING & RANGERS**

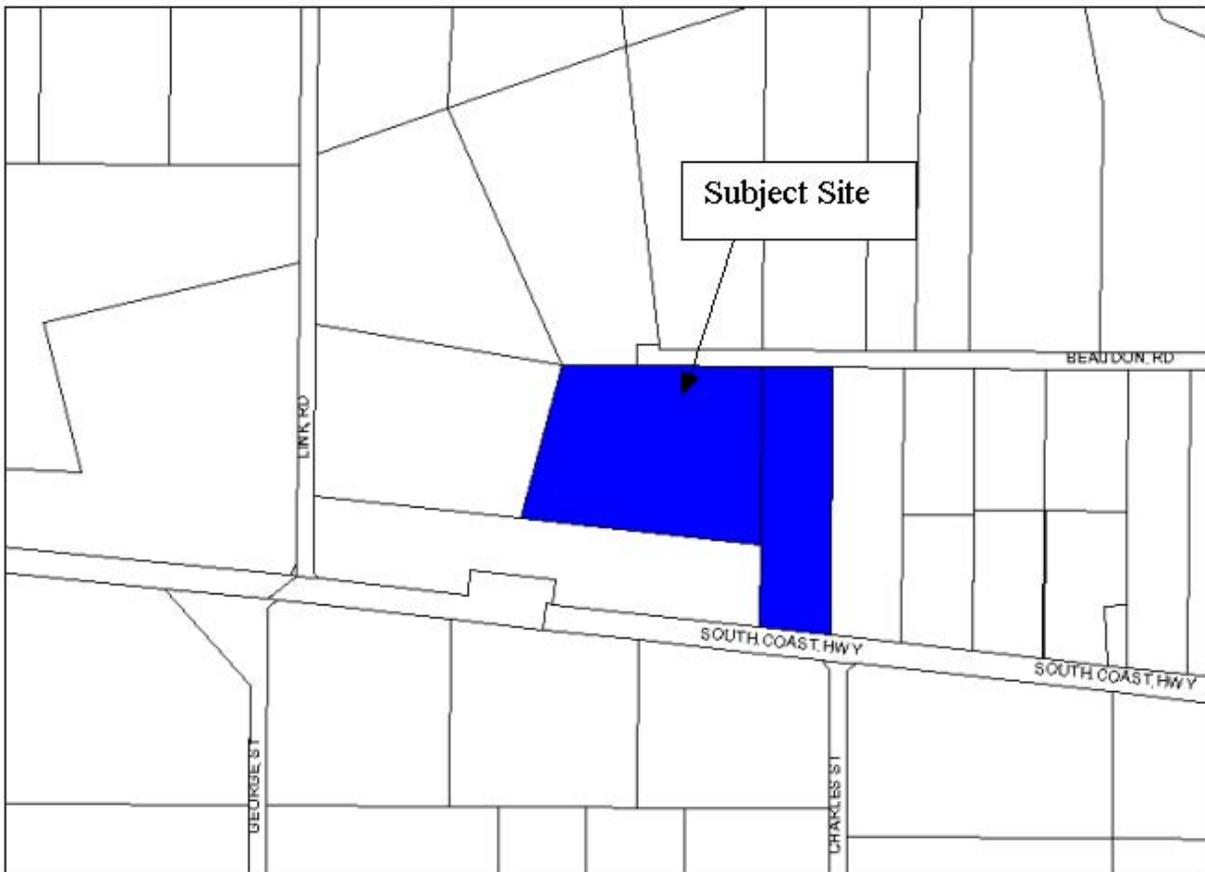
Nil.

**DEVELOPMENT SERVICES REPORTS**

**11.3 DEVELOPMENT POLICY**

**11.3.1 Scheme Amendment Request – Lot 1 South Coast Highway and Lot 8 Beaudon Road, McKail**

<b>File/Ward</b>	: SAR 097 (West Ward)
<b>Proposal/Issue</b>	: Rezoning land from 'Rural' to 'Special Rural'
<b>Subject Land/Locality</b>	: Lot 1 South Coast Highway & Lot 8 Beaudon Road, McKail
<b>Proponent</b>	: The Planning Group WA Pty Ltd
<b>Owner</b>	: M & A D'Addario & M & F D'Addario
<b>Reporting Officer(s)</b>	: Planning Officer (A Nicoll)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Recommend support
<b>Bulletin Attachment</b>	: Scheme Amendment Request
<b>Locality Plan</b>	:



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**BACKGROUND**

1. A Scheme Amendment Request (SAR097) has been lodged seeking Council's preliminary support to rezone Lot 1 South Coast Highway and Lot 8 Beaudon Road, McKail from the 'Rural' to 'Special Rural' zone.
2. The subject site comprises two adjoining lots with a total area of 7.5 hectares, one with frontage to South Coast Highway and access to all services (except deep sewerage). The subject site is identified strategically for 'Rural Residential' purposes and is outside of the Water Corporation Water Treatment Buffer area.
3. The application was referred to the Department for Planning and Infrastructure (DPI), the Department of Environment (DOE) and the Water Corporation for initial comment.

**STATUTORY REQUIREMENTS**

4. The properties are currently zoned 'Rural' in Town Planning Scheme 3. (TPS3). The objective of the rural zoning in TPS3 identified under clause 3.1.13 is:  
  
*"To ensure that high quality agricultural land is retained for primary production. To regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests. To preserve rural land within easy reach of urban areas."*
5. The area is not identified or used for 'high quality agriculture', therefore a rezoning to "Special Rural" is not expected to conflict with farming interests.
6. A Scheme Amendment Request (SAR) is not a statutory process under the Planning and Development Act 2005. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
7. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

**POLICY IMPLICATIONS**

8. The Local Rural Strategy (LRS, 1996) is a policy document adopted under the Scheme as a guide for decision-making on rural land. The property in question has been identified within this document as being suitable for 'Rural Residential' (eg. Special Rural) development subject to the proposal overcoming identified constraints and satisfying relevant land management needs.

**FINANCIAL IMPLICATIONS**

9. Beaudon Road (gravel road to the north) provides access to Lot 8 and secondary access to Lot 1. This road may need to be upgraded to provide secondary access to the proposed Lots 2, 3 and 4.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**STRATEGIC IMPLICATIONS**

10. The property is identified in the Draft Albany Local Planning Strategy (ALPS) document as being suitable for 'Special Rural' type development. The ALPS supports special rural in adjoining existing fully serviced urban areas (McKail and Gledhow on either side of the Link Road) reflecting current lot sizes, servicing constraints and the need to integrate noise buffer areas between residential development areas and major transport routes.

**COMMENT/DISCUSSION**

Amendment Report

11. The application includes a brief report, which argues that a rezoning to 'Special Rural' is considered appropriate due to the future intent for the locality, the contribution to a variety of rural options close to the City centre and good access and servicing opportunities. A Subdivision Guide Plan has been included which illustrates 6 Lots and a cul-de-sac head linking onto South Coast Highway. The lot sizes proposed (>1ha) are considered acceptable for special rural zonings (1 - 4ha) and are of a similar size (1 - 2ha) to the properties within the vicinity.
12. The DOE have raised no objection to the proposal subject to the amendment documentation including a detailed land capability assessment and consideration given to protecting small stands of native vegetation on the site. At the time of writing this report no comment had been received from the Water Corporation or the DPI.

Positives

13. The site is on the fringe of the future 'Residential Urban Front' (east) and does not conflict with the rural agriculture land on the outer (west). A 'Special Rural' zoning in this locality acts to provide a suitable transition from residential to rural.
14. The site and amenities (eg schooling and neighbourhood shopping) are easily accessible via South Coast Highway. Necessary utilities such as water and electricity are capable of being connected to the site.
15. The proposal is in keeping with the uses of the properties surrounding, being for hobby farming, horse keeping and rural residential.

Negatives

16. There is an over abundance of 'Rural Residential' zoned land in Albany. Preliminary investigations (*WAPC's Country Land Development Annual Reviews 2004 and 2005*) indicate that around 40% of existing special rural/special residential zoned land has been developed and at least 5 and up to 10 years lot supply of special rural/special residential land is available in the subdivision 'pipeline'.
17. There is a general trend away from lots greater than 5000m<sup>2</sup> due to changes in lifestyle requirements (the time and resources required to maintain their outlook) and distances from services and facilities.

Additional Requirements

18. The land is predominantly cleared and the soil types are such that there may be a pollution risk from effluent disposal systems. A land capability assessment inclusive of soil and groundwater testing will need to be conducted in the winter months (in August or September) to ascertain the capability of effluent disposal.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

19. In addition to the plan of subdivision, scheme provisions are to be incorporated to specify the purpose of the zone, requirements for facilities (eg potable water) and standards for the control of land use.

Conclusion

20. Due to the compatibility of the application with the strategic intent for the area and the fact that only 4 additional lots are being created, staff recommend that the application to rezone the land to 'Special Rural' be supported.

RECOMMENDATION

THAT Council advises the proponent that it is prepared to entertain the submission of a formal application for rezoning Lot 1 South Coast Highway and Lot 8 Beaudon Road, McKail from the 'Rural' to 'Special Rural' zone subject to the following matters being addressed to the satisfaction of the Council:

- i) amendment documentation which includes a detailed land capability report assessing soil characteristics and groundwater levels on the site; and
- ii) a set of scheme provisions for the area which includes a provision for a contribution to the upgrading of Beaudon Road.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR LIONETTI  
SECONDED COUNCILLOR JAMIESON**

**THAT Council advises the proponent that it is prepared to entertain the submission of a formal application for rezoning Lot 1 South Coast Highway and Lot 8 Beaudon Road, McKail from the 'Rural' to 'Special Rural' zone subject to the following matters being addressed to the satisfaction of the Council:**

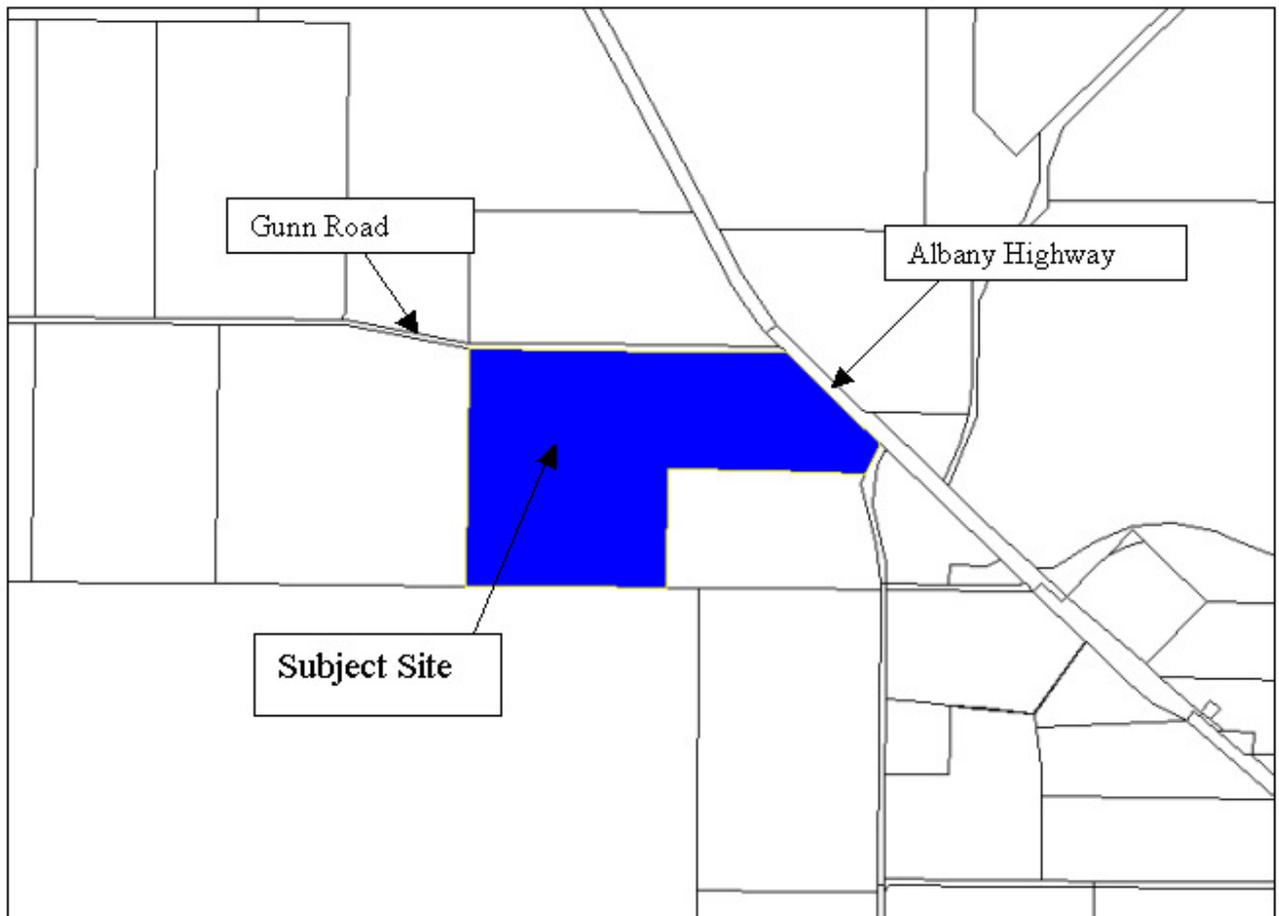
- i) amendment documentation which includes a detailed land capability report assessing soil characteristics and groundwater levels on the site; and**
- ii) a set of scheme provisions for the area which includes a provision for a contribution to the upgrading of Beaudon Road.**

**MOTION CARRIED 13-0**

**DEVELOPMENT SERVICES REPORTS**

**11.3.2 Scheme Amendment Request – Lot 2 Albany Highway, Drome**

<b>File/Ward</b>	: SAR 096 (West Ward)
<b>Proposal/Issue</b>	: Rezoning land from 'Rural' to 'Special Rural'
<b>Subject Land/Locality</b>	: Lot 2 Albany Highway, Drome
<b>Proponent</b>	: Loughton Patterson
<b>Owner</b>	: Newseasons Nominees Pty Ltd
<b>Reporting Officer(s)</b>	: Planning Officer (A Nicoll) Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Conditionally Support
<b>Bulletin Attachment</b>	: Scheme Amendment Request
<b>Locality Plan</b>	:



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**BACKGROUND**

1. A Scheme Amendment Request (SAR) has been lodged by Loughton Patterson seeking Council's preliminary support to rezone Lot 2 Albany Highway, Drome from the 'Rural' to 'Special Rural' zone.
2. The property is 77.8 hectares in size and is 9.5 kilometres from the centre of Albany with access to the property via Albany Highway and Gunn Road.
3. Concerns have been expressed by government agencies over the safety aspects of traffic using Gunn Road to access Albany Highway, over the potential conflicts that may arise from light aircraft flying into the site, from horses being stabled close to residential premises and having approximately 72 residential sized lots relying upon on-site effluent disposal a considerable distance from the urban front.

**STATUTORY REQUIREMENTS**

4. The property is currently zoned 'Rural' in accordance with Town Planning Scheme 3. (TPS3). The objective of the rural zoning in TPS3 identified under clause 3.1.13 is:  
  
*"To ensure that high quality agricultural land is retained for primary production. To regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests. To preserve rural land within easy reach of urban areas."*
5. A rezoning to 'special rural' is in opposition to the objective of the rural zoning.
6. A Scheme Amendment Request (SAR) is not a statutory process under the Planning and Development Act 2005. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
7. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

9. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS**

10. The draft Albany Local Planning Strategy (ALPS) has recognised land to the south of this property as being suitable for Special Rural development (i.e. those areas previously shown in the City's Local Rural Policy and recently subjected to Scheme amendments). To the north of Gunn Road is the Water Corporation's tree farm / effluent disposal site. The draft ALPS recognises the subject land as a wedge of agricultural land slotted between the tree farm and the current Special Rural developments fronting Link Road.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

11. Council adopted the draft ALPS in December 2005 and it is anticipated that the WA Planning Commission will be considering the draft at its August meeting. It will be able to be subjected to a consultation process shortly thereafter.

**COMMENT/DISCUSSION**

12. The proponent is seeking Council support to progress an amendment to create a specialised low-density residential living area catering primarily to persons with equine and aviation interests. If developed, the estate would deliver to each future landowner a freehold land parcel in the order of 2000m<sup>2</sup> in area, but immediately adjacent to that lot would be an extensive area of common property either capable of landing a light aircraft or containing a network of bridle paths or paddocks for grazing horses / stock. Of the original lot of 77.8 ha approximately 15.5 ha (20%) is to be utilised for “Special Residential” type land usage. Any potential development could be segregated from external public roads by a rural landscape and potential buffer planting to perimeter paddocks.

Strategic Assessment

13. The draft ALPS promotes a wedge of agricultural land between the existing Special Rural area adjacent to Link Road and the Water Corporation tree farm. The extension of either the Special Rural area or the tree farm, to remove that wedge, will have no impact upon the long-term compatibility of the two land uses or agricultural activities to the west. The subject land does extend westward along Gunn Road, giving rise to concerns that this development may encourage requests to expand any potential Special Rural developments onto adjoining land to the west, into the Marbelup Creek catchment.
14. The concept plan for the proposed development does show that this project would have extensive grazing areas on its western boundary, thereby providing a strong argument against expanding the existing zones. Conventional Special Rural developments seek to maximise yield within the site and this results in small acreage land parcels backing directly onto the adjoining rural land. The planned yield from the land (72 lots from 77.8 ha) is similar to that which could have been achieved if the land was simply subdivided into 1.0 ha lots; existing zoned lots fronting Link Road are intended to range in area from 1.5 ha to 3 ha and staff would generally not support a development on the outermost urban fringe where the lot sizes are smaller than the lots closer to the urban area.
15. If the ALPS was to be modified to acknowledge the development of this land for Special Rural purposes, support for the Scheme Amendment Request would simply revolve around the suitability of the lot sizes being promoted and the site constraints. A simple rezoning may result in more of the same, if the land was to be sold prior to it being subdivided. That situation could be overcome by rezoning the land as a “Special Use” site and limiting development opportunities to the airpark and equine estate.
16. The proponent has previously been advised that he should lodge a submission on the ALPS when it is advertised. Council has the opportunity to determine whether the proponent should be encouraged to prepare the amendment documents in anticipation that both Council and the WA Planning Commission ultimately agreeing to modify ALPS to reflect some development potential on the land.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

SAR Report

17. The report provides a concept plan showing;
- Two housing nodes or clusters with access to both through a common road off Gunn Road;
  - Housing cluster one (closest to Albany Highway) backs onto an east/west oriented grass landing field where the owners of properties in that cluster can land their small aircraft and taxi to a hanger located on the rear boundary of their lot;
  - Housing cluster two (on western portion of site) backs onto a north / south oriented equine park where intensive exercising of horses can occur. Individual horses can be stabled at the rear of individual housing lots;
  - A commercially operated equine centre within cluster two where horse owners can either stable or have their animals shod, etc. or a riding school could be created; and
  - The surrounding rural land contains a network of bridle paths for residents and paddocks where animals can graze.
18. The 2000 sqm lot sizes proposed provide a low density residential lifestyle for the future inhabitants. Those sizes are considerably smaller than the 4000 sqm lots being created in the Special Residential zone at Warrenup (Warrenup Ridge); they are at the minimum size recommended for on-site effluent disposal by the Health Department and will result in a built form similar to lots adjacent to Henry Street, Warrenup. Given the 72 landowners will be responsible for the maintenance and upkeep of the landing field, the bridle paths, etc it is not surprising that the proponent is seeking to keep private property maintenance requirements to a minimum. A final decision on lot sizes would normally be left until a more detailed site analysis has been undertaken and an understanding gained on the capacity of the property to absorb nutrients, manage stormwater run-off, etc.

General

19. Available information indicates that there are currently several areas where “standard” Special Rural and Special Residential lots can be provided to meet market demand. Once those lots are created, the capacity of the future landowner to keep a horse can then be constrained by the Town Planning Scheme, the inability to clear the land to develop pasture or because of other environmental matters. If the landowner was to overcome those hurdles, then access to quality bridle paths and equine infrastructure in close proximity to their land is problematic; in some areas close to the city horses are being ridden down public roads or on road verges where they are cleared, with the inherent danger that poses to the rider and the horse. Those families wishing to own a horse are being forced to purchase a larger lot (increasing their maintenance liability) and increased travel distances to work, shops, sport, etc.
20. Concerns expressed by Government agencies over the potential incompatibility of stables and residential activities are unlikely to materialise, given all landowners in the cluster would share a common interest. Where equine estates are developed (eg Ascot) professional trainers and enthusiasts have large stables literally in the back yards of residential lots.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

21. The airpark is an unknown quantum and, if developed, would create a point of differentiation for the City. With the advent of mining and other industrial activities in the region, the capacity for self fly employees to commute to Albany would be enhanced. Other light aircraft enthusiasts could see some advantage in being able to live on the same lot where they house their aircraft. The creation of a landing field in close proximity to the Harry Riggs Albany Regional Airport is not anticipated to jeopardise the operations of aircraft using either the airport or the landing field. The landing strip would have relatively low aircraft traffic and the types of aircraft using it are unlikely to create an unacceptable noise environment in the locality.

Conclusion

22. Staff consider this Scheme Amendment Request proposes to create a future development that differentiates itself from other developments in the City and seeks to address the specific needs of a client group which has inappropriate infrastructure at present.
23. To progress this proposal beyond this request will necessitate a review of the draft ALPS to provide the appropriate strategic context for a scheme amendment. That review will need to happen prior to, or concurrently with the amendment. The issue of precedent for expansion of the activity to the west will need to be understood and addressed in any decision taken.

**RECOMMENDATION**

THAT Council advises that it is prepared to entertain the submission of a formal application for rezoning this land from 'Rural' to 'Special Site (Airpark and Equine Estate)' conditionally that;

- i) concurrently with the preparation of the amending documents, the proponent take all reasonable steps to have the draft Albany Local Planning Strategy amended to reflect the use of the subject land for "Special Rural" purposes;
- ii) the amending documents incorporate detailed soil analysis to verify that the site and each of the proposed lots has the environmental and hydrological capacity to retain and safely manage stormwater and effluent disposal on-site;
- iii) the amending documents clearly identify the arrangements that are to be put in place to provide the on-going management, maintenance and future replacement of communal infrastructure including bridal paths, the landing field , fencing to outer paddocks and buffer plantings; and
- iv) the appropriate approvals be obtained from the Civil Aviation Safety Authority for the landing field and verification that the operational arrangements for the Harry Riggs Albany Regional Airport will not be compromised.

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR MARSHALL**

**THAT Council advises that it is prepared to entertain the submission of a formal application for rezoning this land from ‘Rural’ to ‘Special Site (Airpark and Equine Estate)’ conditionally that;**

- i) concurrently with the preparation of the amending documents, the proponent take all reasonable steps to have the draft Albany Local Planning Strategy amended to reflect the use of the subject land for “Special Rural” purposes;**
- ii) the amending documents incorporate detailed soil analysis to verify that the site and each of the proposed lots has the environmental and hydrological capacity to retain and safely manage stormwater and effluent disposal on-site;**
- iii) the amending documents clearly identify the arrangements that are to be put in place to provide the on-going management, maintenance and future replacement of communal infrastructure including bridal paths, the landing field , fencing to outer paddocks and buffer plantings; and**
- iv) the appropriate approvals be obtained from the Civil Aviation Safety Authority for the landing field and verification that the operational arrangements for the Harry Riggs Albany Regional Airport will not be compromised.**

**MOTION CARRIED 13-0**

**DEVELOPMENT SERVICES REPORTS**

**11.3.3 Initiate Scheme Amendment – Lots 296, 297, 298, 299, 302 and 303, plus portion of the ‘Road Reserve’ at Wellington Street, Yakamia**

<b>File/Ward</b>	: AMD 156 (Yakamia Ward)
<b>Proposal/Issue</b>	: Zoning Lots 296, 297, 298, 299, 302 and 303, plus portion of the ‘Road Reserve’ at Wellington Street to ‘Residential’ with a density coding of ‘R20’.
<b>Subject Land/Locality</b>	: Lots 296, 297, 298, 299, 302 and 303, plus portion of the ‘Road Reserve’ at Wellington Street, Yakamia.
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Planning Officer (A Nicoll)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Initiate Scheme Amendment
<b>Bulletin Attachment</b>	: Amendment documentation
<b>Locality Plan</b>	:



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**BACKGROUND**

1. The City of Albany has prepared amendment documentation to zone Lots 296, 297, 298, 299, 302 and 303, plus portion of the 'Road Reserve' at Wellington Street to 'Residential' with a density coding of 'R20'.
2. The Lots are reserved for 'Drainage' and the road reserve is reserved for 'Parks and Recreation'. A copy of the amending document is contained in the Elected Members Report/Information Bulletin.

**STATUTORY REQUIREMENTS**

3. Council's resolution under Section 75 of the Planning and Development Act 2005 is required to amend the Scheme.
4. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
5. 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.
6. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

8. In order to progress the rezoning document, a drainage study would need to be undertaken to determine the drainage requirements in the vicinity. Engineering consultants have been engaged to do the necessary study at Council's cost.
9. Wellington Street would need to be upgraded to provide vehicular access to the site. Should Council undertake to develop the lots the cost of upgrading would be borne by the City.

**STRATEGIC IMPLICATIONS**

10. Albany Local Planning Strategy (Draft, 2005 - ALPS)  
The ALPS document adopted by the City to guide development in the future recommends the development of this land for residential purposes.
11. Liveable Neighbourhoods  
The Liveable Neighbourhoods document places emphasis on infill development, walkable neighbourhoods and efficient use of infrastructure.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

12. The land is not being used for a useful purpose and is in close proximity to utilities (Deep sewerage), road infrastructure (North and Pioneer Roads), neighbourhood shopping facilities (North Road), public transport, passive and recreational open space and child and medical care services.

**COMMENT/DISCUSSION**

Land Capability

13. The Local Rural Strategy, Environment Assessment Document, prepared by AGC Woodward Clyde, has identified that the lots would provide compatible foundation and excavation conditions for residential buildings. The document recommends that careful management of landfill be undertaken.
14. A detailed site investigation was conducted by Opus International to determine the presence of Acid Sulphate Soils or Potential Acid Sulphate Soils. The investigation concluded that there were no acid sulphate soils on the lots.
15. Considering the foundation rating of the soil and the capacity for the lots to be connected to reticulated sewerage, the land has the capacity to support residential development. Some filling of the land (with lime sand) is likely to be required, and a detailed earthworks plan would address this issue at the time of subdivision.

Land Suitability

16. The site is partially vegetated with pockets of cleared areas maintained for access and firebreaks. The site is inundated with weeds including taylorina and bracken, which are common in disturbed areas. Development of the site is not expected to impede on any protected or endangered species of flora and fauna.
17. The surrounding land is zoned 'Residential' and 'Local Shopping' and reserved for 'Parks and Recreation' utilised for community facilities. The proposed zoning is therefore compatible with the surrounding zone.
18. The site fronts an unconstricted gazetted road, which links to North Road and Pioneer Road. The gazetted road is wide enough (>20m) to accommodate safe access and road infrastructure such as paths and utility services. Portions of the road reserve need to be closed and subdivided/amalgamated prior to construction.
19. The site is capable of connecting to water, power, sewerage and telecommunications and is in close proximity to schools, public transport, community and recreational amenities.

Concluding Justification

20. In conclusion it is recommended that this Amendment be supported, as:
  - The proposal complies with strategic planning and principles for sustainability;
  - The site is currently not used for any useful purpose.
  - There are no outstanding environmental concerns;
  - The site is in close proximity to amenities;
  - The proposal is in keeping with the zoning and land use surrounding; and
  - The residential zoning will provide a better opportunity for the development of the area and the upgrading of infrastructure adjoining.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**RECOMMENDATION**

THAT, subject to the preparation of a drainage study being included within the amendment documentation to determine the long term drainage requirements for the area, Council in pursuance of Section 75 of the Planning and Development Act 2005 resolves to amend the City of Albany's Town Planning Scheme No. 1A by:

- i) zoning Lots 296, 297, 298, 299, 302 and 303, plus a portion of the 'Road Reserve' at Wellington Street to 'Residential' with a density coding of 'R20'; and
- ii) amending the scheme maps accordingly.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WILLIAMS**

**THAT, subject to the preparation of a drainage study being included within the amendment documentation to determine the long term drainage requirements for the area, Council in pursuance of Section 75 of the Planning and Development Act 2005 resolves to amend the City of Albany's Town Planning Scheme No. 1A by:**

- i) zoning Lots 296, 297, 298, 299, 302 and 303, plus a portion of the 'Road Reserve' at Wellington Street to 'Residential' with a density coding of 'R20'; and**
- ii) amending the scheme maps accordingly.**

**MOTION CARRIED 13-0**

**DEVELOPMENT SERVICES REPORTS**

**11.3.4 Initiate Scheme Amendment –Lot 126 (134) Lowanna Drive, Marbellup**

- File/Ward** : AMD 255 (West Ward)
- Proposal/Issue** : Request to initiate rezoning of land from 'Rural' zone to 'Special Residential' zone.
- Subject Land/Locality** : Lot 128 (134) Lowanna Drive, Marbellup
- Proponent** : Ayton Taylor & Burrell
- Owner** : Ridgecity Pty Ltd  
Goldmap Corporation Pty Ltd
- Reporting Officer(s)** : Planning Officer (A Nicoll)  
Executive Director Development Services (R Fenn)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 12/08/1998 - Item 12.1.3  
OCM 28/04/1999 - Item 12.1.3  
OCM 24/08/1999 - Item 12.1.10  
OCM 26/10/1999 - Item 12.1.5  
OCM 18/11/2003 - Item 11.3.7
- Summary Recommendation** : Reject Scheme Amendment
- Bulletin Attachment** : Proposed Scheme Amendment Report
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

**BACKGROUND**

1. On 28 April 1999, Council resolved to initiate an amendment to rezone Lot 126 Lowanna Drive (Van Der Schaaf) and Pt Lot 19 & Lots A6 and 44 South Coast Highway (Chivers), Marbellup from the 'Rural' to the 'Special Rural' zone.
2. Following the public consultation period, a number of site specific environmental issues were identified and the community also was seeking to have a "western Ring Road option" comprehensively canvassed. The design for the western option proposed that the road cut through the Van Der Schaaf land (the subject land). In addition to a potential Ring Road option dissecting the land, there was general concern over management of a local creek tributary that flows across the northern portion of the site (draining from the east to the west), with land capability matters and wastewater management on individual lots. The design over Mr Chiver's land was also proving to be problematic and Council resolved on the 24th August 1999 that it did not wish to proceed with the amendment.
3. Council's decision was relayed to the WA Planning Commission, who deferred their final report to the Minister on the amendment until the final report on the preferred alignment for the Albany Ring Road had been progressed.
4. Mr Chivers and Mr Van Der Schaaf met independently of the formal amendment process and Mr Van Der Schaaf voluntarily withdrew his land from the amendment documentation. Mr Chivers then was able to gain WA Planning Commission support to proceed to rezone portion of his land (fronting South Coast Highway) "Special Rural". The balance of Mr Chiver's land remained under the rural zoning, as did Mr Van Der Schaaf's land.
5. Mr Van Der Schaaf has since sold the property and the new owners are seeking to progress with a similar subdivisional concept and yield that Council resolved to accept amending documents on in April 1999 and refused to progress in August 1999.

**STATUTORY REQUIREMENTS**

6. Council's resolution under the Planning & Development Act (2005) is required to amend the Scheme.
7. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
8. 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.
9. A resolution to amend a Town Planning Scheme should not be construed to mean the final approval will be granted to that amendment.

**POLICY IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

**FINANCIAL IMPLICATIONS**

11. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS**

12. When Council previously considered the strategic implications of developing the subject land, total reliance was placed upon the City of Albany Local Rural Strategy to determine whether the land was capable of being further subdivided. That Strategy was prepared in total isolation of all other land use decisions affecting peri-urban growth around the City and “pockets of development” were identified, rather than a strategic approach to land usage, transport requirements, land suitability, etc.
13. In December 2005, Council adopted the draft Albany Local Planning Strategy to create a holistic approach to land use decisions. Within the ALPS, the locality is shown as an interface area between “Rural Small Lot Holdings” (essentially small and medium sized existing lots used primarily for farming activities and earmarked to remain in that state) and the agricultural land beyond. The ALPS does not promote lifestyle lots (used primarily for residential purposes, rather than for agriculture) to “bleed” towards the west in this locality.
14. The Lower Great Southern Strategy also reflects this area’s highest and best use for farming activities, not lower density residential developments.

**COMMENT/DISCUSSION**

15. This application needs to be examined taking into consideration a number of land use planning matters;

Strategic Assessment

16. The strategic importance of developing this land is the primary consideration. In 1999, Council resolved to allow the then landowner the opportunity to submit amending documents, based upon the Local Rural Strategy. In August 1999, after receiving additional information on the amendment through the consultation process, Council decided that it did not wish to proceed to rezone the land.
17. No further action was taken to re-activate the amendment on this land parcel. In December 2005, Council then adopted the draft ALPS and that decision has changed the planning landscape as it affects this lot, superseding the Local Rural Strategy. The ALPS seeks to cluster “Special Rural” lots on the western urban front in the Link Road area and within Robinson, accepting lot sizes considerably larger than those proposed on the subject land. Where this amendment is proposing 1.0 ha land parcels, existing lots on its southern and eastern boundary are generally 4.0 ha in area and the rural properties to the south and west are in excess of 60.0 ha.

Amendment Report

18. The amending document submitted provides an assessment for its development capability and rezoning suitability.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

19. The report concludes that the area is capable of rural residential development as areas of the subject land can sustain onsite effluent disposal and maintain foundation stability while protecting remnant vegetation. Access has been provided to the road network and fire management issues addressed. Power and water can also be extended.
20. The amendment document states, “Land outside the ring road can confidently be designated for low density development and other possible uses such as industry without impacting on future development options for the City” and that it is “only a short drive (8 kilometres) from all major commercial, employment, community health educational and recreational services”. This is not consistent with the ALPS (Draft) document, which is promoting nodal development in close proximity to services and facilities.
21. The amending document states, “this site forms part of a progression of the expansion of the Albany town site”. The main principle of the ALPS document is to minimise the development footprint or consolidating development to maximise the use of existing rural residential zoned land. The ALPS document defines a clear boundary to the western growth of rural residential land. This proposal extends the rural residential development footprint in a westerly direction into existing general agriculture land with no indication of the future extent of rural residential land.
22. The amending report states that ‘there is an increased demand for 1 hectare lots’. This is not consistent with the ALPS (Draft) document, which indicates a general trend away from lots greater than 5000m<sup>2</sup> due to changes in lifestyle requirements (the time and resources required to maintain their outlook) and distances from services and facilities.

Conclusion

23. Should Council allow the rezoning of this land to proceed on the basis that it agreed in April 1999 to encourage the then landowner to progress to prepare amending documentation? Staff consider that issue was adequately dealt with by Council in August 1999, albeit that the documentation accompanying the current amendment is considerably superior to the earlier version which Council rejected.
24. The Amendment proposal does not mention or comply with ALPS. The most concerning issue is the Report’s open-ended attitude towards uncontrolled future residential development west of the Ring Road into productive agricultural land.
25. The question remains as to whether the ALPS should be amended to provide a strategic framework for the development of the subject land. It is the opinion of City staff that there is no current justification to alter the ALPS (Draft) to acknowledge a development opportunity on the land. The proponent may wish to lodge a submission on the strategy when the WAPC agrees to the formal process; that submission will be considered by both Council and the WAPC. Otherwise, the development potential of the locality will be reconsidered as part of a subsequent review of the ALPS (5 years hence).

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

RECOMMENDATION

THAT Council decline to initiate the amending documents for Lot 126 Lowanna Drive, Marbellup and advise the applicant that they may wish to lodge a submission on the Draft Albany Local Planning Strategy when the WAPC agrees to the formal advertising process and that any submission will be considered by both Council and the WAPC.

*Voting Requirement Simple Majority*

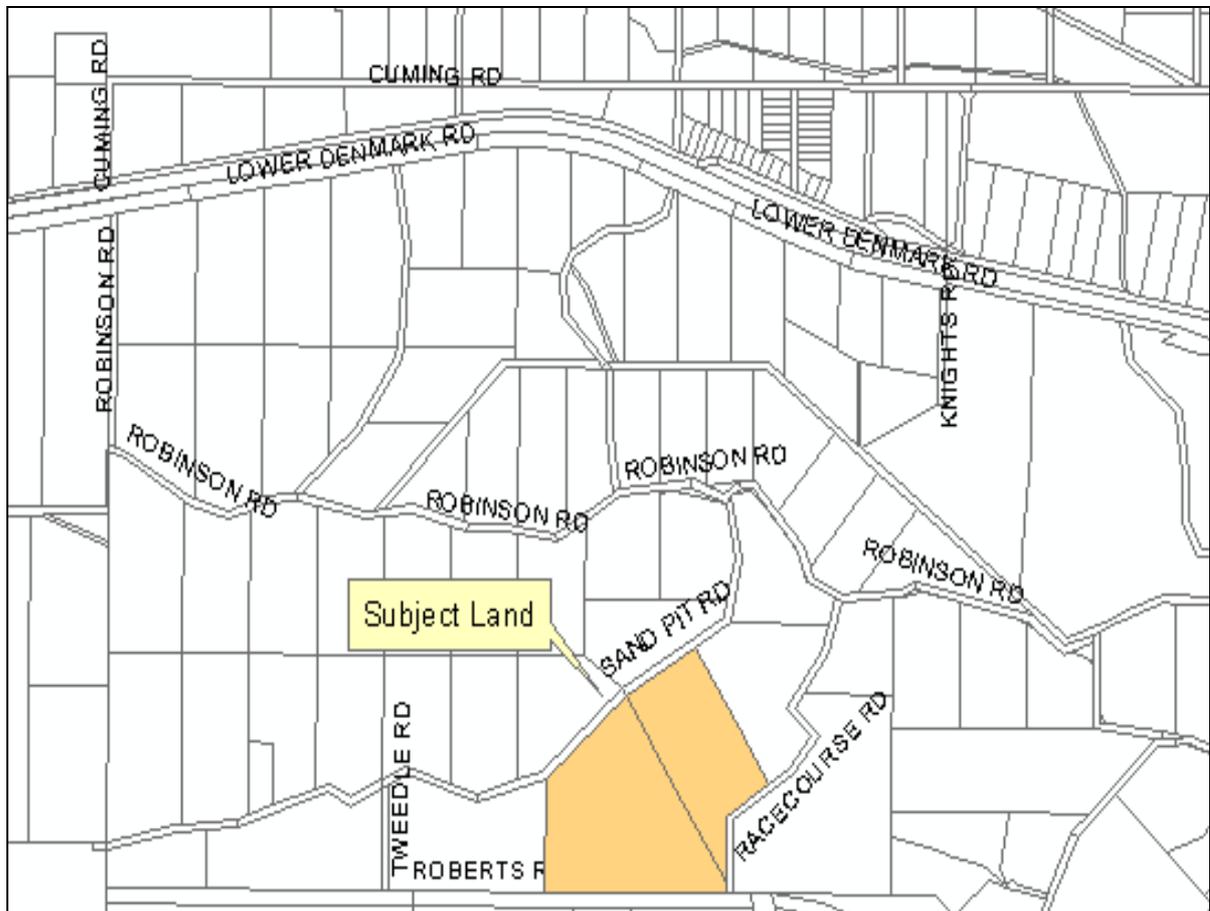
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This item was withdrawn.

**DEVELOPMENT SERVICES REPORTS**

**11.3.5 Final Approval for Scheme Amendment - Lots 3 & 4 Roberts Road, Robinson**

<b>File/Ward</b>	:	A18593A & AMD 249 (Vancouver Ward)
<b>Proposal/Issue</b>	:	Rezone Lots 3 & 4 Roberts Road, Robinson From 'Rural' Zone To 'Special Rural' Zone
<b>Subject Land/Locality</b>	:	Lot 3 & 4 Roberts Road, Robinson
<b>Proponent</b>	:	Harley Survey Group
<b>Owner</b>	:	A Davis
<b>Reporting Officer(s)</b>	:	Planning Officer (A Nicoll)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 15/2/2005 - Item 11.3.4 OCM 21/2/2006 - Item 11.3.5
<b>Summary Recommendation</b>	:	Grant final approval subject to modifications
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

**BACKGROUND**

1. Council previously considered this land's suitability for rezoning from 'Rural' to 'Special Rural' at its meeting of 21 February 2006 and resolved as follows:

*“THAT, subject to the Subdivision Guide Plan being modified, to the satisfaction of the Executive Director Development Services, to provide compliance with Planning for Bush Fire protection guidelines, Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany's Town Planning Scheme No. 3 by:*

- i) rezoning Lots 3 & 4 Roberts Road, Robinson from the 'Rural ' Zone to the 'Special Rural' Zone;*
  - ii) amending 'Schedule I – Special Rural Zones' to include Lots 3 & 4 Roberts Road, Robinson in the scheme provisions relating to Special Rural Area No.29; and*
  - iii) amending the Scheme Maps accordingly.”*
2. As specified in Council's resolution, the subdivision guide plan has now been modified to comply with the Planning for Bush Fire protection guidelines. Strategic firebreaks have been included and there is sufficient area within each lot to accommodate development and fire protection areas.
  3. The application was referred to the Environmental Protection Authority (EPA), who advised that the amendment did not need to be formally assessed in accordance with the EPA Act, although advice was given.
  4. The application was advertised in accordance with Section 39 of the Planning and Development Act 2005. The Water Corporation and Department of Environment (DOE) made comment with no outstanding issues. Six (6) submissions in total were received and they are discussed in the Schedule of Submissions section of this report.
  5. After the close of advertising, the proponent also requested two minor amendments, one to the lot layout depicted in the subdivision guide plan and the other for an additional provision requiring tree/shrub planting and a notice to prospective purchasers of their responsibilities for the maintenance of vegetation. That request has been included in the Schedule of Submissions. A copy of the revised Subdivision Guide Plan and proponent's letter is attached to the rear of this report.

**STATUTORY REQUIREMENTS**

6. The amendment was initiated under Section 7 of the Town Planning and Development Act 1928. That Act has since been repealed and replaced with the Planning and Development Act 2005.
7. Council is required under section 75 of the Planning and Development Act to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

**POLICY IMPLICATIONS**

8. There are various policies and strategies that have relevance to this proposal. These include: SPP No. 2.5 – Agriculture and Land Use Planning; The WAPC's Planning for Bush Fire Protection (2001); and the Local Rural Strategy.
9. Council previously had regard to those Statements of Planning Policy and the Local Rural Strategy in preparing the Scheme Amendment and has resolved (OCM 21/2/2006 – Item 11.3.5) that no inconsistency exists.

**FINANCIAL IMPLICATIONS**

10. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS**

11. The land is identified in the Albany Local Planning Strategy (Draft) document as being in the 'Rural Small Lot Holdings' area. In areas identified for 'Rural Small Holdings' (Refer to Statement of Planning Policy No.11) the following town planning principles should apply:
  - lot sizes ranging from 4ha to 40ha in size;
  - an identifiable rural lifestyle theme (e.g. equestrian);
  - provision of an adequate sustainable potable water supply;
  - opportunities for home business and cottage industry; and
  - design provisions to accommodate a variety of housing and lifestyle opportunities.

**COMMENT/DISCUSSION**

12. Strategic Assessment  
The subdivision guide plan illustrates lot sizes greater than 4 hectares and the policy provisions make allowances for rural-industries (cottage and equestrian) and potable water. The strategic principles required for 'Rural Small Lot Holdings' have therefore been accommodated for within the amendment proposal (see copy of guide plan attached).
13. Submissions  
The EPA and DOE have made some recommendations for vegetation protection and planting, minimum lot sizes, effluent disposal, restrictions on fencing in vegetation areas, establishment of building envelopes, fire protection measures, appropriate setbacks to a production bore, and the keeping of horses as a conditional activity. The provisions either existing in Town Planning Scheme 3 or to be introduced into Schedule 1 of the Scheme will satisfy the majority of the concerns raised. Comments on these issues have been included in the Schedule of Submissions.
14. The Water Corporation has advised that the amendment is acceptable and that the production bore located within the vicinity was decommissioned in February 2005.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

15. Adjoining landowners have raised concern over the potential increase in traffic and the need to upgrade Roberts Road to a bitumen seal. The requirements for the upgrading of roads are subject to road traffic counts, which are conducted periodically. Road traffic counts have been conducted for the local roads in the vicinity and the counts do not warrant upgrading. The four (4) additional Lots proposed are not expected to increase road traffic to a level, which requires bitumen sealing.
16. The proponent has made a submission to alter the lot boundaries within the subdivision guide plan and to include a provision for the management of vegetation. The alteration to the subdivision guide plan is a minor variation and better reflects the objective to protect the vegetation from clearing for fencing and strategic firebreaks. The additional provision requiring tree/shrub planting and a notice to prospective purchasers (of their responsibilities for maintenance of vegetation) is a positive initiative.

**RECOMMENDATION**

THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to amend the above Town Planning Scheme by:

- i) rezoning Lots 3 & 4 Roberts Road, Robinson from the 'Rural' zone to the 'Special Rural' zone;
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed;
- iii) incorporating appropriate Scheme Provisions accordingly; and
- iv) amending the Scheme Maps accordingly.

*Voting Requirement Simple Majority*

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**MOVED COUNCILLOR MARSHALL  
SECONDED COUNCILLOR JAMIESON**

**THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to amend the above Town Planning Scheme by:**

- i) rezoning Lots 3 & 4 Roberts Road, Robinson from the 'Rural' zone to the 'Special Rural' zone;**
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed;**
- iii) incorporating appropriate Scheme Provisions accordingly; and**
- iv) amending the Scheme Maps accordingly.**

**MOTION CARRIED 13-0**

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

Planning & Development Act 2005  
 Town Planning Scheme No. 3 - Amendment No. 249  
 Schedule of Submissions for Rezoning Lots 3 & 4 Roberts Road, Robinson From 'Rural' Zone To 'Special Rural' Zone.

No.	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority. Westralia Square 141 St Georges Terrace, Perth, Western Australia	<p>a) Clearing of vegetation is not supported.</p> <p>b) Minimum lot sizes should be 4ha and not 3ha.</p> <p>c) There is a need for a 300m set back to the bore located within the vicinity.</p> <p>d) Clause 4.0 of the provisions be modified to make the keeping of horses conditional.</p>	<p>a) Vegetation clearing is protected via a 'dwelling exclusion area' indicated on the subdivision guide plan. Considering the low quality of vegetation onsite and the minimal amount of clearing that may be required for fencing and access, an additional requirement restricting clearing altogether is not considered necessary.</p> <p>b) The current scheme provisions for this area state that the minimum lot size shall be 3 hectares with an average of 4 hectares. The area subject to this application has lots all in excess of 4 hectares, which could not be further subdivided. There appears to be no reason why the current clause needs to be changed.</p> <p>c) The bore has been decommissioned.</p> <p>d) As required by the provisions, planning approval is required in order to keep horses and is therefore already a conditional requirement. This is considered acceptable in the assessment process for the keeping of horses.</p>	<p>a) Noted.</p> <p>b) Dismiss</p> <p>c) Dismiss</p> <p>d) Dismiss</p>
2.	Department of Environment 5 Bevan Street Albany, WA, 6330	a) Land capability in order to determine the ability to accommodate effluent disposal.	a) A detailed land capability assessment has not been undertaken as part of the proposal. The City's environmental health officers and the Department of Health have commented that the lots are capable of handling effluent disposal. It has therefore been determined that a detailed assessment is not required.	a) Dismiss

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

No.	Submitter	Submission	Officer Comment	Council Recommendation
		<p>b) An average lot size rather than a minimum may be acceptable subject to meeting water quality objectives and caveats to restrict further subdivision.</p> <p>c) No clearing of vegetation for development (including buildings, fencing and strategic firebreaks).</p> <p>d) Building envelopes included within the subdivision guide plan.</p> <p>e) Revegetation with local endemic species</p>	<p>b) Water quality objectives can be met at the development stage by applying the provisions to control the use of the land and the type of effluent disposal systems. A Caveat on the title restricting further subdivision is not required considering there is already a provision restricting the further breakdown of the lots.</p> <p>c) Some clearing may be required for fencing and access. Considering the low quality of vegetation onsite and the minimal amount of clearing that may be required for fencing and access, an additional requirement restricting clearing altogether is not considered necessary.</p> <p>d) The provisions require that buildings are setback from the boundaries (40m from Roberts Road and 15m from all other lot boundaries). This provision, in addition to designated building exclusion areas, is sufficient to control the location of buildings.</p> <p>e) There is a provision already requiring revegetation at the subdivision stage.</p>	<p>b) Dismiss</p> <p>c) Noted</p> <p>d) Dismiss</p> <p>e) Noted</p>
3.	Western Power Business & Customer Services Branch Network Customer Service 85 Prinsep Road Jandakot, WA, 6164	a) No objection to the proposal.	a) Nil	a) Noted

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

No.	Submitter	Submission	Officer Comment	Council Recommendation
4.	Water Corporation Lower Stirling Terrace PO Box 915 ALBANY WA 6331	a) No objection to the proposal. The water bore has been decommissioned.	a) Nil	a) Noted.
5.	Department of Health PO Box 8172 Perth 6849	a) No objection to the proposal. Onsite disposal of wastewater is considered achievable	a) Nil	a) Noted
6.	S & J Scanlan 46 Sand Pit Road Robinson 6330	a) A request has been made to upgrade the roads to a bitumen seal standard.	a) The requirements for the upgrading of roads are subject to road traffic counts, which are conducted periodically. Road traffic counts have been conducted for the local roads in the vicinity and the counts do not warrant upgrading. The additional 4 Lots proposed are not expected to increase road traffic to a level, which requires bitumen sealing.	a) Dismiss
7	Harley Survey Group 116 Serpentine Road Albany 6330	a) Modify lot boundaries  b) Include a provision requiring tree planting and a notice to prospective purchasers.	a) The alteration to the lot boundaries within the subdivision guide plan is only minor and better reflects the objective to protect the vegetation from clearing for fencing and strategic firebreaks.  b) The additional provision requiring tree/shrub planting and a notice to prospective purchasers of their responsibilities for maintenance of vegetation helps enhance the amenity and biodiversity and removes a complication for ongoing maintenance.	a) Uphold: The revised subdivision guide plan submitted by the proponent dated 6/7/06 (Plan 12823-02C) replacing the existing subdivision guide plan within current amendment documents.  b) Uphold: Insert into clause 7.2 the following words:  "Council may request that the Commission impose, at the

ORDINARY COUNCIL MEETING MINUTES – 15/08/06  
 \*\* REFER DISCLAIMER \*\*  
**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

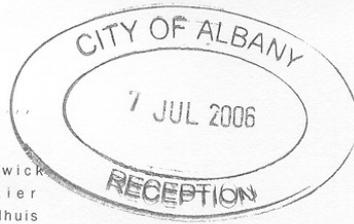
No.	Submitter	Submission	Officer Comment	Council Recommendation
				<p>time of subdivision, a condition requiring tree/shrub planting within Special Rural Area 29, as shown on the Subdivision Guide Plan with endemic native trees and shrubs</p> <p>Council shall require that a prospective purchaser of a lot is aware of his/her responsibility to maintain any boundary plantings.</p>

.....  
 CHIEF EXECUTIVE OFFICER

.....  
 DATE

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued



**\*Directors**

- Rod Hedderwick
- Mike Sauzier
- Sebastian Bolhuis



**Please reply to Albany Office**

Our Ref: 12810/CTP

7 July 2006

Manager Planning and Rangers  
City of Albany  
102 North Road  
ALBANY WA 6330

**Attention: Mr Adrian Nicoll**

Dear Adrian

**SUBMISSION – SCHEME AMENDMENT NO.249, TOWN PLANNING SCHEME NO.3**

I would like to make the following submission on the recently advertised Scheme Amendment No.249 that was prepared and lodged by Harley Survey Group on behalf of the landowners Mr and Mrs Davis.

A minor amendment to the Subdivision Guide Plan is proposed, rationalising a boundary in a manner that better respects the natural topography of the area. A second amendment is proposed for the scheme provisions to clarify the responsibility for the maintenance of boundary plantings.

**Proposal**

That the Proposed Subdivision Guide Plan for Lots 3 and 4 Roberts Road be modified in the following ways:

- The valley that traverses proposed Lots 6 and 1 is included wholly in proposed Lot 6. This modification would allow for the protection of the amenity of the area, use native vegetation to provide screening to adjoining properties and fully acknowledge the characteristics of the site (Refer to the attached plan for details).
- The boundary of the proposed lots is adjusted so that a minimum lot size of 4 ha is maintained in accordance with policy that a minimum lot size of 4 ha is maintained in areas without connection to reticulated water supply.
- The strategic firebreak following the boundary of Lot 6 and 1 is moved to the south to adjoin the boundary of the vegetated ridge. This modification would allow for better fire management of the site and reduce the amount of clearing of remnant vegetation that would take place to the north, to allow for a strategic firebreak to be constructed (Refer to the attached plan for details).

Land Development • Mining • Infrastructure & Building Development • Agriculture • Strategic Planning • Information Management

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Pyrmont House, 116 Serpentine Road, Albany WA 6330 • PO Box 5207 WA 6332 • T: 08 9841 7333 • F: 08 9841 3643  
E: hsgalb@harleygroup.com.au • www.harleygroup.com.au

Quality Endorsed Company ISO9001

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

That Scheme Amendment No.249 scheme provisions be modified in the following way:

- Amend Clause 7.2 to state  
"Council may request that the Commission impose, at the time of subdivision, a condition requiring tree/shrub planting within Special Rural Area 29, as shown on the Subdivision Guide Plan with endemic native trees and shrubs.

Council shall require that a prospective purchaser of a lot is aware of his/her responsibility to maintain any boundary plantings."

This proposed amendment will remove complication from the subdivision process where in the past subdividers have been legally required to enter a property to maintain plantings for three years. There have been complications where the new landowners have not wanted the subdivider to enter upon the property or where it is not practical to regularly enter private property to water and maintain trees that are now in another's ownership. The new scheme provision would have the subdivider plant appropriate vegetation in the correct areas and, once the lot is sold, have the new landowner maintain the plantings.

We request that Council amend the proposed scheme amendment to include changes above mentioned as it will provide for a better design and management outcome for the proposed subdivision of Lots 3 and 4 Roberts Road, Robinson.

If you have any questions or wish to discuss this further please do not hesitate to contact me on 9841 7333 or 0437 702 734.

Yours sincerely



Craig Pursey  
Planning Consultant  
**Harley Survey Group Pty Ltd**

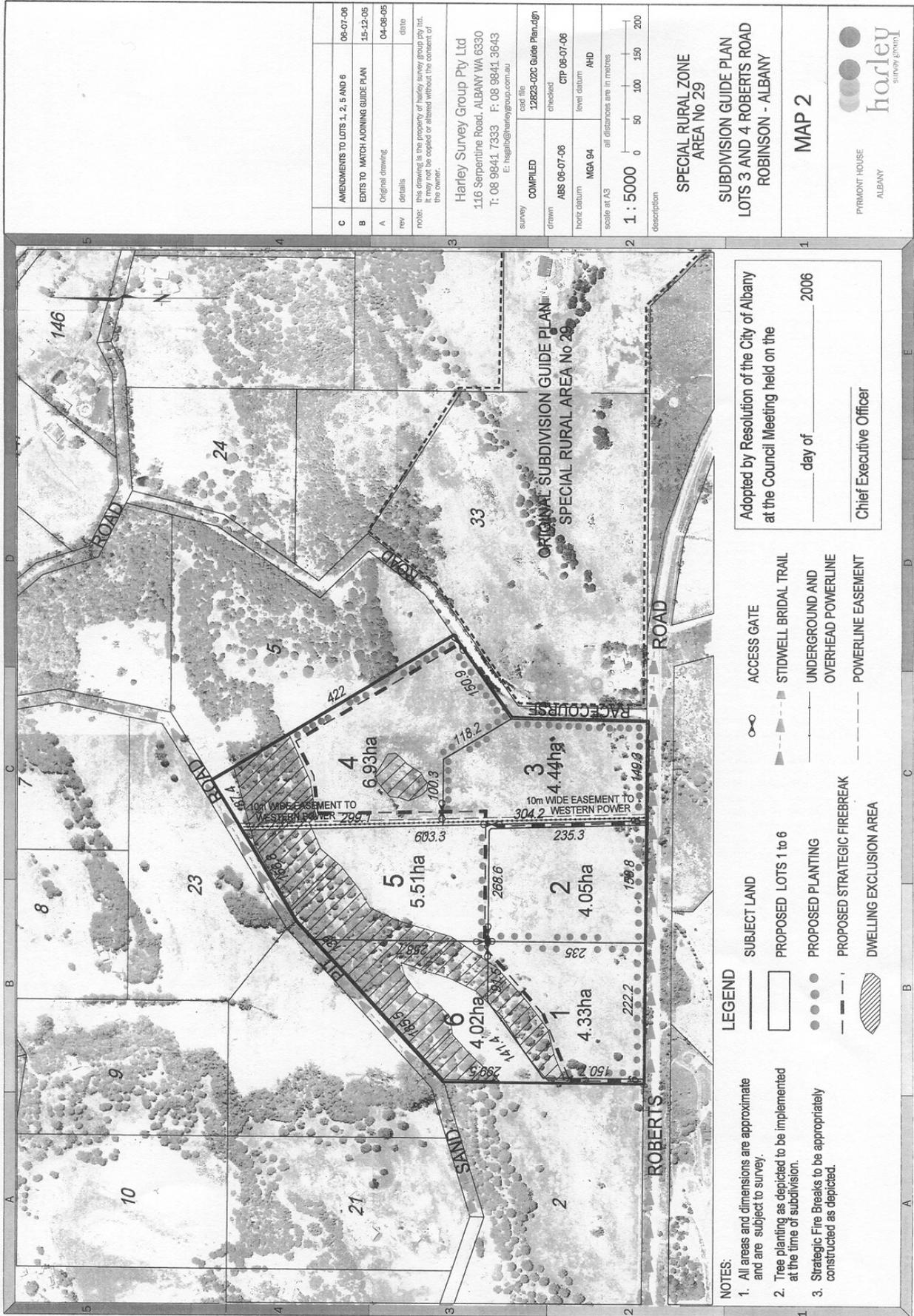
E-mail: [craigp@harleygroup.com.au](mailto:craigp@harleygroup.com.au)

Enc: Drawing 12823-02C Guide Plan

cc: Mr & Mrs Davis, 379 Robinson Road, 6330

ORDINARY COUNCIL MEETING MINUTES – 15/08/06  
**\*\* REFER DISCLAIMER \*\***  
**DEVELOPMENT SERVICES REPORTS**

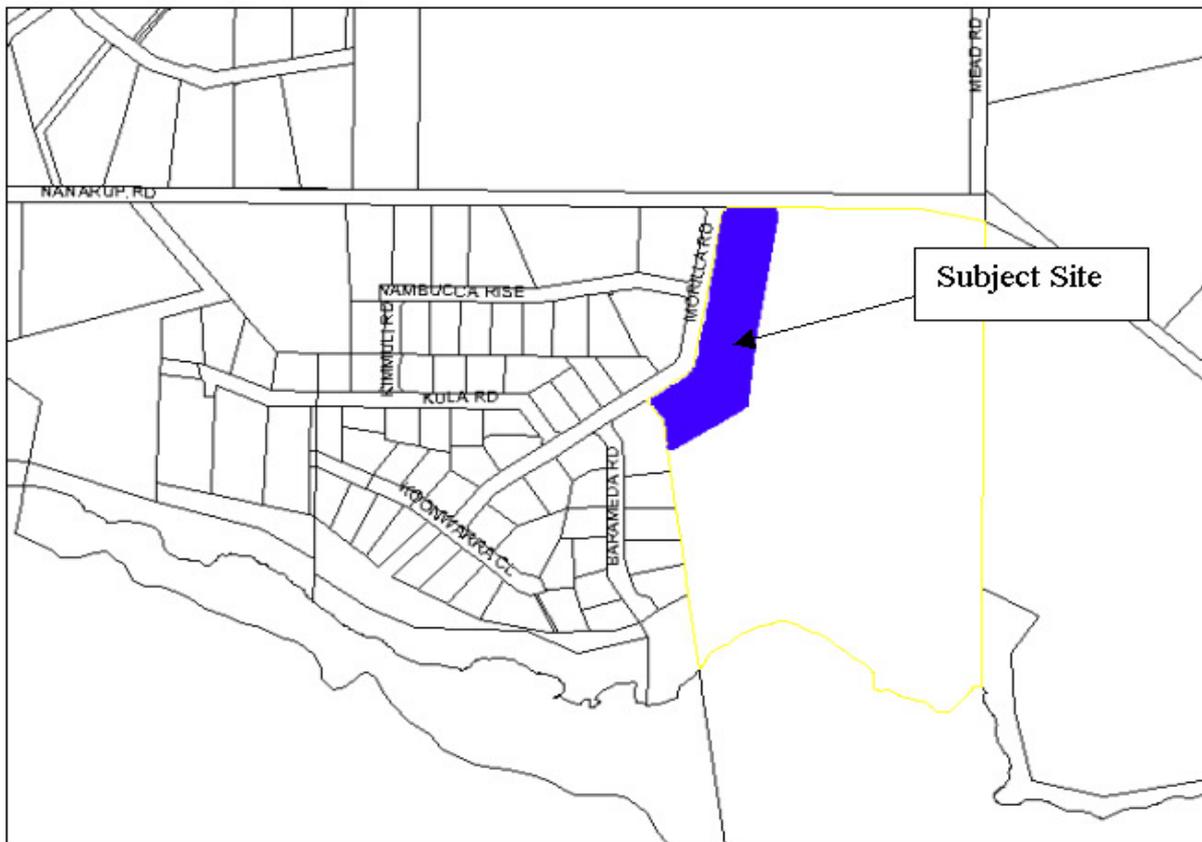
Item 11.3.5 continued



**DEVELOPMENT SERVICES REPORTS**

**11.3.6 Final Approval for Scheme Amendment – Pt Lot 1 Nanarup Road, Lower King**

<b>File/Ward</b>	:	A5776A (Kalgan Ward)
<b>Proposal/Issue</b>	:	Request to rezone Pt Lot 1 Nanarup Road, Lower King from 'Rural' to 'Special Residential'
<b>Subject Land/Locality</b>	:	Portion of Pt Lot 1 Nanarup Road, Lower King
<b>Proponent</b>	:	Harley Survey Group
<b>Owners</b>	:	J C & G J Manley
<b>Reporting Officer(s)</b>	:	Planning Officer (A Nicoll)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 20/09/05 - Item 11.3.7 OCM 21/02/06 - Item 11.3.6
<b>Summary Recommendation</b>	:	Grant final approval subject to modifications
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.6 continued

**BACKGROUND**

1. At its meeting dated 20 September 2005 Council resolved:  
  
*“THAT, subject to the Subdivision Guide Plan being modified, to reflect the requirement to accommodate a 150m<sup>2</sup> effluent disposal field outside of the 50 metre effluent disposal setback area, Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany’s Town Planning Scheme No. 3 by:*
  - i) rezoning Part Lot 1 Nanarup Road, Lower King from the ‘Rural’ Zone to the ‘Special Residential’ Zone No. 6;*
  - ii) amending the Scheme Maps accordingly; and*
  - iii) amending ‘Schedule IV – Special Residential Zones’ to include Pt Lot 1 Nanarup Road in the scheme provisions relating to Special Residential Area No. 6.”*
2. The proponent has now lodged a revised Subdivision Guide Plan, which illustrates effluent disposal areas (150m<sup>2</sup>) outside of the 50-metre effluent disposal setback area. A copy of the revised Subdivision Guide Plan is attached at the rear of this report.
3. The amending documents were referred to the Environmental Protection Authority (EPA) who concluded that a formal environmental assessment was not required. The EPA provided further advice on environmental issues, which are discussed in the Schedule of Submissions section of this report.
4. The application was advertised in accordance with Section 39 of the Planning and Development Act, with two submissions being received.

**STATUTORY REQUIREMENTS**

5. The amendment was initiated under Section 7 of the Town Planning and Development Act 1928. That Act has since been repealed and replaced with the Planning and Development Act 2005.
6. Council is required under section 75 of the Planning and Development Act to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

**POLICY IMPLICATIONS**

7. There are various policies and strategies that have relevance to this proposal. These include: SPP No. 2.5 – Agriculture and Land Use Planning; The WAPC’s Planning for Bush Fire Protection (2001); and the Local Rural Strategy.
8. Council previously had regard to those Statements of Planning Policy and the Local Rural Strategy in preparing the Scheme Amendment and has resolved (OCM 21/02/06 – Item 11.3.6) that no inconsistency exists.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.6 continued

**FINANCIAL IMPLICATIONS**

9. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS**

10. The subject site is identified within Council's Draft Albany Local Planning Strategy as 'General Agriculture'. Whilst it may be argued that the site should be maintained for that purpose, staff believe that the rezoning of the land to 'Special Residential' represents only a minor amendment to what is recommended in the ALPS (Draft) document and therefore should be supported. Matters that have contributed to this decision include:
- The site is immediately adjacent to an existing special residential area.
  - A land capability assessment has identified that a portion of Part Lot 1 is suitable for further development.
  - A significant portion of Part Lot 1 will be retained in a large land holding, thereby the proposal does not compromise the future agricultural potential of the property.
11. Council has previously supported this principle when it initiated the amendment in February 2006 (OCM 21/02/06 – Item 11.3.6).

**COMMENT/DISCUSSION**

12. The amendment documentation has satisfactorily addressed the outstanding information and modifications, which were required at previous Council meetings.
13. In assessing the amendment proposal the Environmental Protection Authority (EPA) recommended the following modifications:
- Modify the alignment of the proposed lots to avoid the vegetation located on Lot 26 and widen the area subject to the drainage line;
  - The drainage line within the balance of Part Lot 1 being located within public open space; and
  - Reference to the Department of Environment to assess the location of building envelopes and effluent disposal systems.
14. The Department of Environmental have provided the following additional comments:
- There needs to be an extended foreshore reserve ceded at the time of subdivision, as the balance of Part Lot 1 fronts Oyster Harbour.
  - There is concern that there is no identified house site for the balance of Part Lot 1, as the higher land capable of supporting a residence is to be subdivided under this proposal.
15. The proponent's submission involved a request to:
- Modify the alignment of Lot 26 to reflect the concern raised by the EPA, and a reduced development setback to Nanarup Road.
  - Allow a reduced setback from Nanarup Road for one lot from 30m to 20m.
16. The attached Schedule of Submissions makes comment and recommendations on the advice given by the EPA, DOE and the proponent.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.6 continued

**RECOMMENDATION**

THAT Council, in pursuance of Section 75 of the Planning and Development Act resolves to amend the City of Albany's Town Planning Scheme No. 3 by:

- i) rezoning Part Lot 1 Nanarup Road, Lower King from the 'Rural' Zone to the 'Special Residential' Zone No. 6;
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed;
- iii) amending 'Schedule IV – Special Residential Zones' to include Pt Lot 1 Nanarup Road in the scheme provisions relating to Special Residential Area No. 6; and
- iv) amending the Scheme Maps accordingly.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR EVANS**

**THAT Council, in pursuance of Section 75 of the Planning and Development Act resolves to amend the City of Albany's Town Planning Scheme No. 3 by:**

- i) rezoning Part Lot 1 Nanarup Road, Lower King from the 'Rural' Zone to the 'Special Residential' Zone No. 6;**
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed;**
- iii) amending 'Schedule IV – Special Residential Zones' to include Pt Lot 1 Nanarup Road in the scheme provisions relating to Special Residential Area No. 6; and**
- iv) amending the Scheme Maps accordingly.**

**MOTION CARRIED 13-0**

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.6 continued

Planning & Development Act 2005  
Town Planning Scheme No. 3 - Amendment No. 253  
Schedule of Submissions for Rezoning Lots rezoned Pt Lot 1 Nanarup Road, Lower King from 'Rural' to 'Special Residential'.

No.	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority, Westralia Square 141 St Georges Terrace, Perth, Western Australia	<p>a) The subdivision guide plan being modified to accommodate concerns with developing in low lying vegetated areas (Proposed lot 26).</p> <p>b) The drainage area and the land surrounding being reserved for POS/Drainage.</p>	<p>a) A portion of proposed Lot 26 is low lying, inundated with reeds and close to a watercourse. There is the opportunity to modify the lot layout to accommodate the protection of the vegetation and the watercourse.</p> <p>b) The open drain area is well vegetated and is being managed appropriately by the owner. There is already a substantial area set aside for POS in close proximity. With the ceding of areas to be managed by the Crown as POS, there should not be an expectation that the City of Albany will accept the management order for the POS.</p>	<p>a) Uphold: The revised Subdivision Guide Plan dated 10 July 2006 (Plan No. 12810-03B) to replace the existing Subdivision Guide Plan.</p> <p>b) Dismiss.</p>
		<p>c) Reference should be made to the 'Department of Water and Environment' in order to assess the location of buildings and effluent disposal systems.</p>	<p>c) A geo-technical report has been submitted by the proponent which identifies that the proposed building envelopes are suitable for effluent disposal systems. There is sufficient area on each lot to cater for the required effluent disposal field (min. 150m<sup>2</sup>) without impacting on the drainage line or ground water.</p>	<p>c) Dismiss.</p>
2.	Department of Environment 5 Bevan Street, ALBANY WA 6330	<p>a) The existing foreshore reserve on Part Lot 1 should be extended and a foreshore management plan prepared at the time of subdivision.</p>	<p>a) Staff supports this request, as this will be the last opportunity to secure a suitable foreshore area for environmental and amenity reasons.</p>	<p>a) Uphold: The proponent to extend the subdivision guide plan to include a suitable foreshore reserve area on the balance of Part Lot 1, and a new clause being inserted within the special provisions requiring the developer to prepare a foreshore management plan at the time of subdivision.</p>

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.6 continued

No.	Submitter	Submission	Officer Comment	Council Recommendation
		<p>b) The drainage area and the land surrounding being reserved for POS/Drainage.</p> <p>c) There needs to be investigation undertaken by the proponent as to whether there is potential to locate a dwelling on the balance of Part Lot 1. If a site cannot be found then one of the lots proposed should be retained in the large landholding.</p>	<p>b) As per Submission 1(b).</p> <p>c) Staff agree that the balance lot needs to be able to accommodate a single dwelling with effluent disposal system. Recommended that the developer carries out investigation of balance lot to ensure there is a suitable house site.</p>	<p>b) As per submission 1(b).</p> <p>c) Uphold: The amendment documents need to include an investigation into the suitability of a single house on the balance of Lot 1. Where a suitable site cannot be located, then one of the proposed lots would need to be retained within the existing rural zone.</p>
3.	Harley Survey Group, 116 Serpentine Road, ALBANY 6330.	<p>a) Insert a scheme provision 5.5 (d) which will state "Notwithstanding 5.1 above, Council may approve a 20 metre setback of the building envelope to Nanarup Road, provided the extensive screening as shown on the Subdivision guide Plan is implemented by the subdivider".</p> <p>b) Modify the subdivision guide plan to accommodate the concerns relayed by the EPA.</p>	<p>a) Provision 5.1 requires a minimum set back of 30 metres to Nanarup Road. A reduced 20-metre setback to Nanarup Road with a vegetation buffer does not impact on the objectives of the area and therefore is considered acceptable. The provision allowing a reduced set back will accommodate only one lot and is therefore not expected to impact on the visual amenity to Nanarup Road.</p> <p>b) The modification to the subdivision guide plan is only minor and accommodates the environmental concerns relayed by the EPA.</p>	<p>a) Uphold: That the following Clause be included within the special provisions: "Notwithstanding 5.1 above, Council may approve a 20 metre setback of the building envelope to Nanarup Road, provided the extensive screening as shown on the Subdivision guide Plan is implemented by the subdivider".</p> <p>b) Uphold: As per Submission 1(a).</p>

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.6 continued

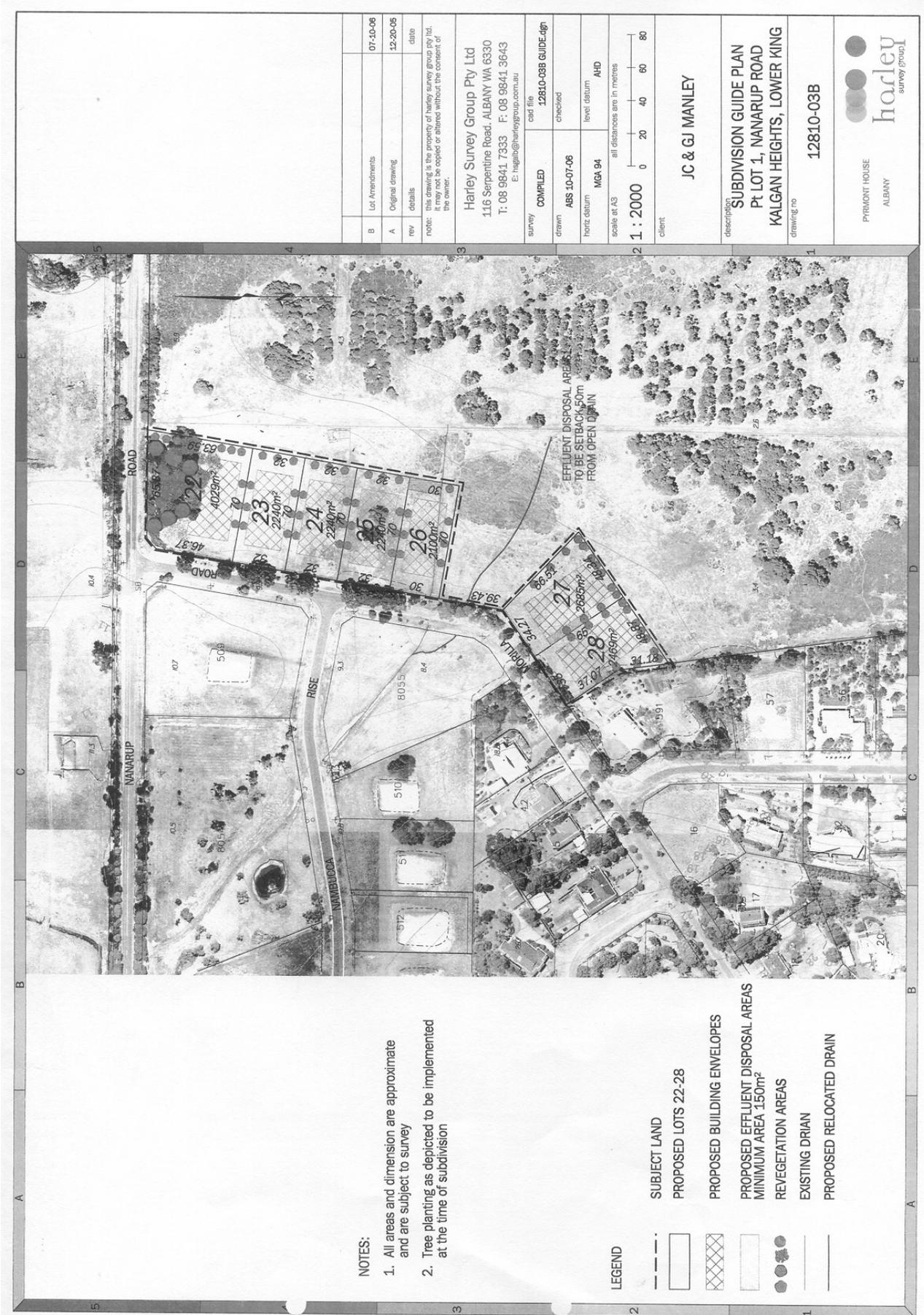
No.	Submitter	Submission	Officer Comment	Council Recommendation
		<p>c) Relocate the nominated effluent disposal areas (Lot 26 and 27).</p>	<p>c) The new effluent disposal areas comply with the ground water and soil testing defined in the report.</p>	<p>c) Uphold: The effluent disposal areas be modified as per the revised Subdivision Guide Plan dated 10 July 2006 (Plan No. 12810-03B) to accommodate the concerns relayed by the EPA.</p>

..... CHIEF EXECUTIVE OFFICER

..... DATE

ORDINARY COUNCIL MEETING MINUTES – 15/08/06  
 \*\* REFER DISCLAIMER \*\*  
 DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued



Lot Amendments	07-10-06
Original drawing	12-20-05
rev details	date
note: this drawing is the property of harley survey group Pty Ltd. It may be copied or altered without the consent of the owner.	
<b>Harley Survey Group Pty Ltd</b> 116 Serpentine Road, ALBANY WA 6330 T: 08 9841 7333 F: 08 9841 3643 E: hsg@harleysurveygroup.com.au	
survey	COMPILED
drawn	ABS 10-07-06
horiz datum	MGA 94
level datum	AHD
scale at AS	all distances are in metres
client	JC & GJ MANLEY
description	SUBDIVISION GUIDE PLAN Pt LOT 1, NANARUP ROAD KALGAN HEIGHTS, LOWER KING
drawing no	12810-03B
PYRMONT HOUSE ALBANY 	

**DEVELOPMENT SERVICES REPORTS**

**11.3.7 Final Approval for Scheme Amendment – Lot 56 Havoc Road, Warrenup**

<b>File/Ward</b>	:	A20103A (Kalgan Ward)
<b>Proposal/Issue</b>	:	Request to rezone Lot 56 Havoc Road from 'Rural' to 'Special Residential' and modify Additional Use Site No. 2
<b>Subject Land/Locality</b>	:	Lot 56 Havoc Road, Warrenup
<b>Proponent</b>	:	Harley Survey Group
<b>Owner</b>	:	Prior Nominees
<b>Reporting Officer(s)</b>	:	Planning Officer (A Nicoll)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 19/10/2004 – Item 11.3.4 OCM 20/09/2005 – Item 11.3.11
<b>Summary Recommendation</b>	:	Grant final approval subject to modifications
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.7 continued

**BACKGROUND**

1. At its meeting of the 20 September 2005 Council resolved:  
  
*“THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the above Town Planning Scheme by:*
  - i) rezoning Lot 56 Havoc Road, Warrenup from the ‘Rural’ zone to the ‘Special Residential’ zone No. 20 and the ‘Parks and Recreation’ Reserve;*
  - ii) incorporating appropriate Scheme Provisions accordingly;*
  - iii) modify Schedule 2 - Additional Use Sites Code No. 2: Holiday Accommodation and associated uses, to Holiday Accommodation and Caretakers Residence; and*
  - iv) amending the scheme maps accordingly.”*
2. The amending documents were referred to the Environmental Protection Authority (EPA) who concluded that a formal environmental assessment was not required. The EPA provided further advice on environmental issues, which are discussed in the Schedule of Submissions section of this report.
3. The application was advertised in accordance with Section 39 of the Planning and Development Act with two (2) submissions being received.

**STATUTORY REQUIREMENTS**

4. The amendment was initiated under Section 7 of the Town Planning and Development Act 1928. That Act has since been repealed and replaced with the Planning and Development Act 2005.
5. Council is required under section 75 of the Planning and Development Act to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

**POLICY IMPLICATIONS**

6. There are various policies and strategies that have relevance to this proposal. These include: SPP No. 2.5 – Agriculture and Land Use Planning; The WAPC’s Planning for Bush Fire Protection (2001); and the Local Rural Strategy.
7. Council previously had regard to those Statements of Planning Policy and the Local Rural Strategy in preparing the Scheme Amendment and has resolved (OCM 20/09/2005 – Item 11.3.11) that no inconsistency exists.

**FINANCIAL IMPLICATIONS**

8. There are no financial implications relating to this item.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.7 continued

**STRATEGIC IMPLICATIONS**

- 9. The subject site is identified within Council’s Draft Albany Local Planning Strategy as ‘Long Term Residential’. It may be argued that all or part of the site should be maintained for that purpose, however staff believe that the rezoning of the land to “Special Residential” should be favourably considered on the following basis:

*“the site is immediately north of an existing special residential area. A significant portion of the lot is not capable of development and needs to be retained for environmental and drainage purposes.”*

- 10. The Council has previously supported this principle when it initiated the amendment in already supported this principle when it initiated the amendment in September 2005 (OCM 20/09/2005 – Item 11.3.1).

**COMMENT/DISCUSSION**

- 11. The amendment documentation has satisfactorily addressed the outstanding information and modifications, which were required at previous council meetings. A copy of the subdivision guide plan is attached to the rear of this report.
- 12. The Environmental Protection Authority (EPA) and the Department of Environment (DOE) made recommendations to:
  - Include a development exclusion area for land below the 30.64 AHD;
  - Widen the POS/foreshore reserve areas;
  - Introduce a scheme provision, which makes the requirement for a foreshore management plan; and
  - Review the location of the building envelopes in order to enable the protection of vegetation.
- 13. Please refer to the ‘schedule of submissions’, which makes comment and recommendations on the advice given by the EPA and DOE.

**RECOMMENDATION**

THAT Council in pursuance of Section 75 of the Planning and Development Act 2005 resolves to amend the above Town Planning Scheme by:

- i) rezoning Lot 56 Havoc Road, Warrenup from the ‘Rural’ zone to the ‘Special Residential’ zone No. 20 and the ‘Parks and Recreation’ Reserve;
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed;
- iii) incorporating appropriate Scheme Provisions accordingly;
- iv) modify Schedule 2 - Additional Use Sites Code No. 2: Holiday Accommodation and associated uses, to Holiday Accommodation and Caretakers Residence; and
- v) amending the Scheme Maps accordingly.

*Voting Requirement Simple Majority*

.....

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.7 continued

**ADDENDUM TO OFFICERS REPORT**

14. Since the original report was prepared, the proponent has requested that the recommendation relating to the width of access legs for Lots 6 and 7 be reviewed. Refer attached correspondence from proponent.
15. Within the current version of the Schedule of Submissions staff recommended that the access legs for these lots be reduced from 10 metres to 6 metres. This was to ensure that additional space was made available on the eastern side of the creek line to provide an adequate clearance for future drainage works and to accommodate a small cleared area for local recreation purposes (which may be needed as the locality's population increases). Similar to that of a road reservation, which contains a verge area either side of the bitumen surface, setting aside a suitable reserve width to accommodate a greater variety of management options in the future is a conservative but necessary approach.
16. The proponent has advised that 10 metres is preferred to allow for a shared driveway with extensive landscaping either side, and to enable an existing crossover to be utilised for future access.
17. Whilst staff are not supportive of keeping the access leg width at 10 metres as requested by the proponent, an 8 metre wide access leg would allow the owner to construct an attractive landscaped driveway, whilst increasing the dry-land buffer on the east side of the creek line by 2 metres.
18. Please find attached modified Submission 1b.

**AMENDED STAFF RECOMMENDATION**

THAT Council, subject to the recommendation contained within the amended Schedule of Submissions, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to amend the above Town Planning Scheme by:

- i) rezoning Lot 56 Havoc Road, Warrenup from the 'Rural' zone to the 'Special Residential' zone No. 20 and the 'Parks and Recreation' Reserve;
- ii) receiving the Schedule of Submissions with the comments on individual submissions being tabled and the recommendations contained therein either Noted, Upheld or Dismissed as detailed;
- iii) incorporating appropriate Scheme Provisions accordingly;
- iv) modifying Schedule 2 - Additional Use Sites Code No. 2: Holiday Accommodation and associated uses, to Holiday Accommodation and Caretakers Residence; and
- v) amending the Scheme Maps accordingly.

*Voting Requirement Simple Majority*

.....

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.7 continued

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR LIONETTI**

**THAT Council, subject to the recommendation contained within the amended Schedule of Submissions, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to amend the above Town Planning Scheme by:**

- i) rezoning Lot 56 Havoc Road, Warrenup from the 'Rural' zone to the 'Special Residential' zone No. 20 and the 'Parks and Recreation' Reserve;**
- ii) receiving the Schedule of Submissions with the comments on individual submissions being tabled and the recommendations contained therein either Noted, Upheld or Dismissed as detailed;**
- iii) incorporating appropriate Scheme Provisions accordingly;**
- iv) modifying Schedule 2 - Additional Use Sites Code No. 2: Holiday Accommodation and associated uses, to Holiday Accommodation and Caretakers Residence; and**
- v) amending the Scheme Maps accordingly.**

**MOTION CARRIED 13-0**

## DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

## Amended Schedule of Submissions – Amendment No. 248

## Submission 1 (b)

No.	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority. Westralia Square 141 St Georges Terrace, Perth, Western Australia	b)The areas set aside for POS should be widened to ensure access and an adequate foreshore reserve.	<p>b) The drainage line between Lots 5 and 6 serves a predominantly drainage function and there is no long term plan to turn this land into a pedestrian access route or a regional open space corridor.</p> <p>The POS area in the north-west of the site is identified in ALPS as being the regional area of POS linking with the Warrenup Ridge Estate in the North.</p> <p>In both instances staff are satisfied with the width of the POS areas. It is considered important however that the section of POS reserve fronting Henry Street be widened to allow for greater flexibility in implementing flood and drainage works in the reserve into the future. A reduction in the width of the battle-axe legs for Lots 6 and 7 from <b>10m to 8m</b> will enable the reserve to be widened by an additional <b>2 metres</b>. It also considered important to relocate the strategic firebreak within the battle-axe leg and place a reciprocal right of access over the adjoining battle-axe legs to allow the City to undertake any works in the drain into the future.</p>	<p>b) Uphold in Part:</p> <p>Modify the subdivision guide plan by reducing the width of the adjoining battle-axe legs from <b>10m to 8m</b> and increase the width of the reserve accordingly.</p> <p>Modify the subdivision guide plan by realigning the strategic firebreak within the battle-axe legs and showing the area subject to the reciprocal rights of access.</p> <p>Insert provision requiring the placement of reciprocal rights in favour of the City of Albany to allow the private access legs to be used to attend to maintenance issues within the drain.</p>

**DEVELOPMENT SERVICES REPORTS**

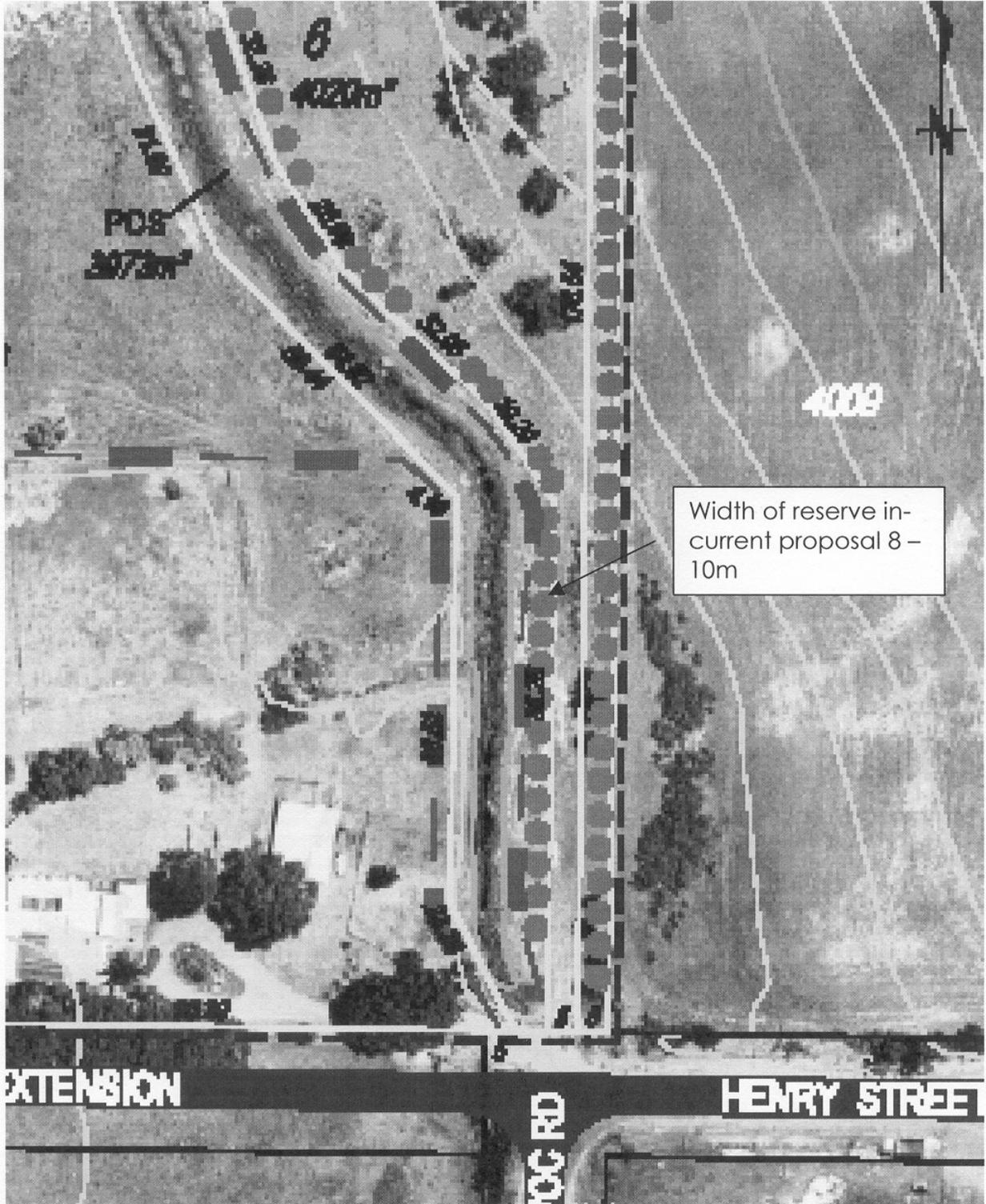
Item 11.3.7 continued

**PROPONENT'S SUBMISSION**

On behalf of the owner of Lot 56 Havoc Road we would request that the two 5m battleaxe legs that provide access to proposed Lot 6 & 7 be retained and reciprocal rights of access in favour of the City be used to provide access for the following reasons.

- The POS reserve is already a minimum of 8 to 10m wide in this area, more than enough land to provide access and conduct maintenance works on the drain;
- As stated in the officer report, the POS reserve is intended to be used for access to maintain the creek and not for a recreation reserve or for public access;
- Foreshore reserves to drains are usually based upon fringing vegetation, topographical factors and the ability to provide 'dry land' access to the drain for maintenance. The existing 8-10m wide reserve contains all fringing vegetation, and provides enough dry land for access and maintenance.
- The Department of Water only asked for a 3-4m widening where the Reserve meets Henry Street, Reciprocal Rights of Carriageway will provide this additional access width satisfactorily for the few times the City would need access;
- Reciprocal Rights and Access in favour of the City gives adequate access to the drain for the couple of times a year they may need to access it;
- The existing driveway is constructed over a culvert and has its edge 10m from the eastern boundary. Reducing this width will require additional unnecessary road works.
- There is Water Corporation have infrastructure (a scouring valve) 2.3m in from the eastern boundary, reducing the width of the battleaxe legs may necessitate unnecessary additional works for the Water Corporation in moving the valve.
- Two 5m wide battleaxe legs gives the opportunity for a high quality, 4m wide with shoulders, landscaped driveway;
- Two 5m wide battleaxe legs allows for the independent construction of driveways if required – that is, where prospective purchasers can not agree on maintenance arrangements; and
- A further widening of the reserve is unnecessary and would result in additional land that the City would have to maintain in the long term.

Item 11.3.7 continued



**DEVELOPMENT SERVICES REPORTS**

Planning & Development Act 2005  
 Town Planning Scheme No. 3 - Amendment No. 248  
 Schedule of Submissions for Rezoning Lot 56 Havoc Road from 'Rural' to 'Special Residential' and modify Additional Use Site No. 2

No.	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority, Westralia Square 141 St Georges Terrace, Perth, Western Australia	<p>a) The area of land below the 30.64AHD is likely to be inundated with water and therefore should be set-aside as a development exclusion area.</p> <p>b) The areas set aside for POS should be widened to ensure access and an adequate foreshore reserve.</p>	<p>a) A portion of the land below the 30.64AHD is already inundated with water. Whilst no building envelopes are located below 30.64AHD it is considered appropriate to demarcate these low lying areas as development exclusion areas.</p> <p>One issue that is relevant is that the battle-axe legs for Lots 6 and 7 are located below the 30.64m AHD line and in significant storm-events may be flooded. It is recommended at the time of subdivision a memorial be placed on the title of these lots stating that the battle-axe legs may be inundated in significant storm events which could damage the surface of the access-leg.</p> <p>b) The drainage line between Lots 5 and 6 predominantly serves a drainage function and is not identified in the Albany Local Planning Strategy (ALPS) as a future regional POS corridor. The drainage line in the north-west of the property is identified in ALPS as a regional POS corridor and staff are supportive of the area to be ceded as POS.</p> <p>Council has recently commissioned consultants to prepare a flood study for the Willyung Creek and it's catchment. The findings of the study will assist in identifying future drainage requirements</p>	<p>a) Uphold:                      The Subdivision Guide Plan being modified to show a development exclusion area for the land below 30.64AHD.</p> <p>A new clause (Clause 11.2) being included within the special provisions:                      "11.2 Council may request the Commission to impose a condition at the time of subdivision for the placement of a memorial on the title of Lots 6 and 7 advising that the battle-axe legs are located below the identified 1 in 100 year flooding level (30.64m AHD), and therefore may be inundated in significant storm events, resulting in potential damage to the surface of the access-leg."</p> <p>b) Uphold in Part:                      Modify the subdivision guide plan by reducing the width of the adjoining battle-axe legs on Lots 6 and 7 from 10 metres to 6 metres and increase width of the POS reserve accordingly.                      Modify the subdivision guide plan by realigning the strategic firebreak with the battle-axe legs and showing the area subject to the reciprocal rights of access.                      Insert scheme provision requiring the placement of reciprocal rights in favour of the City of Albany to allow the private access legs to be used to attend to maintenance issues within the drain.</p>

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.7 continued

Planning & Development Act 2005  
 Town Planning Scheme No. 3 - Amendment No. 248  
 Schedule of Submissions for Rezoning Lot 56 Havoc Road from 'Rural' to 'Special Residential' and modify Additional Use Site No. 2

No.	Submitter	Submission	Officer Comment	Council Recommendation
			<p>for the locality. The subject land forms part of the Willyung Creek catchment.</p> <p>Staff are satisfied that the eastern boundary of the proposed POS is suitable, subject to the battle-axe legs for Lots 5 and 6 being reduced in width from 10 metres to 6 metres, allowing for an increase in the Reserve's width of 4 metres, as per the EPA's advice. It is also recommended that the strategic firebreak be incorporated within the battle-axe legs of Lots 6 and 7, and access rights be placed on the title of these lots allowing Council to access the eastern side of the drainage line in perpetuity. This would increase the area available within the POS reserve for any future drainage works on that side.</p> <p>In relation to the western boundary of the POS it is recommended that the existing alignment be maintained on the Subdivision Guide Plan (SGP). This will allow Lots 6 and 7 to be subdivided and the POS reserve, as shown, under Council's care and control.</p> <p>As Lots 1 to 5 on the SGP cannot be created until legal road access is provided (extension of Henry Street), it is recommended that the width of the reserve on the western boundary be reconsidered at that time when information provided in the Willyung Creek study and other flood information becomes available,</p>	<p>Modify the subdivision guide plan by annotating the western boundary of the POS reserve (reserve between Lots 5 and 6) with the following:</p> <p>"At the time of subdivision to create any of the Lots 1 to 5 the western extent of the reserve is to be reviewed based on up to date flood and drainage information revealed within the Willyung Creek Flood Study, and/or any subsequent flood or drainage study."</p> <p>Insert a scheme provision stating the following:</p> <p>"On creation of Lots 6 and/or 7 the POS reserve is to be ceded in accordance with the Subdivision Guide Plan. At the time of subdivision to create any of the Lots 1 to 5 the western extent of the POS reserve is to be reviewed based on up to date flood and drainage information revealed within the Willyung Creek Flood Study, and/or any subsequent flood or drainage study."</p>

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.7 continued

Planning & Development Act 2005  
Town Planning Scheme No. 3 - Amendment No. 248  
Schedule of Submissions for Rezoning Lot 56 Havoc Road from 'Rural' to 'Special Residential' and modify Additional Use Site No. 2

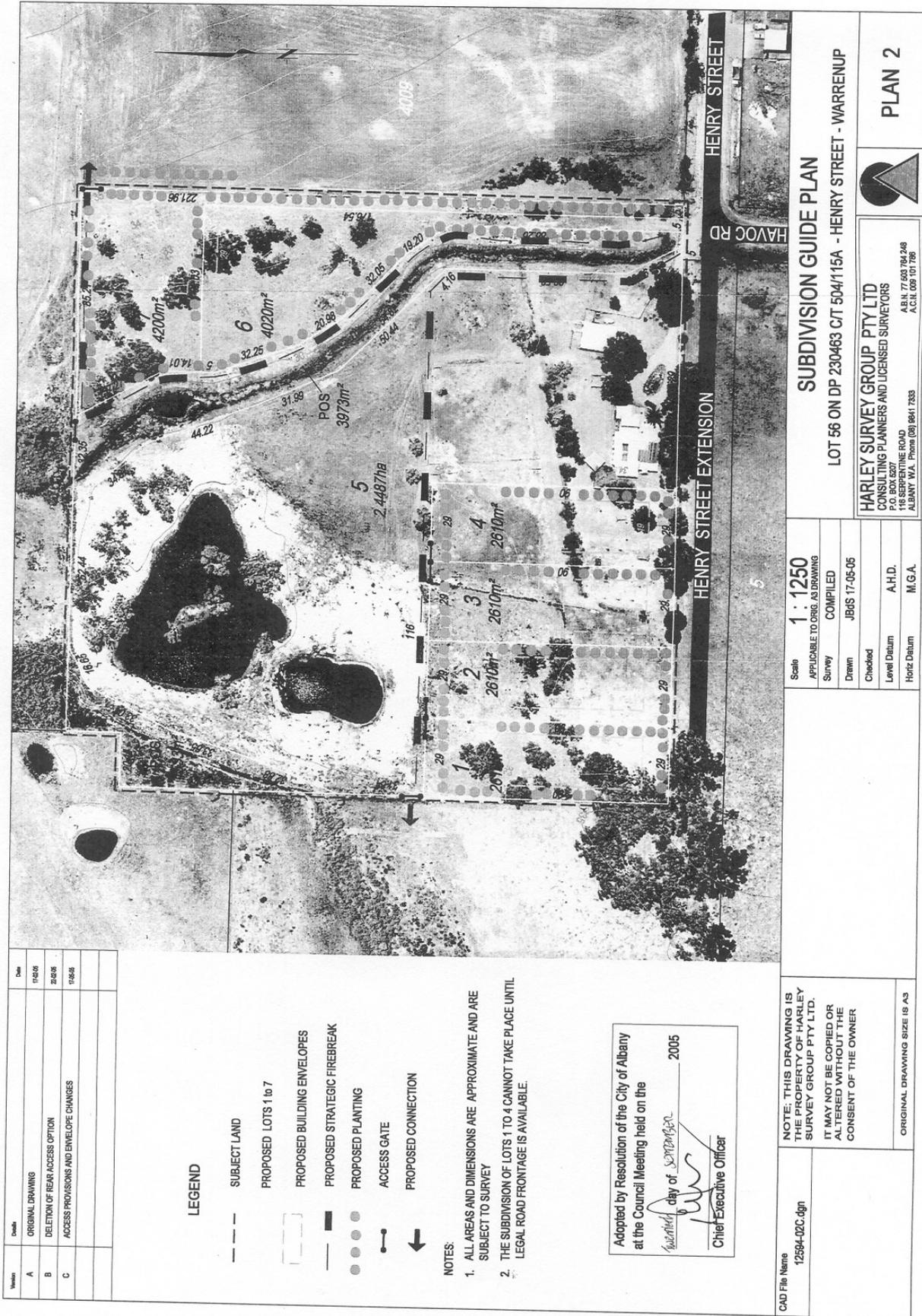
No.	Submitter	Submission	Officer Comment	Council Recommendation
2	Department of Environment	<p>c) A scheme provision needs to be introduced to require a foreshore management plan at the time of subdivision.</p> <p>d) Building envelopes being reviewed or a provision for revegetation being incorporated to help the retention and reclamation of vegetation.</p>	<p>c) It appears that the only management issue associated with both drainage/creek lines is weed invasion, and it is recommended that at the time of subdivision the developer is required to undertake weed control prior to handing over the POS Reserve to Council. Clause 6.3 and 6.4 which relate to weed control and fencing already achieve this aim.</p> <p>d) The subdivision guide plan illustrates areas of proposed planting and provision 6.2 requires planting at the time of subdivision. These measures are considered appropriate.</p>	<p>c)- Dismiss</p> <p>d) Dismiss.</p>
As per the officer comment in relation to the EPA advice				As per the recommendation in relation to the EPA advice.

..... CHIEF EXECUTIVE OFFICER

..... DATE

ORDINARY COUNCIL MEETING MINUTES – 15/08/06  
 \*\* REFER DISCLAIMER \*\*  
 DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued



Version	Details	Date
A	ORIGINAL DRAWING	15/06/06
B	DELETION OF REAR ACCESS OPTION	22/06/06
C	ACCESS PROVISIONS AND ENVELOPE CHANGES	15/08/06

**LEGEND**

- SUBJECT LAND
- PROPOSED LOTS 1 to 7
- PROPOSED BUILDING ENVELOPES
- PROPOSED STRATEGIC FIREBREAK
- PROPOSED PLANTING
- ACCESS GATE
- ➔ PROPOSED CONNECTION

**NOTES:**

1. ALL AREAS AND DIMENSIONS ARE APPROXIMATE AND ARE SUBJECT TO SURVEY
2. THE SUBDIVISION OF LOTS 1 TO 4 CANNOT TAKE PLACE UNTIL LEGAL ROAD FRONTAGE IS AVAILABLE

Adopted by Resolution of the City of Albany  
 at the Council Meeting held on the  
 twelfth day of September 2005  
  
 Chief Executive Officer

CAD File Name 12594-00C.dgn	<p><b>NOTE: THIS DRAWING IS THE PROPERTY OF HARLEY SURVEY GROUP PTY LTD. IT MAY NOT BE COPIED OR ALTERED WITHOUT THE CONSENT OF THE OWNER</b></p> <p>Scale <b>1 : 1250</b>                  APPLICABLE TO ORIG. AS DRAWING                  Survey COMPILED                  Drawn JBKS 17-06-06                  Checked                  Level Datum A.H.D.                  Horiz Datum M.G.A.</p>	<p><b>PLAN 2</b></p> 
<p><b>SUBDIVISION GUIDE PLAN</b></p> <p>LOT 56 ON DP 230463 CT 504/115A - HENRY STREET - WARRENUP</p>		
<p><b>HARLEY SURVEY GROUP PTY LTD</b>                  CONSULTING PLANNERS AND LICENSED SURVEYORS                  P.O. BOX 6207                  118 SERPENTINE ROAD                  ALBANY W.A. Phone (08) 8641 7833                  A.B.N. 77 603 784 248                  A.C.N. 006 101 786</p>		

**DEVELOPMENT SERVICES REPORTS**

**11.4 RESERVES PLANNING**

Nil.

**11.5 DEVELOPMENT SERVICE COMMITTEES**

Nil.

# **Corporate & Community Services**

## **REPORTS**

## - R E P O R T S -

### 12.1 FINANCE

#### 12.1.1 List of Accounts for Payment

<b>File/Ward</b>	:	FIN 040 (All Wards)
<b>Proposal/Issue</b>	:	N/A
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Finance (S Goodman)
<b>Disclosure of Interest</b>	:	Nil.
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	Council adopt the list of accounts for payment.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

#### COMMENTS / DISCUSSION

- The list of account for payment for the City of Albany is included within the Elected Members Report & Information Bulletin and contains the following:-

Municipal Fund			
Cheques		Totalling	\$227,294.45
Electronic Fund transfer		Totalling	2,101,662.19
Credit Cards		Totalling	12,364.69
Payroll		totalling	733,099.25
<b>Total</b>			<b><u>\$3,074,420.58</u></b>

- As at 27<sup>th</sup> July 2006, the total outstanding creditors, stands at \$225,305.26.
- Cancelled cheques – 22278 and 22300.

#### RECOMMENDATION

THAT the following City of Albany accounts be passed for payment:-

Municipal Fund	Totalling	<b><u>\$3,074,420.58</u></b>
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*Voting Requirement Simple Majority*

.....

ORDINARY COUNCIL MEETING MINUTES – 15/08/06  
\*\* REFER DISCLAIMER \*\*  
**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.1 continued

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR EMERY**

**THAT the following City of Albany accounts be passed for payment:-**

<b>Municipal Fund</b>	<b>Totalling</b>	<b><u>\$3,074,420.58</u></b>
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**MOTION CARRIED 13-0**

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.1.2 Financial Activity Statement**

<b>File/Ward</b>	:	FIN 040 (All Wards)
<b>Proposal/Issue</b>	:	N/A
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Senior Accounting Officer (M Brenton)
<b>Disclosure of Interest</b>	:	Nil.
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	Note Financial Activity Statement
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

**COMMENT/DISCUSSION**

1. The Financial Activity Statement was introduced by the Department of Local Government and Regional Development from 1<sup>st</sup> July 2005. The change was implemented to provide elected members with a better idea of operating and capital revenues and expenditure. It was also intended to link operating results with balance sheet items and reconcile with the end of month cash balances.

**STATUTORY REQUIREMENTS**

2. Section 6.4 of the Local Government Act 1995 requires that financial reports be prepared and presented in the manner and form prescribed in the regulations. Regulation 34 has been amended to require that Councils report on the sources and applications of funds on a monthly basis, and that the report be noted by Council.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

4. There are no financial implications. The Financial Activity Statement is a report only.

**STRATEGIC IMPLICATIONS**

5. There are no strategic implications relating to this item.

Item 12.1.2 continued.

**COMMENT/DISCUSSION**

6. The Financial Activity Statement and summary on major variances follow.

**RECOMMENDATION**

THAT Council note the attached Financial Activity Statement.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR JAMIESON**

**THAT Council note the attached Financial Activity Statement.**

**MOTION CARRIED 13-0**

**CORPORATE & COMMUNITY SERVICES REPORTS**

**FINANCIAL ACTIVITY STATEMENT Jun-06**

<i>Original Budget 2005/06</i>		Actual Year to Date 30-Jun-06	Current Budget Year to Date 30-Jun-06	Budget Variance	
	<b>OPERATING INCOME</b>				
15,369,722	Rates	15,481,595	15,484,083	(2,488)	0%
3,083,000	Grants & Subsidies	4,381,413	4,088,117	293,296	7%
272,333	Contributions. Reimb & Donations	347,506	352,374	(4,868)	-1%
6,461,901	Fees & Charges	7,247,224	6,601,927	645,297	10%
700,394	Interest Earned	1,026,660	963,000	63,660	7%
962,144	Other Revenue / Income	2,282,437	2,492,303	(209,866)	-8%
	Net Controlled Trust Revenue	158,800			
<b>26,849,494</b>		<b>30,925,636</b>	<b>29,981,804</b>	<b>785,032</b>	
	<b>OPERATING EXPENDITURE (excluding depreciation)</b>				
(9,943,052)	Employee Costs	(10,040,865)	(10,070,315)	29,450	0%
(873,350)	Utilities	(902,998)	(877,951)	(25,047)	3%
(1,082,833)	Interest Expenses	(1,081,553)	(1,082,833)	1,280	0%
(6,529,600)	Contracts & materials	(6,330,305)	(6,847,876)	517,571	-8%
(375,240)	Insurance expenses	(379,268)	(375,240)	(4,028)	1%
(3,700,944)	Other Expenses	(3,877,762)	(4,469,016)	591,254	-13%
<b>(22,505,019)</b>		<b>(22,612,752)</b>	<b>(23,723,231)</b>	<b>1,110,479</b>	
	<b>CAPITAL INCOME</b>				
4,318,767	Grants & Subsidies	1,964,074	3,030,590	(1,066,516)	-35%
1,729,450	Contributions. Reimb & Donations, Other	889,399	900,001	(10,602)	-1%
2,425,606	Proceeds from sale of assets	1,844,311	1,756,559	87,752	5%
<b>8,473,823</b>		<b>4,697,784</b>	<b>5,687,150</b>	<b>(989,366)</b>	
	<b>CAPITAL EXPENDITURE</b>				
(6,903,143)	Asset Masterplans	(5,265,512)	(6,380,816)	1,115,304	-17%
(3,340,000)	ALAC Redevelopment	(163,464)	(310,000)	146,536	
(2,267,187)	Plant Replacement	(2,358,263)	(2,415,049)	56,786	-2%
(1,107,950)	Developers Subdivisions	(608,000)	(608,000)	-	
(4,170,460)	Other Capital	(2,743,898)	(2,622,036)	(121,862)	5%
<b>(17,788,740)</b>		<b>(11,139,137)</b>	<b>(12,335,901)</b>	<b>1,196,764</b>	
	<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
(579,092)	Loan Principal Repayment	(579,092)	(579,092)	(0)	0%
38,606	Proceeds from Self Supporting Loans	38,606	38,606	(0)	
2,340,000	Proceeds from new loans	0	0	-	
<b>1,799,514</b>		<b>(540,486)</b>	<b>(540,486)</b>	<b>(0)</b>	
	<b>OTHER BALANCE SHEET ITEMS</b>				
	Change in stock position	43,211			
150,000	Change in Debtors	(774,922)			
(68,995)	Change in Creditors	2,323,705			
<b>81,005</b>		<b>1,591,994</b>			
(3,089,923)	<b>NET CASH FLOW</b>	<b>2,923,040</b>			
11,303,835	Opening Cash balance	13,045,744			
<b>8,213,912</b>	<b>NET CASH AT BALANCE DATE</b>	<b>15,968,784</b>			
	<b>Cash Summary</b>				
1,351,677	Municipal Account	1,089,215			
5,854,475	Reserve Account	11,922,112			
<u>1,007,760</u>	Trust Account	<u>2,957,456</u>			
<b>8,213,912</b>	Total Bank / Investments	<b>15,968,784</b>			

## CORPORATE &amp; COMMUNITY SERVICES REPORTS

**FINANCIAL ACTIVITY STATEMENT  
VARIANCE SUMMARY**

**Jun-06**

	Actual	Budget	Variance
<b>Fees &amp; Charges</b>	7,247,224	6,601,927	645,297
Airport Fees			63,233
Private Works (projects offset in expenditure)			181,896
Building Licence Fees			39,348
Inspection Subdivisions			33,302
Tip Fees			101,283
<b>Operating Expenditure (Other Expenses)</b>	(3,817,762)	(4,469,016)	651,254
C.D.O. Projects - Carried over \$ 27,000			40,423
Dev Mgt Projects - Carried over			40,982
Beaches-Mntce Reserves			41,814
Fire Reserves Risk Mgt Exp			44,650
Wo-Other			45,300
It-Operating Costs			46,308
A/Port-lls Maintenance - Contract completed 04/05			53,600
Dev Management Plans			53,730
Albany Entertainment Centre - Carried over to 06/07			78,742
Rrif - Project Expenditure - carried over to 06/07			79,660
Drainage Management Plan - Carried over to o6/07			90,041
<b>Capital Income</b>	2,853,473	3,930,591	(1,077,118)
Federal Black Spot Funding reduced			(123,999)
Asset Upgrade-Ext Funding - offset in Capital Expenditure			(857,571)
<b>Capital Expenditure - Asset Masterplans</b>	(5,265,512)	(6,380,816)	1,115,304
Capital Projects Carried over to 06/07			

**12.2 ADMINISTRATION**

Nil.

**12.3 LIBRARY SERVICES**

Nil.

**12.4 DAY CARE CENTRE**

Nil.

**12.5 TOWN HALL**

Nil.

**12.6 RECREATION SERVICES**

Nil.

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE**

**12.7.1 Finance Strategy Advisory Committee meeting minutes –27 July 2006**

- File/Ward** : FIN 066 (All Wards)
- Proposal / Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Finance (S Goodman)
- Summary Recommendation** : That the Minutes of Finance Strategy Advisory Committee held on 27<sup>th</sup> July 2006 be adopted.

RECOMMENDATION

THAT the minutes of the Finance Strategy Advisory Committee meeting held on the 27<sup>th</sup> July 2006 be received (copy of minutes is in the Elected Members Report/Information Bulletin) and the following motions adopted:-

5.0 Funding of the ALAC project.

- i) THAT Council approve the following funding proposal for the ALAC upgrade:

External Grants	\$ 2,962,000
Loan Finance	4,780,000
Sale of surplus City Land	2,250,000
Land Development – Cull Road	1,975,000
Use of City Reserves	1,300,000
Cost control / application of surplus	<u>1,000,000</u>
Total	\$ 14,267,000

*Voting Requirement Absolute Majority*

.....

- ii) THAT pursuant to Section 3.59 of the Local Government Act (1995), the City of Albany prepare a business plan for the subdivision and sale of lots 296,297,298,299,302,and 303 Wellington Street, Centennial Park.

*Voting Requirement Simple Majority*

.....

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.7.1 continued

Pursuant to Clause 6.4 of the City of Albany Standing Orders Local Law, the recommendation was broken down and put in the form of separate motions, in sequence as follows:

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR WOLFE**

**THAT the minutes of the Finance Strategy Advisory Committee meeting held on the 27<sup>th</sup> July 2006 be received (copy of minutes is in the Elected Members Report/Information Bulletin) and the following motion adopted:-**

**5.0 Funding of the ALAC project.**

**i) THAT Council approve the following funding proposal for the ALAC upgrade:**

<b>External Grants</b>	<b>\$ 2,962,000</b>
<b>Loan Finance</b>	<b>4,780,000</b>
<b>Sale of surplus City Land</b>	<b>2,250,000</b>
<b>Land Development – Cull Road</b>	<b>1,975,000</b>
<b>Use of City Reserves</b>	<b>1,300,000</b>
<b>Cost control / application of surplus</b>	<b><u>1,000,000</u></b>
<b>Total</b>	<b>\$ 14,267,000</b>

**MOTION CARRIED 13-0  
ABSOLUTE MAJORITY**

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR JAMIESON**

**ii) THAT pursuant to Section 3.59 of the Local Government Act (1995), the City of Albany prepare a business plan for the subdivision and sale of lots 296,297,298,299,302,and 303 Wellington Street, Centennial Park.**

**MOTION CARRIED 13-0**

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.7.2 Albany Arts Advisory Committee informal meeting minutes – 12<sup>th</sup> July 2006**

- File/Ward** : MAN 116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee informal meeting held on 12<sup>th</sup> July 2006 be noted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee informal meeting held on 12<sup>th</sup> July 2006 be noted (copy of minutes are in the Elected Members Report/Information Bulletin).

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR EMERY**

**THAT the minutes of Albany Arts Advisory Committee informal meeting held on 12<sup>th</sup> July 2006 be noted (copy of minutes are in the Elected Members Report/Information Bulletin).**

**MOTION CARRIED 13-0**

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.7.3 Community Financial Assistance Committee meeting minutes – 21<sup>st</sup> July 2006**

- File/Ward** : FIN 022 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Community Financial Assistance Committee held on 21<sup>st</sup> July 2006 be adopted.

RECOMMENDATION

THAT the minutes of Community Financial Assistance Committee held on 21<sup>st</sup> July 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and

- i) the following recommendations in relation to Major Grants be adopted, and where appropriate, allocations be included in the 2007/08 budget for this purpose.

THAT Council support this application:-

- Albany Light Opera Theatre Co – Lighting Equipment - \$11,289.00

THAT Council not support this application

- Princess Royal Sailing Club – Jetty and boat pen refurbishment program - \$50,000

THAT Council not support this application and investigate further options over the next 12 months in conjunction with the Seniors Citizens Centre of Meals on Wheels.

- Seniors Citizens Centre of Meals on Wheels – financial assistance – self supporting loan - \$14,000.

- ii) the revised Council policy in relation to the Community Financial Assistance Program and the associated Guidelines be adopted.

*Voting Requirement Simple Majority*

.....

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.7.3 continued

Councillor Evans declared an impartiality interest. The nature of Cr Evans' interest is that he is the Patron of the City of Albany Band and that his wife is a member of Sinfonia. Chief Executive Officer Andrew Hammond declared an impartiality interest. The nature of Mr Hammond's interest is that he is a member of the Princess Royal Sailing Club. Executive Director Corporate and Community Services Peter Madigan declared an impartiality interest. The nature of Mr Madigan's interest is that he is the President of the King River Pony Club.

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR WOLFE**

**THAT the minutes of Community Financial Assistance Committee held on 21<sup>st</sup> July 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and**

- i) the following recommendations in relation to Major Grants be adopted, and where appropriate, allocations be included in the 2007/08 budget for this purpose.**

**THAT Council support this application:-**

- **Albany Light Opera Theatre Co – Lighting Equipment - \$11,289.00**

**THAT Council not support this application**

- **Princess Royal Sailing Club – Jetty and boat pen refurbishment program - \$50,000**

**THAT Council not support this application and investigate further options over the next 12 months in conjunction with the Seniors Citizens Centre of Meals on Wheels.**

- **Seniors Citizens Centre of Meals on Wheels – financial assistance – self supporting loan - \$14,000.**

- ii) the revised Council policy in relation to the Community Financial Assistance Program and the associated Guidelines be adopted.**

**MOTION CARRIED 12-1**

## **12.8 COUNCIL REPRESENTATION**

### **12.8.1 Council Committee Representation – Cat Law Working Committee**

<b>File/Ward</b>	:	MAN 052 (All Wards)
<b>Proposal/Issue</b>	:	Appoint Councillor to Committee
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	City of Albany
<b>Owner(s)</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Planning & Ranger Services (G Bride)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 21/09/04 - Item 11.2.1 OCM 19/04/05 - Item 11.2.1 OCM 15/11/05 - Item 11.2.1 OCM 20/06/06 - Item 11.3.1
<b>Summary Recommendation</b>	:	Nomination of Councillor Representative
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

### **BACKGROUND**

1. At it's meeting dated 20 June 2006 Council resolved the following:

*“THAT Council;*

- i) consider the allocation of \$7,000 in its 2006/7 budget to the Cat Sterilisation Society; and*
- ii) establish a Cat Law Working Committee comprising an elected Member and a representative each from The Friends of the RSPCA, The Albany Community and Environment Centre, The Albany Bushcarers Group, The Albany Bird Group, The Albany Residents and Ratepayers Association and the Frenchman Bay Association, to prepare for Council's consideration within nine months a draft local law on cat control with particular emphasis on the compulsory registration, identification and sterilisation of cats within the City of Albany.”*

2. Staff have since written to the groups mentioned in point 2 of the above resolution inviting them to nominate a member for the Committee.

3. The resolution also requires the appointment of an elected member to be on the Committee, and this report has been written to appoint such representative.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.8.1 continued.

- 4. Since the Council resolution in June, a representative from the Youngs Siding Progress Association, Jill Williams, has also expressed an interest in being on the Committee. Mrs Williams was involved with the creation of the Shire of Busselton Cat Local Law and it is considered that her input would make a valuable contribution to the Committee.

**STATUTORY REQUIREMENTS**

- 5. There are no statutory implications relating to this item.

**POLICY IMPLICATIONS**

- 6. There are no policy implications relating to this item.

**FINANCIAL IMPLICATIONS**

- 7. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS**

- 8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

***“Community Vision***

*A thriving city; Albany’s community will enjoy economic growth & outstanding opportunities for our youth through*

- *Excellent community infrastructure and services*

***Mission Statement***

*The City of Albany is committed to...*

- *Providing sound governance*

***Priority Projects***

*Nil.”*

**COMMENT/DISCUSSION**

- 9. In order to establish the Committee and report back to Council in the allocated timeframe the appointment of an elected member’s representative is required.
- 10. It is also recommended that Mrs Williams be invited to be on the Committee given her previous experience in the area. This would mean the Committee will be made up of seven (7) individuals representing their organisation, an elected member and a staff representative.

**RECOMMENDATION**

THAT Council;

- i) appoint Councillor \_\_\_\_\_ to the Cat Law Working Committee; and
- ii) invite Jill Williams from the Young Siding Progress Association to be on the Cat Working Committee.

*Voting Requirement Absolute Majority*

.....

Item 12.8.1 continued

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR WELLINGTON**

**THAT Council;**

- i) appoint Councillor Paver to the Cat Law Working Committee; and**
- ii) invite Jill Williams from the Young Siding Progress Association to be on the Cat Working Committee.**

**MOTION CARRIED 13-0  
ABSOLUTE MAJORITY**

**12.8.2 Town Hall Theatre Advisory Committee**

- File/Ward** : SER 047 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : THAT Council appoint Annette Grant to the Town Hall Theatre Advisory Committee as a Community Representative.

**BACKGROUND**

1. At the June 2006 Ordinary Meeting of Council the Town Hall Theatre Advisory Committee meeting minutes of 31<sup>st</sup> May 2006 were reviewed.
2. The Town Hall Theatre Advisory Committee had made a recommendation that a community representative (Annette Grant) be formally appointed to this Committee and this recommendation was not actioned by Council at that time and needs to be considered.
3. Under the Local Government Act, an Absolute Majority Vote is required to appoint a member to a Committee; this was not carried out at the June 2006 OCM.

**RECOMMENDATION**

THAT Annette Grant be appointed as a member of the Town Hall Theatre Advisory Committee as a Community Representative.

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR WALKER**

**THAT Annette Grant be appointed as a member of the Town Hall Theatre Advisory Committee as a Community Representative.**

**MOTION CARRIED 13-0  
ABSOLUTE MAJORITY**

# **Works & Services**

## **REPORTS**

**- R E P O R T S -**

**13.1 CITY ASSETS - ASSET MANAGEMENT**

Nil.

**WORKS & SERVICES REPORTS**

**13.2 CITY SERVICES – WASTE MANAGEMENT**

**13.2.1 Waste Minimisation Strategy**

<b>File/Ward</b>	:	C02061, C2062A, C02062B, SER 154 (All Wards)
<b>Proposal/Issue</b>	:	Review the past two years of the Waste Minimisation Strategy
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Executive Director of Works & Services (L Hewer)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 20/06/06 Item 13.2.1
<b>Summary Recommendation</b>	:	That Council vary contracts C02061, C2062A and C02062B as outlined in the report.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. This Item has been brought forward to Council for reconsideration and in accordance with the Local Government Act has been supported by Councillors West, Lionetti, Walker, Wolfe and Wiseman.
2. Council Officers submitted an agenda item in June for the variations to the Waste Minimisation Contracts.
3. The motion was lost 7-4 as an absolute majority was required.

**STATUTORY REQUIREMENTS**

4. Regulation 11 of the Local Government (Functions & General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be more than \$50,000.
5. Major variations to the contract arising from the above should be considered by Council
6. An absolute majority vote is not required should Council deal with the recommended motion given that the budget is already adopted at the July OCM to accommodate these costs.

**POLICY IMPLICATIONS**

6. There are no policy implications relating to this item

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**FINANCIAL IMPLICATIONS**

7. The introduction of these variations will increase the cost of provision of the service by Council. The increased cost has been allowed for in the 2006/2007 budget.

**STRATEGIC IMPLICATIONS**

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

***“Community Vision:***

*Albany’s community will enjoy economic growth and outstanding opportunities for our youth though excellent community infrastructure and services*

***Mission Statement:***

*The City of Albany is committed to sustainably managing our municipal assets and delivering excellent community services*

***Priority Projects:***

*Stabilise landfill streams and maximize diversion of waste from landfill”.*

**COMMENT/DISCUSSION**

9. At the recent Council meeting several Councillors had raised questions about the Waste Minimisation programme. Detailed below are the following responses:

10. In the clause stating that the contractor is to nominate components that they wish to be used for the calculation of price variation one of the listed items was “profit”.

11. The relevant clause in the contract states;

“If the Contractor wishes to claim for a variation in the price during the Term, then the Contractor shall give the Principal full written details of the claim, including all applicable information as to the cost of materials, direct labour, overheads, profit and such other cost components as the Principal may require to verify any claim for variation (“Claim). All Claims must outline the existing approved Contract price, the proposed price increase and proposed new contract price on an item by item basis, and shall be accompanied by all relevant evidence and documents to support and verify the Claim.”

12. This cost components referred are to be applied to a variation formula. Cleanaway were not required to nominate a % profit. What they have done is spread the cost over the four components. See below table;

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

<b>BASIS</b>	<b>30/06/04</b>	<b>30/06/05</b>	<b>% MOVEMENT</b>	<b>% COST</b>	<b>WEIGHTED MOVEMENT</b>
<b>Labour</b> Net Nominal Rate	\$23.383	\$24.313	3.98	50.0	1.99%
<b>Fuel &amp; Oils</b> per Link Energy	0.9940	1.2040	21.13	10.00	2.11%
<b>Other Materials And Maintenance</b> CPI	141.20	146.1	3.47	30.00	1.04%
<b>Capital and Investment Return</b> CPI	102.1	98.5	-3.53	10.00	-0.35%
<b>Total</b>					<b>4.79%</b>

13. Profit is rarely disclosed in contractual relationships. In this case it is not felt to be necessary as a competitive process was used to award the contract.
14. The components listed above have been submitted by Cleanaway and are used within the majority of its contracts in the industry. This has been verified by Council officers.
15. The Rise & Fall calculations make good sense as they reflect the nature of the industry and can be adjusted to take into account differences between collection areas. For example the weighting applied to fuel in our contract is only 10% in some other Councils the weighting can be up to 30%. The weighting is low for Albany as the recycling and landfill areas are close to Town.
16. The labour component is based on the movement in wages of a Grade 2 operator (TWU). The fuel component is as per the Link Energy index which is widely used across a number of industries. The other two components are based on ABS statistics.
17. At the June 2006 OCM, Council approved the Greenwaste verge pick up for 2007/08.
18. A request to reconsider was initiated by Councillor Evans to have the original recommendation rescinded. Councillor Evans was unavailable to sign the Notice of Motion due to being away on holiday.
19. The success of the waste minimisation strategy has relied on the following;
  - Support by council
  - Good operational management including financial control
  - Responsible contract management, and
  - The community embracing change
20. In all these areas the City has performed well and is reflected in the amount of waste being diverted and the fact that at this stage there is no pressure to increase the waste charge to ratepayers.
21. The strategy is funded mainly from an annual charge against ratepayers, the urban charge is \$199 and the rural charge is \$35. Other income sources are Government Grants and user pay charges at the greenwaste processing site and landfill.

**WORKS & SERVICES REPORTS**

## Item 13.2.1 continued

22. **Cleanaway Contract**  
The largest contractual relationship is with Brambles (trading as Cleanaway). The relationship with Cleanaway is professional and positive in what is a complex and multi functional environment. The contract has completed two years of an eight-year term.
23. Some time ago the City received a request for a rate increase under the terms of the contract. The contract states that any request for a variation in price must include the relevant cost components impacting on the price and the proposed new rate on an item-by-item basis. The City is satisfied that Cleanaway have met these conditions with its claim.
24. The Contract states that the City has the right to “refuse, approve or approve subject to conditions” such a claim.
25. That claim submitted was based on a “Rise and Fall” calculation using indexes relating to Labour, Fuel and Oils, Material and Maintenance and Capital and Investment return. These indexes were relevant and the rates have been verified. The impact on the contract is an increase of 4.79%.
26. The claim is for the financial year 05/06. In view of the operating environment over the last twelve months, particularly the increase in fuel prices it is felt the amount is justified.
27. **Vancouver Waste Services Contract**  
The Contract for the processing of greenwaste was awarded to Vancouver Waste Services for period of five years. Vancouver derives its income from funds it charges its customers. Council set the fee structure when it awarded the contract. The fees (ex GST are);
- |                                                 |         |
|-------------------------------------------------|---------|
| Cleanaway Greenwaste (via the kerbside pick up) | \$ 4.00 |
| Greenwaste pass recoups                         | \$ 4.00 |
| Domestic users (without a greenwaste pass)      | \$ 6.00 |
| Commercial Users                                | \$10.00 |
| City of Albany                                  | \$10.00 |
28. Vancouver has also asked for an increase in rates, as is its right under the contract. Any increase in rates will mean an increase in the charges outlined above.
29. We have discussed with the contractor a range of options regarding the level of fees for greenwaste
30. The following schedule of fees is viewed as reasonable under the circumstances;
- |                                                 |        |
|-------------------------------------------------|--------|
| Cleanaway Greenwaste (via the kerbside pick up) | \$4.31 |
| Greenwaste pass recoups                         | \$8.00 |
| Domestic users (without a greenwaste pass)      | \$8.00 |
| Commercial Users                                | \$8.00 |
| City of Albany                                  | \$8.00 |
31. This fee schedule introduces a flat fee for user pay services and applies a CPI index to the Cleanaway Greenwaste.
32. Whilst the charges for domestic users have increased the commercial rates have decreased. Overall this represents an increase in income of approximately 10% on current quantities.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

- 33. This offer although less than requested by the operator, is practical and reasonable in the current environment.
- 34. It is recommended that Council offer this increase to the contractor.
- 35. The Greenwaste processing contract does not contain an indexing clause and it is recommended that the contract be varied to include a CPI increase in relation to the processing charge for Cleanaway Greenwaste. All other charges cannot be changed with out the approval of Council.

**RECOMMENDATION 1**

THAT the motion passed at the OCM of 20 June 2006 at Item 13.2.1 as follows:

*“THAT Council;*

- i) approves an increase of 4.79% be granted to Cleanaway for its contracts for waste management services for the 2005/06 financial year and the contracts (C02061 and C02062A) be varied to insert a Rise and Fall Clause subject to satisfactory performance;*
- ii) set the fees for greenwaste disposal at the Vancouver Waste Services site be amended to:*

<i>Cleanaway Greenwaste (via the kerbside pick up)</i>	<i>\$4.31</i>
<i>Greenwaste pass recoups</i>	<i>\$8.00</i>
<i>Domestic users (without a greenwaste pass)</i>	<i>\$8.00</i>
<i>Commercial Users</i>	<i>\$8.00</i>
<i>City of Albany</i>	<i>\$8.00; and</i>
- iii) approve that the Contract for processing of Greenwaste (C02062B) be varied to insert an automatic CPI clause (subject to satisfactory performance). This clause to apply to the Cleanaway Greenwaste disposal only.”*

be rescinded.

*Voting Requirement Absolute Majority*

.....

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

RECOMMENDATION 2

THAT Council;

- i) approves an increase of 4.79% be granted to Cleanaway for its contracts for waste management services for the 2005/06 financial year and the contracts (C02061 and C02062A) be varied to insert a Rise and Fall Clause subject to satisfactory performance;
- ii) endorses the fees for greenwaste disposal set by Vancouver Waste Services as follows;

Cleanaway Greenwaste (via the kerbside pick up)	\$4.31
Greenwaste pass recoups	\$8.00
Domestic users (without a greenwaste pass)	\$8.00
Commercial Users	\$8.00
City of Albany	\$8.00; and
- iii) approve that the Contract for processing of Greenwaste (C02062B) be varied to insert an automatic CPI clause (subject to satisfactory performance). This clause to apply to the Cleanaway Greenwaste disposal only.

*Voting Requirement Simple Majority*

.....

AMENDED RECOMMENDATION 1

THAT the decision made at the OCM of 20 June 2006 at Item 13.2.1 that saw the following motion lost;

“THAT Council;

- i) approves an increase of 4.79% be granted to Cleanaway for its contracts for waste management services for the 2005/06 financial year and the contracts (C02061 and C02062A) be varied to insert a Rise and Fall Clause subject to satisfactory performance;
- ii) set the fees for greenwaste disposal at the Vancouver Waste Services site be amended to:

Cleanaway Greenwaste (via the kerbside pick up)	\$4.31
Greenwaste pass recoups	\$8.00
Domestic users (without a greenwaste pass)	\$8.00
Commercial users	\$8.00
City of Albany	\$8.00; and
- iii) approve that the Contract for processing of Greenwaste (C02062B) be varied to insert an automatic CPI clause (subject to satisfactory performance). This clause to apply to the Cleanaway Greenwaste disposal only.”

be rescinded.

*Voting Requirement Absolute Majority*

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**AMENDED RECOMMENDATION 2**

THAT Council;

- i) approves an increase of 4.79% to Cleanaway for its contracts for waste management services for the 2005/06 financial year and the contracts (C02061 and C02062A) be varied to insert a Rise and Fall Clause subject to satisfactory performance;
- ii) endorses the fees for greenwaste disposal set by Vancouver Waste Services as follows:
 

Cleanaway Greenwaste (via the kerbside pick up)	\$4.31 /cubic metre
Greenwaste pass recoups	\$8.00 /cubic metre
Domestic users (without a greenwaste pass)	\$8.00 /cubic metre
Commercial users	\$8.00 /cubic metre
City of Albany	\$8.00 /cubic metre; and
- iii) approves the Contract for processing of Greenwaste (C02062B) being varied to insert an automatic CPI clause (subject to satisfactory performance). This clause to apply to the Cleanaway Greenwaste disposal only.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR JAMIESON**

**THAT the decision made at the OCM of 20 June 2006 at Item 13.2.1 that saw the following motion lost;**

**“THAT Council;**

- i) **approves an increase of 4.79% be granted to Cleanaway for its contracts for waste management services for the 2005/06 financial year and the contracts (C02061 and C02062A) be varied to insert a Rise and Fall Clause subject to satisfactory performance;**
- ii) **set the fees for greenwaste disposal at the Vancouver Waste Services site be amended to:**

<b>Cleanaway Greenwaste (via the kerbside pick up)</b>	<b>\$4.31</b>
<b>Greenwaste pass recoups</b>	<b>\$8.00</b>
<b>Domestic users (without a greenwaste pass)</b>	<b>\$8.00</b>
<b>Commercial users</b>	<b>\$8.00</b>
<b>City of Albany</b>	<b>\$8.00; and</b>
- iii) **approve that the Contract for processing of Greenwaste (C02062B) be varied to insert an automatic CPI clause (subject to satisfactory performance). This clause to apply to the Cleanaway Greenwaste disposal only.”**

**be rescinded.**

**MOTION CARRIED 13-0  
ABSOLUTE MAJORITY**

Item 13.2.1 continued

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR JAMIESON**

**THAT Council;**

- i) approves an increase of 4.79% to Cleanaway for its contracts for waste management services for the 2005/06 financial year and the contracts (C02061 and C02062A) be varied to insert a Rise and Fall Clause subject to satisfactory performance;**
- ii) endorses the fees for greenwaste disposal set by Vancouver Waste Services as follows:**

<b>Cleanaway Greenwaste (via the kerbside pick up)</b>	<b>\$4.31 /cubic metre</b>
<b>Greenwaste pass recoups</b>	<b>\$8.00 /cubic metre</b>
<b>Domestic users (without a greenwaste pass)</b>	<b>\$8.00 /cubic metre</b>
<b>Commercial users</b>	<b>\$8.00 /cubic metre</b>
<b>City of Albany</b>	<b>\$8.00 /cubic metre; and</b>
- iii) approves the Contract for processing of Greenwaste (C02062B) being varied to insert an automatic CPI clause (subject to satisfactory performance). This clause to apply to the Cleanaway Greenwaste disposal only.**

**MOTION CARRIED 13-0**

**WORKS & SERVICES REPORTS**

**13.2.2 Waste Minimisation – Cleanaway – Change of Ownership**

<b>File/Ward</b>	: C02061, C02062A, SER 154 (All Wards)
<b>Proposal/Issue</b>	: Consenting to the change of ownership under the terms of the contracts
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager City Services (I Neil)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: That Council consents to the change of ownership of Cleanaway
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. Council has contracts with Cleanaway in relation to its Waste Minimisation Strategy. Brambles Industries Limited has sold Cleanaway Australia and New Zealand to a United States private equity firm.
2. The terms of the contract require that the City consent to a change in the ownership of Brambles. Cleanaway have written to Council requesting that consent.

**STATUTORY REQUIREMENTS**

3. There are no statutory requirements relating to this item

**POLICY IMPLICATIONS**

4. There are no policy implications relating to this item

**FINANCIAL IMPLICATIONS**

5. There are no financial implications relating to this item

**STRATEGIC IMPLICATIONS**

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

***“Community Vision:***

*Albany’s community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services*

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued

***Mission Statement:***

*The City of Albany is committed to sustainably managing our municipal assets and delivering excellent community services*

***Priority Projects:***

*Stabilise landfill streams and maximise diversion of waste from landfill”*

**COMMENT/DISCUSSION**

7. Brambles Industries Limited (of which Cleanaway is a subsidiary) has sold its Cleanaway operations in Australia and New Zealand. The purchaser is a United States private equity firm, Kohlberg, Kravis, Roberts and Co.
8. Cleanaway have requested that Council consents to this change of ownership under the terms of the contract.
9. The City requested legal opinion on the matter and has been advised that the change of ownership will
  - Not affect the operation of the contract, and
  - The risk of the new company not being in a financial position to perform the services is relatively low
10. Cleanaway has advised that there will be no change to its operations.
11. It is recommended that the Council consent to the change of ownership

**RECOMMENDATION**

THAT Council consents to the change of ownership of Cleanaway from Brambles Industries Limited to Kohlberg, Kravis, Roberts and Co.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR EMERY**

**THAT Council consents to the change of ownership of Cleanaway from  
Brambles Industries Limited to Kohlberg, Kravis, Roberts and Co.**

**MOTION CARRIED 13-0**

**13.3 CITY SERVICES – AIRPORT MANAGEMENT**

Nil.

**WORKS & SERVICES REPORTS**

**13.4 CITY SERVICES – CONTRACT MANAGEMENT**

**13.4.1 Contract C06013 – Traffic Management**

<b>File/Ward</b>	:	C06013 (All Wards)
<b>Proposal/Issue</b>	:	Traffic Management
<b>Subject Land/Locality</b>	:	Nil
<b>Proponent</b>	:	Nil
<b>Owner</b>	:	Nil
<b>Reporting Officer(s)</b>	:	Manager City Works (W Butler), City Works Coordinator (M Bracknell) and Contracts Administrator (W Male)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council accepts the tender C06013 from Advanced Traffic Management for provision of Traffic Management.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil

**BACKGROUND**

1. Council does not have an annual contract for Traffic Management. In accordance with Regulation 11 of the Local Government Regulations 1996, the City is expected to expend more than \$50,000.00 on Traffic Management. In order to be compliant with this regulation Council is required to tender for this service.

**STATUTORY REQUIREMENTS**

2. Regulation 11 of the Local Government (Functions & General) Regulations 1996 requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$50,000.
3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
4. Regulation 19 requires Council to advise each tenderer in writing the result of Council's decision.

**POLICY IMPLICATIONS**

5. The City of Albany Regional Price Preference Policy is applicable to this Item.

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

**FINANCIAL IMPLICATIONS**

6. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS**

7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

**“Community Vision:**

*A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through dynamic promotion and marketing of Albany’s advantages and opportunities.*

**Mission Statement:**

*The City of Albany is committed to sustainably managing Albany’s municipal assets.*

**Priority Projects:**

*Nil.”*

**COMMENT/DISCUSSION**

8. A Request for Tender was published in the Western Australian on 7<sup>th</sup> June 2006 and the Albany Advertiser on 8th June 2006 with a copy in the Albany Extra on 9<sup>th</sup> June 2006.
9. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:
- | <b>CRITERIA</b>                        | <b>WEIGHT</b> |
|----------------------------------------|---------------|
| Cost                                   | 50            |
| Relevant Experience                    | 20            |
| Methodology                            | 10            |
| Skills and experience of key personnel | 10            |
| Other Considerations                   | 10            |
| <b>TOTAL</b>                           | <b>100</b>    |
10. A total of six documents were issued with five tender submissions received at the close of tenders. Three submissions were received from local suppliers. All submitted tenders claimed fully or partially against the Regional Price Preference Policy.
11. Tenderers submitted a schedule of rates, which detailed the quantity of Traffic Controllers and equipment required to perform traffic control during normal hours of work, weekday night works and weekend/public holiday overtime rates. Tenderers were required to submit a price against each item. The rate for each area was totalled and used for price comparison.

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

12. Tenders were assessed overall against the weighted criteria and the following scores resulted:

<b>TENDER</b>	<b>EVALUATED PRICE</b>	<b>SCORE</b>
Advanced Traffic Management	\$511.20	619.5
WARP	\$518.75	593
Albany Traffic Control	\$667.60	473
Albany Asphalt Services	\$595.00	343.5
White Line Traffic Management	\$646.25	300.5

13. Advance Traffic Management is a well-established company and will be using local labour and, if successful, will set up a branch office in Albany.

**RECOMMENDATION**

THAT Council accept the tender from Advanced Traffic Management for the provision of traffic management for financial year 2006/07.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR WELLINGTON**

**THAT Council accept the tender from Advanced Traffic Management for the provision of traffic management for financial year 2006/07.**

**MOTION CARRIED 13-0**

**WORKS & SERVICES REPORTS**

**13.4.2 Contract C06033 – Annual Bulk Order for Concrete Drainage Products**

<b>File/Ward</b>	:	C06033 (All Wards)
<b>Proposal/Issue</b>	:	Annual Bulk Order for Concrete Drainage Products
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager City Works (W Butler), City Works Coordinator (M Bracknell) and Contracts Administrator (W Male)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council accepts the tenders from Ball Concrete Pipes and Products, PN & ER Newman’s Quality Concrete Products and MJB Industries Pty Ltd.
<b>Bulletin Attachments</b>	:	Nil.
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. Council’s current contract for supply of concrete drainage products expired on 30<sup>th</sup> June 2006. In order for Council to maintain the current level of commitment for these works, Council is required to tender this service.

**STATUTORY REQUIREMENTS**

2. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000.
3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
4. Regulation 19 requires Council to advise each tenderer is writing the result of Council’s decision

**POLICY IMPLICATIONS**

5. The City of Albany Regional Price Preference Policy is applicable to this item.

**WORKS & SERVICES REPORTS**

Item 13.4.2 continued.

**FINANCIAL IMPLICATIONS**

6. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS**

7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

***Community Vision:***

*A Thriving City. Albany's community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services.*

***Mission Statement:***

*The City of Albany is committed to sustainably managing Albany's municipal assets.*

***Priority Project:***

*Nil*

**COMMENT/DISCUSSION**

8. A request for tenders was published in the West Australian on 12<sup>th</sup> July 2006, the Albany Advertiser on 13<sup>th</sup> July 2006 with a copy in the Albany Extra on 14<sup>th</sup> July 2006.
9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

<b>Criteria</b>	<b>% Weight</b>
Cost	50
Relevant Skills & Experience	25
Tenderer's Resources	10
Demonstrated Understanding of Required Tasks	15
<b>TOTAL</b>	<b>100%</b>

10. Tender documents were issued to seven possible tenderers, with five tender submissions received by the close of the tender period. Of the submissions received, three were from local suppliers, who claimed against the Regional Price Preference Policy.
11. A complete list of concrete drainage products and the estimated numbers required for a twelve-month period were supplied in five product categories as part of the tender. Tenderers were required to submit a schedule of rates; the projected total amount for each product was then calculated to give a lump sum total for assessment.
12. Tenders were assessed overall against weighted criteria and the following scores resulted; recommended tenders score is in bold type.

**WORKS & SERVICES REPORTS**

Item 13.4.2 continued

<b>Product</b>	<b>Ball Concrete Pipes &amp; Products</b>	<b>Rocla</b>	<b>Goad Resources</b>	<b>MJB Indust</b>	<b>PN &amp; ER Newman</b>	<b>Tender Prices</b>
Pipes	<b>508.5</b>	485	404	453	N/A	\$67,127.00
Box Culverts	<b>573.5</b>	553.5	322.5	N/A	N/A	\$18,498.00
Precast Headwalls	<b>518</b>	496.5	488.5	347.5	N/A	\$31,716.00
Chambers	465	438.5	438	N/A	<b>534</b>	\$1,457.50
Manhole Covers, Grates and Side Entry Pits	370	N/A	397.5	<b>557</b>	N/A	\$31,745.00

**RECOMMENDATION**

THAT Council award the tender C06033 Annual Bulk Order of Drainage Products to the following tenders;

- i) C06033A – Pipes, Box Culverts and Precast Headwalls to Ball Concrete Pipes and Products; and
  - ii) C06033B - Chambers to PN & ER Newman Pty Ltd, and
  - iii) C06033C – Manholes Covers, Grates and Side Entry Pits to MJB Industries.
- Voting Requirement Simple Majority*

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR JAMIESON**

**THAT Council award the tender C06033 Annual Bulk Order of Drainage Products to the following tenders;**

- i) C06033A – Pipes, Box Culverts and Precast Headwalls to Ball Concrete Pipes and Products; and**
- ii) C06033B - Chambers to PN & ER Newman Pty Ltd, and**
- iii) C06033C – Manholes Covers, Grates and Side Entry Pits to MJB Industries.**

**MOTION CARRIED 13-0**

**WORKS & SERVICES REPORTS**

**13.4.3 Contract C06010 – Hire of Waste Compactor for Two Years 2006/08**

<b>File/Ward</b>	:	C06010 (All wards)
<b>Proposal/Issue</b>	:	Hire of Waste Compactor for Two Years (2006/08)
<b>Subject Land/Locality</b>	:	Hanrahan Road Landfill Site
<b>Proponent</b>	:	Nil
<b>Owner</b>	:	Nil
<b>Reporting Officer(s)</b>	:	Contracts Administrator (W Male); Parks & Reserves Coordinator (M Richardson); Reserves Supervisor (M Ford)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council accepts tender from Great Southern Sands for 'dry' hire of Cat 826C Waste Compaction unit for tendered price of \$180,180.00 for a two-year period from 1 July 2006 until 30 June 2008.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil

**BACKGROUND**

1. Council currently utilises a Waste Compactor to compact rubbish at the Hanrahan Road Waste site. This method of compaction has been proven to prolong the useful life at waste sites. Council has been using this method of compaction for approximately three years at the Hanrahan Road landfill site.

**STATUTORY REQUIREMENTS**

2. Regulation 11 of the Local Government (Functions & General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be more than \$50,000.
3. Regulation 18 of the Local Government (Functions & General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.
4. Regulation 19 requires Council to advise each tenderer in writing the result of Council's decision.

**POLICY IMPLICATIONS**

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

**WORKS & SERVICES REPORTS**

Item 13.4.3 continued

**FINANCIAL IMPLICATIONS**

6. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS**

7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

**“Community Vision:**

*A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through dynamic promotion and marketing of Albany’s advantages and opportunities.*

**Mission Statement:**

*The City of Albany is committed to sustainably managing Albany’s municipal assets.*

**Priority Projects:**

*Nil.”*

**COMMENT/DISCUSSION**

8. A Request for Tenders was published in the West Australian on Saturday 13<sup>th</sup> May 2006 and Wednesday 17<sup>th</sup> May 2006; and in the Albany Advertiser on 11<sup>th</sup> May 2006 with a copy in the Albany Extra on 12<sup>th</sup> May 2006.
9. Tender documents included evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tenderer. The criteria used for this is documented below.

<b>Criteria</b>	<b>Weight</b>
Cost	60
Track Record/Management	30
Operations	10
<b>Total</b>	<b>100</b>

10. A total of 10 specifications were issued with three being received at the close of tenders. Tenderers were requested to supply a weekly dry hire fee, which is calculated for a total cost per year. (Dry Hire being the hire of equipment without the driver – existing Council staff to drive the equipment)
11. The following table outlines tenderers their submitted prices and their final scores, the highest score being the most favourable to Council:

<b>Tenderer</b>	<b>Hire Cost for Two Years</b>	<b>Score</b>
Ultimate Drainage	\$436,800.00	83.4
GCM Enviro Pty Ltd	\$279,560.00	593.4
Great Southern Sands	\$180,180.00	598.2

12. Great Southern Sands provided an alternative tender for outright purchase of the current waste compactor used at the Hanrahan Road Landfill site. Upon investigation the purchase of a Compactor for the City was deemed to be too expensive.

**WORKS & SERVICES REPORTS**

Item 13.4.3 continued

13. Great Southern Sands currently hold the contract for the supply of this equipment. Their favourable tender price indicates a strong desire on their part to continue with the current arrangements.

**RECOMMENDATION**

THAT Council accept the tender from Great Southern Sands for the Dry Hire of 826C Waste Compactor for the period to 30<sup>th</sup> June 2008 at a total cost of \$180,180.00.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WELLINGTON**

**THAT Council accept the tender from Great Southern Sands for the Dry Hire of 826C Waste Compactor for the period to 30<sup>th</sup> June 2008 at a total cost of \$180,180.00.**

**MOTION CARRIED 13-0**

**13.5 CITY SERVICES – PROPERTY MANAGEMENT**  
Nil.

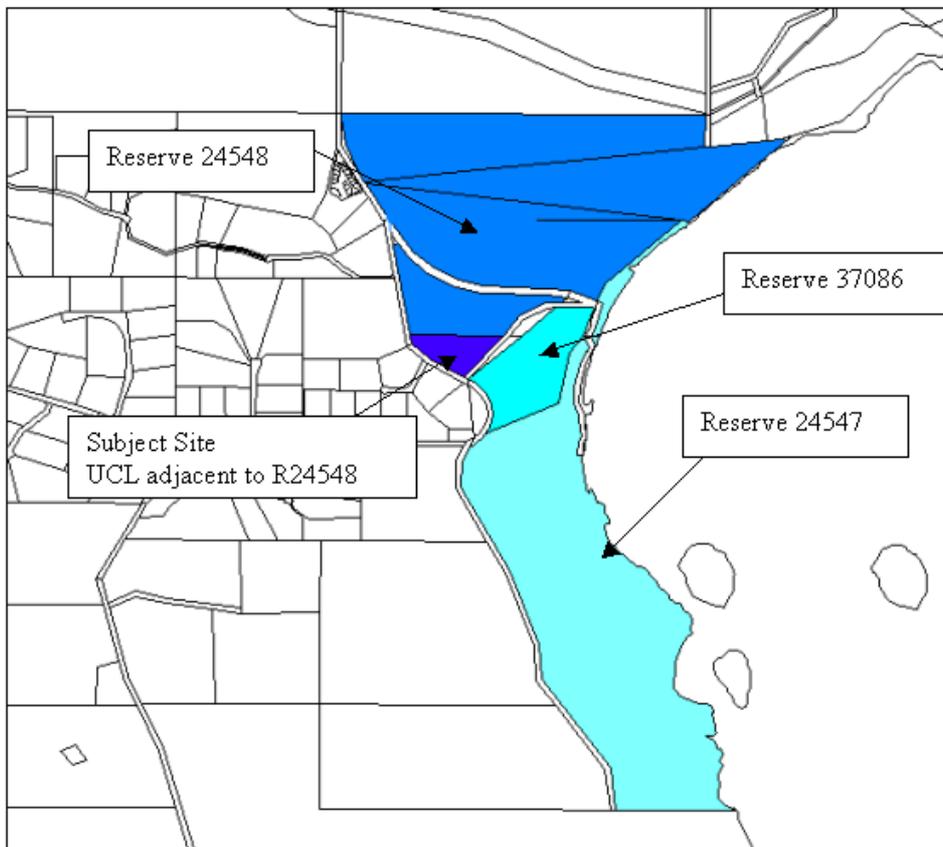
**13.6 CITY WORKS – CAPITAL WORKS**  
Nil.

**WORKS & SERVICES REPORTS**

**13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT**

**13.7.1 Change of Reserve Purpose – Cosy Corner Reserve**

<b>File/Ward</b>	: PRO 255 (West Ward)
<b>Proposal/Issue</b>	: Change the Purpose of the Cosy Corner Reserve 37086
<b>Subject Land/Locality</b>	: Reserve 24547 Coombes Road, Torbay Reserve 37086 Coombes Road, Torbay
<b>Proponent</b>	: Torbay Hill Residents and Ratepayer’s Association
<b>Owner</b>	: Crown
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Seek Change in Reserve Purpose
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	:



**WORKS & SERVICES REPORTS**

Item 13.7.1 continued

**BACKGROUND**

1. A request has been received from the Torbay Hill Residents and Ratepayer's Association for Council to action a recommendation contained in The Cosy Corner Management Plan (2000) to clarify the tenure and purpose of the Unallocated Crown Land (UCL) adjacent to Reserve 24548 and to seek a change of purpose of Reserve 37086 from 'Holiday Chalets' to 'Recreation and Bushland Management' from the Department for Planning & Infrastructure.

**STATUTORY REQUIREMENTS**

2. A request is required from the agency holding the management order, before the Department for Planning and Infrastructure will commence the process to change the purpose of an existing reserve.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

4. The reserve is identified as UCL and under the current management arrangements, the Department of Conservation and Environment is responsible for weed management, feral animal control and fire protection on the land. In agreeing to progress the request to have the reserve's purpose changed, it is not proposed that the City of Albany accept the management order for the on-going care and control of the reserve.

**STRATEGIC IMPLICATIONS**

5. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

***“Community Vision:***

*A Thriving City: Albany's community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services; and innovative development complementing Albany's unique character, natural environment and heritage.*

***Mission Statement:***

*The City of Albany is committed to providing sound governance; and promoting our Community's vision for the future.*

***Priority Projects:***

*Nil.”*

**WORKS & SERVICES REPORTS**

Item 13.7.1 continued

**COMMENT/DISCUSSION**

6. In their letter, the Torbay Hill Residents and Ratepayers Association highlights that recreational activities in coastal reserve systems continue to increase from all sources. The Bibbulmun Track passes through the area and this reserve contains some of the most beautiful she-oak woodland in the South West area. The Association claims that a change of purpose would reflect the value that the public accords this special area and Staff support this request.

**RECOMMENDATION**

THAT Council;

- i) request the Department for Planning and Infrastructure undertake the necessary processes to change the purpose of Reserve 37086 from 'Holiday Chalets' to 'Recreation and Bushland Management' at the earliest opportunity; and
- ii) clarify with the Department for Planning and Infrastructure the tenure and purpose of the unallocated Crown land adjacent to Reserve 24548.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR WOLFE**

**THAT Council;**

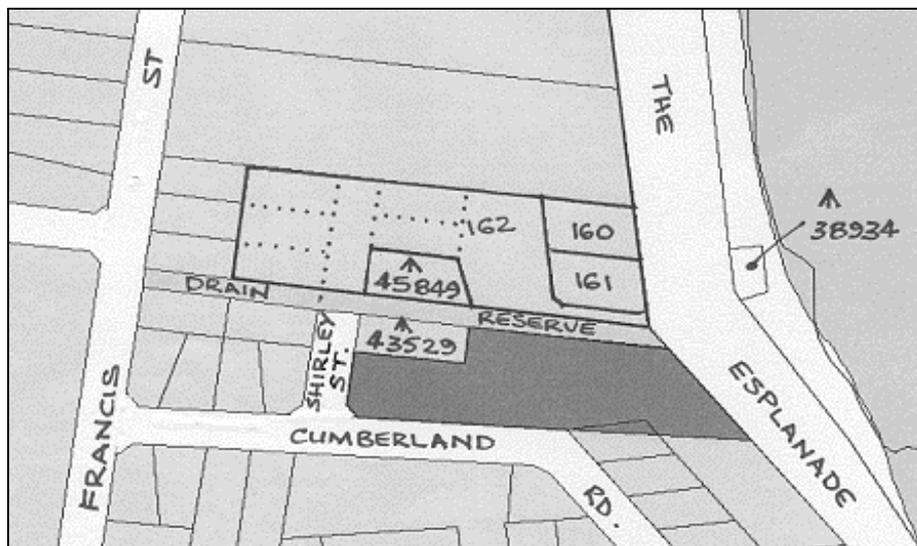
- i) request the Department for Planning and Infrastructure undertake the necessary processes to change the purpose of Reserve 37086 from 'Holiday Chalets' to 'Recreation and Bushland Management' at the earliest opportunity; and**
- ii) clarify with the Department for Planning and Infrastructure the tenure and purpose of the unallocated Crown land adjacent to Reserve 24548.**

**MOTION CARRIED 11-2**

**WORKS & SERVICES REPORTS**

**13.7.2 Change of Reserve Purpose – Recreation to Sewer Pump Station, Lower King**

<b>File/Ward</b>	:	A72544 & A175483 (Kalgan Ward)
<b>Proposal/Issue</b>	:	Transfer of Lower King sewer pump station site from foreshore to Shirley Street, Lower King.
<b>Subject Land/Locality</b>	:	Reserve 38934 The Esplanade and Reserves 45849 and 43529 Shirley Street, Lower King.
<b>Proponent</b>	:	Water Corporation
<b>Owner</b>	:	Crown
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 16/09/03 - Item 11.1.4
<b>Summary Recommendation</b>	:	That Council support the request
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	



**WORKS & SERVICES REPORTS**

Item 13.7.2 continued

**BACKGROUND**

1. The Water Corporation is proposing that the purpose of Reserves 45849 and 43529 be changed to 'Sewer Pump Station' sites and that the existing reserve 38934 become portion of the existing Oyster Harbour Foreshore.
2. In response to community concerns at the time, Council resolved:

*"THAT;*

- i) Council request the Minister for Lands to change the purpose of Reserves 43529 from "Public Open Space" to "Sewerage Pumping Station" and provide the Management Orders for the reserves to the Water Corporation and that Reserve 38934 be cancelled and the land contained within the reserve be amalgamated into the Oyster Harbour Foreshore Reserve (Location 7529);*
  - ii) the Water Corporation be requested, upon the transfer of the management order for Reserves 43529 to:-*
    - decommission the temporary pump station adjacent to the frontage of Lot 161 The Esplanade and remove the overhead powerlines connected to that infrastructure; and*
    - minimise disturbance to the existing drainage located between Reserves 43529 and 45849 and any alteration to the drainage system shall be done in accordance with plans approved by the City of Albany and at the full cost of the Water Corporation; and*
  - iii) the Department of Planning and Infrastructure be made aware of the concerns of Council outlined in point (ii) above and the department be requested to draft their management order accordingly."*
3. The Water Corporation has further investigated it's capacity to transfer the existing pump station onto the Shirley Street reserve and has provided the City of Albany with the following comments:
    - The Corporation is not in a position to decommission the temporary waste pump station within The Esplanade road reserve at present. This pump station would only be decommissioned when construction of the new wastewater pump station in Shirley Street was complete. This will be some time in the future.
    - Land on Reserve 43529 is not enough for the Water Corporation's requirement of a pump station and overflow storage facilities.
    - Reserve 45849 would also be required due to the above reasons. The Corporation would however keep disturbance to a minimum and any work done would be completed in consultation with the City.

**WORKS & SERVICES REPORTS**

Item 13.7.2 continued

**STATUTORY REQUIREMENTS**

4. Land ceded to the Crown under Section 20A of the Town Planning and Development Act as 'Public Open Space' cannot be used for another purpose, converted to freehold title or assigned without the Minister's approval. No formal process exists to gain that approval, however the Department for Planning and Infrastructure requires the steps outlined below to be followed:
  - A sign has been erected on the site to advise the community of the proposal;
  - Neighbours have received letters asking for their comments;
  - The Lower King and Bayonet Head Progress Association has been notified and newspaper advertisements were placed; and
  - Two submissions have been received from adjoining landowners.

**POLICY IMPLICATIONS**

5. Council has no policy direction on the use of this reserve or the transfer of POS reserves to government agencies.

**FINANCIAL IMPLICATIONS**

6. A drainage reserve dissects Reserves 45849 and 43529 and an open drain approximately 1 metre deep has been dug within that reserve. If the sewer pump station infrastructure is to be built across both reserves, the drain will need to be piped through, or diverted around the Water Corporation infrastructure. That cost should be borne by Water Corporation.

**STRATEGIC IMPLICATIONS**

7. Council is encouraging household effluent disposal from existing urban lots to be connected into Water Corporation sewer mains for environmental and health reasons. Once into the mains, the sewerage needs to be appropriately managed and that management includes the building of infrastructure to contain, pump and treat the effluent.

**COMMENT/DISCUSSION**

8. The foreshore between The Esplanade and Oyster Harbour is relatively narrow and is covered with wetland vegetation, including immature paperbark trees. The placement of a pump station on this reserve would dramatically affect the foreshore vegetation and place the infrastructure close to the western shoreline of Oyster Harbour.
9. Water Corporation staff advise that the pump station that the pump station (similar to one recently constructed near the boarding kennels on Ulster Road) would be built on the cleared land on the southern side of the drain (Reserve 43529) and design work is currently being undertaken to show the area that would be occupied by that infrastructure. As Lower King and Bayonet Head develops, additional storage may need to be added to the pump station (this recently happened with the North Road pump station) and the storage would be constructed on Reserve 45849, located to the north of the drain. The two storage tanks would be interconnected with pipes positioned below the invert level of the drain.

**WORKS & SERVICES REPORTS**

Item 13.7.2 continued

10. Prior to bringing this matter back for Council's consideration, staff contacted the adjoining landowners and sought their comments on the information supplied and the request made by the Water Corporation. The letter resulted in telephone conversations with the landowners, but no objection to the change being sought. Since 2003, those landowners have reviewed the short term use of their land and are considering the possibility of subdividing the parent lot.

RECOMMENDATION

THAT;

- i) Council request the Minister Planning and Infrastructure to change the purpose of Reserves 43529 and 45849 from "Public Open Space" to "Sewerage Pumping Station" and provide the Management Orders for the reserves to the Water Corporation and that Reserve 38934 be cancelled and the land contained within the reserve be amalgamated into the Oyster Harbour Foreshore Reserve (Location 7529);
- ii) the Water Corporation be requested, upon the transfer of the management order for Reserves 43529 and 45849, to;
- decommission the temporary pump station adjacent to the frontage of Lot 161 The Esplanade and remove the overhead powerlines connected to that infrastructure;
  - construct stage 1 of the Sewerage Pump Station upon Reserve 43529 to minimise the removal of trees upon Reserve 45849;
  - when required to construct additional sewerage storage infrastructure on Reserve 45849, consult with adjoining landowners and develop a construction solution which minimises disturbance to the existing mature trees on the reserve; and
  - minimise disturbance to the existing drainage located between Reserves 43529 and 45849 and any alteration to the drainage system shall be done in accordance with plans approved by the City of Albany and at the full cost of the Water Corporation; and
- iii) the Department of Planning and Infrastructure be made aware of the concerns of Council outlined in point (ii) above and the department be requested to draft their management order accordingly.

*Voting Requirement Simple Majority*

.....

Item 13.7.2 continued

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR LIONETTI**

**THAT;**

- i) Council request the Minister Planning and Infrastructure to change the purpose of Reserves 43529 and 45849 from “Public Open Space” to “Sewerage Pumping Station” and provide the Management Orders for the reserves to the Water Corporation and that Reserve 38934 be cancelled and the land contained within the reserve be amalgamated into the Oyster Harbour Foreshore Reserve (Location 7529);**
- ii) the Water Corporation be requested, upon the transfer of the management order for Reserves 43529 and 45849, to;**
  - decommission the temporary pump station adjacent to the frontage of Lot 161 The Esplanade and remove the overhead powerlines connected to that infrastructure;**
  - construct stage 1 of the Sewerage Pump Station upon Reserve 43529 to minimise the removal of trees upon Reserve 45849;**
  - when required to construct additional sewerage storage infrastructure on Reserve 45849, consult with adjoining landowners and develop a construction solution which minimises disturbance to the existing mature trees on the reserve; and**
  - minimise disturbance to the existing drainage located between Reserves 43529 and 45849 and any alteration to the drainage system shall be done in accordance with plans approved by the City of Albany and at the full cost of the Water Corporation; and**
- iii) the Department of Planning and Infrastructure be made aware of the concerns of Council outlined in point (ii) above and the department be requested to draft their management order accordingly.**

**MOTION CARRIED 13-0**

**WORKS & SERVICES REPORTS**

**13.8 WORKS & SERVICES COMMITTEES**

**13.8.1 Streetscape Committee meeting minutes – 20<sup>th</sup> July 2006**

<b>File/Ward</b>	:	MAN 161 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration
<b>Reporting Officer(s)</b>	:	Executive Director Works & Services (L Hewer)
<b>Summary Recommendation</b>	:	That the minutes of the Streetscape Committee Meeting held on the 20 July 2006, be adopted.

RECOMMENDATION

THAT the minutes of the Albany Streetscape Committee held on the 20 July 2006 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR JAMIESON**

**THAT the minutes of the Albany Streetscape Committee held on the 20 July 2006 be received (copy of minutes are in the Elected Members' Report/Information Bulletin) subject to a concept briefing being provided by Executive Director Works and Services prior to action items being implemented.**

**MOTION LOST 3-10**

**Reason:**

A briefing will provide an opportunity for Council to be brought up to date by the Committee.

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR BOJCUN**

**THAT the minutes of the Albany Streetscape Committee held on the 20 July 2006 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).**

**MOTION CARRIED 9-4**

**WORKS & SERVICES REPORTS**

**13.8.2 Albany Airport Advisory Committee meeting minutes – 1 June 2006**

- File/Ward** : MAN 007 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration
- Reporting Officer(s)** : Manager City Services (I Neil)
- Summary Recommendation** : That the minutes of the Albany Airport Advisory Committee held on 01 June 2006, be adopted.

RECOMMENDATION

THAT the minutes of the Albany Airport Advisory Committee held on 01 June 2006 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR MARSHALL  
SECONDED COUNCILLOR EMERY**

**THAT the minutes of the Albany Airport Advisory Committee held on 01 June 2006 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).**

**MOTION CARRIED 13-0**

# **General Management Services**

## **REPORTS**

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.1 STRATEGIC DEVELOPMENT**

Nil.

**14.2 ORGANISATIONAL DEVELOPMENT**

Nil.

**14.3 ECONOMIC DEVELOPMENT**

Nil.

**14.4 GENERAL MANAGEMENT SERVICES COMMITTEES**

Nil.

## 15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

- 15.1 Elected Members' Report/Information Bulletin  
DRAFT MOTION  
THAT the Elected Member's Report/Information Bulletin, as circulated, be received and the contents noted.

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR MARSHALL**

**THAT the Elected Member's Report/Information Bulletin, as circulated, be received and the contents noted.**

**MOTION CARRIED 13-0**

## 16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

## 17.0 MAYORS REPORT

*'Fellow Councillors:*

*I'm sure you would all agree that one of the most exciting aspects of being a Councillor is shaping the growth of this wonderful City. Though at times our decision making role may lead to differences of opinion, there is one point on which we all unanimously agree and that is our belief in Albany and its many assets, and our real desire to see it reach its true potential, without destroying its natural beauty and idyllic lifestyle.*

*There is no doubt that Albany is set to become one of the fastest growing regional centres in Western Australia with major projects proposed or underway and a broad range of industry interests promising major economic and employment benefits for the region. However, one of the most critical problems facing Albany's future industry and urban development, is the current land shortage.*

*On the 3<sup>rd</sup> August, Andrew Hammond, myself and the Chief Executive Officer of the Great Southern Development Commission - Bruce Manning, met with The Hon John Bowler, Minister for the Great Southern; Resources and State Development, to discuss what has become a critical shortage of residential land in Albany. Mr Bowler agreed that the City faced a huge problem in ensuring that enough land would be available to accommodate not only our own accelerated population growth, but also the huge demand that will be created by the exciting Lignor and Grange developments.*

*Mr Bowler gave us a commitment to intervene into the land release process and I am delighted to note that an eminent Civil Engineer, with a strong residential development background, has been appointed by the Great Southern Development Commission to oversee a working group to resolve the issue. City staff have been directed to ensure that their contribution to the working group will be objective and positive, and hopefully, along with other government approval agencies, will bring at least another 300 lots onto the market within the next 12 to 18 mths.*

*Also over the month, I was very proud to participate in the official openings of the Bendigo Bank on the 20<sup>th</sup> July, the Albany Plaza extensions on the 26<sup>th</sup> July and the Bethel Village Dementia Wing on 1<sup>st</sup> August.*

Item 17.0 continued

*Last week 3 Councillors and myself attended Local Government Week in Perth. This annual conference run by the Western Australian Local Government Association provides various informative and educational issues for Elected Member development and is also an invaluable opportunity for Councillors to network with their peers to discuss and exchange local, state and national information.*

*And finally, yesterday I had the pleasure of welcoming and hosting a Civic Luncheon for 12 Japanese students and 3 adult supervisors from our Sister City Tomioka. The delegation has enjoyed a week of cultural exchange with students of North Albany Senior High School and thoroughly enjoyed its time in Albany. Promoting and encouraging cultural exchange is something that the City actively supports in line with our Learning City philosophy and Sister City agreements. The benefits are far reaching; not only does the program allow the Japanese students to experience our Australian lifestyle but it also allows our local host schools and host families to learn more about Japanese culture over the duration of the students' visit. I took the opportunity to return a formal letter of greeting to the Mayor of Tomioka and the Tomioka Director of Education with the visiting students, as a sign of the continued friendship between our two Cities.*

*Thank you.'*

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR LIONETTI**

**THAT the Mayor's report be received.**

**MOTION CARRIED 13-0**

**18.0 URGENT BUSINESS APPROVED BY MAYOR OR BY DECISION OF THE MEETING**

**18.1 Appointment of Project Manager – Cull Road Subdivision Project**

<b>File/Ward</b>	:	C06034 / Vancouver
<b>Proposal/Issue</b>	:	Tenders received for provision of Project Management services for the Cull Road Subdivision Project.
<b>Subject Land/Locality</b>	:	34 – 66 Cull Road
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Executive Director Corporate & Community Services (P Madigan)
<b>Disclosure of Interest</b>	:	N/A
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Appointment of the recommended Tenderer - Project Management Services
<b>Bulletin Attachment</b>	:	N/A
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The Cull Road Subdivision Project was initiated to provide necessary funding for the Albany Leisure and Aquatic Centre Redevelopment Project.
2. A Project Manager with the required skills and experience will establish a project team from external service providers, co-ordinate the work of the team, and provide liaison with the City where necessary.

**STATUTORY REQUIREMENTS**

3. Regulation 11 of the Local Government (Functions and General) Regulations 1996 states that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more than \$50,000.
4. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.
5. Regulation 19 requires Council to advise each tenderer in writing the result of the Council's decision.

**POLICY IMPLICATIONS**

Item 18.1 continued

6. Nil

### **FINANCIAL IMPLICATIONS**

7. Council's Five Year Business Plan includes the redevelopment of the Albany Leisure and Aquatic Centre. The Finance Strategy Committee has recommended a range of funding measures, which included \$1.975 million from the Cull Road Subdivision. Any additional surplus may be used to retire debt or provide funding for other masterplan projects.

### **STRATEGIC IMPLICATIONS**

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

***“Community Vision:***

*Albany's community will enjoy economic growth and outstanding opportunities for our youth through.....*

- *excellent community infrastructure and services.*

***Mission Statement:***

*The City of Albany is committed to.....*

- *sustainably managing Albany's municipal assets,*
- *delivering excellent community services,*
- *actively keep abreast of best practice,*
- *Respect(ing) the Communities Aspirations and resources.*

***Priority Projects:***

*Nil”*

### **COMMENT/DISCUSSION**

9. The Tender was advertised in the West Australian on Wednesday 19<sup>th</sup> July 2006, in the Albany Advertiser on Thursday 20<sup>th</sup> July 2006, and in the Albany Extra on Friday 21<sup>st</sup> July 2006. A total of 17 specifications were issued and 2 submissions were received. One, from Clifton Coney Group Pty Ltd. was received prior to the tender closing time, and has been evaluated. The other, which was received after the tender closing time was not considered.
10. The Tender for Contract C06034 was evaluated by a panel consisting of the City of Albany Executive Director for Corporate and Community Services, the Manager - Finance, and the Contract Administrator.

Item 18.1 continued

11. The tender was evaluated according to the following criteria:

<b>Description of Qualitative Criteria</b>		<b>Weighting</b>
(a)	Relevant experience	<b>20%</b>
(b)	Technical capacity	<b>10%</b>
(c)	Project personnel	<b>20%</b>
(d)	Methodology	<b>10%</b>
(e)	Price	<b>40%</b>
<b>TOTAL</b>		<b>100%</b>

12. The requirements for the Cull Road tender were very similar to those for the Yakamia Tender, which was conducted in April 2006. That tender was won by Clifton Coney. Based on the investigations carried out at that time, and the satisfactory subsequent performance on the Yakamia Tender, the committee were confident that Clifton Coney are capable of satisfactorily carrying out the work.
13. An industry guideline for subdivision project management is 3% of project revenue. Based on possible revenue of \$10 million to \$15 million, a project management fee in the range of \$300,000 to \$450,000 would be expected. The price tendered by the Clifton Coney Group P/L is \$255,000 and is included in the overall project costs.

**RECOMMENDATION**

THAT the City of Albany accepts the tender of Clifton Coney Group Pty Ltd, in the sum of \$255,000.00, as Project Manager of the Cull Road Subdivision Project and enters into a contract for the specified services.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR JAMIESON  
 SECONDED COUNCILLOR LIONETTI**

**THAT the City of Albany accepts the tender of Clifton Coney Group Pty Ltd, in the sum of \$255,000.00, as Project Manager of the Cull Road Subdivision Project and enters into a contract for the specified services.**

**MOTION CARRIED 13-0**

## 18.2 Ordinary Council Meetings – Change of Commencement Time

The Chief Executive Officer advised that a number of elected members had requested that the Council consider amending the commencement time for Ordinary Council Meetings to 7.00pm.

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR WOLFE**

**THAT Ordinary Council Meetings be conducted on the 3<sup>rd</sup> Tuesday of each month, commencing at 7.00pm and that statutory advertising and community information campaigns be undertaken as appropriate.**

**MOTION CARRIED 13-0**

## 19.0 CLOSED DOORS

Nil.

## 20.0 NEXT ORDINARY MEETING DATE

Tuesday 19<sup>th</sup> September 2006, 7.00pm

## 21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 8.31pm.

Confirmed as a true and correct record of proceedings.

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**A Goode, JP**  
**Mayor**

## APPENDIX A

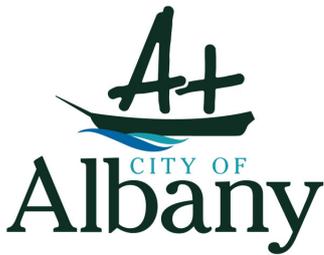
### WRITTEN NOTICE OF DISCLOSURES OF INTEREST

<b>Name</b>	<b>Item</b>	<b>Nature of Interest</b>
CEO Andrew Hammond	12.8.3	Impartiality – Member of Princess Royal Sailing Club
EDCCS Peter Madigan	12.8.3	Impartiality – President of the King River Pony Club

## APPENDIX B

### INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Councillor Evans	12.8.3	Impartiality – Patron of City of Albany Band and wife is a member of Sinfonia.
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### SUMMARY OF ACCOUNTS

Municipal Fund		
Cheques	Totalling	\$227,294.45
Electronic Fund transfer	Totalling	2,101,662.19
Credit Cards	Totalling	12,364.69
Payroll	totalling	733,099.25
<b>Total</b>		<b><u>\$3,074,420.58</u></b>

### CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$3,074,420.58 which was submitted to each member of the Council on 15 August 2006 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

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(A Hammond)

CHIEF EXECUTIVE OFFICER

### MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$3,074,420.58 which was submitted to the Council on 15 August 2006 and that the amounts are recommended to the Council for payment.

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(A Goode JP)

MAYOR