

MINUTES

ORDINARY MEETING OF COUNCIL

Held on
Tuesday, 15th September 2009
7.00pm
City of Albany Council Chambers

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1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 7:00:44 PM

In accordance with clause 3.1, City of Albany Standing Orders Local Law 2009: no person is to use any electronic visual or audio recording device or instrument to record the proceedings at any meeting without prior permission by resolution of the Council.

ITEM 1.0

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: CR PRICE

SECONDED: CR TORR

THAT Council Suspend Standing Order 3.1 – Recording of Proceedings to allow Council to record proceedings of the Council, except in the case where the Council closes the meeting to the public.

**MOTION CARRIED 9-0
ABSOLUTE MAJORITY**

2.0 OPENING PRAYER

Cr Walker read the 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.”

3.0 ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

Mayor Evans read the Mayor’s report.

Acknowledge last meeting for Cr John Walker who, after a long commitment to local government, has chosen not to re-nominate.

Councillor – Town of Albany- 1994 to 1997 (4 years)

Councillor – City of Albany – 1999 to 2003 (4 years)

Councillor – City of Albany – 2005 – 2009 (4 years)

Total = 11 years (corrected at meeting by Cr Walker – 12 years).

Thanks also to Cr Gordon Kidman who has not renominated. Cr Kidman has been a Councillor at the City of Albany between 2005 - 2009

Comment regarding the last meeting of the existing Council.

Acknowledge contributions made by ALL Councillors.

Congratulations to Cr Dufty – elected unopposed.

Crs Stanton and Torr will contest their Wards at the coming Local Government Elections on Saturday, 17th October.

Item 3.0 continued.

Pleasing to see nominations from new citizens interested to become Councillors.

Whilst it is sad to see Councillors leaving us, I also look forward to the formation of a new Council – confident that all Councillors, new and old, will embrace the role and associated responsibilities.

Mayoral Programme – functions and other activities outside of Council & Committee related activities for the month leading up to September 09 Ordinary Council Meeting:

- ACCI Business After Hours
- Community Radio (a monthly segment)
- CCC (Crime & Corruption Commission) Regional Outreach WALGA Breakfast and Meeting
- Citizenship Ceremony for 14 new citizens
- CCC Presentation to Councillors and Staff
- Opening of the new Neighbourhood Watch Shop at Albany Plaza
- State Library Board Meeting – Perth
- Launch of the 'Our Noongar Service' exhibition at the Forts – recognizing Aboriginals who have served their country in the armed services.

Council was awarded the Parks and Leisure Australia Award (Western Australia) for Stage 1 of ANZAC Peace Park in the Design, Development and Management category.

Only this morning we have received notification from our Manager of City Works, Mike Richardson, who is in attendance at the Parks & Leisure Australia Congress, that we have also taken out the National Award. What fantastic news not only for those involved in the design and construction of our magnificent park but also for the community of Albany. I can't wait for Stage II to be completed.

ITEM 3.0 – MAYORS REPORT

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR WALKER

SECONDED: CR WOLFE

THAT the Mayors Report for September 2009 be received.

MOTION CARRIED 9-0

Cr Bostock 7:09:36 PM

Cr Bostock addressed Council in regards to Planning issues and the reported anti development and negative media comments. Cr Bostock spoke against these allegations outlining that most planning approvals are actioned via delegated authority, of which a high percentage are approved without difficulty, so the small number presented to Council are large or complicated and more problematic applications. Some are not approved; it is not because the Council is anti development. There are laws and regulations that must be adhered to in regards to these developments.

Item 3.0 continued.

Cr Bostock's last point is to expand the debate for consideration by developers and leaders within the community, it is well recognised that residential development bring great monetary returns and does therefore dominate new development within this city. I fear this domination is compromising real growth. A community does not flourish by building just houses. It is business and industry that must forge ahead first and a reduction in rates may encourage this. Provision of jobs is paramount. Cr Bostock advised that she is not anti development and will always approve appropriate development in the right place at the right time.

Cr Price 7:11:58 PM

Thanked staff at COA and works crew for Anzac Park awards. Congratulations to staff for achieving state and national recognition for this project. Thanked overall staff who spend a great deal of time and energy to achieve great things. Through the CEO, congratulations passed onto all staff.

Cr Torr 7:13:06 PM

Thanked Cr Walker and Cr Kidman and wished well for future. Attended the Motorcycle Family Day and met with many motorcycle enthusiasts and was amazed at the skills of young boys and girls. Attended the felling of Norfolk Pine in Alison Hartman gardens. Was a wise choice to remove tree. Wish prospective candidates well to represent their wards in Council.

Cr Walker 7:14:31 PM

Thanked Mayor for kind words and appreciated time at Council. Outlined personal future goals for Albany (including a facelift for York Street, parking within the CBD and Esplanade Hotel site) and congratulated staff in their achievement with Peace Park project. The South Coast Management Group have achieved a great result in working towards protecting our beaches. Thankyou for time.

Cr Stanton 7:16:49 PM

Have enjoyed two years as being a Councillor and wish all prospective candidates all the best. Cr Stanton read an article on the donation of human bones and their use in medical procedures to assist other with medical complaints – this was relevant to her recent hip replacement operation. Cr Stanton thanked Skywest for the care taken in transporting her back to Albany after her operation.

Cr Wolfe 7:19:39 PM

Thanks the friendship, effort and support of Cr Walker and Cr Kidman. Good luck to those Councillors running in election. Endorse Cr Price comments in regards to staff and efforts towards the Peace Park project.

Cr Dufty 7:20:46 PM

Has only been here 6 month, but has been an interesting time. Look forward to next 2-4 years. Comment on Cr Walker retiring, met while at the former Albany Town Council. Very loyal friend. Cr Walker has achieved a great deal for this Council.

Item 3.0 continued.

Cr Kidman 7:22:37 PM

Thankyou for kind comments and thanked fellow Councillors for their mentoring, assistance and advise to make time as a Councillor easier. Was a heavy learning curve and has been an interesting time. Cr Kidman talked about the costs associated with repairing Range Court, Bayonet Head and expressed disappointment that those members of the public who criticised Council about Range Court did not nominate for Council. Thanked everyone for support.

4.0 RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC QUESTION TIME**Mr Dennis Wellington (LT8027898)**

Questions taken on notice at the August 2009 Ordinary Meeting of Council. Copy of response follows. Council Ref: LT8027898

"I refer to the questions you raised at the August OCM, and confirm that the actual amount expended by the City on legal fees during 2008/09 was \$270,158 (unaudited).

This amount is made up as follows:

	<i>08/09</i>
<i>Economic Development Projects</i>	
<i>Building – Office Exp</i>	<i>821</i>
<i>Rangers – Local Laws</i>	
<i>HR – Legal</i>	<i>3,410</i>
<i>Rossiter Sty Drainage</i>	
<i>Legal Enforcement</i>	<i>17,094</i>
<i>Landscape – Entry Statement</i>	
<i>Records – Software</i>	
<i>Development – Legal Opinions</i>	<i>44,167</i>
<i>Development – Legal Appeals</i>	<i>56,872</i>
<i>ALAC – Duty Managers</i>	
<i>ALAC – Training</i>	<i>4,196</i>
<i>Land Release Strategy</i>	
<i>Kerbside Household Waste</i>	
<i>Synthetic Hockey Pitch Replacement</i>	
<i>Cull Road</i>	<i>3,805</i>
<i>Admin – Legal – AIRC</i>	<i>38,331</i>
<i>Admin – Legal – ALAC</i>	<i>6,852</i>
<i>Admin – Legal – Mueller St</i>	<i>6,973</i>
<i>Admin – Legal – Piper Alderman</i>	<i>27,470</i>
<i>Admin – Legal – Other</i>	<i>19,854</i>
<i>EDDS – Recruitment</i>	
<i>Tourism Marketing</i>	
<i>Tourism – Strategy Development</i>	
<i>Airport Maintenance</i>	
<i>Development Management – Retail Strategy</i>	
<i>Land Sale Costs</i>	
<i>Visitor Centre Operations</i>	
<i>Building Certification</i>	

Item 4.0 continued.

<i>Councillor Training</i>	
<i>Recoverable Costs</i>	<i>17,178</i>
<i>Lease Expenses (recoverable)</i>	<i>18,878</i>
<i>Festive Lighting Comp</i>	
<i>Sundry Telecommunications</i>	
<i>Members – Conference Exp</i>	
<i>Area Traffic Management</i>	<i>3,940</i>
<i>Finance Projects</i>	<i>317</i>
<i>Admin – Property Dealing Exp</i>	
<i>Easement GSG</i>	
<i>Easement – Nanarup</i>	
<i>Easement Allerton</i>	
	<i>270,158</i>

<i>Operating Revenue excluding tied</i>	<i>\$33,856,205.05</i>
<i>Operating Grants (B)</i>	
<i>Legal Costs (A) as a %age of (B)</i>	<i>0.80%”</i>

RE: Mr Dennis Wellington (LT8028313) dated 10th September 2009

Note: A subsequent follow up letter was sent to Mr Wellington clarifying legal costs associated with Lease Expenses.

“I have sought further information on this, and while the total amount shown is correct, only \$1,615 is recoverable. The balance of this expenditure is not recoverable, and these costs have been incurred in setting up leases and obtaining legal advice in relation to leases in general, and in enquiries/advice in negotiating the terms of the lease.”

Mr Richard Robins.

Questions taken on notice at the August 2009 Ordinary Meeting of Council. Copy of response follows. Council Ref: LT8027143.

“I refer to your requests tabled at the Ordinary Council Meeting held on Tuesday 18 August 2009.

It was recorded in the minutes from the Council meeting that:

“Mr Robbins queried the rational of how the road maintenance was allocated, in particular that Range Court was identified on the top of the list in previous years, and now does not appear as a road identified for maintenance and that three others included that were not on the previous list and now allocated as priority projects”. Mr Robbins asked why?”

Your statement to Council addresses two distinct issues, the road maintenance / repair priorities and how Range Court Crescent is no longer a high priority.

Item 4.0 continued.

For a number of reasons, Council had to reallocate funds during financial years, with the last being in the 0809 financial year where Council had to address the urgent need to fund repairs to the flooding damage caused by the storms in the latter portion of 2008.

All roads are considered for inclusion in the annual budget, and prioritised in terms of condition, their role in the hierarchy of roads in the network and available funding. As was reported in the budget documentation, Council in the 0910 budget, has not allocated any local funding to roads, with the priority spend being placed on drainage betterment. This priority was determined from the public demand for Council to address the flooding issues across Albany highlighted by the floods of late 2008. Range Court Crescent will be included in the consideration for inclusion in the works programme for the 1011 financial year.

All roads in Albany are evaluated in a systematic manner with a methodology developed over many years, and supported by the WA State Departments, and consistently applied throughout Albany. There is no preference in the system and no priority given to any factor outside technical factors generally accepted in the engineering industry.

As confirmed at the Ordinary Council Meeting of 18 August 2009, none of the Council discretionary funds available have been allocated to road capital works, same for the funds required for State and Federal linked counter funding.

The City of Albany will be revisiting the Roads Master Plan and endeavour to have a finalised copy out in December 2009.

Thank you for your interest in this matter."

Mr Michael Pemberton

Questions taken on notice at the August 2009 Ordinary Meeting of Council. Copy of response follows. Council Ref: LT8028166

I refer to the questions you raised during Public Question Time at the August 2009 Ordinary Council meeting.

To fully respond to these questions, particularly in relation to the City's 'Buy Local' policy, it is necessary to set out the legislative context under which this policy has been created.

The Local Government (Functions and General) Regulations 1996 provides for the creation of a 'regional price preference', and Clause 24 B(1) sets out the purpose as:

"regional price preference, in relation to a tender submitted by a regional tenderer, involves assessing the tender as if the proposed tender price were discounted in accordance with regulation 24D;" and

Item 4.0 continued.

Clause 24C provides:

A local government located outside the metropolitan area may give a regional price preference to a regional tenderer in accordance with the Part.

These provisions certainly extend to the City of Albany.

The Regulations continue that:

“Where a local government intends to give a regional price preference in relation to a process, the local government is to:

a) prepare a proposed regional price preference policy (if no policy has yet been adopted for that kind of contract),” (Clause 24E).

The City’s ‘Buy local’ Policy was created in accordance with these provisions, and in like manner to these provisions, refers to ‘tenders’.

In relation to tenders for providing goods or services, Clause 11 of the Local Government (Functions and General) Regulations 1996 provides:

“Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100,000” (There are certain exemptions to this provision).

The City’s Purchasing Policy (Tenders and Quotes) further reinforces the \$100,000 threshold, and provides that for major purchases of \$100,000 and over, the protocol to be followed is as set out above.

Finally, Clause 24D (3) of the Regulations provides that:

“price is only one of the factors to be assessed when the local government is to decide which of the tenders it thinks would be most advantageous to that local government to accept”

I hope this clarifies the legal context under which the City’s ‘Buy Local’ Policy was established.

In relation to the specific questions you raised:

Q. Will the Council continue to embrace the buy local policy and its philosophy?

A. Yes, acknowledging that the policy relates to tenders as set out above.

Q. Will the Policy be revised?

A. Yes. It is scheduled for review this year.

Q. Were the Councillors advised of the financial impact on the Council resources and the level of the local purchasing?

A. Yes. All reports submitted to Council for consideration in relation the tenders, stipulate whether the regional preference has been applied.

Q. Where is it stipulated the threshold amount for tenders is \$100,000?

A. Local Government (Functions and General) Regulations 1996, and the City’s Purchasing Policy (Tenders and Quotes)

Item 4.0 continued.

Q. *With respect to the FTR system who determined that no local company had the expertise to install the system and when that determination was made were a series of quotes gathered or just Evidence Technology anointed as the successful provider for that.*

A. *The requirement related to the supply and installation of the equipment. In respect of the audio digital recording system, our approach has been to select a firm which could provide an integrated solution and point of service, rather than a fragmented system.*

There are no local firms with this level of service expertise in the FTR digital recording system.

Evidence Technology was engaged as the preferred supplier as they have a proven track record of fitting out structured meeting environments for:

- *The Courts and Government Legal Sectors.*
- *Government and Parliamentary sectors.*

The CEO authorised the contract.

Q. *How many stages are involved in the supply and installation of the audio equipment?*

A. *The project has been completed.*

Q. *How does the utilisation of the ALAC cafe to serve the City's catering requirements fit into the buy local policy?*

A. *For the reasons set out in the legislative context, the buy local policy does not apply. The utilisation of the ALAC cafe in this way is the most cost effective method available to the City, providing a quality product and at the same time reducing the level of the subsidisation by ratepayers in general to the operation of the Centre.*

Q. *In the budget papers it talks about the next 3 years that there are risks associated with the Entertainment Centre and there are strategies being put in place for that. What are the risks and are we privy to that?*

A. *The ongoing operating and repair/maintenance costs."*

5.0 PUBLIC QUESTION AND STATEMENT TIME

Speaker 1. Nick Ayton 7:27:29 PM – 11 Duke Street, Albany.

Mr Ayton addressed Council in regards to the notice of motion presented by Cr Paver at Item 18.1 and outlined his concerns in regards to ALPS and priority areas 4 and 5. He asked that Council support Cr Torr's Alternate Motion (item 13.5.1).

Speaker 2. Michael Pemberton 7:31:42 PM – 9a Shorts Place, Albany

Congratulated Cr Walker and Wolfe in the support of the timber industry and their ongoing leadership role.

Mr Pemberton addressed council in regards to the Buy Local Policy and Entertainment Centre. Several questions were asked, which were taken on notice.

Buy local policy – review of policy

- When was the last review?
- How many reviews have been conducted?
- When policy is reviewed next, can an overview be supplied so Councillors can gauge the effectiveness of the policy.
- Over the year, where was money spent?
- Where did it go to?
- What sort of impact did it have, and do we need to make a correction?

Town Hall Theatre loss. Two different figures have been reported. The loss quoted in the local newspaper for last financial year was \$400,000-\$500,000. My understanding it was a \$170,000.

- What is the correct loss costs?
- What is the quantum of the loss that is being budgeted for (dollars)?

Council Advertising

- What does Council expect to receive from the full page advertisement in the local newspaper?
- What did these full page advert cost?

Speaker 3. John O'Dea 7:35:27 PM – 82 Bushby Road, Lower King

Mr O'Dea addressed council in regards to the full page advertisement promoting Council's movements and requested the cost of the advertisements to the ratepayer. Mr O'Dea extended his congratulations to Cr Walker and Cr Kidman. Mr O'Dea talked about the Timber Industry and the impact on Albany.

Speaker 4. Kim Doepel 7:38:02 PM – 61 Forrest Street, Subiaco

Mr Doepel addressed Council in regards to item 13.1.1. He is the architect for Foodbank. He advised that Foodbank have had a good working relationship with staff; applicant supports the officer recommendation and requested Council to support refunding the planning application fees, as it would provide a great relief to Foodbank, which is a not for profit organisation.

Item 5.0 continued.

Speaker 5. Delma Baesjou 7:39:28 PM – Ayton Baejou Planning

Ms Baesjou addressed Council in regards to item 13.2.2 and requested Council to support the Officer's recommendation. A couple of matters have evolved since the publication of the agenda. Positive response has been received from agencies and amendments have been given due recognition. Fire management has been addressed with minimal impact.

Speaker 6. Tony Harrison 7:42:22 PM – 34 George Street, Little Grove

Mr Harrison addressed Council in regards to clearing of native bush for gravel extraction at Marbellup Road and can not understand the costs associated with removal of gravel, re-development of land etc. Global warming and the possible extinction of the Black Cockatoo are two issues that will be affected with the removal of native bush. Mr Harrison would like to see a moratorium on any additional clearing of land or changing rural land back to residential/ urban. Mr Harrison asked Council not to support the clearing of this land.

He also stated the clearing of land for this purpose was contrary to ALP's. He indicated he had not had a reply to his submission, and that a response to his input on Big Grove took 3 months.

The Mayor closed open forum at 7:46:48 PM

6.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Mayor M Evans, JP

Councillors:

Breaksea Ward	J Bostock
Breaksea Ward	VACANT
Frederickstown Ward	VA Torr
Frederickstown Ward	D Price
Kalgan Ward	J Walker
Vancouver Ward	K Stanton
West Ward	D Duffy
West Ward	D Wolfe
Yakamia Ward	G Kidman

Staff:

Chief Executive Officer	P Richards
Executive Director Corporate & Community Services	WP Madigan
Executive Director Works & Services	K Ketterer
Executive Manager Planning Services	G Bride
Executive Manager Business Governance	S Jamieson
Executive Manager Corporate Services	D Schober
Minutes Secretary	S Smith

Public Gallery and Media:

2 members of the media were present.

Approximately 30 members of public gallery were present.

Apologies/Leave of Absence:

Yakamia Ward	J Matla
Vancouver Ward	R Paver
Executive Director Development Services	R Fenn

Mayor Evans advised the Council that Cr Buegge had officially resigned as a Councillor for the City of Albany.

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR PRICE

SECONDED: CR STANTON

THAT the minutes of the Ordinary Council Meeting held on the 18th August 2009, as previously distributed be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 9-0

9.0 DECLARATION OF INTEREST

Name	Item Number	Nature of Interest
Mr Madigan (Executive Director Corporate & Community Services)	22.2	Financial/Impartiality. Item 22.2 relates to his contract of employment.
Mr Richards (Chief Executive Officer)	22.5	Impartiality. Item 22.5 relates to his contract of employment.
Mr Jamieson (Executive Manager Business Governance)	22.5	Impartiality. Officer is a subordinate of the CEO.

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

In accordance with 5.23 (2) (b) (c) (d) (e) of the Local Government Act 1995; being:

- a matter affecting an employee or employees;
- the personal affairs of any person;
- a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- a matter that if disclosed, would reveal information that has a commercial value to a person

the following items were addressed behind closed doors:

- 19.1 City of Albany Standing Orders 2009 – Joint Standing Committee on Delegated Legislation
- 22.1 - Reconsider motion lost at Ordinary Council Meeting – 18 August 2009 – Contract C09011 – Tendering Provision of Legal Services
- 22.2 - Executive Contracts
- 22.3 - Gravel Extraction – Reserve 15606 – Notice of Motion - Recision Motion By Councillor Torr
- 22.4 – Minutes of Meeting – Finance Strategy Advisory Committee – 31 August 2009
- 22.5 – Minutes of the Chief Executive Officer Performance Appraisal Committee

11.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

A petition was presented at the Council briefing session held on Tuesday 8th September 2009 from residents in support of the rezoning within the Federal Street area.

12.0 ADOPTION OF RECOMMENDATIONS EN BLOC

Nil

DEVELOPMENT SERVICES

Reports

DEVELOPMENT SERVICES REPORTS

13.0 REPORTS – DEVELOPMENT SERVICES

13.1 DEVELOPMENT

ITEM NUMBER: 13.1.1

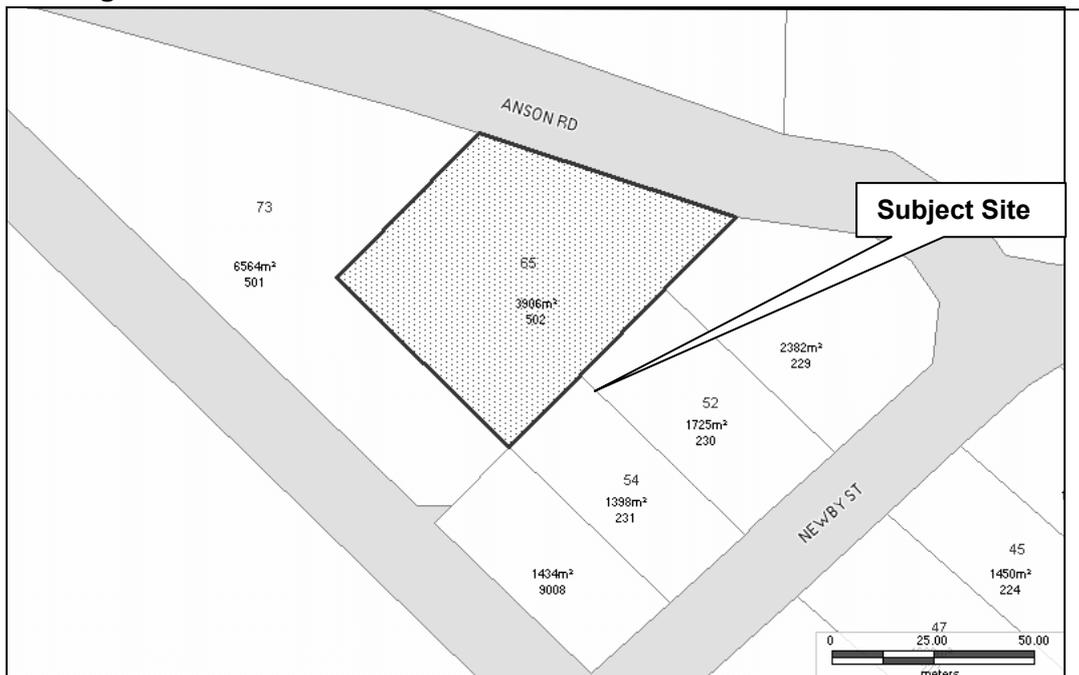
ITEM TITLE: **DEVELOPMENT APPLICATION – PROPOSED WAREHOUSE AND OFFICE DEVELOPMENT – LOT 502 NEWBEY STREET, MILPARA**

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Quasi-Judicial Function: Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand.

File Number or Name of Ward	: A196330 (Kalgan Ward)
Summary of Key Issues	: Feature wall in lieu of Public Artwork Request to refund planning application fee
Land Description	: Lot 502 Newbey Street, Milpara
Proponent	: Doepel Marsh Architects
Owner	: Crown (City of Albany lease reserve to Foodbank WA)
Reporting Officer(s)	: Planning Officer (T Wenbourne)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Bulletin Attachment Reference	: Application for Planning Scheme Consent; plans and report/statement.
Consulted References	: Town Planning Scheme 3 Albany Insight ~ Beyond 2020
Councillor Lounge	: Colour Elevations illustrating external finishes

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.1.1 continued.

BACKGROUND

1. The application site is Reserve 48909 being 3906m² in area and located close to the junction of Newbey Street and Anson Road. The land is classified “Parks and Recreation” within Town Planning Scheme 3, with the Reserve dedicated for Community Purposes.
2. Management Order for the Reserve has been granted to the City of Albany. Foodbank negotiated a 10 year lease with the City of Albany which commenced on 1 December 2006.
3. The application is presented to Council as the value of the development exceeds staff’s delegation limit. The proponent has requested Council consider reimbursing the planning application fee of \$3,421 on the basis that the developer (Foodbank) is a charitable organisation.

DISCUSSION

4. The application seeks Planning Scheme Consent for a warehouse/distribution centre with an associated office, all on a single level within a large single storey building. Within this building Foodbank WA would receive donated food, process and repack it for collection and distribution through the many local charities that use it. The receipt, processing, storage and distribution would happen in the building with the office administering the whole cycle.
5. The site is currently vacant. There is an open water drain running the length of the southeast boundary. There is a cross fall of approximately 2m over the site northwest to southeast towards this open drain.
6. The proposed warehouse element to the building is shown 31.4m wide and 31.9m deep with the office element to the front 25.5m wide and 12.6m deep. Due to the fall in level across the site, the maximum height of any element of the building is 10.7m. The building is arranged to take advantage of the fall in ground level across the site, so the internal floor level is at a useable height for the truck loading/un-loading bays.
7. The proposed use of a warehouse and office facility (providing subsidised food through charities and community groups to those in need) is accepted by staff to be a “community purpose”. Therefore, the proposed development is in keeping with the ultimate purpose intended for this reserved land.
8. The site adjoins land to the southeast that is zoned for Industry and the building proposed for the site will be of a scale similar to the industrial buildings in the vicinity. For this reason the scheme provisions relating to the Light Industry zone have been used as a guide in the assessment of the proposal.

DEVELOPMENT SERVICES REPORTS

Item 13.1.1 continued.

9. Town Planning Scheme 3 requires a 15m front boundary setback in the Light Industry zone. Due to the orientation of the lot to the street and the building being designed to work within the lot, the front elevation of the building is not parallel to the front boundary. One corner of the building is closer to the road and encroaches beyond the 15m setback line. The proponent has calculated that the encroachment equates to about 1m² of the office section of the building. With the walls of the proposed building splayed away from the road, if averaging of the setback were applied the encroachment is more than compensated for elsewhere along the 15m setback line.
10. In terms of onsite parking provision, under the Town Planning Scheme provisions the warehouse function is not specifically classified in the car parking table. For Industry uses the car parking ratio is 1 bay for every 2 employees plus a further 25% for customers. With 8 employees the parking requirement would be 5 bays. The proponent has suggested that as Transport Depot is listed in the car parking table, this may be more appropriate to their intended storage/distribution operation. Transport Depot requires 1 parking space for every 2 employees plus 10% for customers. This would also give a requirement for 5 bays (4.4 rounded up). The office element of the development is just under 180m² in floor area. The Scheme car parking table requires offices to provide 1 car parking bay for every 40m² of floor space. Therefore the parking requirement in this instance for the office element is 5 bays (4.5 rounded up).
11. The proposed layout for the site shows designated parking for the various elements of the operation and 6 parking bays are provided for the warehouse/storage/distribution element and 12 bays for the office use. This gives an overall parking provision of 18 bays, not including the truck loading/un-loading docks and an informal space for courier parking. This more than satisfies the Town Planning Scheme requirements.
12. The site is laid out with 2 crossovers accessing Anson Road and hard standing around the building for traffic circulation, with delivery trucks proposed to move in an anti-clockwise direction. The open drain will be retained, but fenced off and planted with water resistant plants, which will add to the overall landscaping of the site.
13. The external finishes and materials of the building are to be a combination of painted concrete panels, Colorbond metal sheeting and painted fibre cement sheet to the office. Coloured elevation drawings have been provided with the application to demonstrate the proposed colour scheme and mix of materials on the various elements of the building. The illustrated proposed external finish to the building is considered by staff to be acceptable, in keeping with the setting of the building at the fringe of the industrial area and will not have a detrimental impact on the wider landscape setting.

DEVELOPMENT SERVICES REPORTS

Item 13.1.1 continued.

14. Guideline 8 of the Development Guidelines for Scheme 3 details the requirements for a financial contribution for Public Art that reflects or enhances local cultural identity. This is an allocation of 1% of the estimated project cost on developments over the value of \$1,500,000. In this instance the development is estimated to cost \$1,650,000 which equates to a \$16,500 contribution. However, the development includes a feature wall to the north western corner of the office proposed as an abstract painting to add visual interest. This will be visible in the approach along Anson Road from the west. As this is a not for profit charitable organisation, it is staff's opinion that details for this feature wall can be required by condition to be submitted to the Council for approval and this can be considered in lieu of a stand alone public artwork.
15. The proposed development has been subject to internal consultation within City of Albany. No objections to the proposal were raised, however suggested conditions and advice notes have been offered and these have been incorporated into the officer's recommendation.

PUBLIC CONSULTATION / ENGAGEMENT

16. Not applicable.

GOVERNMENT CONSULTATION

17. Not applicable.

STATUTORY IMPLICATIONS

18. The land is Reserve 48909, which is classified for "Parks & Recreation" in Town Planning Scheme 3 (TPS 3) and the Reserve is dedicated for Community Purposes.
19. Part 2 of Town Planning Scheme 3 (Reserved Land) states that when considering development on reserved land Council shall have regard to the ultimate purpose intended for the reserve. As a food bank is an administering agency packaging and distributing donated food through local charities and agencies to those in need within the community, this proposed use is considered to be consistent with the ultimate purpose of the reserve.
20. There are no development standards applicable to the 'Parks & Recreation' classification, however as detailed in the discussion section of this report the development has been assessed against the scheme standards applying to the Light Industry zone, and save for a minor encroachment into the front setback, the development would meet these requirements. In any affect the development would not be out of context with the surrounding industrial development.

FINANCIAL IMPLICATIONS

21. Council has a lease arrangement with Foodbank WA which expires on 1 December 2016.

DEVELOPMENT SERVICES REPORTS

Item 13.1.1 continued.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

22. This item directly relates to the following elements of Albany Insight ~ Beyond 2020:

“4. Governance,

The City of Albany will...

4.3 Deliver excellent community services that meet the needs and interests of our diverse communities.”

POLICY IMPLICATIONS

23. As stated above Council has a policy requiring expenditure of 1% of the development cost on public art.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

24. Council has the option to refuse the proposal, however this may prompt the proponent to lodge an appeal with the State Administrative Tribunal.

SUMMARY CONCLUSION

25. The application proposes a Foodbank WA donated food storage, processing and distribution facility on a currently vacant lot. The land is zoned ‘Parks & Recreation’ and is reserved land dedicated for ‘Community Purposes’. The Council can grant consent for development having due regard to the ultimate purpose intended for the reserve.

26. The proposed development has been assessed using the provisions of the Light Industry zone and the minor encroachment into the front setback will not have a significant visual impact due to the orientation of the building to the street.

27. The feature wall to the northwest corner proposed to add visual interest through public art can be considered to meet Guideline 8 of the Scheme Development Guidelines requiring an allocation of funding equivalent to 1% of the development cost for public artwork. Details for the content of this feature wall can be required by condition.

28. In conclusion, the proposal for warehouse/office at Lot 502 Newbey Street is considered acceptable, subject to the conditions set out below.

DEVELOPMENT SERVICES REPORTS

Item 13.1.1 continued.

**ITEM NUMBER – 13.1.1 OFFICER RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

MOVED: CR WALKER

SECONDED: CR PRICE

THAT Council SUPPORTS the issuing of a Notice of Planning Scheme Consent for a 'Warehouse/Office' at Lot 502 Newbey Street, Milpara, subject to, but not limited to, the following conditions:

- i) Stormwater disposal is to be designed and managed in accordance with the City of Albany's Subdivision and Development Guidelines April 2009, or any such guidelines that replace or re-enact these guidelines;**
- ii) The open drain along the southeast boundary shall be fenced to the satisfaction of the City of Albany;**
- iii) The new crossovers being constructed to Council's specifications, levels and satisfaction in accordance with drawing Nos. 97024 1-3. A permit from Council is required prior to any work being carried out within the road reserve;**
- iv) The areas shown on the approved plans as landscaping, including the open drain, shall be landscaped in the first planting season following occupancy of the building to the satisfaction of the Council and shall be retained as such thereafter, unless otherwise agreed in writing by or on behalf of the Council;**
- v) All external materials used on the development hereby approved shall match those shown on the submitted plan 28.34A DA5, unless otherwise agreed in writing by or on behalf of the Council;**
- vi) Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being designed in accordance with AS2890.1, constructed, properly drained and sealed to the satisfaction of Council. All spaces being marked out and maintained in good repair;**
- vii) The applicant making suitable arrangements with Council to ensure the provision of public art in the development to a value of 1% of the contract price of the proposed development. Arrangements are to be made prior to occupancy of development. For clarification, the feature wall to the northwest corner of the office is considered sufficient to meet this requirement and details of the content must be submitted to and approved in writing by or on behalf of the Council; and**
- viii) No signs are to be erected on the lot without Council's approval, in accordance with the City of Albany's Sign Bylaws.**

MOTION CARRIED 9-0

DEVELOPMENT SERVICES REPORTS

Item 13.1.1 continued.

ITEM NUMBER – 13.1.1 OFFICER RECOMMENDATION 2

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: CR WALKER

SECONDED: CR PRICE

THAT Council DELEGATES it's authority to the Co-ordinator Development Control pursuant to Clause 6.10.1(b) of the City of Albany Town Planning Scheme 3, to issue a Notice of Planning Scheme Consent for a 'Warehouse/Office' at Lot 502 Newbey Street, Milpara and empowers the Coordinator Development Control to incorporate any further conditions that he considers necessary.

**MOTION CARRIED 9-0
ABSOLUTE MAJORITY**

ITEM NUMBER – 13.1.1 OFFICER RECOMMENDATION 3

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: CR STANTON

SECONDED: CR WOLFE

THAT Council RESOLVES to refund the planning fee paid pursuant to the lodgement of this application in full, being the sum of \$3,421.00.

**MOTION CARRIED 9-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 13.2.1
ITEM TITLE: INITIATION OF SCHEME AMENDMENT – LOTS 5, 14, 15 & 65 ALBANY HIGHWAY, LOT 60 KELLY STREET AND LOT 61, 62, 200 & 201 LOCKE STREET, ORANA

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Legislative function: Council making and reviewing the legislation it requires to perform its function as a Local Government.

- File Number or Name of Ward** : AMD 174 (Vancouver Ward)
- Summary of Key Points** : To consider the rezoning of various lots fronting Albany Highway, Kelly Street and Locke Street to the “Other Commercial” zone.
- Land Description** : Lots 5, 14, 15 & 65 Albany Highway, Lot 60 Kelly Street Lot 61, 62, 200 & 201 Locke Street, Orana
- Proponent** : Ayton Baesjou Planning
- Owner** : Various
- Reporting Officer(s)** : Co-ordinator Statutory Planning (J van der Mescht)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Amending Documents
- Consulted References** : Albany Local Planning Strategy
Draft Activity Centres Planning Strategy
- Councillor Lounge** : Nil

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued.

BACKGROUND

1. An application has been received from Ayton Baesjou (planning consultants) seeking to amend Town Planning Scheme No. 1A by rezoning;
 - a. portions of Lots 5, 14, 15 & 65 Albany Highway from the “Future Urban” zone to the “Other Commercial” zone,
 - b. Lot 60 Kelly Street from the “Future Urban” zone to the “Other Commercial” zone,
 - c. Lot 201 Locke Street from the “Future Urban” and “Industry” zone to the “Other Commercial” zone, and
 - d. Lots 61, 62 & 200 Locke Street from the “Industry” zone to the “Other Commercial” zone.
2. The subject lots are located approximately 3.6 kilometres north west of the Albany CBD on the eastern side of Albany Highway. The properties range from 2488m² to 2.9753 ha and together comprise approximately 11.6 hectares in area.
3. The site is gently undulating rising from a low point in the south east corner of Lot 201 of 44 metres AHD to a high point of 50 metres AHD along the south eastern boundary of Lot 14.
4. The subject land has been either partially or fully developed or cleared, with the exception of an area of remnant vegetation consisting of less than 1.0ha to the rear of Lots 5 & 15 Albany Highway.
5. Lots 5,14, 15 and 65 Albany Highway and Lot 201 Locke Street have a split zoning with Lots 5, 14, 15 & 65 being zoned “Other Commercial” fronting onto Albany Highway and “Future Urban” to the rear. Lot 201 is zoned “Industry” fronting Locke Street and “Future Urban” to the rear.
6. Lots 61, 62, 200 and portion of Lot 201 are currently zoned “Industry” and have also been included in the “Other Commercial” zoning in order to create a logical and consolidated zoning parcel.
7. The proposed zoning is consistent with Council’s draft Local Planning Scheme No 1, which designates the subject land as ‘Highway Commercial’.
8. By rezoning the subject lots they could potentially be redeveloped for any of the uses listed under ‘Other Commercial’ in Appendix 1 – Zoning Table of TPS 1A.

DISCUSSION

9. The rezoning of Lot 5, 15, 24 & 65 Albany Highway, Lot 201 Locke Street and Lot 60 Kelly Street, Orana from the “Future Urban” zone to the “Other Commercial” will facilitate the removal of dual zonings and promote the further development of the land for “Other Commercial” purposes.
10. The surrounding zonings include ‘Residential’ on the opposite side of Albany Highway, ‘Future Urban’ to the north east, and a mix of ‘Other Commercial’ and ‘Industry’ located to the south east.

DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued.

11. The Anson Road Structure Plan broadly details the mix of land uses to the north of the subject land, which includes a mix of industrial, public open space and other commercial on the south side of the proposed Newby Street extension. The zoning proposed would be complimentary to the zoning mix proposed in the Structure Plan.
12. The draft ALPS broadly indicates a 'Mixed Business' area fronting Albany Highway and "Industry" to the rear, linking through the land owned by Great Southern Regional College (GSRC) through to the Milpara Industrial estate.
13. The draft City of Albany Local Planning Scheme No 1 shows all of the lots the subject of this proposal as "Highway Commercial" with the GSRC land to the rear shown as "Light Industry" and "Public Use".
14. The "Other Commercial" zone is considered an appropriate zone for the current land uses and is furthermore generally consistent with the future strategic intention for the land as documented in ALPS and recommended in the draft Activity Centres Planning Strategy recently received by Council (June 2009). The amendment will in addition remove the dual zonings from the subject lots.

PUBLIC CONSULTATION/ENGAGEMENT

15. Should Council initiate the amendment, and the Environmental Protection Authority (EPA) decides not to formally assess the proposal, the amendment will be advertised to all affected and surrounding landowners.

GOVERNMENT CONSULTATION

16. Should Council initiate the amendment, and the Environmental Protection Authority (EPA) decides not to formally assess the proposal, the amendment will be advertised to all affected government agencies for comment.

STATUTORY IMPLICATIONS

17. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
18. Council's resolution under Section 75 of the *Planning and Development Act 2005* is required to amend the Scheme.
19. 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.
20. 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.
21. A resolution to initiate and advertise an amendment to a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

23. The subject land is generally shown as 'Mixed Business' within the ALPS and the draft Activity Centres Planning Strategy.

24. The proposal is generally consistent with the objectives and outcomes of ALPS and more specifically the Activity Centres Planning Strategy that states:

“6.7 Mixed Business Areas

There are currently three general areas in Albany suitable for development as Mixed Business areas, and shown as such on one or other of the Strategy Maps:

- *Centennial Park.*
- *Orana.*
- *Chester Pass Road.*

Given the very strategic location of these areas, it is considered reasonable to continue to facilitate their transition from industrial areas to Mixed Business areas...the three industrial areas undergoing commercial change should not be forced to retain their industrial role, particularly along commercially valuable road frontages. While it is likely that large sections of these areas located away from the main roads will continue to serve an industrial function, other sections are particularly suitable for Mixed Business uses, including certain types of retail uses. There would appear to be no land use planning imperative requiring that these trends be resisted in the interests of preserving the land for industry...”

25. The strategy map in the draft Activity Centres Planning Strategy identifies the mixed business area along the eastern portion of Albany Highway, the extent of which follows the current other commercial zone boundary. Although the identified mixed business area does not extend to the eastern boundary of the subject land the strategy states the following:

“It is not intended that the non-central Mixed Business areas indicated on the Strategy Map be regarded as having hard and fast “zoning” boundaries. From a strategic planning perspective there is potential for interpreting them with a reasonable amount of flexibility. The boundaries shown on the Strategy Map are indicative only, and their firm definition should only be determined as part of the more detailed statutory planning process, using this ACPS as a guide.”

POLICY IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

27. Council has the following options in relation to this item, which are:
- To resolve to Initiate the scheme amendment without modifications;
 - To resolve to initiate the scheme amendment with modifications; or
 - To resolve not initiate the scheme amendment.
28. The other zoning which could be considered by Council in preference to “Other Commercial” would be “Industry”. However with the ultimate connection of Kelly Street through to Newby Street (once extended) providing a link to Chester Pass Road it is expected that the required exposure for bulky goods retailing will be achieved, supporting the Other Commercial designation. It is also identified in the Anson Road Structure Plan that a large industrial precinct to the north of Kelly Street will be accommodated adding to the industrial lot supply in the Milpara Industrial area.
29. A resolution to initiate 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.
30. 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.

SUMMARY CONCLUSION

31. Staffs consider the proposal to be generally consistent with the objectives of the ALPS. The proposal will also remove the dual zoning facilitating the development of the land. Staff therefore recommend that the Scheme Amendment be initiated.

**ITEM NUMBER 13.2.1 OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: CR DUFTY
SECONDED: CR WOLFE**

THAT Council in pursuance of Section 75 of the Planning and Development Act 2005 and Regulation 25(c)(i) of the Town Planning Regulations 1967 resolves to INITIATE Amendment No. 174 to Town Planning Scheme No. 1A for the purpose of;

- i) Rezoning portions of Lots 5, 14, 15 & 65 Albany Highway from the “Future Urban” zone to the “Other Commercial” zone;**
- ii) Rezoning Lot 60 Kelly Street from the “Future Urban” zone to the “Other Commercial” zone;**
- iii) Rezoning Lot 201 Locke Street from the “Future Urban” and “Industry” zone to the “Other Commercial” zone;**
- iv) Rezone Lots 61, 62 & 200 Locke Street from the “Industry” zone to the “Other Commercial” zone; and**
- v) Amending the Scheme Maps accordingly.**

MOTION CARRIED 8-1

Record of Vote:

For the Motion: Mayor Evans, Cr’s Dufty, Kidman, Price, Stanton, Torr, Walker and Wolfe.
Against the Motion: Cr Bostock

DEVELOPMENT SERVICES REPORTS

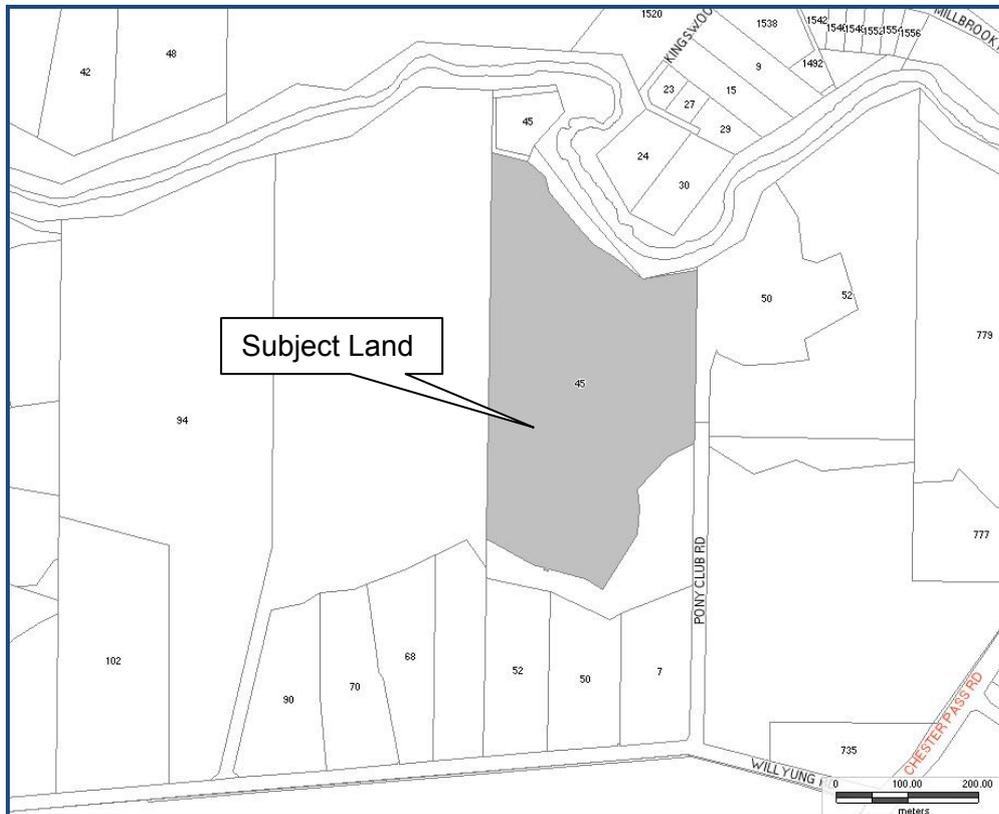
ITEM NUMBER: 13.2.2
ITEM TITLE: FINAL APPROVAL OF SCHEME AMENDMENT – LOT 9002 PONY CLUB ROAD, WILLYUNG

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

Legislative function: Council making and reviewing the legislation it requires performing its function as a Local Government.

- File Number or Name of Ward** : AMD 288 (Kalgan Ward)
Summary of Key Issues : Scheme Amendment to rezone Lot 9002 Pony Club Road, Willyung from the 'Special Use' Zone to the 'Special Residential' Zone
Land Description : Lot 9002 Pony Club Road, Willyung
Proponent : Ayton Baesjou Planning
Owner : Rokat Nominees
Reporting Officer(s) : Planning Officer (C McMurtrie)
Disclosure of Interest : Nil
Previous Reference : OCM 21/04/09 – Item 11.3.2
Bulletin Attachment(s) : 1. Amending document
2. Copy of submissions
3. Schedule of submissions
Consulted References : 1. Western Australian Planning Commission (WAPC) Statements of Planning Policy (SPPs) SPP2; SPP 2.9 & SPP 3
2. Lower Great Southern Strategy
Councillor Lounge : Nil

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

BACKGROUND

1. Amendment 288 proposes to amend Town Planning Scheme No. 3 (TPS3) by;
 - Rezoning Lot 9002 Pony Club Road, Willyung from the 'Special Use' Zone to the 'Special Residential' Zone area 11; and
 - Rationalising the Parks and Recreation reservation to accord with the established foreshore reserve boundaries.
2. Lot 9002 covers an area of 13.5 ha and is located between the King River and Willyung Creek, approximately 8km north of the Albany City centre. The lot is currently accessed via Pony Club Road, which runs north from Willyung Road, approximately 250m west from its intersection with Chester Pass Road.
3. The subject land contains a gentle undulating ridge between the King River and Willyung Creek. A dwelling, outbuildings and formalised gardens have been developed towards the north-west of the property, while much of the remainder is under pasture, which is used for grazing. There are scattered clumps of remnant vegetation across the site and larger stands to the north-west and extending from the centre of the lot to the south-east. These adjoin remnant and riparian vegetation along the banks of the King River and Willyung Creek.
4. The subject lot is currently zoned 'Special Use' Area 12 under TPS3. Permissible uses include Holiday Chalets (a maximum of six (6)), Caretakers/Managers Dwelling, Private Recreation and other incidental uses.
5. The adjoining lots to the east and west form parts of 'Special Residential' Area No. 11. The land north of the King River is zoned 'Special Rural' Area 3B. The Crown Reserves along the King River and Willyung Creek foreshores, together with the adjacent Pony Club are local authority reserves for 'Parks and Recreation' purposes under TPS3.
6. The successful completion of the proposed rezoning from 'Special Use' to 'Special Residential' will enable the subdivision of lots to a minimum lot size of 4000m² and apply the special provisions of 'Special Residential' Area 11 over the site.
7. The subject lot is located within an area shown for Rural Residential uses within the draft Albany Local Planning Strategy (ALPS), as adopted by Council.

DISCUSSION

8. This amendment proposes to rezone Lot 9002 from 'Special Use' to the same zoning as the adjoining lots to the east and west, namely 'Special Residential' (Special Residential Area No.11).
9. The proposed rezoning will result in subdivision to create approximately 13 'Special Residential' lots. The smaller lots of between 4000m² and 5000m² are proposed on the more elevated, cleared areas, with the larger lots being in the more heavily vegetated areas and across the balance of the site. All remnant and riparian vegetation will be protected.
10. The proposed development will be connected to reticulated water, power, and telecommunication infrastructure.

DEVELOPMENT SERVICES REPORTS

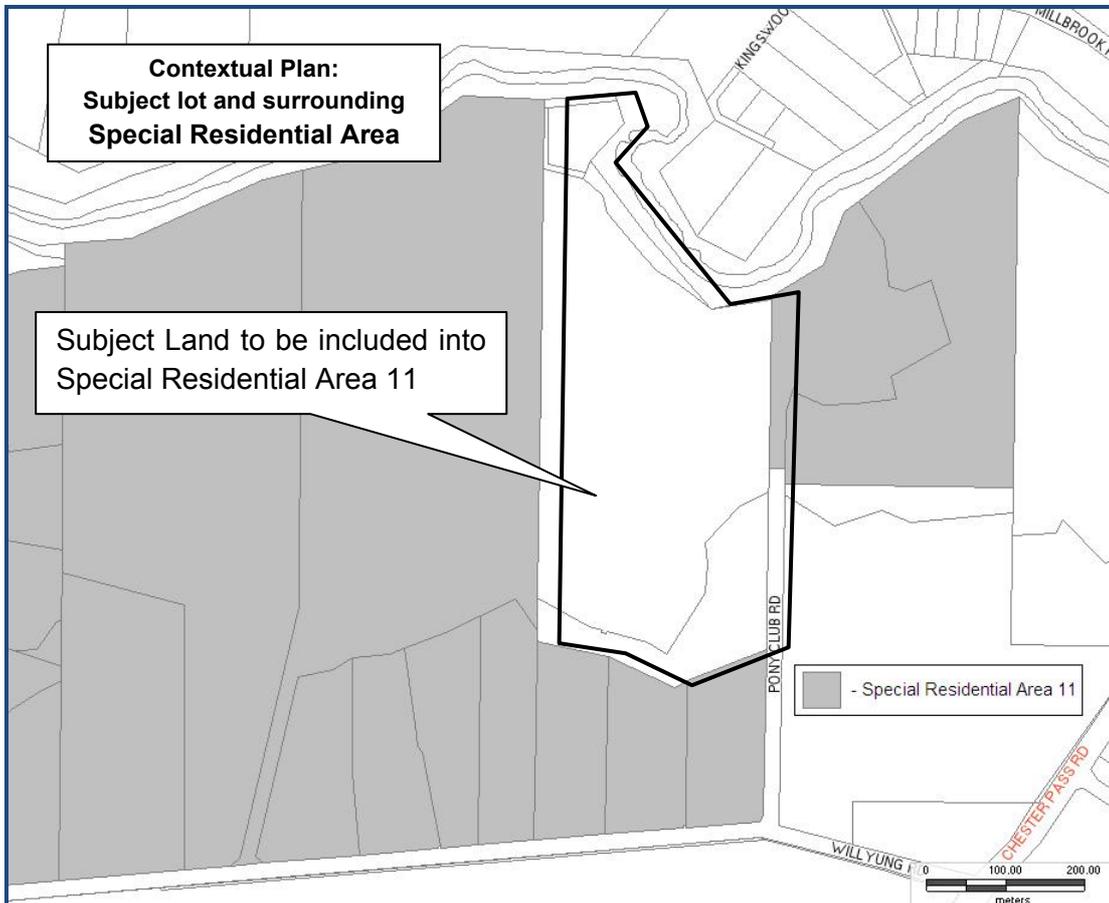
Item 13.2.2 continued.

11. An upgrade to Pony Club Road to service the development will not be feasible due to the constraint of the existing bridge over Willyung Creek. It is therefore proposed that a new road for primary access to the development be constructed on Lots 104 and 105 with limited pedestrian/emergency access onto Pony Club Road.
12. Reticulated sewer is not currently available and will not be extended to service the locality in the foreseeable future. Wastewater and effluent disposal will therefore be managed through individual on-site effluent disposal systems. The environmental assessment has confirmed that the subject land is capable of being serviced using on-site effluent disposal. Alternative Treatment Units (ATU's) will be required on certain lots. Further site assessment and testing may be required at the time of subdivision or development, in order to determine the most appropriate location and type of effluent disposal system. Special Provision 10.0 of the Special Residential area 11, together with the standard licensing requirements for the installation of on-site effluent disposal systems, provides for additional controls.
13. The amending document details and adequately addresses the site suitability, servicing requirements, vegetation protection, visual impact, storm water and drainage, foreshore areas, flood studies and fire safety.
14. The Draft Subdivision Guide Plan design addresses the following matters:
 - Building envelopes that are in accordance with the land capability report and therefore capable of supporting on-site effluent disposal;
 - All structures being precluded from the Floodway (based on surveyed spot elevations, 1:100 year flood elevations and flow volume);
 - Suitable building and effluent disposal setbacks from the creek and the King River;
 - Rationalisation of the King River and Willyung Creek Foreshore reserves and designation of Building Exclusion Areas to protect riparian vegetation;
 - Protection of remnant vegetation by providing lots within existing cleared areas suitable for house sites;
 - Clustering of smaller lots on the most capable and suitable land and larger lots on land with lower capability/identified constraints;
 - Provision of a range of lot sizes;
 - Provision for bushfire management, emergency access and egress in the case of fire or flooding; and
 - Provision for multi use bridle/pedestrian trails in conjunction with emergency access ways.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

15. The proposed rezoning is considered an opportunity to allow for ‘infill development’ that will consolidate existing ‘Special Residential’ zoned and developed land. This is illustrated in the contextual plan below:



16. The proposal is within an area identified for rural residential purposes and is considered to be in accordance with the strategic direction of the City as documented in the draft ALPS. Furthermore, ALPS recommends the densification and infill of developed areas.
17. The proposal is also considered consistent with the actions identified in the Lower Great Southern Strategy (LGSS).

PUBLIC CONSULTATION/ENGAGEMENT

18. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 2 July 2009 to 13 August 2009 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
19. A total of nine (9) written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

GOVERNMENT CONSULTATION

20. The Amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA has advised that the Amendment has been assessed and does not require further formal assessment. However, additional advice and recommendations were provided, as outlined in the attached Schedule of Submissions.
21. The Amendment was also referred to WestNet Energy (Alinta Gas), Telstra, Water Corporation, Western Power, Department of Health, Department of Water, Department of Environment and Conservation, Department of Education and Training, Fire and Emergency Services Authority (FESA) and Main Roads WA (Great Southern Region) and Albany Police Department for assessment and comment. Responses were received from Telstra, Water Corporation, Western Power, Department of Water, Department of Environment and Conservation, Department of Education and Training and Main Roads WA (Great Southern Region) and are summarised in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

22. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. Council's decision on the final approval of the amendment requires endorsement by the WA Planning Commission and approval of the Minister for Planning.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

24. The Western Australian Planning Commission has prepared the Lower Great Southern Strategy (LGSS) to guide land use planning decisions within the region. The scheme amendment is consistent with the actions identified in the LGSS, as detailed below:

“Appropriate location of rural residential land and rural smallholdings

Rural residential development should be consolidated in local planning strategies and located close to existing settlements rather than being randomly dispersed throughout rural areas.”

25. The subject lot is located within an area shown for rural residential uses within the draft ALPS, as adopted by Council.
26. Furthermore, the proposal is in accordance with the strategic direction of the City as documented in the ALPS, which promotes the densification and infill of developed areas, as detailed below:

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

“ALPS recommends not supporting further subdivision of “greenfield” (undeveloped) rural land for rural residential development and that any subdivision of that type should be restricted to existing rural residential areas (infill development) and around townsites with suitable services.”

“8.3.5 Rural Living

The ALPS supports the infill development and subdivision of existing zoning and Council-initiated rezoning of Special Residential and Special Rural land in the City’s current Town Planning Schemes.”

POLICY IMPLICATIONS

27. Council is required to have regard to any Western Australian Planning Commission (WAPC) Statements of Planning Policy (SPPs) that apply to the scheme amendment. Any amendment to the planning scheme will be assessed by the WAPC to ensure consistency with the following State and regional policies.

28. SPP 2 – Environment and Natural Resources Policy

SPP2 refines the principles of the State Planning Strategy and incorporates the recommendations of the Western Australian State Sustainability Strategy (2002) to ensure that planning decisions meet the needs of current and future generations through simultaneous environmental, social and economic improvements through the integration of land use planning and natural resource management.

The objectives of SPP2 are:

- To integrate environment and natural resource management within broader land use planning and decision-making;
- To protect, conserve and enhance the natural environment; and
- To promote and assist in the wise and sustainable use and management of natural resources.

The proposal includes a draft subdivision guide plan which identifies environmental constraints, inclusive of low lying areas, areas of remnant vegetation to be protected, and enhancement of foreshore areas. It therefore complies with the objectives of SPP2.

29. SPP 2.9 – Water Resources

SPP 2.9 advises that our water resources which include wetlands, waterways, floodplains, estuaries, groundwater aquifers and the marine environments are subject to impacts and demands that affect both quality and quantity. The policy highlights the fundamental need to protect these resources due to their social, environmental and economic importance to the community.

This Scheme Amendment proposal was referred to the Department of Water (DoW) as the King River and Willyung creek are considered important waterways. Issues such as foreshore reserve widths, public access, protection of natural drainage lines, stormwater and nutrient management and development setbacks were addressed in the Amending documents. However, further comment and recommendations have been provided by DoW.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

30. SPP 3 – Urban Growth and Settlement – Draft
SPP 3 sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.
31. The key policy measure in SPP 3 that is applicable to the proposal states that rural residential growth should be managed in such a way:
 - That it is located and designed in a sustainable manner, integrates with the overall pattern of settlement and reduces any potential negative impacts, such as conflict with traditional rural uses, ensures services can be provided economically and does not occupy areas suitable for urban developments.
32. The amendment proposal is consistent with this policy measure. The subject area is located within an area shown for Rural Residential purposes within the draft ALPS, as adopted by Council, therefore the proposal is considered to be consistent with the objectives of SPP3.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

33. Council has the following options in relation to this item, which are:
 - To seek final approval to the scheme amendment without modification;
 - To seek final approval to the scheme amendment with modifications; or
 - To not seek final approval to the scheme amendment.
34. Council's decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

SUMMARY CONCLUSION

35. Staff recommend that the proposed Scheme Amendment be adopted for final approval by Council, on the basis that the rezoning will round off the existing 'Special Residential' Zone in the area and is consistent with the actions and objectives associated with the draft ALPS and the LGSS.
36. As per the attached schedule of submissions one minor modification is suggested to the amendment document to provide nominated building envelopes to proposed Lots 3, 4, 5, 6 and 7.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

7:56:13 PM

ITEM NUMBER: 13.2.2 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR PRICE

SECONDED: CR WALKER

THAT Council in pursuance of Section 75 of the *Planning and Development Act 2005* and Regulation 25(i)(c) of the *Town Planning Regulations 1967* resolves to ADOPT WITH MODIFICATIONS Amendment No. 288 to Town Planning Scheme No. 3 for the purpose of:-

- i) Rezoning Lot 9002 Pony Club Road, Willyung from the ‘Special Use’ Zone to the ‘Special Residential’ Zone;**
- ii) Deleting Code No. 12 relating to former Portion Plantagenet Location 892 from Schedule III - Special Use Zones;**
- iii) Inserting Lot 9002 Pony Club Road into ‘Schedule IV - Special Residential Zone– Provisions relating To Specified Areas’, of area SRes 11;**
- iv) Rationalising the Parks and Recreation reservation to accord with the established Foreshore reserve boundaries; and**
- v) Amending the Scheme Map accordingly.**

AND

THAT Council RECEIVE the Schedule of Submissions and ADOPTS the officer’s recommendation to dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.

MOTION CARRIED 8-1

Record of Vote:

For the Motion: Mayor Evans, Cr’s Dufty, Kidman, Price, Stanton, Torr, Walker and Wolfe.

Against the Motion: Cr Bostock

DEVELOPMENT SERVICES REPORTS

13.3 HEALTH, BUILDING & RANGERS

Nil

13.4 EMERGENCY MANAGEMENT

Nil

DEVELOPMENT SERVICES REPORTS

13.5 DEVELOPMENT SERVICES COMMITTEE

ITEM NUMBER: 13.5.1
ITEM TITLE: PLANNING AND ENVIRONMENT STRATEGY AND POLICY COMMITTEE MEETING MINUTES – 20 AUGUST 2009

File Number or Name of Ward : MAN 235 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Director Development Services (R Fenn)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Minutes from Planning and Environment Strategy and Policy Committee – 20th August 2009.
Councillors Lounge : Nil.

7:57:14 PM

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 13.5.1 – COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR WOLFE
SECONDED: CR DUFTY

Item 6.0 CONFIRMATION OF MINUTES

THAT the UNCONFIRMED minutes of the Planning and Environment Strategy and Policy Committee Meeting held on 20th October 2009, be RECEIVED.

MOTION CARRIED 9-0

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 13.5.1 – COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

Item 7.1 TRADING IN PUBLIC PLACES POLICY

THAT Council ADOPTS the Trading in Public Places Policy.

ALTERNATE MOTION BY COUNCILLOR WOLFE

THAT Council:

i) amend the Trading in Public Places Policy by changing the license period in the fixed location Street Traders section (page five of the policy) to read

“As from 2015, expressions of interest in obtaining a street trading license for all approved food and non food locations will be called every five years and all applicants will be assessed using some or all of the following weighted criteria.”; and

ii) adopts the ‘Trading in Public Places’ Policy.

DEVELOPMENT SERVICES REPORTS

Item 13.5.1 continued.

Councillor's Reason:

I believe that by issuing a longer license period will encourage a better quality of trader to apply for these street trading licenses. Some of the vans and vehicles that they use to trade from, they spend close to \$100,000 and to go and spend that sort of money for a 2 year period would not be very economical and I don't believe anybody would, they would go and try and find the cheapest equivalent they could for the 2 years and then get out. By extending it to 5 years, it will give them the opportunity to at least get some return on their investment, and I think it will give us a better quality of street traders in the city to serve our tourists and our regulars."

**ITEM 13.5.1 – COMMITTEE RECOMMENDATION 2 - ALTERNATE MOTION BY CR WOLFE
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED CR WOLFE
SECONDED CR WALKER**

THAT Council:

- i) **amend the Trading in Public Places Policy by changing the license period in the fixed location Street Traders section (page five of the policy) to read**

***“As from 2015, expressions of interest in obtaining a street trading license for all approved food and non food locations will be called every five years and all applicants will be assessed using some or all of the following weighted criteria.”;
and***

- ii) **adopts the ‘Trading in Public Places’ Policy.**

MOTION CARRIED 9-0

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 13.5.1 – COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: ABSOLUTE MAJORITY

Item 7.2 DRAFT FENCING LOCAL LAW 2009

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 (as amended) agrees to MAKE the City of Albany Fencing Local Law 2009.

The Mayor read the purpose & effect of the local law (Draft Fencing Local Law 2009):

Purpose. The purpose of these local laws is to provide a sufficient fence for purposes of the Dividing Fences Act 1961 and to state the materials to be used and safety measures to be taken for some types of fencing.

Effect. These local laws enlarge the compliance requirements of the Local Government (Miscellaneous Provisions) Act 1960 in the erection and maintenance of fencing.

DEVELOPMENT SERVICES REPORTS

Item 13.5.1 continued.

**ITEM 13.5.1 – AMENDED COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: CR DUFTY
SECONDED: CR STANTON**

Item 7.2 DRAFT FENCING LOCAL LAW 2009

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 (as amended) agrees to MAKE the proposed City of Albany Fencing Local Law 2009 and advertise the proposed local law for public comment.

**MOTION CARRIED 9-0
ABSOLUTE MAJORITY**

Officer Reason:

To ensure the correct terminology is used to action the making of the local law.

The Mayor read the purpose & effect of the local law (Draft Extractive Industries Local Law 2009)

Purpose. The purpose of this Local Law is to establish the requirements and conditions with which extractive industry proposals within the district comply.

Effect. The effect of this Local Law is to provide for the regulation, control and management of extractive industry proposals.

**ITEM 13.5.1 – COMMITTEE RECOMMENDATION 4
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: CR WOLFE
SECONDED: CR DUFTY**

Item 7.3 DRAFT EXTRACTIVE INDUSTRIES LOCAL LAW 2009

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 (as amended) resolves to MAKE the City of Albany Extractive Industries Local Law 2009.

**MOTION CARRIED 9-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

Item 13.5.1 continued.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 13.5.1 – COMMITTEE RECOMMENDATION 5
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: CR PRICE
SECONDED: CR DUFTY**

Item 7.4 PROPOSED TOWN PLANNING SCHEME POLICY – MODIFIED SUBDIVISION GUIDE PLAN – SPECIAL RESIDENTIAL AREA NO. 8 – RIVERVALE CHASE (NORWOOD ROAD) LOWER KING

THAT Council resolve to **FINALLY ADOPT** the Town Planning Scheme Policy titled '*Amended Subdivision Guide Plan Lots 87 and 520 Norwood Road, Lower King*' in accordance with Clause 6.9 of Town Planning Scheme No. 3, subject to the following modification to the policy text and a notification on the Subdivision Guide Plan:

“At the time of subdivision the City of Albany will require a notification on the titles of Lots 46-56 requiring the use of Alternative Treatment Units (ATU's) for effluent disposal”.

MOTION CARRIED 9-0

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 13.5.1 – COMMITTEE RECOMMENDATION 6
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: CR STANTON
SECONDED: CR DUFTY**

Item 7.5 SCHEME AMENDMENT REQUEST – LOTS 36-38, 41-45 AND 47-52 FEDERAL STREET AND LOTS 39, 40 AND 46 GLADVILLE ROAD, MCKAIL

THAT Council **ADVISE** the proponent that it is prepared to entertain the submission of a formal scheme amendment to rezone Lots 36-38, 41-45 and 47-52 Federal Street and Lots 39, 40 and 46 Gladville Road, McKail from the 'Rural' Zone to the '**Special Residential**' zone subject to the following matters being addressed:

- a) A detailed land capability report being prepared;
- b) The capacity of the land to be connected to reticulated sewer to be resolved;
- c) The preparation of a Local Water Management Strategy in accordance with “Better Urban Water Management” guidelines;
- d) A traffic management assessment being prepared; and
- e) A comprehensive opportunities and constraints map being incorporated.

MOTION CARRIED 8-1

DEVELOPMENT SERVICES REPORTS

Item 13.5.1 continued.

Record of Vote:

For the Motion: Mayor Evans, Cr's Dufty, Kidman, Price, Stanton, Torr, Walker and Wolfe.

Against the Motion: Cr Bostock

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 13.5.1 – COMMITTEE RECOMMENDATION 7

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR WOLFE

SECONDED: CR PRICE

Item 7.6 CITY OF ALBANY RETAIL STRATEGY

THAT Council RECEIVE the final draft of the City of Albany Activities Centre Planning Strategy.

MOTION CARRIED 9-0

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 13.5.2
ITEM TITLE: FUTURE URBAN GROWTH - KALGAN

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Legislative Function: Council making and reviewing the legislation it requires to perform its function as Local Government.

- File Number or Name of Ward** : MAN235 (Kalgan Ward)
- Summary of Key Points** : Reconsider committee recommendation laid on the table at the 18 Aug 09 OCM, being:
 Committee Recommendation 10, Planning & Environment Strategy and Policy Committee Meeting held on 23rd July 2009.
- Land Description** : Lot 422 Affleck Road, Kalgan (Lot 422 Swan Point Road, Kalgan)
- Proponent** : Dykstra Planning
- Owner** : Golden Eight (WA) Pty Ltd
- Reporting Officer(s)** : Executive Manager Business Governance (S Jamieson)
 Executive Director Development Services (R Fenn)
 Planning Officer (C McMurtrie)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 18 Aug 09 - Item 13.5.1
 OCM 16 Jun 09 – Item 11.2.1
 OCM 19 Jun 07 – Item 11.3.7
- Bulletin Attachment(s)** : Nil
- Consulted References** : Albany Local Planning Strategy
- Maps and Diagrams** : Nil

BACKGROUND

1. At the Ordinary Council Meeting 18 Aug 09 Council resolved to LAY this item on the table for one (1) calendar month. Reason: To ensure Councillors have an adequate understanding prior to making a decision, the Executive Manger Business Governance has reconfigured the content and recommendations of previous reports to Council and committee into the following report.

DISCUSSION

2. The draft ALPS that was adopted by Council in December 2005, and advertised September 2006, illustrated the land north and south of Nanarup Road as ‘Rural Residential’.
3. When the draft ALPS was advertised, Ayton Taylor Burrell, consultants in Urban and Regional Planning, lodged a submission requesting that the designation of land owned by Erujin Pty Ltd on the north and south side of Nanarup Road be changed from ‘Rural Residential’ to ‘Future Residential Development’ in the ALPS.

DEVELOPMENT SERVICES REPORTS

Item 13.5.2 continued.

4. The following reasons were given by the consultant for that change:
 - a. The current designation for low density rural living will lead to several hundred lots being developed without a full range of urban services being provided.
 - b. It is evident that there is already pressure to increase the level of servicing to the area and the development of a self contained urban cell in the locality will help to provide a solution to this problem.
 - c. A fully serviced urban cell will provide;
 - i. Improved environmental management in relation to effluent disposal;
 - ii. The development of Albany's tourism product;
 - iii. Consolidation of Albany's unique lifestyle opportunities;
 - iv. Extension of the sewer to the Grammar School and Kalgan Chalets and Caravan Park;
 - v. Upgrading of essential infrastructure to the area.
5. In July 2007, Ayton Taylor Burrell, consultants in Urban and Regional Planning lodged an additional report titled 'Candyup Town site'. This report was written to provide pre-requisite information in relation to the capacity to service the locality. That report included plans for land use, sewerage catchments, drainage layout and water supply headwork's. The report argued that; "given the costs of providing comprehensive infrastructure, development is only likely to occur where there is a large landholding(s) and a developer with the capacity to fund the works".
6. In response to concerns over the strategic direction of the City and of land supply problems, a Peer Review of the draft ALPS was also undertaken. In July 2007, an 'Outcomes Report' was submitted detailing findings of that peer review; the report made the following points in relation to the current and planned settlement patterns in Albany:
 - a. Costs of the provision of services (rubbish collection, roads, drainage) to rural residential are effectively being cross-subsidized by urban ratepayers;
 - b. There are indications that the city already has a substantial stock of undeveloped rural living lots, which in turn constrain suburban development;
 - c. New suburbs should be developed closer to the city centre;
 - d. Development of further rural residential should only be considered at existing settlements such as Upper Kalgan, Redmond, Manypeaks, Elleker, etc.
7. To ensure the City had a suitable settlement strategy in the ALPS, Councillors were briefed in August 2007 on the consultation process and the proposal to change the designation of land to the north and south of Nanarup Road from 'Rural Residential' to 'Future Urban'. In the briefing notes provided to Councillors at the time, following information was given for the change proposed; "ALPS considers this area as a long term urban development corridor and therefore should be protected from further fragmentation at this time". As a means to encourage incremental development, a 'Priority Development' classification of 5 was also provided for this area (1 being first priority and 5 being lowest priority). ALPS also stated that "this does not preclude Council/WAPC considering developer funded comprehensively planned and fully serviced urban nodes within defined future urban areas that are not consistent with their current priority classification"
8. Land to South of Nanarup Road. Nanarup Road, Kalgan (as illustrated in Map 9b of the ALPS) from 'Future Urban' back to 'Rural Residential' (to reflect the designation in the advertised version of the ALPS, September 2006).

DEVELOPMENT SERVICES REPORTS

Item 13.5.2 continued.

9. The following summarises the reasons submitted by the proponent why a change to the designation of land (map 9b) south of Nanarup Road should be supported:
 - a. The identification of future urban, 15km from the urban centre is beyond the timeframe (20-30years) of any Local Planning Strategy;
 - b. Given that the land was not identified within the initial ALPS document as potential long term urban, but was only identified following a relatively brief peer review of the document following public advertising, it is quite evident that the urban prospects of this land have not been subject to thorough and careful planning research and assessment;
 - c. From the responses of DPI, DEC and DOW, physical features of the area, in particular Lot 422 are not suitable for urban development;
 - d. The physical unsuitability of that land to the south of Nanarup Road for urbanisation should not change as a result of a demand to achieve economies of scale for nearby urbanisation; and
 - e. The prospect of urbanising the land on the south side of Nanarup road is made more difficult given the area is predominantly developed and utilised for special rural purposes.

10. **Characteristics (Kalgan)**
 - a. **A - Land Area.** The total area identified in the ALPS in Kalgan for future urban development equates to 482ha. The area south of Nanarup Road equates to 176ha The land is held in a relatively small number of holdings and each holding is large enough to attract a future developer to undertake the land conversion. Fragmentation of lots would undermine that opportunity.
 - b. **B - Topography/Wetlands/Soil.** The land is principally used for animal grazing and large areas of the lots have been cleared to accommodate that land use. Sections of the area near Nanarup Road are relatively flat, with land to the south sloping gently to the north (creek running parallel to Nanarup Road) and west (Oyster Harbour). Land to the north of Nanarup Road rises rapidly beyond the aforementioned creek and some sections of the land exceed grades in excess of 10% (recognised maximum gradient to build a road).
 - c. Within the area are a number of small wetlands and creek systems. Land adjacent to the creek has soils which are waterlogged during winter and provide poor foundation conditions for houses and no absorption capacity for on-site effluent disposal. A previous attempt to rezone the land to the north for Special Residential purposes (2,000 m² to 1.0ha lots) was rejected following a decision of the Environmental Protection Agency that the land could not be made environmentally acceptable.
 - d. **C - Lot Sizes.** The lot sizes within the area defined in the ALPS and south of Nanarup Rd range from 4ha – 73ha. The majority of the lots south of the area proposed for future urban purposes are 2ha in size and ALPS does not propose to change that position. This area is extensively zoned for 'Special Rural' development and apart from the area in the immediate vicinity of Nanarup Road.

DEVELOPMENT SERVICES REPORTS

Item 13.5.2 continued.

- e. **Case Against Rural Living Development.** In dot point, the case against allowing the area south of Nanarup Road from being redefined as a Rural Living area is:
- i. There are a limited number of options for the long term development of urban areas in Albany and this area is within the last remaining growth corridor. To allow it to be subdivided for rural living lots would create a situation similar to the Milpara area where the land cannot be adequately serviced or converted for the required urban front;
 - ii. The proponent purchased the land on the basis that it was zoned “rural” and there was a draft designation of a future use within the ALPS. He speculated on the land’s value for that draft use. Furthermore, it is reasonable for Council to modify a draft document to reflect additional information received during a consultation process;
 - iii. The subdivision design submitted by the proponent for the land south of Nanarup Road provided an unrealistic perspective of the manner in which this land could and should have been developed for urban purposes;
 - iv. Retaining low density development will limit the capacity of Council to address off-site impacts from the development of this locality (provision of community infrastructure, local employment opportunities, provision of pedestrian access across the Kalgan river, upgrading of Nanarup Road, etc);
 - v. The EPA found that land to the north of Nanarup Road could not be made environmentally acceptable whilst on-site effluent disposal was proposed. This land will also rely upon on-site effluent disposal;
 - vi. Adding a large number of rural living sized lots to the south of Nanarup Road will be a major impediment to the long term viability of extending reticulated water and sewer mains into the locality;
 - vii. The capacity to retain existing vegetation on existing lots in public ownership is unlikely if rural living lots are produced;
 - viii. The recommendation of the DPI on this area is inconsistent with advise given on a similar area to the south of the CBD (Big Grove);
 - ix. The ALPS has clearly identified this area as being required for longer term development and it is an expectation of the strategy that the planning and conversion of the land is not required within the life of the current strategy;
 - x. The capacity of Council to adequately plan for the longer term needs of the City, and for the needs of current and future generations, will be seriously undermined if each land parcel is to be valued in terms of its short term development potential; and
 - xi. There is adequate areas already identified for rural living development and the urban footprint is being constantly expanded to provide for development that cannot be justified on current supply and demand information.
 - xii. Case for Rural Living Development.
 - xiii. The identification of future urban, 15km from the urban centre will result in the land being held for several decades before demand will warrant its subdivision;

DEVELOPMENT SERVICES REPORTS

Item 13.5.2 continued.

- xiv. The urban prospects of this area have not been subject to thorough and careful planning research and assessment;
- xv. From the responses of DPI, DEC and DOW, physical features of the area, in particular Lot 422, indicate the area is not suitable for urban development;
- xvi. The physical unsuitability of the land to the south of Nanarup Road for urbanisation should not change as a result of a demand to achieve economies of scale for nearby urbanisation;
- xvii. The prospect of urbanising the land on the south side of Nanarup road is made more difficult given the area is predominantly developed and utilised for special rural purposes;
- xviii. There is a greater potential that the area will have increased tree cover following subdivision and development that currently exists on the land.
- xix. Land to the south of Nanarup Road has been zoned Special Rural and it is unfair that the remaining lots cannot also be developed for that purpose;
- xx. The major land holding on the north side of Nanarup Road (Candyup) has been allowed by the SAT to be subdivided into three (3) titles following a review of a decision by the WAPC to refuse the application; and
- xxi. The development of the land with full urban lots will increase development density with a corresponding impact on the visual amenity of the locality as seen from elsewhere in the City.
- xxii. The areas north and south of Nanarup Road slope towards Nanarup Road. The area to the north has scenic views to the Kalgan River, Oyster Harbour and King George Sound.

PUBLIC CONSULTATION / ENGAGEMENT

- 11. Changes have been made to the ALPS document between the public comment period and the document provided to Councillors as the final draft as previously presented to Council.

GOVERNMENT CONSULTATION

- 12. Refer to OCM 16/06/09 Item 11.2.1.

Department for Planning and Infrastructure:

DPI supports the rezoning of the land to Special Rural. However they have advised that the proposed Subdivision Guide Plan submitted with the SAR is not supported, as it does not respond to the preservation of the environmental or amenity values afforded by the existing vegetation on site. DPI submitted a hand drawn Subdivision Guide Plan and have advised that a plan similar to this would be supported, as it demonstrates development of the site in accordance with these parameters.

DEVELOPMENT SERVICES REPORTS

Item 13.5.2 continued.

DPI advises that in relation to the future redevelopment of the land to a fully serviced urban residential standard, it is considered that all the land in the locality to the south of Nanarup Road should be identified as Special Rural, with future urban residential development being confined to the locality to the north of Nanarup Road in recognition of the existing land uses, lot pattern, and Special Rural approvals to the south of Nanarup Road.

Department of Water (DOW):

The DOW advises the following:

Foreshore Reserve – A suitable foreshore reserve and development setback would have to be established from the adjacent waterway (Oyster Harbour and the Kalgan River mouth). Section 4.1 of the proposal acknowledges that a suitable width for the proposed foreshore reserve needs to be determined based on a Land Capability Assessment (LCA). While this is supported, additional factors such as the extent of flood prone land and fringing vegetation will need to be considered in addition to the LCA in determining the extent of the foreshore reserve.

Foreshore Management – Once the extent of the foreshore reserve has been determined, the preparation of a Foreshore Management Plan is recommended. This should detail issues such as access, revegetation and weed management, fire management and removal of material including old fence lines.

Stormwater Management – The undertaking of a detailed drainage design at the time of subdivision, in accordance with water sensitive design principles, is confirmed in Section 5.3 of the proposal and is supported. However, a Local Water Management Strategy (LWMS) will be required in order to guide the Urban Water Management Plan required at subdivision. The preliminary subdivision sketch indicates that the north-eastern and south-western drainage detention basins may be located in wetland areas. The LWMS therefore needs to consider the location of these away from any wetland vegetation or areas of shallow groundwater, as determined by the LCA.

Land Capability – Section 4.1 of the proposal commits to undertaking a detailed LCA as part of a formal Scheme Amendment. This should demonstrate the land's capability and suitability for the development, including the appropriate lot sizes that the land can support. This study should also address potential flooding, nutrient retention, distance to groundwater and the suitability for effluent disposal.

Remnant Wetland Vegetation – Part of Lot 422 appears to contain wetland vegetation that occurs as a response to a perched or shallow groundwater table. It is recommended that minimal disturbance is made to these areas. Furthermore, DoW objects to the principle of creating lots entirely within areas of remnant vegetation, given the potential to impact on the hydrology of adjoining wetland and foreshore areas that result from clearing of vegetation for fence lines and building envelopes.

DEVELOPMENT SERVICES REPORTS

Item 13.5.2 continued.

Department of Environment and Conservation (DEC):

Based on a review of the documents provided and an inspection of the site, the DEC advises the following issues should be addressed in any future scheme amendment proposal:

- *Oyster Harbour is a nationally listed wetland and is regionally significant.*
- *The cadastral boundary between Lot 422 and the UCL/foreshore reserve along the Kalgan River/Oyster Harbour is not clearly defined and there are discrepancies between the document figures themselves as well as the field situation.*
- *Whilst there appears to be a reasonable corridor of fringing native vegetation abutting the lower Kalgan River, the foreshore adjoining Oyster Harbour appears to be extremely narrow and virtually non-existent in parts, especially in the vicinity of the existing house site. The western boundaries of Lot 422 therefore need to be accurately delineated in revised proposals, if necessary using enlargements for clarity. There also needs to be a clear indication of the location and condition of any fencing along this boundary. Steps may well need to be taken to enhance and protect the foreshore, preferably through reserve status rather than as Unallocated Crown Land. Some re-establishment of native vegetation is highly desirable, possibly in the public land and in the western fringes of the property.*
- *There appears to be a mixture of good quality remnant vegetation and more open parkland cleared vegetation within the property. The former appears to be largely located along the central section adjacent to the northern boundary as well as in a roughly 'boot-shaped' area adjacent to the southern boundary. The more open vegetation tends to run in a north-north-westerly direction from the 'boot-shaped' area of vegetation. Although there is some woody weed encroachment, it appears likely that all of these areas will have reasonable value for nature conservation and biodiversity. Parts of the vegetation blocks may well prove to be of 'Excellent' condition upon closer examination. It is a major concern that the present grid-style subdivision proposal pays no attention whatsoever to the native vegetation occurrence.*
- *The Environmental Protection Authority (EPA) has clearly expressed a view that new land use proposals in the City of Albany should be pursued in cleared areas that are not subject to environmental constraints, particularly intact remnant vegetation.*
- *It is of further concern that the proposed initial re-zoning to 'Special Rural' is described as a stepping stone to a large number of even smaller urban style lots. Such future subdivision would almost totally remove the native vegetation.*
- *A number of threatened fauna species are known to occur within the general vicinity including the Western Ringtail Possum, Forest Red-tailed Black Cockatoo, Baudin's Black Cockatoo and Carnaby's Black Cockatoo.*
- *An on-ground survey by a qualified botanist is required in order to clarify if any threatened flora or special habitats occur on the property as well as to accurately map the native vegetation condition across the property. No botanical advice is currently included in the proposal.*
- *The indicative drainage detention site in the south-west corner of the property is shown superimposed over a small paper-bark swamp containing mature trees and should be relocated.*
- *There will need to be consideration of the likely presence of acid sulphate soils in the western third of the property for which an indicative management plan will need to be prepared for consideration by DEC Contaminated Sites Branch.*

DEVELOPMENT SERVICES REPORTS

Item 13.5.2 continued.

- *Presently the scheme amendment request falls seriously short in recognizing the attention required towards native vegetation. The whole philosophy of the re-zoning proposal and its indicative design needs to be reconsidered in a manner that properly recognises the environmental setting of the subject land and which seeks to minimise impacts upon nature conservation and biodiversity values.*

STATUTORY IMPLICATIONS

13. A 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.
14. If an applicant decides to pursue a Scheme Amendment, Council will be required to formally consider that request.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

16. The City's decision on the SAR proposal should be consistent with the outcomes of the draft ALPS as the principal land use planning strategy for the City.
17. ALPS section 8.3.4 – Protection of Future Urban Land contains the following strategic objective:

“Protect future fully serviced urban areas from inappropriate land uses, subdivision and development”.
18. The ALPS outlines the importance of protecting and planning the future fully serviced urban areas of Albany in order to accommodate urban growth within and beyond its own time frame, or to facilitate urban growth above current estimates. These areas have therefore been identified as ‘Future Residential – Urban’ Priority Development Areas.
19. The ALPS currently identifies the subject land as part of a Priority Development 5 Area, which indicates that it is of longer-term strategic importance.
20. ALPS Section 8.3.5 – Rural Living contains the following two strategic objectives:

“Encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential”; and

“Ensure that future rural living areas are planned and developed in an efficient and co-ordinated manner as logical extensions of existing rural townsites along with adequate services and community infrastructure”.

DEVELOPMENT SERVICES REPORTS

Item 13.5.2 continued.

21. The ALPS objectives for Rural Living Areas are to:
- Avoid the development of productive agricultural land, other important natural resource areas, areas of high bushfire risk, flooding and environmental sensitivity;
 - Avoid future and potential long-term urban areas;
 - Provide compact extensions of existing rural townsites, based on land capability and available services and facilities; and
 - Minimise potential for generating land use conflicts.
22. The proposal is judged to be contrary to the objectives of the ALPS outlined above, as a re-zoning to 'Special Rural' would prejudice the potential for the subject land to be developed to a full urban residential standard at a future date. However, the government consultation process has highlighted a number of environmental issues that may prove an impediment to any proposal to develop the site to such an extent.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

24. In committee discussion it was noted: There may be benefit in delaying consideration of this proposal until the ALPS has been advertised and public comment is provided on using the locality for future urban purposes.
25. An alternate motion was moved by Councillor Torr at the August 09 meeting:

ITEM NUMBER 13.5.1 – ALTERNATE MOTION BY COUNCILLOR TORR – COMMITTEE

THAT Council resolves to DEFER it's review of the 'Future Urban' designation for the land south of Nanarup Road, Kalgan as designated on Map 9B of the amended draft Albany Local Planning Strategy (ALPS) until such time as the final draft of the ALPS is re-advertised and submissions and public comment received.

THAT Council ADVISE the proponent that consideration of the Scheme Amendment Request to allow Lot 422 Affleck Road, Kalgan to be rezoned from "Rural" to "Special Rural" cannot be assessed until this review is completed.

Councillors Reason:

The Western Australian Planning Commission has previously advised Council in their letter dated 30 April 2008 that Council's resolution to change the advertised version of the ALPS to designate this area 'Future Urban' rather than 'Special Rural' is a substantial amendment that would require re-advertising.

DEVELOPMENT SERVICES REPORTS

Item 13.5.2 continued.

Rather than making a decision now it is important to get the views of those landowners affected who may still be under the impression that their land is designated Special Rural within the ALPS. After the advertising period has been conducted and all submissions have been received Council will be in a better position to decide whether it wishes to retain the Future Urban designation or propose a Special Rural designation.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

The Future Urban designation within the final draft of the ALPS in this locality has previously been supported by Council, and the planning merits of retaining this designation have been examined in the officer's report through the Planning and Environment Strategy and Policy (PESP) Committee (refer PESP minutes within Bulletin).

The Western Australian Planning Commission has previously advised that this modification needs to be re-advertised and those landowners affected by the modified Future Urban designation will have an opportunity to specifically comment on this issue.

COMMENT:

COMMITTEE DISCUSSION

26. The following details the comments made at the PESP committee:
- a. Council needs to consider this proposal as a 50 year plan and the ALPS recommends that land required for longer term planning not be fragmented.
 - b. This land was originally purchased as a "Rural" zoned land parcel and, -any action to allow it to be subdivided for a lower density will deny future generations access to this growth corridor.
 - c. This land will be required to fund sewer and reticulated water expansion and the upgrading of key infrastructure into the area.
 - d. The urban development plan produced by the consultant provided a negative response from government agencies and that plan would not have been recommended for approval by City staff
 - e. Previous experience has demonstrated that environmental issues are likely to be made worse, not better, if lower density development is permitted in the locality and on-site water management is applied.
 - f. The locality is identified as long term urban and detailed investigations on service provision, development opportunities and cost sharing are expected to be undertaken in the future.
 - g. It is reasonable for ALPS to identify and protect longer term development areas, in a similar manner to the way the Perth Metropolitan Plan identified current growth areas in the 1950s.

DEVELOPMENT SERVICES REPORTS

Item 13.5.2 continued.

27. The following details the Officers response to Councillor Torr's Alternate Motion:
- a. The PESP recommendation as promoted by staff will send a clear message to the proponent that the proposed Scheme Amendment Request (SAR) for Lot 422 Affleck Road is not supported under Council's current strategic planning framework. Should that framework change for any reason in the future then naturally the proponent could lodge a new SAR. The proponent is seeking Council's position on their proposal, whereas the proposed motion seeks to defer such consideration.
 - b. The alternate motion does not materially change the PESP recommendation, as the designation in the ALPS will continue to remain Future Urban, and as per the direction from the WAPC, certain components of the ALPS, such as the Future Urban designation in this locality, will need to be re-advertised allowing those landowners affected to provide additional input.

SUMMARY CONCLUSION

28. The ALPS identifies the land as long term residential, and although government agency responses have identified environmental constraints relating to the site, a more sympathetic overlay plan (including the retention of remnant vegetation within public open space) could overcome many of these concerns.
29. The subject land is one of several lots that are designated as "long term" residential on the southern side of Nanarup Road, and it is logical that a decision on this proposal should be made after a review of this component of the ALPS is undertaken. The DPI's advice that all land south of Nanarup Road should be designated as Special Rural in the ALPS gives further weight to the need to analyse and seek agreement on the preferred long term use of this land.
30. In conclusion it is recommended that the SAR not be supported until such time as Council has reviewed its position as to the merits of retaining or removing the long term residential area to the south of Nanarup Road as designated within the ALPS.

ITEM NUMBER 13.5.2 – COMMITTEE RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- i) resolves to keep the designation for the land south and north of Nanarup Road, Kalgan on Map9B of the Albany Local Planning Strategy as 'Future Urban'; and
- ii) advise the applicant that it is not prepared to support a Scheme Amendment Request to allow Lot 422 Affleck Road, Kalgan to be progressed to change the zoning of the land from "Rural" to "Special Rural" within City of Albany Town Planning Scheme 3.

DEVELOPMENT SERVICES REPORTS

Item 13.5.2 continued.

**ITEM NUMBER 13.5.2 – ALTERNATE MOTION BY COUNCILLOR TORR
VOTING REQUIREMENT: SIMPLE MAJORITY**

MOVED: CR TORR

SECONDED: CR BOSTOCK

- i) **THAT Council resolves to DEFER it's review of the 'Future Urban' designation for the land south of Nanarup Road, Kalgan as designated on Map 9B of the amended draft Albany Local Planning Strategy (ALPS) until such time as the final draft of the ALPS is re-advertised and submissions and public comment received.**
- ii) **THAT Council ADVISE the proponent that is not prepared to support a Scheme Amendment Request to allow Lot 422 Affleck Road, Kalgan to be rezoned from "Rural" to "Special Rural" at this stage.**

MOTION LOST 2-7

Record of Vote:

For the Motion: Cr's Torr and Bostock

Against the Motion: Mayor Evans, Cr's Dufty, Kidman, Price, Stanton, Walker and Wolfe.

Councillors Reason:

The Western Australian Planning Commission has previously advised Council in their letter dated 30 April 2008 that Council's resolution to change the advertised version of the ALPS to designate this area 'Future Urban' rather than 'Special Rural' is a substantial amendment that would require re-advertising.

OFFICERS REPORT: Author: Executive Services Manager Planning (G Bride)

STATUTORY IMPLICATIONS:

1. There are no additional statutory implications as a result of the alternative motion.

POLICY IMPLICATIONS:

2. There are no additional policy implications as a result of the alternative motion.

FINANCIAL IMPLICATIONS:

3. There are no additional financial implications as a result of the alternative motion.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

4. The Future Urban designation within the final draft of the ALPS in this locality has previously been supported by Council, and the planning merits of retaining this designation have been examined in the agenda item.
5. The Western Australian Planning Commission has previously advised that this modification needs to be re-advertised and those landowners affected by the modified Future Urban designation will have an opportunity to specifically comment on this issue.

DEVELOPMENT SERVICES REPORTS

Item 13.5.2 continued

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

6. As per the officers recommendation.

COMMENT

7. Staff believe there is merit in retaining the future urban designation within ALPS at this time given the reasons outlined in the officers report. The proposed alternate motion will effectively mean the future urban designation will be retained, consistent with Council's previous motion (in August 2007), until this issue has been considered by the community through readvertising. The WAPC have requested that that this modification is to be readvertised so this will happen as a matter of course.

8. Staff therefore have no fundamental objection to this motion.

ITEM NUMBER 13.5.2 – COMMITTEE RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR PRICE

SECONDED: CR WALKER

THAT Council:

- i) resolves to keep the designation for the land south and north of Nanarup Road, Kalgan on Map9B of the Albany Local Planning Strategy as 'Future Urban'; and**
- ii) advise the applicant that it is not prepared to support a Scheme Amendment Request to allow Lot 422 Affleck Road, Kalgan to be progressed to change the zoning of the land from "Rural" to "Special Rural" within City of Albany Town Planning Scheme 3.**

MOTION CARRIED 7-2

Record of Vote:

For the Motion: Mayor Evans, Cr's Dufty, Kidman, Price, Stanton, Walker and Wolfe.

Against the Motion: Cr's Torr and Bostock

CORPORATE & COMMUNITY SERVICES Reports

CORPORATE & COMMUNITY SERVICES REPORTS**14.1 FINANCE – CORPORATE & COMMUNITY SERVICES**

ITEM NUMBER: 14.1.1

ITEM TITLE: LIST OF ACCOUNTS FOR PAYMENT

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward : FIN 040 (All Wards)
Reporting Officer(s) : Finance Manager (P Wignall)
Disclosure of Interest : Nil
Previous Reference : N/A
Bulletin Attachment(s) : List of Accounts for Payment

BACKGROUND

1. The List of Accounts for Payment is a list of the accounts which have been paid since the last report.

DISCUSSION

2. The Chief Executive Officer has delegated authority to pay accounts on behalf of Council, and a list of these accounts is to be presented to Council meetings and recorded in the minutes.
3. A summary of payments is as follows:

Municipal Fund			
Trust	Totalling		\$244,315.67
Cheques	Totalling		\$58,368.41
Electronic Fund transfer	Totalling		\$2,159,216.88
Credit Cards	Totalling		\$7,256.11
Payroll	Totalling		<u>\$798,449.48</u>
	Total		\$3,267,606.55

4. As at the 31st August 2009, the total outstanding creditors, stands at \$497,982.27.
5. Cancelled cheques – 25721

PUBLIC CONSULTATION / ENGAGEMENT

6. Nil

GOVERNMENT CONSULTATION

7. Nil

STATUTORY IMPLICATIONS

8. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment may only be made from the Municipal Fund or a Trust Fund if the Local Government had delegated the function to the Chief Executive Officer or alternatively authorises payment in advance.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.1 continued.

9. The Chief Executive Officer has delegated authority to authorise payments.
10. Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments should be presented to Council meetings and recorded in the minutes.

FINANCIAL IMPLICATIONS

11. The accounts for payment are in accordance with the adopted Annual Budget and approved amendments.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

12. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan...

“Community Vision:

Nil

Priority Goals and Objectives:

Goal 4: Governance..... The City of Albany will be an industry leader in good governance and service delivery.

Objective 4.1: The City of Albany will be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.

City of Albany Mission and Values Statement:

At the City of Albany we apply Council funds carefully.”

POLICY IMPLICATIONS

13. The City’s 2009/10 Annual Budget applies to this item, as it provides a set of parameters which guides the City’s financial activities for the year.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

14. Nil

SUMMARY CONCLUSION

15. The list of accounts paid by delegated authority be received.
8:18:35 PM

**ITEM 14.1.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: CR WALKER
SECONDED: CR WOLFE**

THAT the list of accounts be RECEIVED for payment by the Chief Executive Officer as presented in the Information Bulletin.

MOTION CARRIED 9-0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.1.2
ITEM TITLE: FINANCIAL ACTIVITY STATEMENT – 31 August 2009

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward : FIN 040 (All Wards)
Summary of Key Points : Detailed Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 31 August 2009
Reporting Officer(s) : Finance Manager (P Wignall)
Disclosure of Interest : Nil
Previous Reference : N/A
Bulletin Attachment(s) : Nil

BACKGROUND

1. In accordance with section 34(1) of the Local Government (Financial Management) Regulations 1996, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
2. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide Council with a greater insight in relation to the ongoing financial performance of the local government.
3. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. For the financial year 2008/09 variations in excess of 10% are reported to the Council.

DISCUSSION

4. The Statement of Financial Activity for the period ending 31 August 2009 has been prepared and is listed below.
5. In addition to the statutory requirement to provide the elected group with a Statement of Financial Performance, the City provides the Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

STATEMENT OF FINANCIAL ACTIVITY – AS AT 31 August 2009

6. See appendix 1 to report item 14.1.2

CITY OF ALBANY - BALANCE SHEET

7. See appendix 2 to report item 14.1.2

CITY OF ALBANY – INCOME STATEMENT

8. See appendix 3 to report item 14.1.2

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

INVESTMENT SUMMARY & COMMENT

9. See appendix 4 to report item 14.1.2.

PUBLIC CONSULTATION / ENGAGEMENT

10. Nil

GOVERNMENT CONSULTATION

11. Nil

STATUTORY IMPLICATIONS

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

FINANCIAL IMPLICATIONS

13. Year to date expenditure has been incurred in accordance with the 2009/10 Budget parameters with variations in excess of 10% detailed below.

Section of Financial Activity Statement	Reason for Variation	Total Amount of Variation
Operating Revenue	No material Variances	
Operating Expenditure	Materials and Contracts expenditure is under Budget due to timing	\$327,071
	Interest Expenses are under budget. Accrual reversals have not yet been offset by actual interest costs.	\$51,257
Capital Revenue	No material Variances	
Capital Expenditure	Purchase Plant, Equipment and Infrastructure is over budget due to timing	\$137,481

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

14. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan...

Priority Goals and Objectives:

Goal 4: Governance..... The City of Albany will be an industry leader in good governance and service delivery.

Objective 4.1: The City of Albany will be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.

POLICY IMPLICATIONS

15. The City's 2009/10 Annual Budget applies to this item, as it provides a set of parameters that guides the City's financial practices. Given that the expenditure for the reporting period has been incurred in accordance with the 2008/09 budget parameters and any major variations are due to timing issues only, it is recommended that the Statement of Financial Activity be received.
16. The Investment of Surplus Funds Policy applies to this item, as this policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

17. Nil

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

SUMMARY CONCLUSION

18. Nil

**ITEM 14.1.2 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: CR PRICE
SECONDED: CR DUFTY**

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 August 2009.

MOTION CARRIED 9-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 1

STATEMENT OF FINANCIAL ACTIVITY – YEAR TO DATE

31ST AUGUST 2009

	Actual Year to Date 31-Aug-09	Current Budget Year to Date 31-Aug-09	Current Budget vs Actual Variance
REVENUE			
Operating Grants, Subsidies and Cont	115,079	110,590	4,489
Fees and Charges	1,085,840	1,034,254	51,586
Service Charges	2,983,748	2,996,718	-12,970
Interest Earnings	35,400	37,102	-1,702
Other Revenue	68,957	65,426	3,531
	4,289,024	4,244,090	44,934
EXPENDITURE			
Employee Costs	2,037,269	2,256,823	-219,554
Materials and Contracts	935,859	1,262,930	-327,071
Utility Charges	168,166	183,306	-15,140
Interest Expenses	-35,441	15,816	-51,257
Insurance Expenses	309,539	324,139	-14,600
Other Expenditure	95,601	94,070	1,531
Depreciation	1,784,325	1,932,721	-148,396
	5,295,317	6,069,805	-774,487
Adjustment for Non-cash Revenue and Expenditure:			
Depreciation	-1,784,325	-1,932,721	148,396
CAPITAL REVENUE			
Non-Operating Grants, Subsidies and Cont	1,368,328	1,286,313	82,015
Proceeds from asset disposals	0	0	0
Proceeds from New Loans	0	0	0
Self-Supporting Loan Principal Revenue	2,750	2,750	0
Transfers from Reserves (Restricted Assets)	0	3,077,954	-3,077,954
	1,371,078	4,367,017	-2,995,939
CAPITAL EXPENDITURE			
Purchase Plant, Equipment & Infrastructure	861,169	723,688	137,481
Repayment of Loans	13,232	13,232	0
Transfers to Reserves (Restricted Assets)	5,933	0	5,933
	880,334	736,920	143,414
Estimated Surplus B/fwd			
ADD Net Current Assets July 1 B/fwd	1,780,997	n/a	n/a
LESS Net Current Assets Year to Date	24,486,232	n/a	n/a
Amount Raised from Rates	-21,436,460	-21,433,032	-3,428

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 2

BALANCE SHEET – AS AT 31ST AUGUST 2009

	Note	Actual 31-Aug-09	Budget 30-Jun-10	Actual 30-Jun-09
CURRENT ASSETS				
Cash - Municipal	6	6,651,307	776,514	3,877,624
Restricted cash (Trust)	26	1,630,280	1,976,788	1,987,438
Reserve Funds - Financial Assets	12	1,056,636	0	1,056,636
Reserve Funds - Other		3,987,539	2,647,383	3,981,606
Receivables & Other		21,537,184	1,600,000	2,942,384
Investment Land		(0)	0	(0)
Stock on hand	8	926,680	780,000	1,033,538
		35,789,624	7,780,685	14,879,226
CURRENT LIABILITIES				
Borrowings	10	1,074,665	1,230,000	1,087,897
Creditors prov - Annual leave & LSL	11	1,991,994	2,200,000	2,027,992
Trust Liabilities	11	1,573,358	1,778,124	1,930,516
Creditors prov & accruals	11	2,779,246	3,000,000	4,203,529
		7,419,262	8,208,124	9,249,934
NET CURRENT ASSETS		28,370,363	(427,439)	5,629,292
NON CURRENT ASSETS				
Receivables	7	106,774	152,865	152,865
Pensioners Deferred Rates	7	292,616	265,945	265,945
Investment Land		2,150,000	2,150,000	2,150,000
Property, Plant & Equip	9	59,477,409	131,774,682	59,120,251
Infrastructure Assets		193,635,056	197,134,056	194,915,369
Local Govt House Shares	9a	19,501	19,501	19,501
		255,681,355	331,497,049	256,623,931
NON CURRENT LIABILITIES				
Borrowings	10	20,796,675	19,566,675	20,796,675
Creditors & Provisions	11	259,838	262,000	259,838
		21,056,513	19,828,675	21,056,513

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 2

BALANCE SHEET – AS AT 31ST AUGUST 2009

	Note	Actual 31-Aug-09	Budget 30-Jun-10	Actual 30-Jun-09
NET ASSETS		262,995,205	311,240,935	241,196,710
EQUITY				
Accumulated Surplus		237,370,233	289,818,918	215,577,378
Reserves	12	6,850,338	2,647,383	6,844,698
Asset revaluation Reserve		18,774,634	18,774,634	18,774,634
		262,995,205	311,240,935	241,196,710

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 3

**INCOME STATEMENT FOR THE PERIOD ENDED
31 AUGUST 2009**

Nature / Type	YTD Actual 2009/10	Budget-Total 2009/10	Actual 2008/09
INCOME			
Rates	21,436,460	21,346,462	19,277,114
Grants & Subsidies	55,320	3,069,252	4,061,521
Contributions, Reimb & Donations	59,759	362,187	408,994
Fees & Charges	1,085,840	7,294,973	7,185,100
Service Charges	2,983,748	2,996,718	2,698,198
Interest Earned	35,400	547,200	658,167
Other Revenue / Income	68,957	401,500	659,130
	25,725,484	36,018,292	34,948,225
EXPENDITURE			
Employee Costs	2,037,269	14,039,923	13,877,913
Utilities	168,166	1,311,912	1,224,708
Interest Expenses	(35,441)	1,179,588	1,322,148
Depreciation on non current assets	1,784,325	11,818,000	10,634,812
Contracts & materials	935,859	11,628,876	11,442,417
Insurance expenses	309,539	453,863	410,959
Other Expenses	95,601	(128,769)	(369,450)
	5,295,317	40,303,393	38,543,507
Change in net assets from operations	20,430,167	(4,285,101)	(3,595,282)
Grants and Subsidies - non-operating	1,365,557	70,066,581	6,496,689
Contributions Reimbursements and Donations - non-operating	2,772	5,175,706	4,739,136
Profit/Loss on Asset Disposals	0	(32,000)	92,948
Fair value - Investments adjustment	0	1,987,226	(307,263)
	21,798,495	72,912,412	7,426,228

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 4

Portfolio Valuation Market Value – 31 August 2009

Security	Maturity Date	Security Cost (inc accrued Int)	Current Interest %	Market Value June 09	Market Value July 09	Market Value August 09	Latest Monthly Variation
MUNICIPAL ACCOUNT							
ANZ	1/08/2009	1,000,000	3.55%		1,000,000		
Bendigo	30/11/2009	1,000,000	4.40%			1,000,000	
ANZ Bank	29/12/2009	1,000,000	4.55%			1,000,000	
Bankwest	28/01/2010	1,000,000	4.40%			1,000,000	
Westpac	27/02/2010	1,000,000	4.60%			1,000,000	
		5,000,000		0	1,000,000	4,000,000	n/a
RESERVES ACCOUNT							
Bendigo	22/12/2009	500,000	4.30%		500,000	500,000	
NAB	2/02/2010	1,000,000	4.47%		1,000,000	1,000,000	
		1,500,000		0	1,500,000	1,500,000	n/a
COMMERCIAL SECURITIES - CDOs (New York Mellon)							
Saphir (Endeavour) AAA	4/08/2011	413,160	9.10%	240,000	240,000	240,000	0
Zircon (Merimbula AA)	20/06/2013	502,450	8.87%	155,750	155,750	155,750	0
Zircon (Coolangatta AA)	20/09/2014	1,002,060	9.12%	307,100	307,100	307,100	0
Beryl (AAAGlobal Bank Note)	20/09/2014	200,376	8.42%	159,380	159,380	159,380	0
		2,118,046		862,230	862,230	862,230	0
COMMERCIAL SECURITIES - CDOs - Other							
Magnolia (Flinders AA)	20/03/2012	171,994	9.32%	119,000	119,000	119,000	0
Start (Blue Gum AA-)	22/06/2013	276,708	8.77%	303	303	303	0
Corsair (Kakadu AA)	20/03/2014	273,710	8.37%	68,503	68,503	68,503	0
Helium (C=Scarborough AA)	23/06/2014	602,244	8.77%	6,600	6,600	6,600	0
		1,324,656		194,405	194,405	194,405	0
PORTFOLIO TOTAL		9,942,702		1,056,635	3,556,635	6,556,635	0

CORPORATE & COMMUNITY SERVICES REPORTS

14.2 – ADMINISTRATION

Nil

14.3 – LIBRARY SERVICES

Nil

14.4 – DAY CARE CENTRE

Nil

14.5 – TOWN HALL

Nil

14.6 – RECREATION SERVICES

Nil

14.7 - ECONOMIC DEVELOPMENT

Nil

14.8 - TOURISM & VISITORS CENTRE

Nil

14.9 – AIRPORT MANAGEMENT

Nil

14.10 – CONTRACT MANAGEMENT

Nil

CORPORATE & COMMUNITY SERVICES REPORTS

14.11 – PROPERTY MANAGEMENT

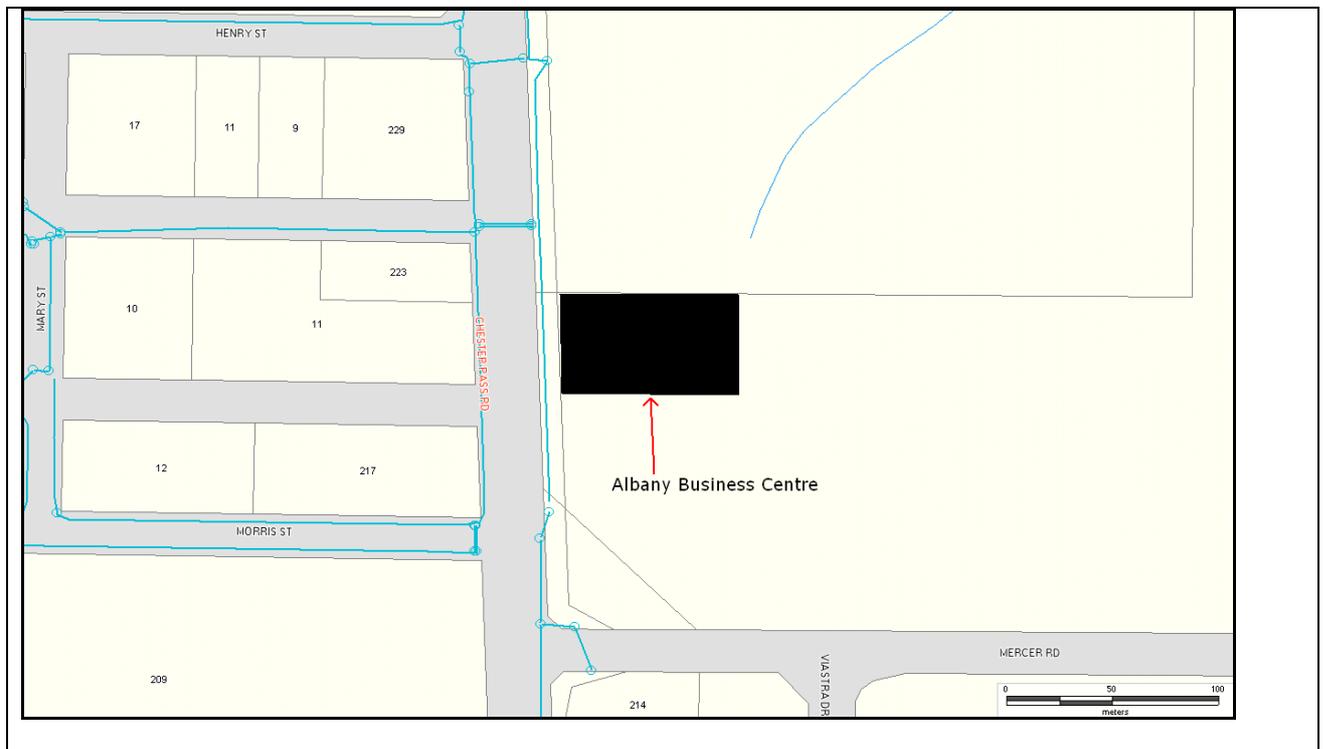
ITEM NUMBER: 14.11.1

ITEM TITLE: SURRENDER AND NEW LEASE FOR ALBANY ENTERPRISE GROUP INC. TRADING AS ALBANY BUSINESS CENTRE

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

- File Number or Name of Ward** : PRO 140 (Yakamia Ward)
- Summary of Key Points** : Consider request to surrender existing lease and replace with a new lease for the Albany Enterprise Group Inc. trading as Albany Business Centre expiring 20 January 2018.
- Land Description** : Part Lot 5 on Diagram 59369 situated at the corner of Chester Pass and Mercer Roads, Walmsley, Albany.
- Proponent** : Albany Business Centre
- Owner** : City of Albany
- Reporting Officer(s)** : Property Officer (T Catherall)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 17.04.07 - Item 13.5.1
- Bulletin Attachment(s)** : Nil
- Consulted References** : Council’s Policy – Property Management - Leases
- Maps and Diagrams** :



CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.1 continued.

BACKGROUND

1. In January 1998 a lease agreement was made between the Shire of Albany and the Albany Enterprise Group Inc. for the development and management of an area of Shire land to be used to promote the development of small business within the community.
2. The Albany Enterprise Group Inc. built a series of small studios and rented them at a nominal charge to new and small business to enable them to become established in a less commercial environment. These businesses received training and support from the Albany Enterprise Group Inc. Once established, these businesses were then required to find accommodation within the commercial market.
3. The Albany Enterprise Group Inc. trading as the Albany Business Centre currently has a lease for a term of 10 years with an option of a further term of 5 years expiring 31 December 2012. The current lease rental is a nominal rate, being \$10.00 plus GST per annum.
4. The City of Albany owned land on which these buildings are situated, being Part Lot 5, corner of Chester Pass and Mercer Roads, is the same parcel of land on which the City's Dog Pound, former Mercer Road Administration offices and the Depot are located.
5. The former Mercer Road Administration offices are currently leased to the South Coast Natural Resource Management Inc. for a term of 5 years expiring 20 January 2013 with an option for a further term of 5 years expiring 20 January 2018. The current lease rental being \$74,664.00 plus GST per annum.
6. The Albany Enterprise Group Inc. has requested their lease term be brought in line with the adjacent lease of South Coast Natural Resource Management Inc. expiring on 20 January 2018.

DISCUSSION

7. A previous Council item from the OCM 17 April 2007 Item 13.5.1 regarding this lease was sparked by an enquiry from the Albany Enterprise Group Inc. to build further suites on the area used for car parking within the leased area, to accommodate growing demand for their services.
8. The item recommended that Council did not negotiate beyond the current terms of the current lease and further that Council endeavour to locate an appropriate site for the Albany Business Centre to relocate to. This recommendation was carried 11-1.
9. To date there are no current plans for the area of land being utilised by the Albany Business Centre on Part Lot 5 situated at the corner of Chester Pass and Mercer Roads, Walmsley.
10. The Albany Enterprise Group Inc. is a not profit organisation designed specifically to nurture independent small business operatives within the Albany Community.
11. The proposed new lease will be negotiated in line with Council's Policy – Property Management – Leases.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.1 continued.

12. It would be beneficial to Council for the expiry of both the South Coast Natural Resource Management lease and the Albany Business Centre lease to occur at the same time.

PUBLIC CONSULTATION / ENGAGEMENT

13. No public consultation is required at this stage.

GOVERNMENT CONSULTATION

14. No Government consultation is required at this stage.

STATUTORY IMPLICATIONS

15. Section 3.58 of the Local Government Act 1995 deals with the disposal of property, including leased land and buildings.
16. The section requires there to be state-wide public notice of the proposal for a period of 2 weeks inviting submissions from the public. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.

Section 30 of the Local Government Act (Functions and General) Regulations 1996 deals with dispositions to which the advertising requirements of section 3.58 of the Act does not apply. Section 30 (2) (b & c) states that Section 3.58 of the Act is exempt if:

- (b) *The land is disposed of to a body, whether incorporated or not –*
 - (i) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary from the body's transactions;*
- (c) (ii) *a department, agency, or instrumentality of the Crown in right of State or the Commonwealth; or*

17. The Albany Enterprise Group Inc. is funded by the State and Federal Government to provide education and support to small business operatives and therefore exempt from the advertising requirements of Section 3.58 of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

18. All costs associated with the preparation and implementation of the surrender and new lease documentation will be borne by the proponent.
19. The current lease rental is a nominal rate, being \$10.00 plus GST per annum. The new rental proposed is \$580 plus GST per annum, being equivalent to minimum land rate as set by Council per annum.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.1 continued.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

20. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan...

“Community Vision

Nil.

Priority Goals and Objectives

Goal 4: Governance... The City of Albany will be an industry leader in good governance and service delivery.

Objective 4.3 Deliver excellent community services that meet the needs and interests of our diverse communities

City of Albany Mission Statement

At the City of Albany we are accountable and act as a custodian with respect to Council Assets.”

POLICY IMPLICATIONS

21. Council adopted a Property Management - Leases Policy in 2007. This policy aims to ensure that all requests for leases, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
22. The recommendation is consistent with Council’s Policy – Property Management - Leases.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

23. Council may consider not approving the surrender of existing lease and replacing with a new lease with a view to relocating this business to a more suitable location as soon as the term of the current lease expires.

SUMMARY CONCLUSION

24. In view of the service provided to the small business community by the Albany Enterprise Group Inc. and Council have no current plans for this area of land being utilised by the Lessee, the proposed request to surrender the existing lease and replace with a new lease expiring on 20 January 2018 is recommended.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.1 continued.

8:20:24 PM

ITEM 14.11.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council APPROVES a new lease to Albany Enterprise Group Inc on Part Lot 5, situated at the corner of Chester Pass and Mercer Roads, Walmsley, Albany, to bring the expiry date in line with expiry of the adjacent lease of South Coast Natural Resource Management Inc, the lease being in compliance with Council's Policy – Property Management – Lease, and:

- Council agree to the surrender of the existing lease;
- Council agree the new lease expiring 20 January 2018;
- The rental be equivalent to minimum land rate as set by Council per annum; and
- All costs associated with the preparation and implementation of leases to be payable by Albany Enterprise Group Inc.

**ITEM 14.11.1 – AMENDED RECOMMENDATION BY CR WOLFE
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: CR WOLFE
SECONDED: CR WALKER**

THAT Council APPROVES a new lease to Albany Enterprise Group Inc on Part Lot 5, situated at the corner of Chester Pass and Mercer Roads, Walmsley, Albany, to bring the expiry date in line with expiry of the adjacent lease of South Coast Natural Resource Management Inc, the lease being in compliance with Council's Policy – Property Management – Lease, and:

- **Council agree to the surrender of the existing lease;**
- **Council agree the new lease expiring 20 January 2018;**
- **The rental be equivalent to minimum land rate as set by Council per annum; and**
- **All costs associated with the preparation and implementation of leases to be payable by Albany Enterprise Group Inc.**
- **Council continue to endeavour to locate an appropriate site for the Albany Enterprise Group to relocate to.**

MOTION CARRIED 9-0

Councillor's Reason:

Reinforces previous decision of Council. 'In 2007, the City of Albany had a request from the Albany Business Centre to construct additional buildings on that site, and that request was refused at that stage. We also said that we would endeavour to relocate them at the conclusion at their current lease. We are now granting them another 5 years to bring them in line with South Coast Natural Resource Management (who are leasing our offices) and I believe at that stage we should be relocating them.'

CORPORATE & COMMUNITY SERVICES REPORTS

14.12 – CORPORATE & COMMUNITY SERVICES COMMITTEE

ITEM NUMBER: 14.12.1

ITEM TITLE: SENIORS ADVISORY COMMITTEE MEETING MINUTES – 20 AUGUST 2009

File Number or Name of Ward : MAN 131 (All Wards)
Summary of Key Points : Receive the minutes of the Seniors Advisory Committee.
Reporting Officer(s) : Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee meeting minutes – 20 August 2009

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.1 - COMMITTEE RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR DUFTY

SECONDED: CR WOLFE

THAT the UNCONFIRMED minutes of the Senior Advisory Committee held on the 20 August 2009 be RECEIVED.

MOTION CARRIED 9-0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.12.2
ITEM TITLE: COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND POLICY COMMITTEE MEETING MINUTES – 21 AUGUST 2009

File Number or Name of Ward : MAN 233 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Director Corporate and Community Services (WP Madigan)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee meeting minutes – 21 August 2009

8:23:35 PM

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.2 - COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR PRICE
SECONDED: CR STANTON

THAT the UNCONFIRMED minutes of the Community and Economic Development Strategy and Policy Committee held on Friday 21 August 2009 be RECEIVED.

MOTION CARRIED 9-0

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.2 - COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR PRICE
SECONDED: CR WOLFE

5.3 PROPOSED JOINT NAMING – MT MELVILLE, MT CLARENCE, MT ADELAIDE, BLUFF ROCK

THAT the City ADOPT the following joint naming

- **Mount Melville – Kardarup [place of the racehorse goanna]**
- **Mount Clarence – Corndarup [place of the red berry]**
- **Mount Adelaide – Irrerup [place near the sea]**
- **Bluff Rock – Burmup [place of trees],**

and apply to the Geographic Names Committee for acceptance.

MOTION CARRIED 9-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.12.2 continued.

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.2 - COMMITTEE RECOMMENDATION 3

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR STANTON

SECONDED: CR DUFTY

5.4 INFORMAL REQUEST – MEMORIAL SEAT / PLAQUE

THAT Council AMEND its Memorial Seat Policy through the deletion of the 3-year requirement provision.

MOTION CARRIED 9-0

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.2 - COMMITTEE RECOMMENDATION 4

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: CR DUFTY

SECONDED: CR STANTON

FEEES AND CHARGES AT ALBANY PUBLIC LIBRARY

THAT Council DEFER the implementation of the new fees and charges until such time as the fees and charges review has been undertaken.

**MOTION CARRIED 9-0
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.12.3
ITEM TITLE: MINUTES OF MEETING - 2014/15 ANZAC CENTENARY STRATEGY COMMITTEE

File Number or Name of Ward : REL 164 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Manager Economic Development (J Berry)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee meeting Minutes - 19 August 2009

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR WOLFE
SECONDED: CR PRICE

THAT Committee Recommendations 1,2 and 4, be resolved en bloc.

MOTION CARRIED 9-0

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.3 - COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the 2014/15 ANZAC Centenary Strategy Committee held on Wednesday 19 August 2009 be RECEIVED.

MOTION CARRIED EN BLOC

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.3 - COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

4.1 COMMITTEE TERMS OF REFERENCE

THAT Council amend the Committee terms of reference as follows:-

- **To establish a framework to guide Councils' role in the 2014/15 ANZAC commemorations;**
- **To prepare a draft business plan outlining a program of activities for 2014/15;**
- **To recommend a process to engage other stakeholders that may have an interest in commemorating the Centenary;**
- **To develop a strategy for the official opening of the Anzac Peace Park event in 2010;**
- **To develop a strategy and funding plan for the gradual upgrading of facilities at Mt Clarence as outlined in the City Mounts Management Plan;**
- **To develop a strategy to ensure annual ANZAC Day events are continuously improved from year to year with a major event in 2014/15;**
- **To facilitate the continual development of Anzac Day events beyond the proposed major event in 2014/15.**

MOTION CARRIED EN BLOC

Item 14.12.3 continued.

COUNCIL'S ROLE: EXECUTIVE FUNCTION

**ITEM 14.12.3 - COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

MOVED: CR PRICE

SECONDED: CR DUFTY

4.2 Committee Membership

THAT Council APPOINT Laurie Fraser and Peter Aspinall from the RSL (Albany sub-branch) to the 2014/15 Anzac Centenary Strategy Committee.

**MOTION CARRIED 9-0
ABSOLUTE MAJORITY**

COUNCIL'S ROLE: EXECUTIVE FUNCTION

**ITEM 14.12.3 - COMMITTEE RECOMMENDATION 4
VOTING REQUIREMENT: SIMPLE MAJORITY**

4.5 2014/15 ANZAC CENTENARY EVENTS

THAT Council ELECT Saturday 1st November 2014 as the primary date for a major program of commemorative activities for the 2014/15 Anzac Centenary.

MOTION CARRIED EN BLOC

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.12.4
ITEM TITLE: COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND POLICY COMMITTEE MEETING MINUTES – 24 JULY 2009 – RECOMMENDATION 3

File Number or Name of Ward : MAN 233 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Manager Business Governance (S Jamieson)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee meeting minutes – 24 Jul 09

BACKGROUND

1. At the 18 Aug 09 meeting Council resolved to lay the following item on the table for one (1) calendar month to allow for further debate, being:

“THAT Committee Recommendation 3, Item 5.2, Naming of building formally known as the “Albany Entertainment Centre” be laid on the table for one month to allow further debate.”
2. Councillor Dufty requested that the name: Albany Entertainment Centre be added to the list.

CONCLUSION

3. The Committee Recommendation laid on the table has been represented for resolution as requested by Council at the Aug 09 meeting.

ITEM 14.12.4 - COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY

Item 5.2 - Naming Of Building Formerly Known As The Albany Entertainment Centre

THAT Council RECEIVE the following names from the Committee for determination of the name for the Albany Entertainment Centre:

- Princess Royal Performing Arts Centre
- Albany Princess Royal Performing Arts Centre
- Kalyenup Performing Arts Centre, and
- should Kalyenup Performing Arts Centre not be the preferred naming choice, Kalyenup become the preferred name for the studio space.

Item 14.12.4 continued.

ITEM 14.12.4 – COMMITTEE RECOMMENDATION 3 – ALTERNATE MOTION BY COUNCILLOR DUFTY

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR DUFTY

SECONDED: CR KIDMAN

Item 5.2 Naming of Building Known as Albany Entertainment Centre

THAT the:

- i) Building retain the name of Albany Entertainment Centre (AEC);**
- ii) Theatre of the AEC be called the Princess Royal Theatre; and**
- iii) Studio Space be called Kalyenup Studio.**

MOTION LOST 4-5

Record of Vote:

For the Motion: Cr's Kidman, Dufty, Torr and Bostock

Against the Motion: Mayor Evans, Cr's Walker, Wolfe, Stanton and Price.

Councillor's Reasons:

1. The Albany Entertainment Centre (AEC) is exactly what it is – Many more events than performing arts will happen there.
2. The AEC was the most popular name amongst those submitted.
3. The name Albany Entertainment Centre (AEC) describes the location and business of the centre.
4. AEC is already known world wide on the WWW (World Wide Web) and is in the prime position "Google" wise.

OFFICERS REPORT

Author: Executive Manager Business Governance (S Jamieson)

STATUTORY IMPLICATIONS: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN: Nil

ALTERNATE OPTIONS & LEGAL IMPLICATIONS: Nil.

COMMENT: Submitted in accordance with clause 5.2 of the Standing Orders Local Law 2009.

Item 14.12.4 continued.

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.4 - COMMITTEE RECOMMENDATION 3

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR PRICE

SECONDED: CR STANTON

Item 5.2 - Naming Of Building Formerly Known As The Albany Entertainment Centre

THAT Council RECEIVE the following names from the Committee for determination of the name for the Albany Entertainment Centre:

- **Princess Royal Performing Arts Centre**
- **Albany Princess Royal Performing Arts Centre**
- **Kalyenup Performing Arts Centre, and**
- **should Kalyenup Performing Arts Centre not be the preferred naming choice, Kalyenup become the preferred name for the studio space.**

MOTION CARRIED 9-0

A secret ballot was conducted to determine the official name for the building formerly known as the Albany Entertainment Centre.

Record of Ballot

1. Princess Royal Performing Arts Centre – 1 vote
2. Albany Princess Royal Performing Arts Centre - 8 vote
3. Kalyenup Performing Arts Centre – 0 vote

ITEM 14.12.4 - COMMITTEE RECOMMENDATION 4

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR WOLFE

SECONDED: CR PRICE

THAT:

- i) **the building formerly known as the Albany Entertainment Centre, be officially named the '*Albany Princess Royal Performing Arts Centre*'; and**
- ii) **the studio space be named the Kalyenup studio.**

MOTION CARRIED 9-0

WORKS & SERVICES

Reports

WORKS & SERVICES REPORTS

15.0 REPORTS – WORKS & SERVICES

15.1 WASTE MANAGEMENT

Nil

WORKS & SERVICES REPORTS

15.2 CAPITAL WORKS

ITEM NUMBER: 15.2.1
ITEM TITLE: CONTRACT C09012 – TENDER FOR CONSULTING ARCHITECT FOR ALBANY LEISURE AND AQUATIC CENTRE STAGE TWO

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward	: MAN 254 (Frederickstown Ward)
Summary of Key Points	: Consulting Architect for Albany Leisure and Aquatic Centre Stage Two.
Land Description	: ALAC outdoor netball courts
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Project Co-ordinator (R Taylor); and Executive Director Works and Services (K Ketterer)
Disclosure of Interest	: Nil
Previous Reference	: OCM 17/03/03 – Item 12.2.2 OCM 16/03/08 – Item 14.3.3
Bulletin Attachments	: Nil.
Consulted References	: Nil.
Maps and Diagrams	: Nil.

BACKGROUND

1. The ALAC Stage 1 redevelopment and upgrade of the existing aquatic facility has brought about a modern, high standard recreation and aquatic facility. The ALAC Stage 1 was recently completed in March 2008.
2. The proposed ALAC Stage 2 facility has received funding from State Government (Election Commitment - \$3,000,000) and Federal Government (Local and Regional Infrastructure Program - \$2,919,375), bringing about a total budget of \$5,919,375. Currently variations and clarifications to these funding agreements are being finalised.
3. Federal Funding has already allocated \$1.4m which has been received by City of Albany. Essentially, the revised ALAC Stage II project will deliver a reduced version of the original planned indoor stadium space, consisting of three indoor parquetry surface netball/basketball courts at a total area of 2290m² compared with the proposed original four indoor parquetry surface netball/basketball courts at a total area of 2800m². The courts will be designed to host “grass root” level sports up to international standard competitions, as well as community based events.
4. This tender for Consulting Architect services for ALAC Stage Two is for the delivery of services needed for the design and construction of ALAC Stage Two. A Consulting Architect will be appointed to compile a consultant team and prepare Contract Documentation ready for tender for building contractors. The Consulting Architect will then perform the additional role of the Superintendent for the construction works.

WORKS & SERVICES REPORTS

Item 15.2.1 continued.

5. The ALAC Stage Two project will be completed in compliance with the State and Federal Government funding conditions with an estimated date for practical completion of October 2010.
6. The project can be divided into two phases:
Phase 1: Documentation and tender (13 weeks)
Phase 2: Construction (40 weeks)

DISCUSSION

7. A total of 58 sets of documents were downloaded from the City of Albany tender website. A formal site meeting question and answer session was held at ALAC on 10 August 2009 followed with a site inspection. There were three architectural practices represented at this meeting.
8. Seven (7) completed tender documents were submitted to the Procurement and Contracts Office on/before the stipulated closing date and time. Tenders were subsequently opened, the name of each tenderer was recorded in the tender register and logged into Records.
9. The funding agreements stipulate very tight timeframes and the design period for the Architects to complete their fully detailed design has been restricted for completion by 16th December 2009, when the building contractor is to be appointed. This reduced timeframe increases the project risk profile but the Project Officer is of the opinion that these risks have been mitigated through the application of council project management practices, including 50% and 100% design review intervals.
10. Evaluation of Tenders.
Tenders were evaluated in five (5) key areas;
 - Cost;
 - Experience;
 - Technical Compliance; and
 - Current workload; and
 - Resources.
11. The three highest scoring tenders are discussed below in relation to the evaluation criteria above. These firms are from highest to lowest; Bollig Design Group, Donovan Payne Architect and Holton Connor.
12. The individual independent evaluators were Kevin Ketterer, Tricia Martin, Andrew Buchanan and Ryan Taylor.

RATING SCALE

13. The rating scale method used is as set out by the City of Albany's tender evaluation cost scoring formula.

WORKS & SERVICES REPORTS

Item 15.2.1 continued.

BUY LOCAL ASSESSMENT

CONSULTING ARCHITECT ALAC II - C09012			
Tenderer	Tendered Price	Price reduction if Buy Local Policy claimed	Adjusted price for evaluation
James Christou	\$745,580.00	\$0.00	\$745,580.00
COX Howlett Bailey Woodland	\$551,693.00	\$0.00	\$551,693.00
Peter Hunt Architect	\$428,292.00	\$0.00	\$428,292.00
Donovan Payne	\$344,462.00	\$279.40	\$344,182.60
Holton Connor	\$319,467.00	\$0.00	\$319,467.00
Roberts Gardiner	\$350,613.00	\$38,393.25	\$312,219.75
Bollig Design Group	\$306,440.00	\$0.00	\$306,440.00

COST EVALUATION OF TENDERS

CONSULTING ARCHITECT FOR ALAC II - C09012		
Tenderer Name	Tendered Amount	Cost Score
Holton Connor	\$ 319,467.00	7.57
Roberts Gardiner	\$ 312,219.75	7.73
Peter Hunt Architect	\$ 428,292.00	5.03
James Christou	\$ 745,580.00	-2.35
COX Howlett Bailey Woodland	\$ 551,693.00	2.16
Bollig Design Group	\$ 306,440.00	7.87
Donovan Payne	\$ 344,182.60	6.99
Total	\$ 3,007,874.35	
Average	\$ 429,696.34	

EXPERIENCE

14. Bollig Design Group submission contained company CVs indicating experience with similar works and experience in project delivery was deemed to exceed the criterion. Company and personal profiles were attached to the tender as requested and assessed, references (verbal enquiries) were sought for Bollig Design Group as their tender submission scored highest
15. References were asked the identical questions as noted below:
 - Quality of work?
 - Ability to meet programme?
 - Contract management?
16. A summary of the comments follow:-
17. For Bollig Design Group; Mr Gary Rogers Manager Capital Works Project for the City of Rockingham reported that the abovementioned Architectural practices' quality of work is of good quality and correct. They were able to meet their programme and deliver construction to programme. They were very capable during the contract administration / construction phases. Their score for Experience = 8.6.

WORKS & SERVICES REPORTS

Item 15.2.1 continued.

18. Donovan Payne Architects submission contained company CVs indicating experience with similar works and experience in project delivery was deemed to meet the criterion. Company and personal profiles were attached to the tender as requested and assessed. Verbal references were not sought for Donovan Payne Architects. Their score for Experience = 7.13.
19. Holton Connor submission contained company CVs indicating experience with similar works and experience in project delivery was deemed to meet the criterion. Company and personal profiles were attached to the tender as requested and assessed. Verbal references were not sought for Holton Connor Architects. Their score for Experience = 7

TECHNICAL COMPLIANCE

20. Bollig Design Group demonstrated in this section that they have the required registrations and have suggested cost estimates for Stage 1 of the project and were deemed to meet the criterion. Their score for technical compliance = 7.25.
21. Donovan Payne Architects demonstrated in this section that they have the required registrations including Quality Assurance and were deemed to meet the criterion. Their score for technical compliance = 7.
22. Holton Connor Architects submission was light on in addressing this criteria and were deemed to almost meet the criterion. Their score for technical compliance = 5.5.

CURRENT WORKLOAD AND RESOURCES

23. Bollig Design Group submitted their workload capabilities, resources and a program of activities schedule indicating that the project tender for construction will be awarded by Christmas 2009 complying with programme requirements. Their indicated construction timeframe exceeds the City of Albany completion date of October 2010. Bollig have clarified that they can meet the construction timeframe completion of October 2010 and that the date for tender for construction can be achieved for 16th December 2009. Bollig's suggestion of their documentation period is that a certain level of concurrency of the final issue of contract documents with the tender period, indicating addenda's will be issued. Their score for Current workload and resources = 8.
24. Donovan Payne Architects submitted their workload capabilities, resources and a description of project activities required to meet program. Their summation of the amended timeframe was that it is too short and may be 'impossible' to achieve and proposed another approach of forward works project delivery. Their score for Current workload and resources = 7.
25. Holton Connor Architects submitted their workload capabilities, resources and a programme that did not comply with tender requirements. Their score for Current workload and resources = 2.5

WORKS & SERVICES REPORTS

Item 15.2.1 continued.

FINANCIAL IMPLICATIONS

26. Tenders were checked for arithmetical errors, and corrections were made as appropriate.
A summary of the tenderers financial offer as submitted and corrected, is included in the table below.

Tenderer	Tender amount (inc GST)	Corrected Tender amount (inc GST)
Bollig Design Group	\$306,320	\$306,440
Bill of quantities		\$27,500
TOTAL		\$333,940

27. Clarifications were sought from all tenderers as to the inclusion or exclusion of disbursements in their submission. Bollig Design Group stated in an email response that site visits are included in the fee, and confirmed on page 3 of 65 of their submission the inclusion of 10 sets of drawings and specifications and soft copy as required.
28. A Bill of Quantities will be included in the contract as per Ralph Beattie Bosworth tender submission on page 2 for \$25,000 excluding GST.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

29. Strategic plan relevant to the matter; Recreation Planning Strategy 2008-2013.
30. This item directly relates to the following elements from the Albany Insight – Beyond 2020 Corporate Plan:

“Lifestyle & Environment:

1.3 Recreation facilities provide a diverse range of sporting and exercise opportunities

1.5 Development

- *Responds to our unique historical and environmental values.*

Economic Development:

2.5 Our unique cultural heritage attractions deliver world class tourism experiences.

Governance:

4.2 Manage our municipal assets to ensure they are capable of supporting our growing community”

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

32. Council can elect to approve the recommended tender, not approve any tender, or appoint any submitted tender.

WORKS & SERVICES REPORTS

Item 15.2.1 continued.

SUMMARY CONCLUSION

33. Bollig Design Group tender submission scored the highest total points of the required evaluation criteria for Consulting Architect for Albany Leisure and Aquatic Centre Stage Two.

ITEM NUMBER 15.2.1 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR PRICE

SECONDED: CR WALKER

THAT Council;

- i) **ACCEPTS** the tender from Bollig Design Group and include a Bill of Quantities for \$27,500 inc GST which will be included in the contract. Total contract of \$333,940.00 including GST as the tender submitted scored the highest points; and
- ii) **ALLOCATES** a contingency amount of \$50,000 excluding GST for any variations and additional disbursements costs incurred during the execution of the design and superintendent functions.

MOTION CARRIED 9-0

REFER DISCLAIMER

WORKS & SERVICES REPORTS

CONSULTING ARCHITECT
FOR ALAC II - C09012

- 10 = Outstanding offer, greatly exceeds criterion
- 8 = Very good offer, exceeds criterion
- 6 = Good offer, no deficiencies, meets criterion
- 4 = Fair offer, few deficiencies, almost meets criterion
- 2 = Marginal offer, some deficiencies, partly meets criterion
- 0 = Inadequate offer, many deficiencies, does not meet criterion

Insert Score out of 10 in Blue		Holton Connor		Roberts Gardiner		Peter Hunt		JCPA		COX		Bollig		DPA	
Selection Criteria	Weighting	Score	Weighted	Score	Weighted	Score	Weighted	Score	Weighted	Score	Weighted	Score	Weighted	Score	Weighted
Insert criteria and alter weightings to suit		(Out of 10)		(Out of 10)		(Out of 10)		(Out of 10)		(Out of 10)		(Out of 10)		(Out of 10)	
Cost	50%	7.57	378.5	7.73	386.5	5.03	251.5	-2.35	-117.5	2.16	108	7.87	393.5	6.99	349.5
Experience	25%	7	175	4.25	106.25	8.5	212.5	7.63	190.75	7	175	8.6	215	7.13	178.25
Technical Compliance	15%	5.5	82.5	5.5	82.5	7.5	112.5	3.25	48.75	7.25	108.75	7.25	108.75	7	105
Current Workload & Resources	10%	2.5	25	4.5	45	7.5	75	5.75	57.5	6.25	62.5	8	80	7	70
Totals	100%		661		620.25		651.5		179.5		454.25		797.25		702.75

Name: RYAN TAYLOR Signature: [Signature] Position: PROJECT CO-ORD. Date: 1.9.09

Name: ANDREW BUCHANAN Signature: [Signature] Position: PLC Date: 1/9/09

Name: TRICIA MARTIN Signature: [Signature] Position: CDD Date: 01/09/09

Name: KAREN WETHERS Signature: [Signature] Position: EDMS Date: 01/09/09

WORKS & SERVICES REPORTS

ITEM NUMBER: 15.2.2
ITEM TITLE: TENDER FOR THE CONSTRUCTION OF ASPHALT FOOTPATHS

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward	: C09018 (West & Frederickstown Ward)
Summary of Key Points	: No tenders received – appoint CEO to negotiate
Land Description	: Nil
Proponent	: Nil
Owner	: City of Albany
Reporting Officer(s)	: Manager City Works (M Richardson)
Disclosure of Interest	: Nil
Previous Reference	: OCM 17/02/09 - Item 12.1.5
Bulletin Attachment(s)	: Nil
Consulted References	: Nil
Councillors Lounge	: Nil
Maps and Diagrams	: Nil.

BACKGROUND

1. In December 2008, the Western Australian Government, through the Royalties for Regions Program, allocated funding to local authorities. One part of the initiative is the Country Local Government Fund. Council at the Ordinary Council Meeting in February determined that part of this funding would be put towards the acceleration of the pathways asset plan of which Brunswick Road and Le Grande Avenue have been highlighted.
2. No tenders were received by the close of the tender period.

DISCUSSION

3. Tenders were called for the construction of asphalt footpaths on Brunswick Road and Le Grande Avenue.
4. Royalties for Regions funding is contingent on Council completing all of the nominated works by the end of September.
5. The tender documentation stated that the following criteria and weightings would be used to evaluate the submissions.

Criteria	% Weighting
Cost	60
Technical Compliance and Experience	20
Other Considerations	20
Total	100

WORKS & SERVICES REPORTS

Item 15.2.2 continued.

PUBLIC CONSULTATION / ENGAGEMENT

6. A request for tenders was published in the West Australian on 15th August 2009, the Albany Advertiser on 18th August 2009 and Albany Extra on 21st August 2009.

GOVERNMENT CONSULTATION

7. There is no government consultation required for this item.

STATUTORY IMPLICATIONS

8. Regulation 11 of the Local Government (Functions and General) Regulations 1996 requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$100,000.
9. Regulation 11 of the Local Government (Functions and General) Regulations 1996 states that tenders do not have to be publicly invited according to the requirements of the Division if:

‘within the last 6 months the local government has, according to the requirements of this Regulation, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications.’

FINANCIAL IMPLICATIONS

10. Royalties for Regions funds have been allocated for these works to the amount of \$355,300 for the works including contingencies.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

11. This item directly relates to the following elements from the Albany Insight – Beyond 2020 Corporate Plan:

“Priority Goals and Objectives:

Goal 4: Governance... The City of Albany will be an industry leader in good governance and service delivery.

Objective 4.2... The City of Albany will manage our municipal assets to ensure they are capable of supporting our growing community.

City of Albany Mission Statement:

At the City of Albany we provide best value in applying council and community resources and apply Council funds carefully.”

POLICY IMPLICATIONS

12. Councils Policy “Regional Price Preference Policy – Buy Local” is applicable to this item.

WORKS & SERVICES REPORTS

Item 15.2.2 continued.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

13. The City is not bound to accept the lowest or any tender and has the right to accept any tender or part of any tender.
14. The funding deadline for the completion of the work is the 30 Sep 09; therefore it is recommended that to ensure that the work is completed before this time that Council authorise direct procurement from a select supplier.

SUMMARY CONCLUSION

15. The City has undergone a competitive process in line with the relevant legislation and established policies. As no tender submissions were received by the close of the tender period, Council can authorise the CEO to undertake a selected tender process for these works to be completed.

8:54:27 PM

**ITEM 15.2.2 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY.**

**MOVED: CR WOLFE
SECONDED: CR DUFTY**

THAT Council AUTHORISE the Chief Executive Officer (CEO) to undertake a selected tender process to construct asphalt footpaths on Brunswick Road and Le Grande Avenue.

MOTION CARRIED 9-0

WORKS & SERVICES REPORTS

15.3 RESERVES, PLANNING & MANAGEMENT

ITEM NUMBER: 15.3.1

ITEM TITLE: PROPOSAL TO EXCISE PORTION OF RESERVE 22323 FOR HUNTON ROAD RESERVE

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

Quasi-Judicial Function: Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand.

File Number or Name of Ward	: SER 086 (West Ward)
Summary of Key Points	: Proposal to excise portion of Reserve 22323 for road reserve
Land Description	: Crown Reserve 22323
Proponent	: City of Albany
Owner	: Crown
Reporting Officer(s)	: Project Finance Officer (D Tangney)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Bulletin Attachment(s)	: Nil.
Consulted References	: Nil
Maps and Diagrams	:

BACKGROUND

1. The City has received reports from the public of concern about safety of the intersection of Hunton Rd and Wheeldon Rd in the locality of Kalgan.
2. A road safety audit was carried out in June 2008 which confirmed the safety issues. Based on this audit, a submission for State Black Spot funding was prepared to improve the intersection. This funding application was successful. The proposed improvements are currently being designed for the 2009/10 works program.

DISCUSSION

3. The intersection of Wheeldon Road with Hunton Rd is poorly aligned, creating a potential hazard.
4. A solution was proposed as part of the Road Safety Review to realign Wheeldon Road. Additional guideposts and signage, along with removal of encroaching vegetation on the verges around the intersection, were further proposed to improve intersection visibility.
5. It has been identified that the proposed realignment of Wheeldon Rd, in the vicinity of the intersection with Hunton Road, will encroach into a parcel of unallocated crown land in Reserve 22323.

PUBLIC CONSULTATION / ENGAGEMENT

6. The original request to look at this intersection came from the Kalgan Settlers Association, whose members regularly use Hunton and Wheeldon Roads.

WORKS & SERVICES REPORTS

Item 15.3.1 continued.

GOVERNMENT CONSULTATION

7. No referral to government agencies was required.

STATUTORY IMPLICATIONS

8. Section 51 of the Land Administration Act, 1997, -

“Cancellation, etc of reserves generally.

Subject to sections 42, 43 and 45, the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.”

9. Under the Land Administration Act 1997, section 56, Dedication of Roads –

“(1.) If in the district of a local authority –

(a) land is reserved or acquired for use by the public, or is used by the public, as a road under care, control and management of the local government;

(b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –

(i) the holder of the freehold in that land applies to the local government, requesting it to do so; or

(ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;

or

(c) land comprises a private road of which the public has had uninterrupted use for a period not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.”

FINANCIAL IMPLICATIONS

10. The project to improve the intersection of Hunton Rd and Wheeldon Rd is in the approved 2009/2010 City budget. The total cost of this road realignment project is \$48,000. Two thirds of this cost (\$32,000) will be funded by the State Government through its Black Spot program. The remainder (\$16,000) will come from City funds.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

11. This item directly relates to the following element from the Albany Insight – Beyond 2020 Corporate Plan:

“4. Governance.....

a. 4.2 Manage our municipal assets to endure they are capable of supporting our growing community.”

POLICY IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 15.3.1 continued.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

13. The Council has the following options in relation to the proposal:
- a. 1. Seek approval for the excision of portion of Reserve 22323 for road reserve purposes;
 2. Seek approval to dedicate the resultant land as road reserve; and
 3. Subsequent to the road dedication, realign Wheeldon Rd.

OR

- b. Realignment of Wheeldon Rd within the current road reserve. This would not be an optimal solution.
14. Should Council choose to leave the situation in its current state, there is a possibility of public liability issues arising, should an accident occur at the intersection after a potential hazard has been investigated but not addressed.

SUMMARY CONCLUSION

15. It is recommended that a portion of Reserve 22323 be excised to allow the realignment of Wheeldon Rd and the resultant land be amalgamated with the current road reserve in the vicinity of the intersection with Hunton Rd.
16. The option of realigning Wheeldon Rd within the existing road reserve is not recommended as that would not adequately address the safety issues at the intersection.

8:56:04 PM

ITEM NUMBER 15.3.1 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR WOLFE

SECONDED: CR DUFTY

THAT Council agrees to:

- i) **seek approval for the excision of portion of Reserve 22323 from the Department of Planning and Infrastructure for road reserve purposes, in accordance with section 51 of the Land Administration Act 1997;**
- ii) **seek approval to dedicate the resultant land as road reserve, in accordance with section 56 of the Land Administration Act 1997; and**
- iii) **subsequent to the road dedication, construct the new alignment of Wheeldon Rd in the vicinity of the intersection with Hunton Rd.**

MOTION CARRIED 9-0

Item 15.3.1 continued.



WORKS & SERVICES REPORTS

15.4 WORKS & SERVICES COMMITTEES

ITEM NUMBER: 15.4.1

ITEM TITLE: ASSET MANAGEMENT AND CITY SERVICES STRATEGY AND POLICY COMMITTEE MEETING – 19 JUNE AND 21 AUGUST 2009

File Number or Name of Ward : MAN 235 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Works and Services (K Ketterer)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee meeting Minutes – 19th June 2009 and 21st August 2009.
Councillors Lounge : Nil.

MOVED: CR WOLFE

SECONDED: CR DUFTY

THAT Committee Recommendations 1,3 and 4, be resolved en bloc.

MOTION CARRIED 9-0

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 15.4.1 – COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

Item 5.0 - Confirmation of Minutes

THAT the:

- i) CONFIRMED minutes of the Asset Management and City Services Strategy and Policy Committee meeting held on 19th June 2009, be RECEIVED; and**
- ii) UNCONFIRMED minutes of the Asset Management and City Services Strategy and Policy Committee Meeting held on 21 August 2009, be RECEIVED.**

MOTION CARRIED EN BLOC

9:00:09 PM

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 15.4.1 – COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

ITEM 6.0 PLANT AND VEHICLE POLICY

THAT the recommended amendments as indicated be accepted.

WORKS & SERVICES REPORTS

Item 15.4.1 continued.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 15.4.1 – COMMITTEE RECOMMENDATION 2 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR TORR
SECONDED: CR WOLFE

ITEM 6.0 PLANT AND VEHICLE POLICY

THAT Council NOT ADOPT the proposed Plant and Vehicle Policy.

MOTION CARRIED 9-0

Officer Reason:

The proposed policy contradicts the current plant and vehicle policy. Further investigation is required to ensure that it meets omission and fuel efficiency standards that are stipulated within the current policy.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 15.4.1 – COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY

ITEM 7.0 BETTY'S BEACH MANAGEMENT PLAN (DRAFT)

THAT the DRAFT Betty's Beach Management Plan be advertised for public consultation.

MOTION CARRIED EN BLOC

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 15.4.1 – COMMITTEE RECOMMENDATION 4
VOTING REQUIREMENT: SIMPLE MAJORITY

ITEM 8.0 MIDDLETON BEACH MANAGEMENT PLAN (DRAFT)

THAT the DRAFT Middleton Beach Management Plan be advertised for public consultation.

MOTION CARRIED EN BLOC

GENERAL MANAGEMENT SERVICES Reports

GENERAL MANAGEMENT SERVICES REPORTS

16.1 CORPORATE GOVERNANCE

ITEM NUMBER: 16.1.1

ITEM TITLE: LOCAL GOVERNMENT STAFF DELEGATIONS

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

Legislative Function: Council making and reviewing the legislation it requires to perform its function as a Local Government.

File Number or Name of Ward	: MAN 122 (All Wards)
Summary of Key Points	: Allocating designated authority to staff.
Land Description	: Nil.
Proponent	: Nil.
Owner	: Nil.
Reporting Officer(s)	: Assistant Corporate Governance Officer (S Smith)
Disclosure of Interest	: Nil
Previous Reference	: Nil.
Bulletin Attachment(s)	: Nil.
Consulted References	: Nil.
Councillors Lounge	: Nil.
Maps and Diagrams	: Nil.

BACKGROUND

1. Under the provisions of the Local Government Act 1995, a local authority may delegate some of its powers and duties to the Chief Executive Officer or his delegate to help facilitate the many services it provides to the Community.
2. At least once every financial year, the powers and duties delegated under the Local Government Act are required to be reviewed.
3. Within the last six months, both the Senior Ranger and Emergency Services Co-ordinator have resigned from the City of Albany. A review of these positions was undertaken and the following positions were created.
 - a. Co-ordinator Ranger and Emergency Services; and
 - b. Emergency Management Officer.
4. These two positions have now been filled and in accordance with Section 5.42 of the Local Government Act, delegation to these officers must be presented to Council for endorsement.

DISCUSSION

5. Nil.

PUBLIC CONSULTATION / ENGAGEMENT

6. No public consultation is required.

GOVERNMENT CONSULTATION

7. No government consultation is required.

GENERAL MANAGEMENT SERVICES REPORTS

Item 16.1.1 continued.

STATUTORY IMPLICATIONS

8. Section 48 of the *Bush Fires Act 1954* provides for a local government to delegate powers to its CEO, stating that:

“A local government may, in writing, delegate to its Chief Executive Officer the performance of any of its functions under this Act.”

9. Advertising the authorisation of officers within the Government Gazette is required.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

11. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan...

“Governance

The City of Albany will be an industry leader in good governance and service delivery.

4.3 deliver excellent community services that meet the needs and interests of our diverse communities.”

POLICY IMPLICATIONS

12. The following delegations apply to the new positions:-

A. Brendon Braithwaite, Co-ordinator Ranger and Emergency Services is authorised under the:

- Dog Act 1976 & Regulations,
- Control of Off-Road Vehicles Act 1978 & Regulations,
- Local Government Property Local Law,
- Activities in Thoroughfares and Public Places and Trading Local Law,
- Animals Local Law,
- Parking and Parking Facilities Local Law,
- Prevention and Abatement of Sand Drift Local Law,
- Litter Act 1979-81 & Regulations,
- Part XX Local Government (Misc Provisions) Act 1960, and Section 3.39(i), 9.10 and 9.16 Local Government Act 1995,
- Bush Fires Act 1954, and
- Emergency Management Act 2005.

B. Andriena Ciric. Emergency Management Officer is authorised under the:

- Bush Fires Act 1954,
- Part XX Local Government (Misc Provisions) Act 1960, and Section 3.39(i), 9.10 and 9.16 Local Government Act 1995, and
- Emergency Management Act 2005.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

13. There are no alternate options and legal implications relating to this item.

GENERAL MANAGEMENT SERVICES REPORTS

Item 16.1.1 continued.

SUMMARY CONCLUSION

14. Nil.

ITEM NUMBER: 14.1.1 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT;

- i) in accordance with Section 5.42 of the Local Government Act 1995, Council GRANT delegated authority to:-
 - Mr Brendon Braithwaite – Co-ordinator Ranger and Emergency Services; and
 - Ms Andriena Ciric – Emergency Management Officer;
- ii) ADVERT these appointments within the Government Gazette; and
- iii) all authorisations for Ben DeVries and Gary Turner be CANCELLED, effective immediately.

ITEM 16.1.1 – AMENDED OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: CR PRICE

SECONDED: CR WALKER

THAT Council In accordance with the provisions of sections 5.42 and 5.43 of the *Local Government Act 1995*, DELEGATE to the Chief Executive Officer, the authority to appoint authorised persons or classes of persons to perform particular functions under the following Acts:

- (1) Bush Fires Act 1954 - Bush Fire Control Officers**
- (2) Caravan Parks and Camping Grounds Act 1995**
- (3) Dog Act 1976**
- (4) Litter Act 1979**
- (5) Local Government (Miscellaneous Provisions) Act 1960**
- (6) Control of Vehicles (Off-road Areas) Act 1978**
- (7) Emergency Management Act 2005**

**MOTION CARRIED 9-0
ABSOLUTE MAJORITY**

Officer Reasons:

- The Amended Officer Recommendation delegate's appointment of the City's authorised Officers to the CEO.
- The previous recommendation required amendment as a number of these delegations had already been delegated to the CEO.
- The additional two delegations (6) and (7) will alleviate these administrative appointments being presented to Council in the future.

GENERAL MANAGEMENT SERVICES REPORTS

Item 16.1.1 continued.

Note:

(1) Individual Acts delegate the responsibility to appoint authorised officers to individual local governments to appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

(2) The Caravan Parks and Camping Grounds Act 1995 directly delegates the CEO authority the authority to appoint persons to be authorised to administer the Act.

(3) Litter Act 1979 section 27AA. A local government may appoint a person to be an honorary inspector to assist in the serving of infringement notices relating to offences prescribed for the purposes of section 30

(4) Local Government (Miscellaneous Provisions) Act 1960 sections 245A, 420 and 458, relates to private swimming pools, power of entry and inspection, and powers to impound cattle.

(5) Control of Vehicles (Off-road Areas) Act 1978: A local government may by resolution appoint:

(a) any employee of the local government; and

(b) where the Minister by notice published in the Government Gazette authorises the local government to do so, any member of the council of that local government,

GENERAL MANAGEMENT SERVICES REPORTS

16.2 GENERAL MANAGEMENT SERVICES COMMITTEE

Nil

17.0 ADOPTION OF THE INFORMATION BULLETIN

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR PRICE

SECONDED: CR WALKER

THAT the Information Bulletin, as circulated, be received and the contents noted.

MOTION CARRIED 9-0

18.0 MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING

ITEM NUMBER: 18.1
ITEM TITLE: NOTICE OF MOTION BY COUNCILLOR PAVER – MODIFICATION TO DRAFT ALBANY LOCAL PLANNING STRATEGY – FUTURE URBAN CLASSIFICATIONS

Item lapsed.

Reason: In accordance with clause 3.11(3), Standing Orders Local Law 2009, being: “A notice of motion lapses unless the motion is moved at the meeting prescribed by clause 3.11(1) by—

(a) the member who gave the notice; or

(b) another member authorised in writing by the member who gave the notice.”

ITEM 18.1 NOTICE OF MOTION BY COUNCILLOR PAVER
VOTING REQUIREMENT: SIMPLE MAJORITY

1. THAT Council AMENDS the Albany Local Planning Strategy by:

- (a) Modifying the Executive Summary – Sustainable Settlements (paragraph 3) to the following:

The ALPS has identified 5 ‘Priority Development’ areas to encourage incremental fully serviced urban development nodes. This ranges from ‘Priority 1’ urban areas currently being developed to ‘Priority 5’ to protect long term proposed future urban areas. The rezoning and/or structure planning of Priority 4 and 5 areas should not be considered in the life of this strategy as the premature progression to fully serviced urban land has the potential to compromise the demand for, and orderly growth of, higher priority future urban areas.

- (b) Modifying Section 8.3.2 (Urban Lot Consolidation and Staged Incremental Development) to the following:

The classifications of the ALPS “Priority Development” from 1 to 5 areas encourages incremental fully serviced development. The rezoning and/or structure planning of Priority 4 and 5 areas should not be considered in the life of this strategy as the premature progression to fully serviced urban land has the potential to compromise the demand for, and orderly growth of, higher priority future urban areas.

2. THAT Council as part of the readvertising of the ALPS consults with all landowners affected by the modifications outlined above.

9:02:42 PM

Item 18.1 continued.

ITEM 18.1 - AMENDED NOTICE OF MOTION BY COUNCILLOR PAVER – MODIFICATION TO DRAFT ALBANY LOCAL PLANNING STRATEGY – FUTURE URBAN CLASSIFICATIONS
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT when forwarding the modified ALPS to the WAPC for approval prior to readvertising, Council seeks the WAPC's approval to include the following modifications:

- (a) Modifying the Executive Summary – Sustainable Settlements (paragraph 3) to the following:

The ALPS has identified 5 'Priority Development' areas to encourage incremental fully serviced urban development nodes. This ranges from 'Priority 1' urban areas currently being developed to 'Priority 5' to protect long term proposed future urban areas. The rezoning and/or structure planning of Priority 4 and 5 areas should not be considered in the life of this strategy as the premature progression to fully serviced urban land has the potential to compromise the demand for, and orderly growth of, higher priority future urban areas.

- (b) Modifying Section 8.3.2 (Urban Lot Consolidation and Staged Incremental Development) to the following:

The classifications of the ALPS "Priority Development" from 1 to 5 areas encourages incremental fully serviced development. The rezoning and/or structure planning of Priority 4 and 5 areas should not be considered in the life of this strategy as the premature progression to fully serviced urban land has the potential to compromise the demand for, and orderly growth of, higher priority future urban areas.

Councillor's Reason:

I am concerned that the current ALPS allows developers who can afford to bring services to their land to develop their land for residential development, despite the fact that the land may be located a considerable distance from the urban fringe. Such a situation undermines the take up of land in priority 1, 2 and 3 areas, is not an environmentally sustainable practice and does not represent proper and orderly planning. There is more than enough land identified in priority 1, 2 and 3 areas to service Albany's land demands within the life of the strategy.

Officer's Comment:

The officer's report as per the agenda item under 18.1 does not change. The minor change relates to how the modification needs to be handled after receiving specific advice from the Department of Planning & Infrastructure.

OFFICER'S REPORT

Author: Executive Services Manager – Planning & Councillor Liaison (G Bride)

Item 18.1 continued.

BACKGROUND

1. The draft Albany Local Planning Strategy (ALPS) has identified future urban areas that should be set aside for future residential development. The ALPS applies a priority classification for all Future Urban areas ranging from 1 through to 5; 1 being areas that should be developed as soon as possible through to 5 being longer term future urban areas.
2. The current version of ALPS facilitates the rezoning and development of priority 4 and 5 future urban areas where structure planning and extension of services to the subject property are funded by the landowner.
3. The current wording relevant to the future urban classifications in ALPS is as follows:-

“Modifying the Executive Summary – Sustainable Settlements

However, this does not preclude consideration of developer funded comprehensively planned and fully serviced urban nodes within defined future urban areas that are not consistent with their current priority classification.

Modifying Section 8.3.2 (Urban Lot Consolidation and Staged Incremental Development)

This does not preclude Council/WAPC considering developer funded comprehensively planned and fully serviced urban nodes within defined future urban areas that are not consistent with their current priority classification.”

DISCUSSION

4. Staff have no objection to the proposed motion as it provides further clarification on Council’s position as and when landowners should proceed with rezoning and structure plan proposals.
5. Once the current version of ALPS is adopted the strategy would need to be reviewed within a 5 year period; at that time a review of this position could be undertaken.

PUBLIC CONSULTATION / ENGAGEMENT

6. The Western Australian Planning Commission has advised that the final version of the ALPS document will need to be readvertised. Should Council support this motion those landowners that have a Category 4 or 5 priority designation will be notified and invited to comment.

GOVERNMENT CONSULTATION

7. Nil.

STATUTORY IMPLICATIONS

8. Once the final draft is advertised (including the changes in the proposed motion) Council will need to consider the submissions and refer the document to WAPC for final endorsement.

Item 18.1 continued.

FINANCIAL IMPLICATIONS

9. Nil.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

10. The motion will result in a modification to the ALPS, which represents the strategic planning direction for the City.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

12. Council has the option of not supporting the modification to the ALPS.

SUMMARY CONCLUSION

13. The motion provides greater clarification as to how Council will process rezoning and structure plan proposals over future urban areas with a priority classification of 4 and 5. The effect of the motion is that no rezoning or structure planning proposals relating to such areas will be supported by Council until such time as the ALPS is reviewed (within 5 years) and such review changes the priority classification to either 1, 2 or 3.

19.0 URGENT BUSINESS APPROVED BY DECISION OF THE MEETING

19.1 City of Albany Standing Orders 2009 – Joint Standing Committee On Delegated Legislation

In accordance with 5.23(2)(g) of the Local Government Act 1995, being: information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971, Item 19.1 was discussed behind closed doors.

This item was presented and dealt with after item 22.5.

20.0 REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

9:03:13 PM

**ITEM 20.0 – REPORT REQUEST BY COUNCILLOR WOLFE
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: CR WOLFE
SECONDED: CR PRICE**

THAT the City of Albany Councillor Entertainment and Allowance Policy be reviewed and represented to Council.

MOTION CARRIED 9-0

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

9:04:06 PM

Cr Bostock presented the following notice of motions:

ITEM 21.0 – NOTICE OF MOTION 1 - BY COUNCILLOR BOSTOCK

Council Chambers Configuration

That the Council Chamber be configured in accordance with its purpose. The Mayor, CEO and minute taker at the head with Councillors radiating from the centre in a 'U' shape. Executive directors are to be accommodated on a separate side table.

Reason: this arrangement would reflect the Governing Bodies authority and the fact that ultimate responsibility for the organisation rests with them. It will open up the chamber to include the public in the spirit of true democracy.

ITEM 21.0 – NOTICE OF MOTION 2 – BY COUNCILLOR BOSTOCK

Councillor Induction

A non decision making meeting of full Council is called by Mayor before determination of Committee membership. The CEO to provide one member of staff for minute taking, but no other staff need attend.

Reason: the meeting will provide an opportunity to welcome new members and act as an orientation session, outlining the workings and responsibilities of a Councillor. Council can discuss the current situation, any perceived problems and the hopes and aspirations of the new governing body. In particular we must work towards rationalizing our own organisation and the appropriate use of committees in aiding decision making.

Cr Dufty left Chambers at 9:05:42 PM

Executive Manager Corporate Services (D Schober) and Executive Manager Planning Services (G Bride) left the Chambers at 9.06pm.

In accordance with the Standing Orders Local Law 2009, clause 7.9, the meeting was closed to the public. The public gallery and media vacated the chambers at 9:06:05 PM.

Cr Dufty returned to the Chambers at 9.07pm.

Cr Torr left Chambers at 9.07pm.

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

ITEM 22.0 – DRAFT MOTION

VOTING REQUIREMENTS: SIMPLE MAJORITY

MOVED: CR PRICE

SECONDED: CR WALKER

THAT Council close the meeting to the public to consider:

- **Item 19.1 - City of Albany Standing Orders 2009 – Joint Standing Committee on Delegated Legislation feedback**
- **Item 22.1 – Reconsider motion lost at Ordinary Council Meeting – 18 August 2009 – Contract C09011 – Tendering Provision of Legal Services**
- **Item 22.2 – Executive Contracts**
- **Item 22.3 – Gravel Extraction – Reserve 15606 – Notice of Motion - Recision Motion By Councillor Torr**
- **Item 22.4 - Minutes of Meeting – Finance Strategy Advisory Committee – 31 August 2009**
- **Item 22.5 - Minutes of the Chief Executive Officer Performance Appraisal Committee**

In accordance with 5.23 (2)(b)(c)(d) of the Local Government Act 1995; being:

- (a) a matter affecting an employee or employees;**
- (b) the personal affairs of any person;**
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and**
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.**

MOTION CARRIED 8-0

Cr Torr returned to the Chambers at 9:11:28 PM

Note: Item 19.1 was dealt with after item 22.5.

ITEM NUMBER: 22.1
ITEM TITLE: RECONSIDER MOTION LOST AT ORDINARY COUNCIL MEETING – 18 AUG 09 CONTRACT C09011 – TENDERING: PROVISION OF LEGAL SERVICES

File Number or Name of Ward : MAN 234 (All Wards)
Summary of Key Points : Reconsider Tender for provision of legal services
Reporting Officer(s) : Executive Manager Business Governance
(S Jamieson)
Executive Director Corporate & Community Services
(P Madigan)
Disclosure of Interest : Cr Paver – Impartiality. The nature of his interest is that he has had previous dealings with Hudson Henning and Goodman.
Bulletin Attachment(s) : Nil

ITEM 22.1 – NOTICE OF MOTION 1 - BY COUNCILLOR WOLFE
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: CR WOLFE
SECONDED: CR WALKER

THAT the motion LOST at report item 16.2.1, Ordinary Council Meeting dated 18 Aug 09, being:

“THAT Council ACCEPT the tender from Hudson, Henning & Goodman for CO9011 (Provision of Legal Services) for a 12-month period at an all inclusive price (including disbursements) of \$175,000 (plus GST), recognising that the City will at times have no option other than to engage other specialist legal services.”

Be reconsidered.

MOTION CARRIED 7-2
ABSOLUTE MAJORITY

Record of Vote:

For the Motion: Mayor Evans, Cr's Dufty, Kidman, Price, Stanton, Walker and Wolfe.

Against the Motion: Cr's Torr and Bostock

Item 22.1 continued.

**ITEM 22.1 – PROCEDURAL MOTION BY COUNCILLOR BOSTOCK
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: CR BOSTOCK
SECONDED: CR TORR.**

THAT Council DEFER item 22.1 until the October 2009 Ordinary Council Meeting.

MOTION LOST: 3-6

Record of Vote:

For the Motion: Cr's Kidman, Torr and Bostock

Against the Motion: Mayor Evans, Cr's Dufty, Price, Stanton, Walker and Wolfe.

**ITEM 22.1 – NOTICE OF MOTION 2 – BY COUNCILLOR WOLFE
VOTING REQUIREMENTS: SIMPLE MAJORITY**

**MOVED: CR WOLFE
SECONDED: CR WALKER**

THAT Council ACCEPT the tender from Hudson, Henning & Goodman for C09011 (Provision of Legal Services) for a 12 month period at an all inclusive price (including disbursements) of \$175,000 (plus GST), recognising that the City will at times have no option other than to engage other specialise legal services.

MOTION CARRIED 6-3

Record of Vote:

For the Motion: Mayor Evans, Cr's Dufty, Price, Stanton, Walker and Wolfe.

Against the Motion: Cr's Kidman, Torr and Bostock.

ITEM NUMBER: 22.2
ITEM TITLE: EXECUTIVE CONTRACTS

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

Executive Function: *Council setting strategic direction and overseeing the operational functions of the City.*

File Number or Name of Ward : PF 1066
Summary of Key Points : Extension of current Executive Team contract for Mr Peter Madigan Executive Director Corporate and Community Services (EDCCS)
Land Description : N/A
Proponent : City of Albany
Owner : N/A
Reporting Officer(s) : Chief Executive Officer (P Richards)
Disclosure of Interest : EDCCS.
Previous Reference : OCM 21/08/07 Item 19.2
Bulletin Attachment(s) : Nil
Consulted References : Local Government Act 1995

Executive Director Corporate & Community Services (P Madigan) declared an interest in this item and left the Chambers at 9.42pm. The nature of his interest is that the item relates to his contract of employment.

Executive Director Works and Services (K Ketterer) left the Chambers at 9.42pm.

ITEM 22.2 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: CR DUFTY
SECONDED: CR WALKER

THAT Council SUPPORT the Extension of the Executive Team contract for Mr Peter Madigan, Executive Director Corporate and Community Services (EDCCS) for a period from 7th October, 2009, expiring on the 30th June 2013.

MOTION CARRIED 8-1

Record of Vote:

For the Motion: Mayor Evans, Cr's Dufty, Kidman, Price, Stanton, Torr, Walker and Wolfe.

Against the Motion: Cr Bostock

EDCCS and EDWS returned to Chamber at 9.49pm.

ITEM NUMBER: 22.3
ITEM TITLE: GRAVEL EXTRACTION – RESERVE 15605 – NOTICE OF MOTION -
RECISION MOTION BY COUNCILLOR TORR

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward : C08003
Summary of Key Points : Rescind the tender awarded to supply gravel from the City owned Millbrook Rd gravel pit.
Land Description : Reserve 15605 (Millbrook Rd Gravel Pit S018)
Proponent : City of Albany
Owner : City of Albany
Reporting Officer(s) : Executive Manager Business Governance (S Jamieson)
Executive Directors Works & Services (K Ketterer)
Disclosure of Interest : Nil.
Previous Reference : OCM 21/04/09 Item 13.4.1
OCM 18/08/09 Item 18.1 (withdrawn by proposer)
Bulletin Attachment(s) : Note: Copy of the following provided in the Councillor Lounge:
• Process undertaken by City Staff.
• Permit to clear native vegetation under the Environmental Protection Act 1986
• LT8021891 dated 02 Dec 08, Flora Survey conducted on Millbrook Rd Gravel Pit S018 dated Sep 08.
• LT8024057 – dated 06 Mar 09, Methodology and result of the Flora Survey relating to Lot 3800 Millbrook Road, CPS 1956/1.
Consulted References : Nil

ITEM 22.3 – PROCEDURAL MOTION BY MAYOR EVANS

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Item 22.3 is laid on the table until the October 2009 Ordinary Council meeting to allow appropriate time to clarify the contents of the report.

ITEM 22.3 – PROCEDURAL MOTION BY MAYOR EVANS

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED MAYOR EVANS
SECONDED COUNCILLOR WALKER

THAT Item 22.3 is laid on the table until the October 2009 Ordinary Council meeting to allow appropriate time to clarify the contents of the report.

MOTION LOST 3-6

Record of Vote:

For the Motion: Mayor Evans, Cr’s Walker and Wolfe

Against the Motion: Cr’s Bostock, Dufty, Kidman, Price, Stanton and Torr.

Item 22.3 continued.

Councillors Wolfe, Torr, Price, Dufty and Mayor Evans reaffirmed their decision to move the notice of motion by Councillor Torr, being: Notice of Motion 13.4.1 – Contract C08003 – supply of gravel.

**ITEM 22.3 – ALTERNATE MOTION BY COUNCILLOR WOLFE
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR DUFTY**

THAT Council RESCIND Contact – C08003 – Supply of Gravel.

**MOTION CARRIED 8-1
ABSOLUTE MAJORITY**

Record of Vote:

For the Motion: Mayor Evans, Cr's Dufty, Kidman, Price, Stanton, Torr, Walker and Wolfe.

Against the Motion: Cr Bostock

9.58pm. The Mayor retired from the meeting.

9.58 pm. the Deputy Mayor, Cr Wolfe, assumed the role of presiding member.

**MOVED: CR PRICE
SECONDED: CR TORR**

THAT the previous motion, being:-

“13.4.1 – Contract C08003 – supply of gravel be rescinded.”

be rescinded.

**MOTION CARRIED 8-0
ABSOLUTE MAJORITY**

Item 22.3 continued.

**ITEM 22.3 – ALTERNATE MOTION BY COUNCILLOR WOLFE
VOTING REQUIREMENT: SIMPLE MAJORITY**

MOVED: CR WALKER

SECONDED: CR STANTON

THAT COUNCIL RE-AWARD the tender C08003 for the supply of gravel from various pits during 2008/2009 and 2009/2010 to the following tenderers (with the deletion of Millbrook Road at a price of \$42,600):

- i) **AD Contractors Pty Ltd for pits:**
- **Wilcox Road at a price of \$34,750.00,**
 - **Mount Boyle Road at a price of \$22,500.00,**
 - **Drawbin Road at a price of \$35,550.00,**
 - **Cochrane Road at a price of \$20,750.00,**
 - **Douglas Road at a price of \$18,500.00, and**
 - **Southcoast Highway at a price of \$57,000.00.**
- ii) **Palmer Earthmoving Australia Pty Ltd for pits:**
- **Takenup Road at a price of \$43,125.00,**
 - **Morrialup Road at a price of \$9,280.00,**
 - **Hunwick Road at a price of \$24,270.00,**
 - **Kojaneerup Springs Road at a price of \$22,452.50; and**
- iii) **THAT Council delegate authority to the CEO to mitigate costs in regards of this contract with Palmer Earthmoving Australia Pty Ltd.**

MOTION CARRIED 8-0

**ITEM 22.3 – ALTERNATE MOTION BY CR WALKER
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

MOVED: CR WALKER

SECONDED: CR DUFTY

THAT NO Gravel extraction at RESERVE 15605 (Millbrook Road Gravel Pit) is to proceed until the Department of Environment (DEC) has reviewed the clearing permit in light of the discovery of the threatened Red Tail Black Cockatoo.

**MOTION CARRIED 8-0
ABSOLUTE MAJORITY**

ITEM NUMBER: 22.4
ITEM TITLE: MINUTES OF MEETING – FINANCE STRATEGY ADVISORY COMMITTEE – 31st August 2009

File Number or Name of Ward : FIN 057 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Manager of Finance (P Wignall)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee meeting Minutes - 31 August 2009

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.4 - COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR PRICE

SECONDED: CR STANTON

THAT the UNCONFIRMED minutes of the Finance Strategy Advisory Committee meeting held on Monday 31 August 2009 be RECEIVED.

MOTION CARRIED 8-0

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.4 – COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: CR PRICE

SECONDED: CR DUFTY

7.1 COLLATERALISED DEBT OBLIGATIONS – FUNDING FOR FUTURE LEGAL ACTION

THAT Council:

- i) APPROVE the use of IMF (Australia) Ltd to fund any future legal proceedings for claims relating to loss and damages incurred as a result of the City of Albany investing in Collateralised Debt Obligations; and**
- ii) APPROVE the APPOINTMENT of IMF (Australia) Ltd without going to tender as required in Division 2 – Section 11 (2) (f) of the Local Government (Functions and General Regulations 1996, on the basis that ‘the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier’.**

**MOTION CARRIED 8-0
ABSOLUTE MAJORITY**

ITEM NUMBER: 22.5
ITEM TITLE: CHIEF EXECUTIVE OFFICER PERFORMANCE APPRAISAL COMMITTEE MINUTES– 11th AUGUST 2009

File Number or Name of Ward : STR 238 (AM809379)
Summary of Key Points : Receive the committee minutes of the Chief Executive Officer Performance Appraisal Committee Minutes – 11th August 2009.
Reporting Officer(s) : Executive Manager Business Governance (S Jamieson)
Disclosure of Interest : CEO. Impartiality.
EMBG. Impartiality.
Bulletin Attachment(s) : Committee meeting Minutes – 11th August 2009

CEO declared an impartial interest in this item and left the Chambers at 10.37pm.

The EDCCS and EDWS left the Chambers at 10.37pm.

EMBG declared an impartial interest and remained within the Chambers. The nature of his interest is that he works for the CEO.

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 22.5 - COMMITTEE RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR PRICE

SECONDED: CR WALKER

THAT the UNCONFIRMED minutes of the Chief Executive Officer Performance Appraisal, Committee Minutes meeting held on Monday 11th August 2009, distributed under separate CONFIDENTIAL cover, be RECEIVED.

MOTION CARRIED 8-0

ITEM 22.5 - MOTION BY COUNCILLOR BOSTOCK

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR BOSTOCK

SECONDED: CR TORR

THAT the membership to the CEO performance appraisal Committee is extended to included ALL Elected Members.

MOTION LOST 1-7

Record of Vote:

For the Motion: Cr Bostock

Against the Motion: Deputy Mayor Wolfe, Cr's Dufty, Kidman, Price, Stanton, Torr and Walker.

Chief Executive Officer returned to the Chambers at 10.53pm

EDWS and EDCCS returned to the Chambers at 10.53pm.

ITEM NUMBER: 19.1
ITEM TITLE: URGENT BUSINESS BY DECISION OF THE MEETING – CITY OF ALBANY STANDING ORDERS 2009 – JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION FEEDBACK.

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Legislative Function: *Council making and reviewing the legislation it requires to perform its function as Local Government.*

File Number or Name of Ward : MAN 048
Summary of Key Points : Undertake a written undertaking to comply with request from Legislative Committee Office
Proponent : City of Albany
Reporting Officer(s) : Executive Manager Business Governance (S Jamieson)
Disclosure of Interest : Nil
Previous Reference : Government Gazette, Wed 24 Jun 09, No. 117 Special. Ordinary Council Meeting – 19 May 09, Item 18.1.
Bulletin Attachment(s) : Nil
Consulted References : Local Government Act 1995
City of Albany Standing Orders Local Law 2009

In accordance with clause 3.6 of the Standing Orders Local Law 2009, being:

*“Urgent business. (1) Subject to clause 3.6(2), in cases of urgency, a matter may, by an absolute majority decision, be raised without notice and decided at a meeting.
(2) The determination of a matter or exercise of a discretion under the Town Planning Scheme is not permitted to be dealt with as urgent business.”*

ITEM 19.1 – DRAFT MOTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: CR PRICE
SECONDED: CR Walker

THAT urgent Item 19.1 be considered by Council.

MOTION CARRIED 8-0
ABSOLUTE MAJORITY

The CEO left the Chambers at 11.01pm.

The CEO returned to the Chambers at 11.04pm.

Item 19.1 continued.

**ITEM 19.1 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: CR PRICE
SECONDED: CR DUFTY**

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

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

MOTION CARRIED 8-0

**MOVED: CR WALKER
SECONDED: CR KIDMAN**

THAT Council came out from behind closed doors.

MOTION CARRIED 8-0

Council came out from behind closed doors at 11.05pm

No members of the public or media were present.

23.0 NEXT ORDINARY MEETING DATE

Tuesday 20th October 2009, 7.00pm

ITEM 23.0 - DRAFT MOTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: CR PRICE

SECONDED: CR STANTON

THAT Council resume Standing Order 3.1 - Recording of Proceedings.

**MOTION CARRIED 8-0
ABSOLUTE MAJORITY**

24.0 CLOSURE OF MEETING

There being no further business, the Deputy Mayor declared the meeting closed at 11.07pm.

Confirmed as a true and accurate record of proceedings.

Milton John Evans, JP
MAYOR

APPENDIX A

STATUS REPORT ON DEFERRED ITEMS FROM PREVIOUS MEETINGS

Meeting Date	Report Item	Status
Nil.		

APPENDIX B

NOTICE OF DISCLOSURES

WRITTEN NOTICE OF DISCLOSURE

Name	Item Number	Nature of Interest
Nil.		

INTEREST DISCLOSED DURING THE COURSE OF THE MEETING

Name	Item Number	Nature of Interest
Nil		

INTEREST DISCLOSED BY OFFICERS

Name	Item Number	Nature of Interest
Mr Madigan (Executive Director Corporate & Community Services)	22.2	Financial/Impartiality. Item 22.2 relates to his contract of employment.
Mr Richards (Chief Executive Officer)	22.5	Impartiality. Item 22.5 relates to his contract of employment.
Mr Jamieson (Executive Manager Business Governance)	22.5	Impartiality. Officer is a subordinate of the CEO.

APPENDIX C

TABLED DOCUMENTS

Document Tabled By	Document Reference
Petition received from residents of Federal Street regarding re-zoning of land.	Council File Ref: MAN 006 / LT8089239
Cr Bostock	Item 3.0 – announcement by Mayor or Councillors without discussion. Tabled speech.
Cr Wolfe	Item 13.5.1 - Planning And Environment Strategy And Policy Committee Meeting Minutes – 20 August 2009. .
Cr Bostock	Item 13.5.2 – Future Urban Growth Kalgan
Cr Bostock	Item 21.0 - Announcement of notices of motion to be dealt with at the next meeting. Two motions were presented for consideration at the October 2009 OCM.
Cr Bostock	Item 22.1 - Reconsider motion lost at Ordinary Council Meeting – 18 August 2009 – Contract C09011 – Tendering Provision of Legal Services. .
Cr Bostock	Item 22.5 – CEO Performance Appraisal Committee.

15.
OCM 17 September 2009

Behind Closed Doors.

Item 22.5 Chief Executive Officers Performance Appraisal Committee.

That membership to the Chief Executive Officers Performance Appraisal Committee is extended to include all elected members, with immediate effect.

Reason:

The CEO represents the lynch pin between the elected and salaried arms of the City authority and his central role must be recognised by involving all elected members in his performance review to ensure as wide a representation as possible.

Speak to the Motion:

The CEO performance appraisal is without doubt the greatest responsibility that the electorate has delegated to Council. It is the single most important step in holding the organisation to account, which is the purpose of the elected governing body. We are accountable to our community to ensure the City “works”.

Each one of us is equally charged with that responsibility and each one of us will be required to vote. It is therefore essential that we all have equal opportunity to represent our community and be fully involved in the procedure.

It is about “group accountability” our authority rests with the whole, not individuals or a few. The fact that the law determines that we all must vote endorses the intent and importance of the group it therefore makes no sense to exclude the majority from this essential process. We must all have equal opportunity to arrive at reasoned and informed decisions.

The only way a governing body can create a unified appraisal is to do so as a whole body. It is not about trust but responsibility.

We have accepted that responsibility by standing for Council and each of us must insist on processes that facilitate our ability to properly exercise our duty.

I ask for your united support in insisting on the very basic requirement of representative democracy.

Councillor Jill Bostock.

15.

OCM 17 September 2009

Item 3 Announcements by Mayor and Councillors without discussion.

Councillors are asked to make decisions in the controversial areas of planning and have recently received criticism in the press for being anti-development. I would like to take this opportunity to balance this debate.

Most development applications are dealt with under delegated authority, a high percentage of which are approved without difficulty, so the small number before Council are by definition either large or complicated so more problematic. Thus it is not surprising that some cannot be approved, not because of an anti-development stance, but a failure in one or more areas to meet planning controls.

We have a planning Act, a TPS, State and Local Strategic Plans and numerous Policies that we must consider. It is our responsibility to maintain equitable decisions, to examine all aspects and consistently apply these controls. The whole point of planning is to ensure that the overall city works for all our needs, and that differing land uses do not conflict or compromise one another.

We simply cannot afford to allow ad hoc development, driven by developers' needs and must protect our planning initiatives.

My last point is to expand the debate for consideration by developers and leaders in the community.

It is well recognized that residential development brings greater monetary returns and does therefore dominate new development in this City; I fear this domination is compromising real growth. A community does not flourish by building houses; it is business and industry that must forge ahead first and a reduction in rates could encourage this. Provision of jobs is paramount, and it would be good to see a greater concentration in this area.

To conclude, I am not anti-development and will always approve appropriate development in the right place at the right time.

Councillor Jill Bostock.

13.5.1.

Committee Recommendation 2

Trading In Public Places Policy

1. That Council amend the Trading In Public Places Policy by changing the license period in the fixed location Street Traders section, (page five of the policy); to read:

“As from 2015, expressions of interest in obtaining a street trading license for all approved food and non food locations will be called every five years and all applicants will be assessed using some or all of the following weighted criteria:”

2. That Council adopts the “Trading in Public Places” Policy.

Reason: To encourage licensee’s to invest in modern plant and equipment with an opportunity to show a return on there investment.

OCM 15 September 2009

Item 13.5.2 Future Urban Growth – Kalgan

Councillors, this item is a simple scheme amendment request, but appears to have been made unnecessarily complicated. I have no hesitation in supporting Councillor Torrs alternative motion and wish to congratulate her on highlighting the ambiguity of this matter.

As you are all aware a request such as this is an exploratory enquiry and does not form part of the formal procedure for obtaining a scheme amendment, it does not in itself constitute a policy or strategy and I therefore question the appropriateness of its introduction to the Planning Committee.

The SAR is straight forward, following the strategic plan advertised in ALPS in 2006. However it is inappropriate to sanction changes at this time, as I have previously reiterated our planning regime is in flux; we have an incomplete Strategic plan that has not been out for public consultation in its present form, a new TPS that is undergoing its approval process, yet Scheme Amendments abound. This in my view is totally inappropriate and is resulting in Council unknowingly approving amendments contrary to planning protocol. This is not surprising given the mix and match and ducking and diving through various schemes and strategies.

Councillors as the decision makers we have to take stock making scheme amendments under the guidance of an unadvertised and incomplete strategic plan or endorsing changes within it regardless of public consultation or WAPC approval is very poor planning indeed. Despite the progression of the new planning scheme the promised moratorium has not eventuated.

Suffice it to say this simple request though entirely reasonable cannot be approved whilst our planning regime is undergoing change, I hope Councillors that you not only support this motion but carry over the important principal to all other scheme amendments until we have a properly approved planning scheme and strategy in place.

Before I sit down Mayor, I ask that you consider initiating an official moratorium on all Scheme Amendments forthwith. The level of complexity and confusion within current planning has reached such proportions that Councillors are exposed to real risk of making further inadvertent errors of judgement. It is as you are aware, quite usual for such moratoriums to be in place whilst new Schemes are formalized.

Councillor Jill Bostock

Notice of Motion for OCM October 2009

Councillor Jill Bostock.

Motion 1.

That the Council Chamber be configured in accordance with its purpose. The Mayor, CEO and minute taker at the head with Councillors radiating from the centre in a “U” shape. Executive directors are to be accommodated on a separate side table.

Reason:

This rearrangement would reflect the Governing Bodies authority and the fact that ultimate responsibility for the organisation rests with them. It will open up the chamber to include the public in the spirit of true democracy.

Motion 2.

A non decision making meeting of full Council is called by the Mayor before determination of Committee membership. The CEO to provide one member of staff for minute taking, but no other staff need attend.

Reason:

The meeting will provide an opportunity to welcome new members and act as an orientation session, outlining the workings and responsibilities of a councillor. Council can discuss the current situation, any perceived problems and the hopes and aspirations of the new Governing Body. In particular we must work towards rationalizing our own organisation and the appropriate use of committees in aiding decision making.

 J Bostock.

OCM 15 September 2009

Behind Closed Doors

Item 22.1 Reconsider motion lost at OCM 18 August 2009

Procedural Motion.

That the motion be deferred to October OCM

Speak to the motion:

Councillors it is not possible to reconsider a motion previously upheld by a majority without first bringing a revocation motion. The notice in the agenda and the presentation of this motion is therefore incorrect.

This motion is in fact a revocation motion and must therefore abide by Standing Orders and the Local Government Administration Regulations 1996 and notice of this motion has failed in this regard.

Standing Orders demands:

6.1 Revocation motions:

(2) A member wishing to move a revocation motion at a meeting must give the CEO notice of the revocation motion in accordance with clause 3.11(2) but in addition must-

- (a) specify the decision proposed to be revoked or changed;
- (b) include a reason or reasons for the revocation motion; and
- (c) be signed by at least one third of the sitting members of Council.

1. To comply with clause 3.11 (2) Notice of motion is to be in written form and signed by the member giving notice prior to the commencement of the meeting at which the notice is given.

Since there has been no other meeting the Notice must be seen to be given at this meeting. It follows therefore that notice under 3.11 is for an item to be heard at the next meeting. In this case OCM October 2009.

2. We come to the Notice itself, it is incorrect. Firstly the Regulation 10 (1a) is not pertinent to this case, it should read 10(1b), secondly it does not clearly state that this is a revocation motion, thirdly it is misleading by implying that a Committee Recommendation was lost, instead of stating clearly the “specific” Council Motion ~~that was lost~~. Fourthly there is no reason given for the revocation motion.

I therefore consider this matter cannot be dealt with this evening, proper notice has not been given and it is in breach of Standing Orders, as detailed.

Councillor Jill Bostock