

MINUTES

ORDINARY MEETING OF COUNCIL

**on
Tuesday, 16th August 2005
7.30pm
City of Albany Council Chambers**

City of Albany

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Signed _____

Andrew Hammond
Chief Executive Officer

Date: 17th August 2005

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1.0 DECLARATION OF OPENING

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

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

- | | | |
|---|---|--------------------------|
| Mayor | - | A Goode, JP |
| Councillors | - | DW Wellington |
| | - | MJ Evans, JP |
| | - | P Lionetti (from 7.35pm) |
| | - | SM Bojcun |
| | - | JD Williams |
| | - | DJ Wolfe |
| | - | RH Emery |
| | - | S Marshall |
| | - | J Walker |
| | - | D Wiseman |
| | - | R Paver |
| | - | J Jamieson |
| | - | I West |
| Chief Executive Officer | - | AC Hammond |
| Executive Director Corporate & Community Services | - | WP Madigan |
| Executive Director Works & Services | - | L Hewer |
| Manager Development Services | - | R Fenn |
| Minute Secretary | - | S Day |
| Approximately 19 members of the public | | |
| 2 media representatives | | |
| <u>Apologies / Leave of Absence:</u> | - | J Waterman |

3.0 OPENING PRAYER

Mayor Goode 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.”

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.0 PUBLIC QUESTION TIME

Council's Standing Orders Local Laws provide that each Ordinary Meeting of the Council shall make available a total allowance of 30 minutes, which may be extended at the discretion of Council, for residents in attendance in the public gallery to address clear and concise questions to Her Worship the Mayor on matters relating to the operation and concerns of the municipality.

Such questions should be submitted to the Chief Executive Officer, **in writing, no later than 10.00am** on the last working day preceding the meeting (the Chief Executive Officer shall make copies of such questions available to Members) but questions may be submitted without notice.

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

*L Thomas

Mrs Thomas addressed Council in regards to Item 11.3.2 and asked that Council support surrounding farms be able to develop and build homes, and reject the buffer zone.

*B Lee

Mr Lee addressed Council in regards to Item 12.6.2 and asked that Council support the Flinders Park Community Oval Feasibility Study. Mr Lee reported on the wonderful support they had received from Council Recreation Development Officer, Mark Weller.

Councillor Lionetti arrived.

*K Stanton

Mrs Stanton addressed Council in regards to Item 14.2.1 and asked Council to support Councillor Paver's alternate motion. Mrs Stanton also addressed Council in regards to the recent rate valuation base alternation from UV to GRV for a number of properties.

*L Black

Mr Black addressed Council in regards to Item 11.3.2 and asked Council not to endorse a building blanket over this area through the introduction of the noise buffer zone.

*K Wilson

Mr Wilson addressed Council in regards to Item 12.6.2 and asked Council to support the Flinders Park Community Oval Feasibility Study. Mr Wilson was complimentary of the efforts of Mark Well, Council's Recreation Development Officer.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 19th October 2004; as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR JAMIESON**

THAT the following minutes:

- **Ordinary Council meeting held on 19th July 2005;**
as previously distributed be confirmed as a true and accurate record of proceedings subject to;

(i) the record of the Public Session Time being altered to read;

*** R O'Rourke**

Mr O'Rourke addressed Council in regards to Item 11.1.4 and advised that he wished to have tabled an amended sketch for the Earl Street development for Council's consideration. He believed that all the criteria had been met with the amended design and asked Council to approve the development; and

(ii) at item 11.1.4 the preamble being altered to read;

Councillor Wellington declared an interest in this item and left the chambers at 8.13pm. The Nature of his interest is that he is part owner of the adjoining land.

The Executive Director advised that he had received the latest sketch plans from the proponent late that afternoon and the sketches had been provided to Councillors immediately prior to the meeting. The documents were inadequate to undertake a formal assessment and there was insufficient time before the meeting to respond to the design changes. A written request had also been received on the 11th July from the applicant, Mr Marchesani, requesting "the withdrawal of the application for the coming Council Meeting".

MOTION CARRIED 14-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8.0 DECLARATIONS OF FINANCIAL INTEREST

Councillor Walker – Item 11.3.2

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

19.1 Thomas Street Access Dispute
[Section 5.23 (2) (d) Local Government Act 1995]

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Two submissions were received during Public Question Time.

Development Services

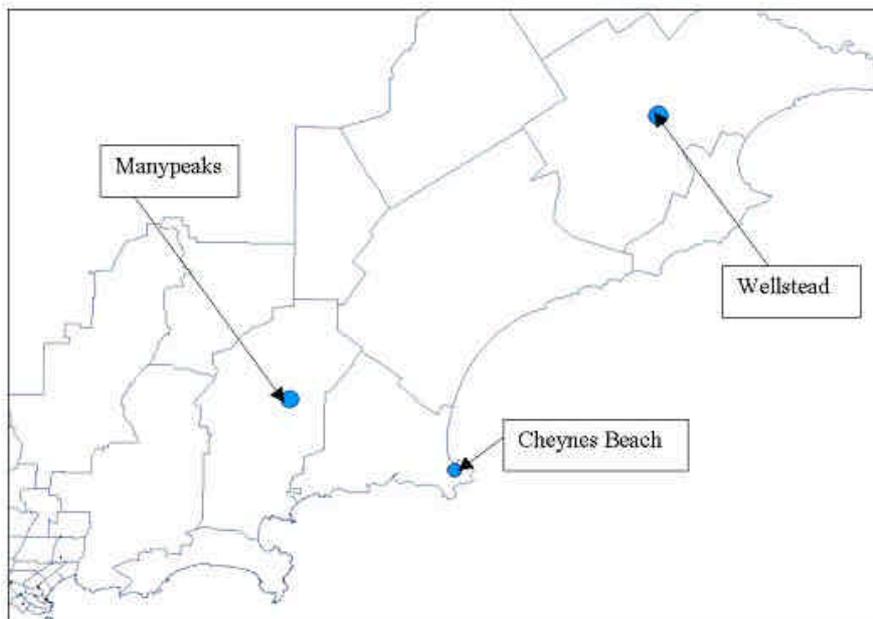
REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development of Rural Settlements – Manypeaks, Cheynes Beach and Wellstead

| | | |
|-------------------------------|---|---|
| File/Ward | : | STR 047 (Hassell Ward) |
| Proposal/Issue | : | Provision of Services and Development of to Rural Settlements |
| Subject Land/Locality | : | Settlements of Manypeaks, Cheynes Beach and Wellstead |
| Proponent | : | Department of Planning and Infrastructure |
| Owner | : | Crown |
| Reporting Officer(s) | : | Executive Director Development Services (R Fenn) |
| Disclosure of Interest | : | Nil |
| Previous Reference | : | OCM 18/09/01 - Items 11.3.1 & 11.3.2 |
| Summary Recommendation | : | Promote with Landcorp the Development of Cheynes Beach and Monitor Development Pressure at Wellstead and Manypeaks. |
| Bulletin Attachment | : | Nil |
| Locality Plan | : | |



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. In 2001, Council adopted a Strategy for the development of the Wellstead townsite. That Strategy developed a framework to substantially increase the number of Residential, Mixed Use, Industrial and Special Rural allotments within the townsite and on its southern fringe. The strategy identified substantial infrastructure problems and estimated that the cost of water supply upgrades alone would be in the vicinity of \$500,000. The Wellstead community has recently expressed its concern that any townsite expansion opportunities resulting from the development of the Southdown mineral deposit will be lost due to the lack of Government interest to develop lots in the town.
2. Also, in 2001 Council asked the State Government to prepare a detailed structure plan for the Cheynes Beach settlement, with the view to creating additional lots and converting the current leases into freehold titles. Recently, lessees at Cheynes Beach petitioned local politicians and requested that the Government act upon the earlier request from Council. The Minister for Planning and Infrastructure has responded to the Member for Albany, advising that the Crown would expect the City to undertake that structure planning, to appropriately zone and service the land before any lots could be sold. The Minister was also prepared to sell “the site” to Council or, at Council’s request, refer the proposal to Landcorp for consideration.
3. Whilst the above matters have been under consideration, the Manypeaks community has been independently discussing with the Department of Planning and Infrastructure opportunities to “release” lots within the townsite that have been created through plan but never serviced or released. The Department has recently advised the City that there are no services to the allotments and the Department would only release them if Council approached Landcorp for funding under the Townsite Development Program.

STATUTORY REQUIREMENTS

4. The creation of private allotments from Crown land is undertaken by three methodologies;
 - a) Landcorp undertakes the development under a full cost recovery arrangement;
 - b) Landcorp seeks State Government support, through the Townsite Development Program, to undertake the development and the State subsidises the shortfall between the actual development cost and the returns that the land would generate through sale; or
 - c) The Local Authority purchases the land from the State and undertakes the development and accepts all the risks associated with the subdivision and release of the land.

POLICY IMPLICATIONS

5. Council has no policy on actively facilitating the development of the rural townsites throughout the City. The three settlements to the east of Albany are currently under consideration, as they were originally created upon Crown land. The only other settlement in the City where this circumstance exists is at Redmond.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

FINANCIAL IMPLICATIONS

6. Wellstead, Manypeaks and Cheynes Beach would each require substantial infrastructure upgrades as part of the subdivisional process and considerable costs would be incurred. The current policies of the Office of Water Regulation dictate that reticulated water would be a mandatory requirement with any subdivision; a supplementary supply exists at Wellstead and not in the others. Cheynes Beach and Manypeaks experience rainfall in excess of 700mm per annum and an argument could be progressed to support on-site water storage (existing residents have successfully used on site rain water storage in the past).
7. Any lot created in these settlements would cost in excess of \$40,000 to produce and, with the exception of Cheynes Beach, the sale price is likely to be below the production cost.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. The resident population in the eastern portion of the City has been declining over recent years due to farm amalgamations and changes in cropping practices (eg. farm forestry replacing perennial crops). There will continue to be interest from individuals who are wishing to purchase land in the rural settlements throughout the City and that interest has mainly been driven by the cost of the land; in most cases, the interested parties have not been prepared to pay land costs greater than 60% of the sale price of a comparable land parcel in Albany. The spasmodic nature of the inquiries also means that a small subdivision (say 10 lots) is likely to take a considerable time to sell.
10. Both Wellstead and Manypeaks support a general store, meeting hall and a primary school. Additional population is required in those settlements to maintain the viability of those services. Situated 45 and 100 km from Albany respectively, the residents rely upon Albany to provide their primary shopping, medical, recreational, educational, servicing and other needs.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

11. Cheynes Beach has been developed using leasehold arrangements and a total of 29 “holiday accommodation” and 16 “commercial fishing” leases exist. The first of the leases is due to expire in 2009 and current leases (with holiday cottage and as little as 6 years of land tenure) are being transferred for values up to \$200,000. A freehold caravan park has been developed at Cheynes Beach and the store attached to the caravan park provides for the basic needs of lessees. In the earlier debate on the future of Cheynes Beach, it was noted that the settlement had the potential to attract higher land prices, the City was administering leases with little return to the community and the restricted number of sites in the settlement was precluding access to the area for a larger number of people.
12. The dilemma confronting Council is whether it wishes to “actively promote” additional development in these settlements and to what lengths is Council prepared to go, to achieve that outcome. Servicing costs at each settlement are likely to be substantial and it would appear that Cheynes Beach is the only settlement that is capable of attracting lot values commensurate with the development costs and an adequate demand for lots (ie. reduce the investment risk). Grange Resources has intimated, subject to the Southdown project progressing, that it would be encouraging some key maintenance personnel to be housed in Wellstead (close to the mine site) to handle emergency breakdowns; the company has not indicated whether it would be constructing “staff housing” or committing to purchase any lots created by the State. Six individuals have been listed as being interested in acquiring lots at Manypeaks, however Native Title issues have yet to be resolved over the area identified for growth.
13. Promoting more than one settlement within the City for development under the Townsite Development Program is likely to be unsuccessful. The risks associated with developing Wellstead and Manypeaks in the short term (in the absence of a firm commitment from Grange Resources) also appear to be of sufficient magnitude to warrant Council adopting a very precautionary approach to the current requests.
14. The draft Lower Great Southern Region Strategy is promoting Cranbrook and Frankland as the rural settlements of greatest regional significance and warranting priority action under the Townsite Development Program. Cheynes Beach would appear to sit outside that framework in that Landcorp could realistically expect to recover their development costs if they proceeded with the creation of additional lots in the settlement, and the conversion of the existing leases to freehold title; the level of servicing at Cheynes Beach being the main determinant of the expected development cost and risk.

RECOMMENDATION

THAT;

- i) Council actively advocate with Landcorp to convert the existing leases at Cheynes Beach to freehold title and to expand the size of the settlement by the creation of additional freehold titles, promoting on-site collection and disposal of potable and waste water; and
- ii) the Manypeaks and Wellstead Progress Associations be advised that Council is reluctant to progress an application to Landcorp to increase the size of the Manypeaks and Wellstead townsites under the Townsite Development Program, due to the unlikely success of an application, and that the situation will continue to be monitored in light of any decisions taken by Grange Resources on the development of the Southdown mineral resource.

Voting Requirement Simple Majority

DEVELOPMENT SERVICES REPORTS

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR MARSHALL**

THAT;

- i) Council actively advocate with Landcorp to convert the existing leases at Cheynes Beach to freehold title and to expand the size of the settlement by the creation of additional freehold titles, promoting on-site collection and disposal of potable and waste water; and**
- ii) the Manypeaks and Wellstead Progress Associations be advised that Council is reluctant to progress an application to Landcorp to increase the size of the Manypeaks and Wellstead townsites under the Townsite Development Program, due to the unlikely success of an application, and that the situation will continue to be monitored in light of any decisions taken by Grange Resources on the development of the Southdown mineral resource.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.1.2 Development Application – Single House – 4 Checkers Walk, Middleton Beach

File/Ward : A129931 (Fredrickstown Ward)

Proposal/Issue : Single House – Over Height

Subject Land/Locality : Strata Lot 2 of Strata Plan 25910

Proponent : Howard and Associates

Owner : M & PM Brock

Reporting Officer(s) : Planning Officer (T Sounness)

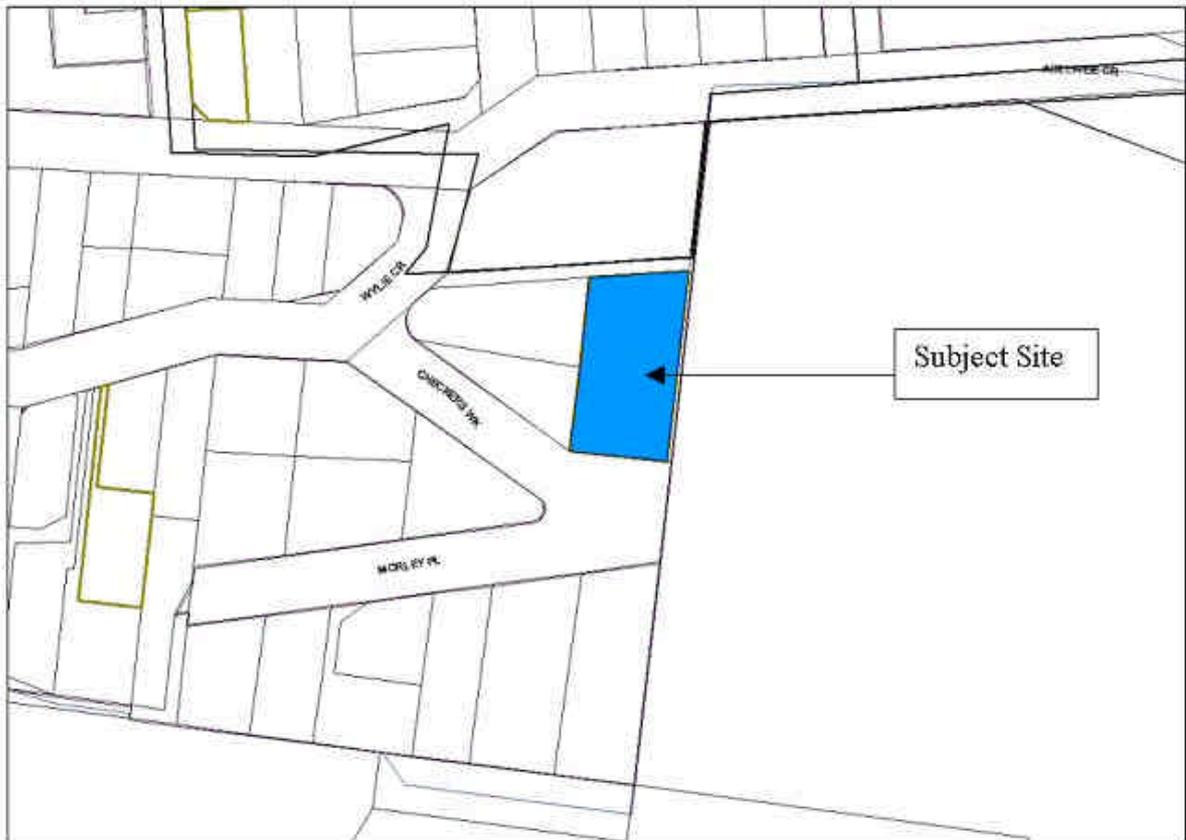
Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : Refuse Application

Bulletin Attachment : Building Plans

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. An application has been received to construct a dwelling at Strata Lot 2 of Strata Plan 25910, being house number 4 Checkers Walk, Middleton Beach.
2. The proposal does not comply with the “acceptable development” criteria under the Residential Design Codes of Western Australia (2002) (R-Codes) in relation to building height. The proponent has requested Council approval to consider the design in accordance with the performance criteria of the Codes.

STATUTORY REQUIREMENTS

3. Within Town Planning Scheme No. 1A (Scheme) the property is zoned “Residential” with a density coding of R20. Under the Scheme, the design of residential dwelling is controlled by the R-Codes.
4. The R-Codes are a Statement of Planning Policy under Section 5AA of the Town Planning and Development Act (1928) (as amended).

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- Excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to ...

- Providing sound governance

Priority Projects:

Nil”

COMMENT/DISCUSSION

8. The proposal is for the development of a single house with a maximum height of approximately 16 meters above natural ground level with two crossovers entering the property via an existing drainage route. Plans of the dwelling, and the applicants justification for the relaxations are attached.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

9. Under the R-Codes, the “acceptable” criteria for a building’s wall height, where there is a concealed roof, is 7 metres. The proposed dwelling has been designed with a concealed roof and the designed wall height of 16 meters exceeds the requirements of the acceptable criteria by 9 metres. The floor level of floor 3 is almost 10 metres above ground level at its highest point.
10. The subject land falls steeply away from the Checkers Walk road reserve, (falling 10 metres over the width of the proposed building) and the proponent has purposely positioned the dwelling close to the eastern boundary in order to gain improved views of the Ocean and to create a relatively flat gradient for driveway access.
11. Whilst it is understandable that the proponent wishes to gain suitable vehicle access to the upper garage, staff suggested that the dwelling be split-levelled, whereby the main garage is maintained and the rest of the dwelling is lowered as it traverses the slope to the north-west. The effect of this method of construction would be to significantly reduce the scale of the building when viewed from the western boundary.
12. The proponent has advised that their client does not wish to utilise additional stairs from the garage to the dwelling due to mobility issues. Staff have also been advised that, should the dwelling be repositioned further to the west, substantially reducing building height, this may result in additional privacy and overlooking concerns for the western neighbour.
13. Comments were obtained from neighbouring landowners, by the proponent, on the proposed height variation as per the requirements of the Residential Design Codes. The adjoining landowners have supported the variation.
14. Although the proponent has secured neighbours’ support for the relaxation, staff are not comfortable with approving dwellings which exceed the “acceptable development” criteria to this extent.
15. The height and bulk of the building, in comparison to other buildings in the locality is quite large. This could be seen as a precedent to other landowners, to make application for relaxations in building heights, with the expectation that such a relaxation is given as a matter of course by Council.
16. Staff also do not support the second crossover to the lower portion of the development as this is too steep and will require a significant quantity of retaining and earthworks within Council’s road reserve.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

RECOMMENDATION

THAT Council resolve to grant a Notice of Refusal of Planning Scheme Consent, pursuant to Section 7.9 of the City of Albany Town Planning Scheme 1A, for the Single House at strata lot 2, of Strata Plan 25910, being 4 Checkers Walk, Middleton Beach, due to the following reasons:

- i) the development of a second crossover across the face of the land would promote undesirable earthworks in Council's road reserve that would be the responsibility of Council to maintain;
- ii) the proposed development does not comply with the Acceptable Development requirements of Element 7 – Building Height of the Residential Design Codes of WA (2002);
- iii) the proposed development does not comply with the performance criteria as the building height is not consistent with the desired height of buildings in the immediate locality; and
- iv) the proposed development does not comply with the principles of proper and orderly planning.

Voting Requirement Simple Majority

.....

| |
|--|
| <p>MOVED COUNCILLOR EVANS SECONDED COUNCILLOR WELLINGTON</p> <p>THAT Council;</p> <ul style="list-style-type: none">I) instruct staff to issue a conditional Planning Scheme Consent for the single dwelling at Strata Lot 2, of Strata Plan 25910, being 4 Checkers Walk, Middleton Beach, with a zero building setback to the building onto the Checkers Way property boundary and with a building height in excess of the “acceptable development” provisions of the R Codes, and that the consent notice impose, but not be limited to conditions requiring the suitable disposal of stormwater from the site, the provision of suitable access to and within the site and the on-going protection of the adjoining road and recreation reserves; andII) pursuant to clause 7.22 of the City of Albany Town Planning Scheme 1A, provide delegated authority to the Manager Planning and Ranger Services to issue a conditional Planning Scheme Consent for the proposed single dwelling at Strata Lot 2, of Strata Plan 25910, being 4 Checkers Walk, Middleton Beach. <p style="text-align: right;">MOTION CARRIED 14-0 ABSOLUTE MAJORITY</p> |
|--|

Reason:

- The site is steeply sloping and it is located behind several properties containing multiple storey buildings. No objection to the proposed development was received from neighbouring landowners, the building will not be visible from the local road network and the design outcome seeks to provide a modest sized development on an extremely difficult residential land parcel.

ORDINARY COUNCIL MEETING MINUTES- 16/08/05
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

Planning Officer
City of Albany
Albany WA 6332

Att Thomas Sounness

| | |
|------------------------|-----------------|
| CITY OF ALBANY RECORDS | |
| FILE: | A129931 |
| FILE: | |
| 13 MAY 2005 | |
| DOC: | 102506086 |
| OFFICE: | PLAN9 |
| ATTACH: | 3 x sets Plans. |

Howard
& Associates

Architects
Urban design
Interior design

Monday, May 16, 2005

**Re : Development of lot 2 Checkers Walk Albany
For Martin and Trish Brock**

Dear Thomas

We submit the following information and explanation to assist with the Planning assessment and approval of the above development.

We seek dispensation on a number of issues related to the R codes. This is due in part to the restrictive size of the lot (744 m²) and the extreme topography encountered on this site. This is further exacerbated by the difficulty of gaining vehicle access to the block.

The client has requested that we maximise the potential views whilst maintaining acceptable access.

Documents

A3 copies of drawings No A01- A011 inc.

Set back

We request that council relax the front set back adjacent to the car port on the southern boundary from 6.0m to 0.0m. This relaxation would not affect the amenity of the area as the project is hidden from view from most vantage points along its streetscape the drawing indicates the building is almost entirely below the crown of the adjacent road. The positioning of the carport relates to an existing level area situated adjacent to the road verge, this gives us the advantage of using the existing road stormwater drainage whilst maintaining a clear and safe egress from the site on to Checkers Walk. We propose to bitumen pave and drain any work associated with the cross over and access legs.

A secondary paved access lane is proposed within the road verge to allow access to the lower levels of the site for maintenance and servicing. Again bitumen paving and drainage will accompany any works.

Retaining Wall

We also seek dispensation to construct a retaining wall on the lower boundary to the north. The site slopes quite steeply from checkers walk to the northern boundary and the house has been specifically designed to work with the topography, however it is desirable to provide some level ground during the construction and for clothes drying and out door living to the north west corner. This can only be adequately provided for on a small block by constructing a retaining wall along the boundary.

To minimise the impact of the retaining wall on the adjoining neighbours we propose to terrace the levels so we keep the height of the main retaining wall to a minimum (3.5m) see drawing North Elevation for details. This is considerably less than the retaining wall supporting the three-storey residence to the west of this site.

PO Box 5078, Albany, 6330

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E admin@howardassociates.com.au

ABN 51 875 778 437

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

Building Height

Dispensation is also required for height. We have approximately 14m fall over the site which significantly increases the floor height between levels especial if we allow for external ground access. This has the result of increasing the overall building height, we believe that our road elevation as viewed from Checkers Walk provides proof that no detrimental impact will be caused by the relaxation, the site is screened by existing trees along the checkers walk verge (indicated on the drawings in green) secondly there will be no significant problems associated with over shadowing of neighbouring properties as the position of the house does not obstruct any northern light.

Privacy

As stated above due to the significant level changes existing in the immediate area of the proposed development the issue of over looking and privacy are largely negated, the house to the west only has service areas (clothes drying / hot water heating and wood storage) abutting our site. Whilst the adjoining house itself looks over the existing houses to the north. The prime reason for owning a house in this area is to look over Middleton beach and Lake Seppings and as such all existing houses and future houses are designed with there living spaces to the north, it should also be noted that this concept is highly desirable from an solar access point of view.

Conclusion

We believe that this site is unique due to its orientation and topography and is not a normal building site when it comes to applying the R codes. The proposed development take into account as many requirements of over viewing, viewing angles, building heights, amenity and street presence and is consistent with the intent of the performance based criteria.

Please contact us if you require any additional information with regard to this application

Yours Faithfully

Peter Jongen

DEVELOPMENT SERVICES REPORTS

11.1.3 Development Application – Signage on Commercial Buildings – 70 - 88 Albany Highway

| | | |
|-------------------------------|---|--|
| File/Ward | : | A131518 (Frederickstown Ward) |
| Proposal/Issue | : | Consideration of non-complying signage |
| Subject Land/Locality | : | Lot 1274 (70-88) Albany Highway, Centennial Park |
| Proponent | : | APP (WA) Pty Ltd |
| Owner | : | MacQuarie Asset Services Ltd |
| Reporting Officer(s) | : | Senior Planning Officer (J Devereux) |
| Disclosure of Interest | : | Nil |
| Previous Reference | : | OCM 16/09/2003 – Item 11.3.1 OCM 18/11/2003 – Item 11.3.6 OCM 20/01/2004 – Item 11.3.3 OCM 15/02/2005 – Item 11.1.2 OCM 15/03/2005 – Item 11.3.4 |
| Summary Recommendation | : | To allow a relaxation of the Sign Bylaws in accordance with clause 3.1.5 |
| Bulletin Attachment | : | Nil |
| Locality Plan | : | |



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. A planning approval for the Bulky Goods Outlet, Shop & Offices development at 70-88 Albany Highway, Albany was issued on the 29 March 2005. On this approval, signs were indicated but no details were supplied.
2. The owners of the development have since applied for a building licence for the construction of the development and a sign licence. The application for the sign licence consists of 1 pylon sign and 25 horizontal signs. Refer to attachment for their illustration and location.
3. A condition of the Planning Approval stated that no signs were to be erected on the lot without Council's approval, in accordance with the City of Albany's Sign Local Laws.
4. Of the proposed 26 signs, 6 do not comply with the Sign Local Law.
 - a) the pylon sign (C5) is 500mm above the acceptable height (6.5m high instead of 6m);
 - b) the 3 'Target' illuminated signs (T1), have lettering up to 1.2m high and the symbol is 1.5m from top to bottom (the acceptable standard is 900mm);
 - c) the 'Target' sign above the entrance (T2), is 2m high and the lettering is 1.2m high (the acceptable standard is a sign 900mm high); and
 - d) a horizontal sign (T3) for the mini major tenant is 1.5m high (the acceptable standard is a sign 900mm).
5. Under the Sign Local Laws, Council has the ability to permit signs that do not comply with the set requirements, in instances where there is sufficient justification.

STATUTORY REQUIREMENTS

6. All signs within the Central Business District are required to comply with the 'Signs, Hoarding and Bill Posting Local Law No. 38'.
7. Clause 3.1.5, Council has the power to approve signs that do not comply with the set standards of the Local Law and states: -

"The Council may grant a licence in respect of a sign to be affixed to a building that would otherwise not be in contravention of these by-laws providing that Council is satisfied that the sign:

- a) is not injurious to the amenity or natural beauty or safety of the area; and*
- b) does not exceed 10 per cent of the total area of the façade of the building to which the proposed sign is to be affixed. "*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- Innovative development complementing Albany’s unique character, natural environment and heritage.

Mission Statement:

The City of Albany is committed to ...

- providing sound governance

Priority Projects:

Nil.”

COMMENT/DISCUSSION

11. In order for Council to consider a relaxation under Clause 3.1.5 of its Local Law, Council needs to be satisfied that the non-complying signage will not have a detrimental affect on the amenity of the area.
12. In this instance 3 of the horizontal signs are situated on a building located approximately 90m from Albany Highway; from this distance the signage would not dominate the views from the street towards the retail development. The other 2 horizontal signs facing Moir Street are located 15m from the street and are discreetly placed on a façade over 140m in length.
13. In relation to the pylon sign, the proponent has requested that Council relax its 6m height restriction on the basis that the sign will be positioned on sloping land below the level of the verge; when measured from road level the sign would only be 250mm above the requirement. In response to this request, staff believe the signage should be reduced to 6m for the following reasons:
- a) staff have enforced the 6m height requirement consistently, including the McDonald’s pylon sign only 15 metres from the proposed sign;
 - b) a reduction in the height of the sign will not affect the size of the advertising panels as shown, as the bottom 2 metres of the sign is free from advertising devices.
14. For the reasons outlined in the report, staff believe the non-complying horizontal signage should be supported. Whilst the pylon sign should be reduced in height to 6m.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

RECOMMENDATION

THAT Council:

- i) approve the non-complying horizontal signage for the development at Lot 1274 (70-88) Albany Highway, Centennial Park, in accordance with Clause 3.1.5 of the City of Albany Signs, Hoardings and Bill Posting Local Law No.38; and
- ii) advise the applicant that the proposed pylon sign should be reduced in height so that no part of the sign exceeds a height of 6 metres.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EVANS**

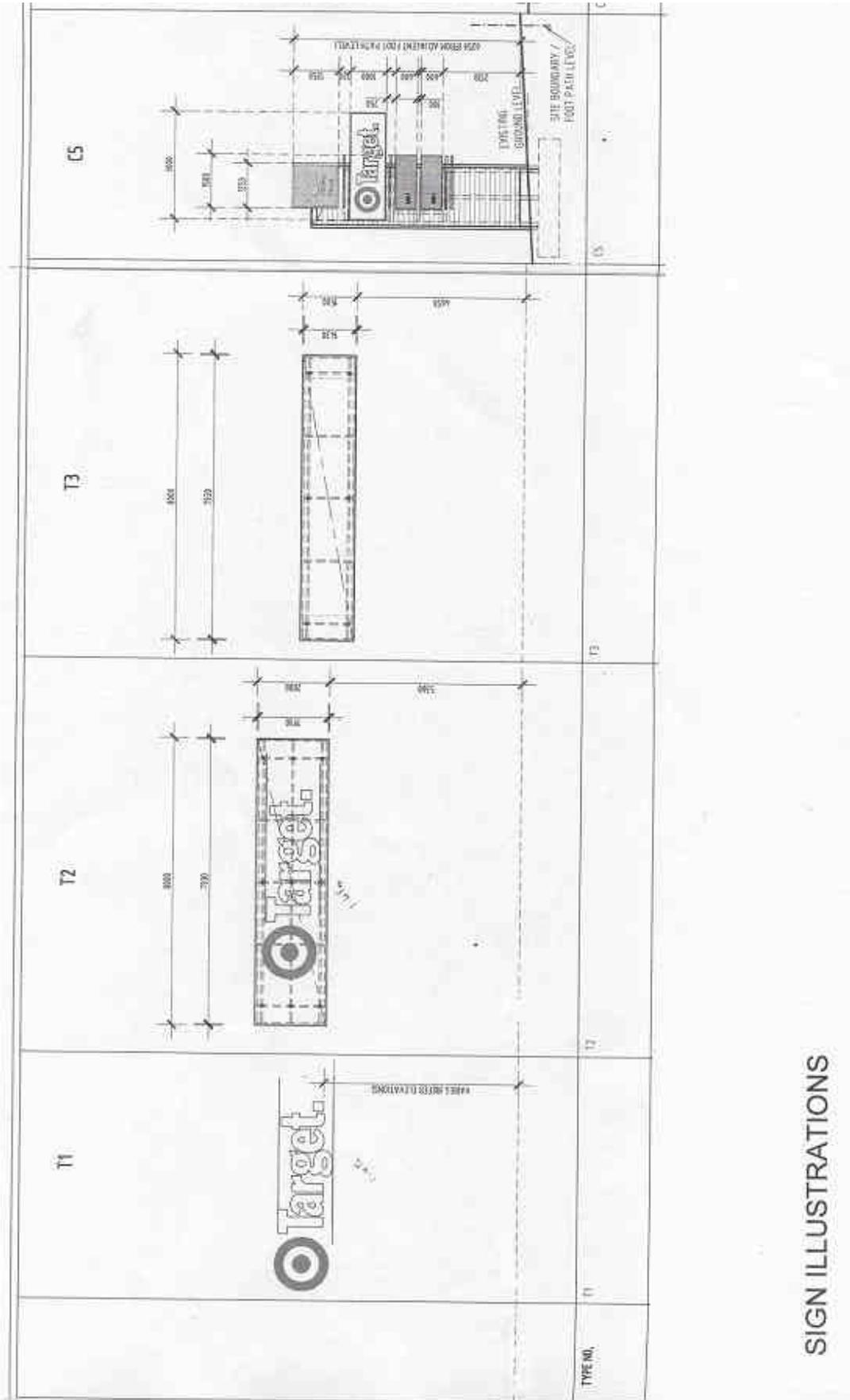
THAT Council resolve that all signage on Lot 1274 (70-88) Albany Highway, Centennial Park be required to comply with the City of Albany Signs, Hoardings and Bill Posting Local Law.

MOTION CARRIED 14-0

Reason:

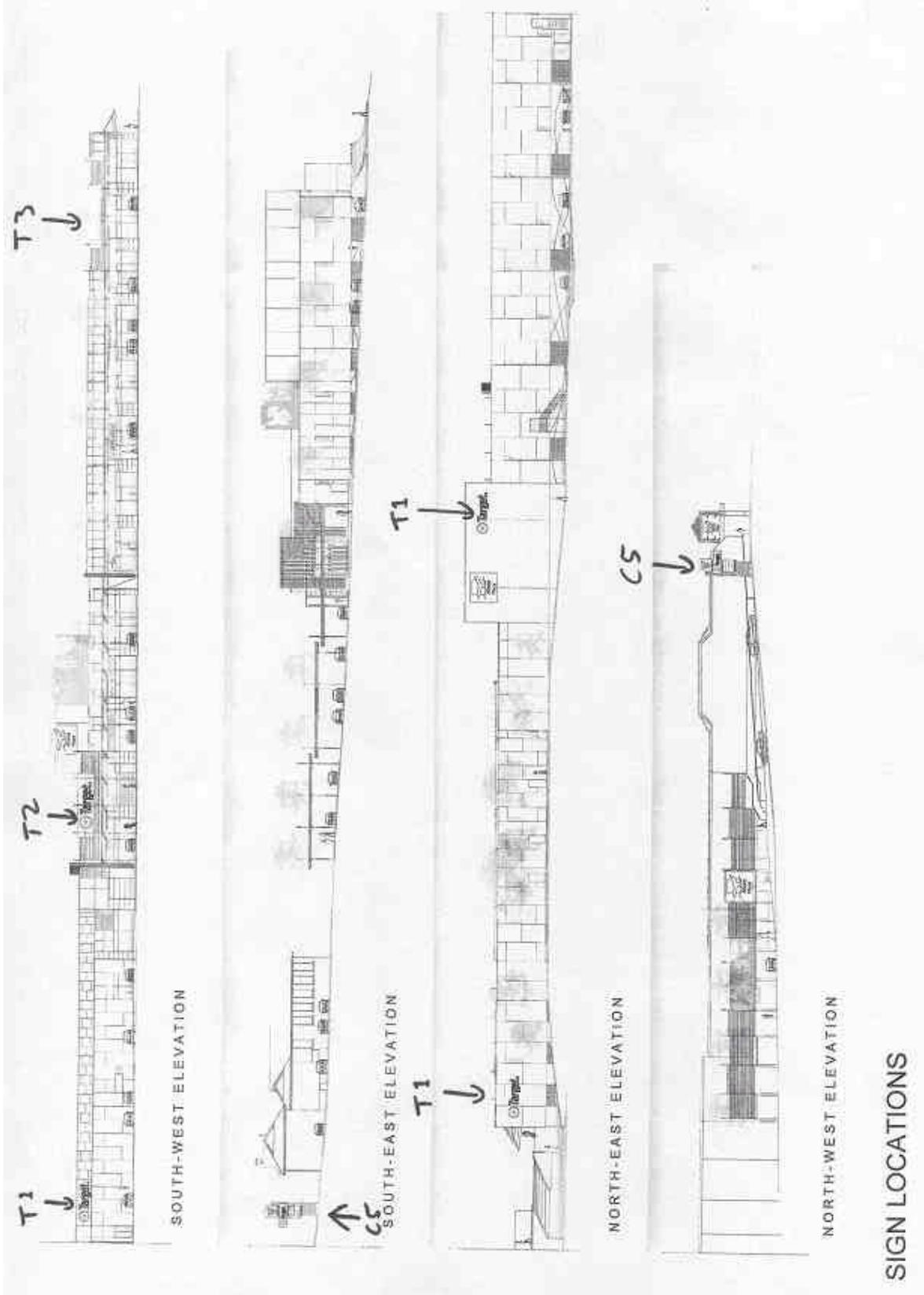
- Other businesses, franchises and national companies have been required to provide complying signage upon their premises. Staff have delegated authority to refuse the application if complying plans are not submitted.

Item 11.1.3 continued



SIGN ILLUSTRATIONS

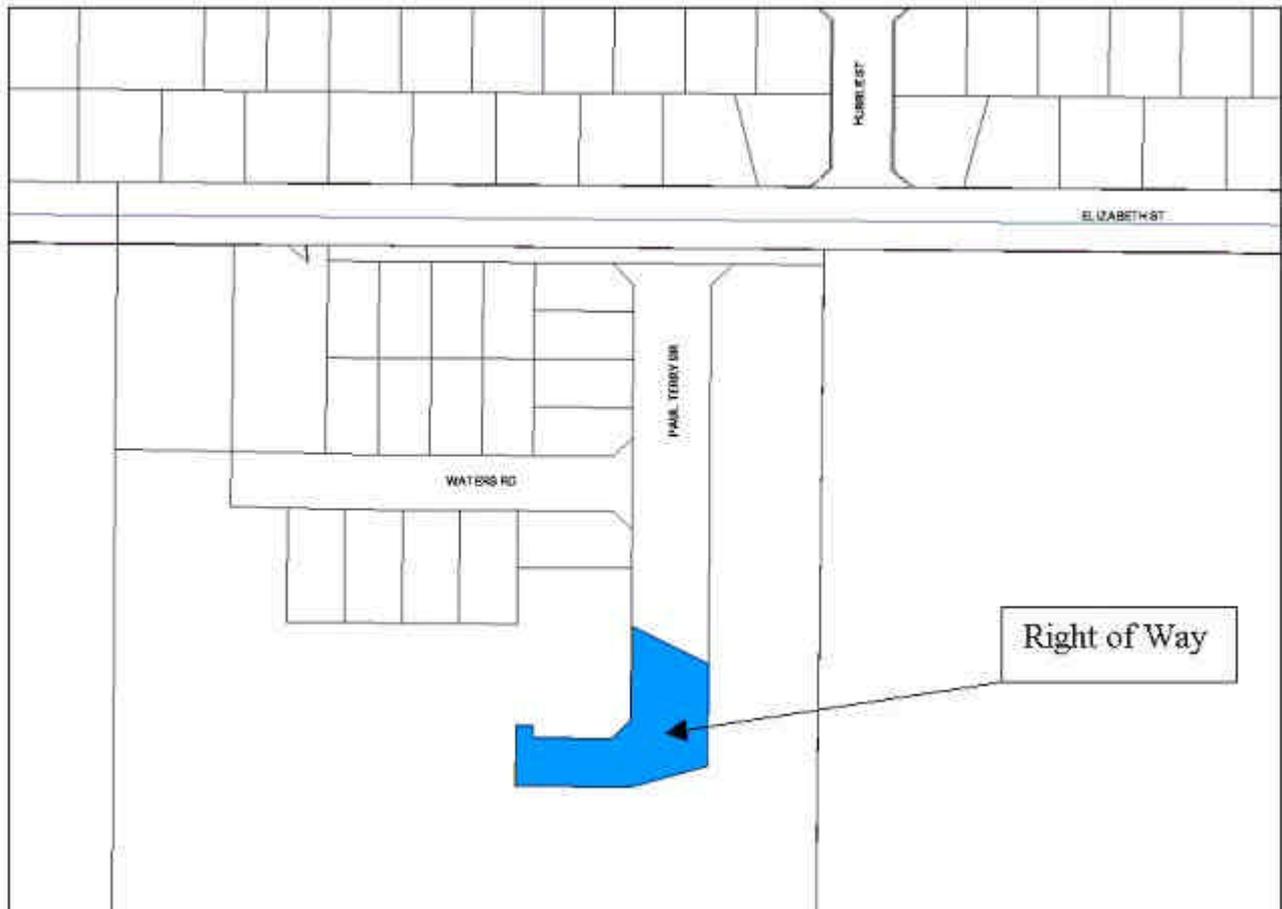
Item 11.1.3 continued



DEVELOPMENT SERVICES REPORTS

11.1.4 Road Dedication - Conversion of Right of Way to Public Road – Lower King

| | | |
|-------------------------------|---|---|
| File/Ward | : | A164830 (Yakamia Ward) |
| Proposal/Issue | : | Request to dedicate existing ROW as a public road |
| Subject Land/Locality | : | Lot 8247 ROW |
| Proponent | : | Harley Survey Group Pty Ltd |
| Owner | : | Crown |
| Reporting Officer(s) | : | Planning Officer (A Nicoll) |
| Disclosure of Interest | : | Nil |
| Previous Reference | : | Nil |
| Summary Recommendation | : | To support the request |
| Bulletin Attachment | : | Nil |
| Locality Plan | : | |



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. Council has received a request from Harley Survey Group to dedicate an existing right of way (ROW) at the end of Paul Terry Drive as a public road. The change in the reserve status will formalise vehicular access into a new residential subdivision known as 'Elizabeth Heights Subdivision' (Stage 2).
2. The Western Australian Planning Commission granted subdivision approval for the subdivision (WAPC No.124643) on 14 June 2004 (plan shown attached). The plan shows a new road being created over the existing ROW, which connects onto Paul Terry Drive.
3. The proponent has advised that prior to creating titles for the lots fronting the new road, the Department of Planning and Infrastructure requires Council's support (via a Council resolution) to change the dedication of the ROW to a public road.

STATUTORY REQUIREMENTS

4. Under Section 56 of the Land Administration Act 1997, a resolution of Council supporting the dedication is required prior to the land being dedicated as a public road.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- Excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to...

- Sustainably managing Albany's municipal assets.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. The ROW is currently owned by Council. Plans have been approved and construction for the new road is underway, therefore the proposed dedication would be in keeping with the purpose of the land, which is unrestricted vehicle access.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

RECOMMENDATION

THAT Council resolves to:

- i) support the dedication of the existing Right of Way at the southern terminus of Paul Terry Drive, Lower King as a 'Public Road' pursuant to Section 56 of the Land Administration Act 1997; and
- ii) advise the proponent and the Department of Planning & Infrastructure of Council's resolution.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR MARSHALL**

THAT Council resolves to:

- i) support the dedication of the existing Right of Way at the southern terminus of Paul Terry Drive, Lower King as a 'Public Road' pursuant to Section 56 of the Land Administration Act 1997; and**
- ii) advise the proponent and the Department of Planning & Infrastructure of Council's resolution.**

MOTION CARRIED 14-0

ORDINARY COUNCIL MEETING MINUTES- 16/08/05
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued



11.2 HEALTH, BUILDING & RANGERS

Nil.

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Scheme Policy – Request to Initiate Advertising – Masonic Hall Design Guidelines

| | | |
|-------------------------------|---|---|
| File/Ward | : | A151134 (Frederickstown Ward) |
| Proposal/Issue | : | Proposal to initiate policy to guide development of land adjacent to the Masonic Hall |
| Subject Land/Locality | : | Lot 21 Spencer Street, Albany |
| Proponent | : | Albany Masonic Hall Company Pty Ltd |
| Owner | : | Albany Masonic Hall Company Pty Ltd |
| Reporting Officer(s) | : | Manager Planning & Ranger Services (G Bride) |
| Disclosure of Interest | : | Nil |
| Previous Reference | : | Nil |
| Summary Recommendation | : | Resolve to adopt policy for advertising. |
| Bulletin Attachment | : | Approved Plan of Subdivision and WAPC subdivision approval (126619) |
| Locality Plan | : | |



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. In 2002, Lot 21 Spencer Street, Albany, was rezoned from 'Clubs and Institutions' to "Residential" with a 'Special Site' classification. The change in zoning allowed for an increased residential density (R30 to R60) on the land and facilitated the adaptive re-use of the Masonic Hall for a number of commercial land uses, such as a restaurant.
2. The Western Australian Planning Commission (WAPC) has granted it's approval to subdivide Lot 21 into four lots ranging in size from 481m² to 666m² (refer subdivision plan and copy of subdivision approval in the Elected Members Report/Information Bulletin). The Masonic Hall is to be retained on proposed Lot 25, which is 666m² in size.
3. Condition 7 of the WAPC approval stated the following:
 - "7) *Preparation of design guidelines for the site in accordance with the conditions of Special Site No. 34 and the recommendations of the adopted Conservation Plan for the site. The design guidelines are to include, but will not be limited to the following:*
 - i) *Horizontal and vertical building envelopes/definition of appropriate bulk and scale;*
 - ii) *Design Elements, materials and finishes sympathetic to the Masonic Hall;*
 - iii) *Vehicle access/egress, on-site movement and parking to accommodate residential use to R60 and adaptive re-use of the Masonic Hall for commercial purposes permissible under the conditions of Special Site No. 34.*
 - iv) *Streetscape, particularly of Spencer Street and the relationship of development on Lot C (Lot 26) to the Masonic Hall."*
4. In accordance with Condition 7, Staff have now prepared a town planning policy which has attempted to address the above mentioned criteria (refer attached policy). As the Heritage Council of WA also needs to be satisfied with the policy, prior to the subdivision being finalised, staff have liaised with the Council during the drafting of the policy.

STATUTORY REQUIREMENTS

5. Clause 7.21.2 of Town Planning Scheme No. 1A requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative.
 - (a) *The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
 - (b) *The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

- (c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. Council is required to advertise the adoption of the policy in the local newspaper at it's own cost for two consecutive weeks.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- Excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to

- Providing sound governance; and
- Delivering excellent community services.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. Staff forwarded a preliminary version of the policy to the Heritage Council of WA for comment, who expressed the following issues/concerns:
- any building on proposed Lot 26 should not be higher than the Masonic Hall;
 - the front setback of 4 metres to Spencer Street is approved only if this equates to the existing setback of the Masonic Hall;
 - zincalume or galvanized roofs were favoured over a colorbond or modern tile roof to match the existing Masonic Hall roof;
 - no curved roofs should be permitted, with traditional roof pitches being encouraged; and
 - the finish on external walls should be a rendered finish consistent with the Masonic Hall.
10. Staff believe that the policy has addressed the above concerns on the following basis:
- at a maximum building height of 8.5 metres, as suggested by the policy, any development on proposed Lot 26 would be well below the roof line of the Masonic Hall;
 - a setback of 4 metres on Spencer Street is consistent with the setback of the existing Masonic Hall;

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

- the policy has been amended to limit the use of colorbond (restricted to grey colours only) or modern tiles as roofing materials;
 - a roof pitch between 26 and 40 degrees has been proposed consistent with the predominant roof pitches found in the area; and
 - the policy has been amended to limit the use of face brick, metal or weatherboard finishes in preference to a predominantly rendered finish.
11. Other salient points contained in the policy include:
- subject to the removal of the skillion roofed additions on the eastern and southern side of the Masonic Hall (which were later ad-ons), future car parking requirements can be accommodated on proposed Lot 25, should a commercial land use be proposed; and
 - a 6 metre cross-over and right of carriageway agreement has been proposed to accommodate shared access over Lots 25 & 26, which will allow appropriate access and egress, should the use of the Masonic Hall be intensified.
12. Staff believe that the proposed policy would promote development that is sympathetic to the Masonic Hall, and for this reason recommends that the policy be placed on public exhibition.

RECOMMENDATION

THAT Council adopt the proposed 'Design Guidelines – Masonic Hall' policy as a draft policy and agrees to advertise the policy for public comment in accordance with Clause 7.21.2 of Town Planning Scheme No 1A.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WEST
SECONDED COUNCILLOR JAMIESON**

THAT Council adopt the proposed 'Design Guidelines – Masonic Hall' policy as a draft policy and agrees to advertise the policy for public comment in accordance with Clause 7.21.2 of Town Planning Scheme No 1A.

MOTION CARRIED 14-0

Item 11.3.1 continued

DESIGN GUIDELINES - MASONIC HALL Lot 21 Spencer Street, Albany

PREAMBLE

In 1903 the Masonic Hall was built on the south-western slopes of Mt Clarence, and up until recently has served as the headquarters for the Freemasons in Albany. The hall is located on Lot 21 Spencer Street, Albany, which is currently 2266m² in size.

In 2002, the land was rezoned from 'Clubs and Institutions' to 'Special Site' to facilitate the adaptive re-use of the Masonic Hall for commercial or high density residential uses subject to parking requirements, as specified in the Town Planning Scheme, being achieved.

A conservation plan has been prepared for the site to assist in the conservation of the existing building and identify the heritage importance of the site.

An approval for subdivision has been granted by the Western Australian Planning Commission, under it's reference 126619, to subdivide the land into four lots (being Lots 25, 26, 27 & 28). The Masonic Hall will be retained on proposed Lot 25 which is 666m².

The Western Australian Planning Commission, required the following condition to be met prior to subdivision clearance being granted:

7) Preparation of design guidelines for the site in accordance with the conditions of Special Site No. 34 and the recommendations of the adopted Conservation Plan for the site. The design guidelines are to include, but will not be limited to the following:

- v) Horizontal and vertical building envelopes/definition of appropriate bulk and scale;*
- vi) Design Elements, materials and finishes sympathetic to the Masonic Hall;*
- vii) Vehicle access/egress, on-site movement and parking to accommodate residential use to R60 and adaptive re-use of the Masonic Hall for commercial purposes permissible under the conditions of Special Site No. 34.*
- viii) Streetscape, particularly of Spencer Street and the relationship of development on Lot C (Lot 26) to the Masonic Hall.*

The final adoption of the design guidelines will satisfy Condition 7 of WAPC approval 126619.

OBJECTIVE

The main objective of this policy is to ensure that future development upon Lots 26, 27 and 28 is sympathetic to the built form of the historic Masonic Hall, through the use of appropriate controls addressing building height, bulk and scale, window orientation, roof pitch, colours and materials.

As the Hall has been identified as a site of heritage significance any change of use or modifications associated with the Masonic Hall will need to be assessed by Council, in consultation with the Heritage Council of Western Australia.

Unless otherwise required by this policy, site and building requirements are to be in accordance with the Residential Design Codes (2002) and the 'Albany Design Guidelines' policy.

DEVELOPMENT REQUIREMENTS

FRONT SETBACKS

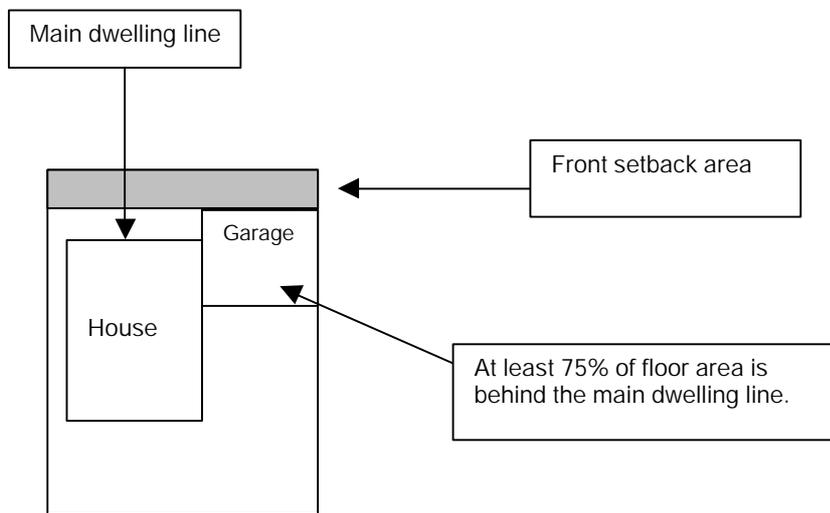
Lots 27 & 28

The front setback on Earl Street shall be a minimum of 2 metres, which shall not be averaged for the purposes of the Residential Design Codes. At least 75% of the floor area of all garages or carports is to be setback behind the main building line of the dwelling as illustrated in Figure 1 (below).

Lot 26

The front setback on Spencer Street shall be a minimum of 4 metres, which shall not be averaged for the purposes of the Residential Design Codes. At least 75% of the floor area of all garages or carports is to be setback behind the main building line of the dwelling.

Figure 1 - Front Setbacks & Garages



SIDE AND REAR SETBACKS

With the exception of the western boundary of Lot 27, where a minimum setback of 1.5 metres shall apply, all side and rear setbacks shall be in accordance with the Residential Design Codes WA.

ROOF PITCH AND MATERIALS

The roof pitch shall be in the range of 26 to 40 degrees, and shall be of metal construction, being preferably either galvanised, zincalume or grey colorbond. No curved roofs shall be permitted.

EXTERNAL WALL MATERIALS

The external walls shall be primarily constructed of rendered brick consistent with the finish of the Masonic Hall, however the use of metal, face brickwork and weatherboard can be used in combination for architectural detailing purposes.

The colours of the external walls shall not be excessively dark so as to detract from the Masonic Hall.

BUILDING HEIGHT

All buildings shall be located within a vertical building envelope. This building envelope is

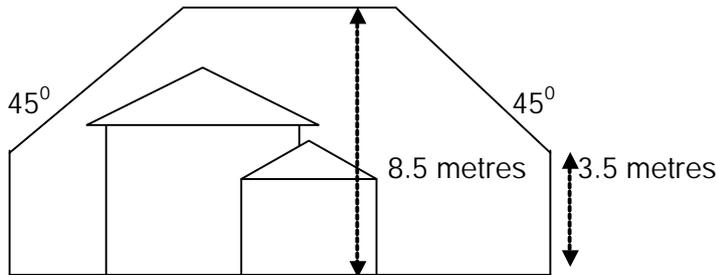
DEVELOPMENT SERVICES REPORTS

illustrated in Figure 2 (below) and determined by:

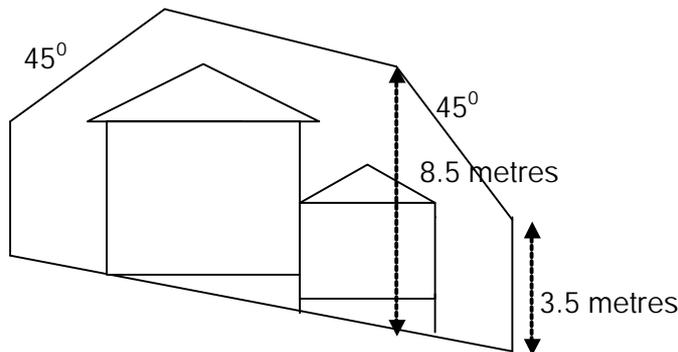
- At a height of 3.5 metres above natural ground level, a line is drawn at 45 degrees to a height of 8.5 metres.
- This area does not include front or side setbacks as specified in this policy.

Figure 2 - Building Height

Building Envelope on Flat Site



Building Envelope on Sloping Site



WINDOW ORIENTATION

All windows shall have a greater vertical rather than horizontal element, and should large glazed areas be proposed the area is to be divided into sections to reinforce the vertical element.

CROSSOVERS & ACCESS

Individual crossovers are permitted for Lots 27 and 28 provided that each crossover is no greater than 4 metres in width. A shared crossover for Lots 25 & 26 is to be provided and shall be 6 metres in width to allow for two-way traffic in and out of the site as shown on the attached plan (Attachment 1). A right of carriageway agreement will secure this shared access arrangement.

Attachment 1 also indicates how any future commercial activity will be serviced in relation to car parking based on a 90 degree parking bay alignment. The removal of the skillion to the east and south walls, which has been addressed in the Conservation Plan, would be required to ensure the parking area would comply with the Australian Standards for off-street parking.

FENCING AND RETAINING WALLS

Due to the topography of the site, retaining walls will need to be constructed for some lots. Such retaining walls shall be constructed in materials of stone, brick or concrete and shall not exceed 2 metres in height.

The fencing on the northern side of Lot 26 shall not interfere with the right of carriageway required

DEVELOPMENT SERVICES REPORTS

to service any future commercial activity of Lot 25.

Front fencing heights are to be in accordance with the Residential Design Codes, with fencing styles to be in accordance with the Albany Design Guidelines.

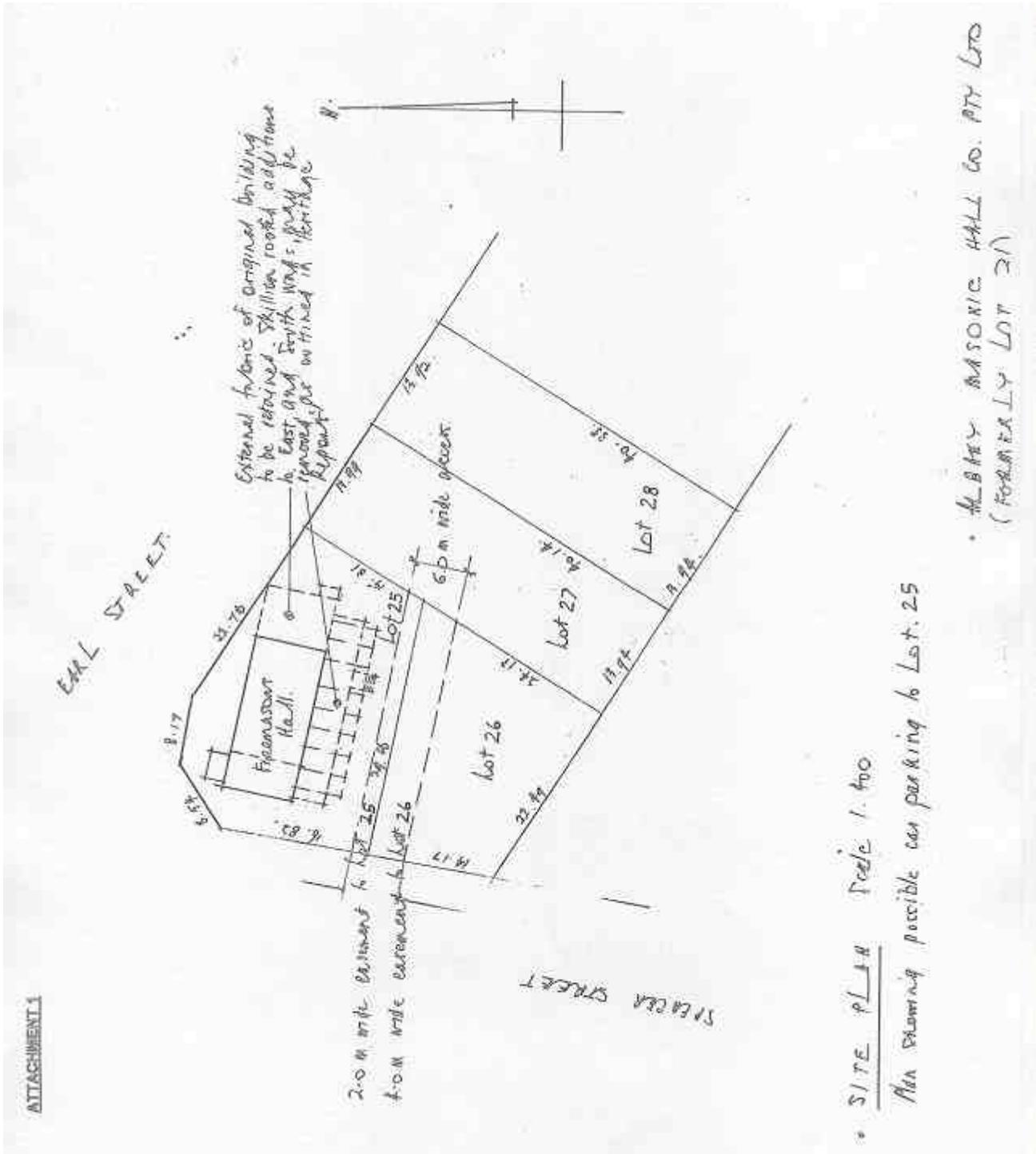
Any front fencing on top of a retaining wall shall not exceed 1.2m in height and should be open in nature with wooden or steel pickets.

AERIALS

Radio and TV aerials, other than domestic receivers shall not be permitted. Satellite dishes exceeding 600mm in diameter are not permitted.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued



DEVELOPMENT SERVICES REPORTS

11.3.2 Scheme Policy – Request to Introduce Policy – Down Road Timber Processing Precinct Noise and Hazard Management Policy

| | | |
|-------------------------------|---|---|
| File/Ward | : | A171237A (West Ward) |
| Proposal/Issue | : | Protection of Down Road Timber Processing Precinct from Inappropriate Development |
| Subject Land/Locality | : | Lots 100, 102 and Part Lot 103 Down Road West, Drome. |
| Proponent | : | Landcorp |
| Owner | : | Crown |
| Reporting Officer(s) | : | Executive Director Development Services (R Fenn) |
| Disclosure of Interest | : | Nil |
| Previous Reference | : | OCM 15/03/05 - Item 11.3.9 |
| Summary Recommendation | : | Adopt the Draft Policy for Advertising |
| Bulletin Attachment | : | Nil |
| Locality Plan | : | |



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. At the March meeting of Council, final approval was granted to Amendment 238 to the City of Albany Town Planning Scheme No 3. That amendment is seeking to rezone Lots 101, 102 and Part Lot 103 Down Road to “Special Use Zone No. 17” with the intention that the land would become a Timber Processing Precinct.
2. The Environmental Management Plan (EMP) has been completed for the Timber Processing Precinct and endorsed by the Environmental Protection Authority. Within the EMP, stringent environmental controls have been set for the future businesses to ensure water, air and soil quality is not adversely affected.
3. Whilst controls can be imposed upon the industrial projects, the background level for noise, etc in this locality is considerably lower than ambient levels generally experienced elsewhere in the City. The inappropriate siting of a dwelling in close proximity to the Timber Processing Precinct will generate complaints at levels of 30dB(A) and the EPA has supported the use of a policy, created under the Scheme, to prevent residential encroachment onto the Precinct.

STATUTORY REQUIREMENTS

4. Clause 6.9 of the City of Albany Town Planning Scheme No 3 states;

“6.9.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the Control of Development.

6.9.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:
 - (a) The Council having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
 - (b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy.*
 - (c) Following Final Adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme Documents for inspection during normal office hours.”*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. Landcorp has contacted all affected landowners to explain the requirements of the policy and to address any financial matters with those landowners.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

STRATEGIC IMPLICATIONS

- 7. The policy is consistent with the State Planning Framework.

COMMENT/DISCUSSION

- 8. The policy attached to this report has been developed in consultation with the Department of Planning and Infrastructure, the Department of Environment and Landcorp. It provides a period of three years for the Down Road Timber Processing Precinct to be developed. If the anticipated projects are not realised within that period, the requirements on landowners adjoining the precinct are relaxed.
- 9. The Beacons’ biomass energy plant and the Lignor lumber strand plant are both quickly approaching a period where the proponents will be seeking access to the land. The EMP requires the Planning Authority to introduce appropriate mechanisms to ensure land use conflicts are avoided in the short and long term. This policy will achieve that outcome.

RECOMMENDATION

THAT Council adopt the draft Town Planning Scheme policy entitled “Down Road Timber Processing Precinct Noise and Hazard Management Policy” pursuant to clause 6.9.2(a) of the City of Albany Town Planning Scheme No. 3 and advertise the policy for public comment.

Voting Requirement Simple Majority

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Councillor Walker declared an interest in this item and left the Chambers at 7.55pm. The nature of his interest is that he has a lease with ITC for plantation forestry, and the extent of that interest is that Cllr Walker derives income from the lease with ITC.

Councillor Walker sought approval from Council to stay within the Chambers and take part in debate and vote on this item.

| |
|--|
| <p>MOVED COUNCILLOR LIONETTI SECONDED COUNCILLOR MARSHALL</p> <p>THAT Councillor Walker be able to take part within the debate and vote on item 11.3.2.</p> <p style="text-align: right;">MOTION CARRIED 10-3</p> |
|--|

Against: Mayor Goode, Councillors Evans and Paver.

Councillor Walker returned to the Chambers at 7.57pm.

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| <p>MOVED COUNCILLOR WALKER SECONDED COUNCILLOR EMERY</p> <p>THAT Council adopt the draft Town Planning Scheme policy entitled “Down Road Timber Processing Precinct Noise and Hazard Management Policy” pursuant to clause 6.9.2(a) of the City of Albany Town Planning Scheme No. 3 and advertise the policy for public comment.</p> <p style="text-align: right;">MOTION TIED 7-7 MAYOR CAST DECIDING VOTE MOTION LOST 7-8</p> |
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Down Road Timber Processing Precinct Noise and Hazard Management Policy

Background

As part of the approval process for the Down Road Timber Processing Precinct (the Precinct), an Environmental Management Plan has been prepared to identify an appropriate noise and hazard separation area for industries within the Precinct.

Noise:

The indicative noise contours for the Precinct are based upon industry best practice management. Those industries are not currently operating and there is a need to prevent any permanent habitable structures from being developed within the area affected by the hypothetical 30dB(A) noise contour until a timber processing industry has been constructed.

A review of this policy is to be undertaken in 2008 with the aim of deciding the alignment of the 35dB(A) noise contour on what is known at the time. The following items will be considered at the review stage;

- *What industries have established and/or are proposed in the Precinct; and*
- *If the industries are not operational, engineering detail of the proposed industry will provide more information than is currently available to determine if a variation to the policy area is required; or*
- *The existing industry, at the time of the review, should be monitored to ground truth the modelling.*

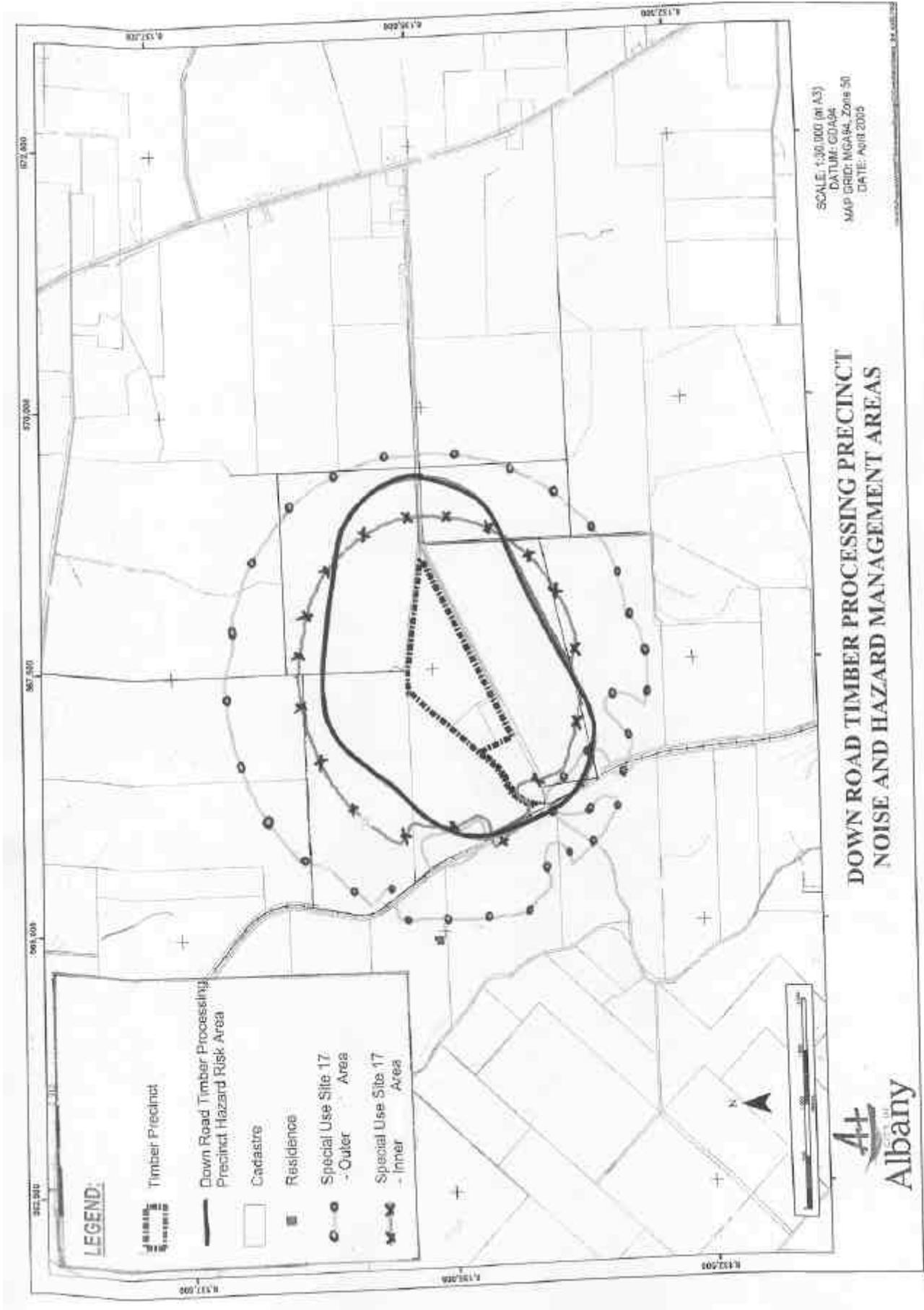
If proposed industries meet the expected noise levels at the Special Use Area 17-Inner Area, then the Special Use Area 17 - Outer Area could be removed. Alternatively, if proposed industries require the repositioning of the Special Use Area 17 - Inner Area, the 35dB(A) contour shall be redefined and evaluated in consultation with the City of Albany and the Environmental Protection Authority.

Hazard:

A risk assessment is being prepared and a predictive acceptable risk separation area defined in the Mirambeena Timber Processing Precinct Environmental Management Plan (2005).

Policy

1. The development of proposed lots within the Special Use Zone 17 (Down Road Timber Processing Precinct) shall be undertaken in a manner which ensures the noise generated by the development meets the assigned sound power levels for that lot, as identified in the *Mirambeena Timber Processing Precinct Environmental Management Plan (2005)*.
2. The Special Use Zone 17 – Inner Area, the Special Site 17 – Outer Area and the Down Road Timber Processing Precinct Hazard Risk Area are those areas identified on the plan appended to this policy.
3. Prior to 2009, on those portions of lots identified in the scheme policy as being within Special Use Zone No. 17 – Inner Area, Special Use Zone 17 - Outer Area or Down Road Timber Processing Precinct Hazard Risk Area, no dwelling house, permanent dwelling units or habitable structures shall be developed on that part of the lot.
4. Commencing the 1st January 2009, no dwelling house, permanent dwelling unit or habitable structure shall be constructed within that area of a lot identified as being within the Special Use Zone 17 – Inner Area or the Down Road Timber Processing Precinct Hazard Risk Area.



DEVELOPMENT SERVICES REPORTS

11.3.3 Final Approval For Scheme Amendment – Pt Lot 21 Two Peoples Bay Road, Kalgan

| | | |
|-------------------------------|---|---|
| File/Ward | : | A3434A1 (Kalgan Ward) |
| Proposal/Issue | : | Final Approval for Scheme Amendment to rezone Pt Lot 21 Two Peoples Bay Road, Kalgan from 'Rural' to 'Special Use'. |
| Subject Land/Locality | : | Pt Lot 21 Two Peoples Bay Road, Kalgan |
| Proponent | : | Dykstra & Associates |
| Owners | : | JR & LF Boon |
| Reporting Officer(s) | : | Senior Planning Officer (J Devereux) |
| Disclosure of Interest | : | Nil |
| Previous Reference | : | OCM 20/01/04 - Item 11.3.4 OCM 21/12/04 - Item 11.3.5 |
| Summary Recommendation | : | Grant Final Approval |
| Bulletin Attachment | : | Submissions received and the current amendment Development Guide Plan and Scheme Amendment Map. |
| Locality Plan | : | |



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

BACKGROUND

1. At its meeting of the 21 December 2004 Council resolved:

“THAT, subject to the removal of the disclaimer and rewording of the clauses relating to access, Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany’s Town Planning Scheme No. 3 by:

- i) rezoning Pt Lot 21 Two Peoples Bay Road, Kalgan from ‘Rural’ to ‘Special Use’;*
- ii) amending Schedule III of the Scheme and introducing special conditions; and*
- iii) amending the Scheme Maps accordingly.”*

2. The amendment was assessed by the Environmental Protection Authority (EPA) as “Scheme Not Assessed (no appeals)” and was advertised for public inspection for 42-days until 30 June 2005.
3. At the close of the advertising period, 4 submissions had been received (a copy of each submission is included in the Elected Members Report/Information Bulletin).
4. The amendment will facilitate the expansion of the Caravan Park and the addition of a camping area and associated facilities.

STATUTORY REQUIREMENTS

5. Section 7 of the Town Planning and Development Act provides the mechanism for a Town Planning Scheme to be amended. Council must resolve to initiate a scheme amendment and then place the amending documents on public display. Any comments received must be considered by Council and a recommendation made to the Minister for Planning and Infrastructure on the course of action Council wishes to pursue (this is where this application currently sits in the process). Council can seek to progress the amendment without change, it can modify the amending documents to reflect the submissions received or it can recommend that the rezoning not proceed.
6. If Council resolves to grant final approval to the amendment (with or without modifications) or to decline to proceed with the rezoning, the documents are then referred to the Minister for Planning and Infrastructure. The Minister can accept Council’s recommendation or she can require her own modifications to the documents prior to them being gazetted and coming into force. The Minister can also decline to approve the rezoning if she considers Council’s decision is not consistent with orderly planning.

POLICY IMPLICATIONS

7. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
 - The Albany Regional Strategy (1994); and
 - The Local Rural Strategy (1996).

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

8. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- Innovative development complementing Albany’s unique character, natural environment and heritage.

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil”

COMMENT/DISCUSSION

11. A Schedule of Submissions has been prepared by Staff. Refer to the attachments at the end of this report for a copy of the draft Schedule of Submissions.
12. Of the 4 submissions, 3 were from government agencies with the other being from the proponent. The proponent’s submission recommends a change to the development guide plan to include the effluent disposal system serving the caravan park within the Special Use Zone, refer to the end of this report for a copy of the submitted amended guide plan.
13. As the designated ‘Caravan Park Development Area’ is not being increased, and the density of development will be controlled by land capability, the revised guide plan is supported. It is staff’s view that the effluent disposal system is an integral part of the caravan park infrastructure and it should be located within the zoned area containing the rest of the development.
14. The other matters raised in the submissions relate to increased fire protection measures and land capability assessment for effluent disposal. The comments relating to these issues have been supported by staff in the schedule of submissions and recommendations for their incorporation into the amendment documentation is supported.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

RECOMMENDATION

THAT;

- i) Council grant final approval to City of Albany Town Planning Scheme No. 3 - Amendment 237 to rezone Pt Lot 21 Two Peoples Bay Road, Kalgan to Special Use Zone' subject to the modifications detailed in the Schedule of Submissions;
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed; and
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.

Voting Requirement Simple Majority

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ADDENDUM TO OFFICERS REPORT

- 15. Staff have tabled a change of wording for submission number 2 in the Schedule of Submissions under Council Recommendation. The change allows for a fire management plan to be prepared at a later date when more specific information is known. No change is required to the recommendation.

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR PAVER**

THAT;

- i) **Council grant final approval to City of Albany Town Planning Scheme No. 3 - Amendment 237 to rezone Pt Lot 21 Two Peoples Bay Road, Kalgan to Special Use Zone' subject to the modifications detailed in the Schedule of Submissions;**
- ii) **the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed; and**
- iii) **the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

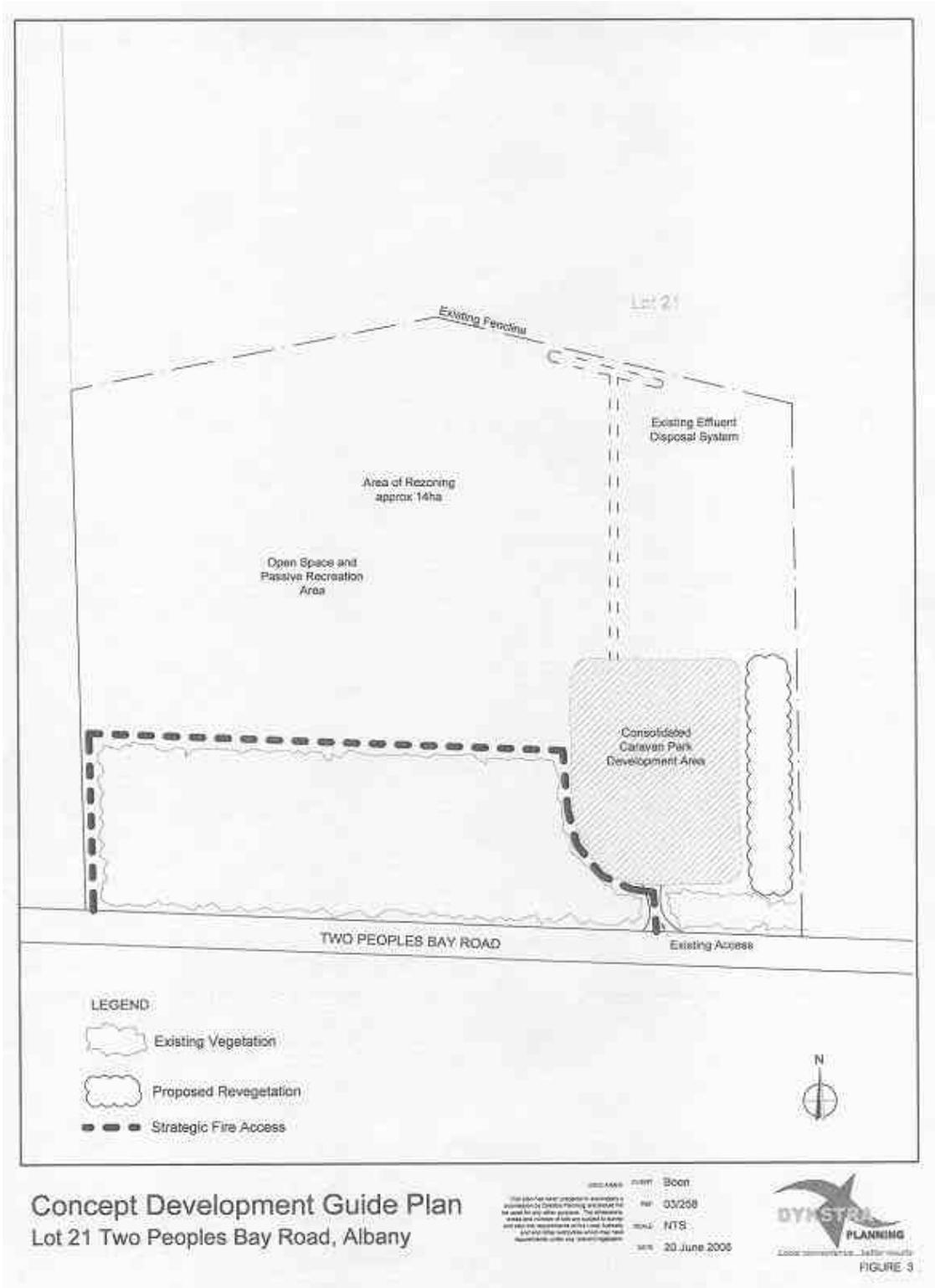
Town Planning & Development Act 1928
Town Planning Scheme No. 3 - Amendment No. 237
Schedule of Submissions

| No. | Submitter | Submission | Officer Comment | Council Recommendation |
|-----|---|---|---|---|
| 1. | Western Power GPO Box L921 PERTH WA 6842 | a) No objection to scheme amendment, provided the development is done according to Australian Standards such as AS 3001. | a) No comment | a) Noted |
| 2. | FESA Great Southern District 5 Hercules Crescent ALBANY WA 6330 | a) A Fire Management Plan developed to detail the mitigation strategies that would be implemented to offer protection. | a) Staff support submission and recommend the amendment be change accordingly. | a) The submission is upheld and the amendment be modified to include a detailed Fire Management Plan <u>being prepared and submitted with any application for planning consent</u> , to the satisfaction of Council in consultation with FESA. |
| 3. | Dykstra & Associates 6/2954 Albany Highway KELMSCOTT WA 6111 | a) An amended Development Guide Plan was submitted. The plan is intended to be conceptual illustrative of opportunities and constraints applicable to the site and would involve a rezoning area larger than originally proposed, and would incorporate the existing effluent disposal system. b) A modified Scheme Amendment Map was submitted to reflect the amended Development Guide Plan. | Staff feel that the recommendation can be supported as: i) The area for the Caravan Park Development area will not increase and the density of development will be controlled by land capability; ii) The amended plan includes the effluent disposal system being contained in the same zone; iii) The amended guide plan will help to avoid confusion in the administration of the scheme. | The submission be upheld and the amendment be modified as follows: i) The Development Guide Plan is replaced with the submitted Concept Development Guide Plan. Refer to attachments at the end of the report. ii) The amendment document and the Special Provision be modified to reflect the name change of the guide plan to 'Concept Development Guide Plan' iii) The Scheme Amendment Map is modified, in accordance with the submitted plan, to reflect the amended Development Guide Plan. Refer to attachments at the end of the report. |
| 4. | Department of Health Grace Vaughn House 227Stubbs Terrace SHENTON PARK WA 6008 | a) At every stage of development that is proposed, it is imperative that development applications demonstrate that the wastewater treatment and disposal system | a) Staff supports the recommendation for the requirement of a geotechnical report for suitability of site for wastewater disposal. | a) The submission be upheld in part and the amendment be modified as follows: i) Special Provision 5 'Effluent |

DEVELOPMENT SERVICES REPORTS

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| | | <p>associated with that stage of development is appropriate, and that the disposal site is suitable and adequate for the purpose. A geotechnical report for suitability of site for wastewater disposal being submitted with any development application. Site investigation must be conducted in late winter (October/November) and information should include soil profile to a depth of at least 2.0 metres and water table encountered to that depth, soil permeability and slope of the land.</p> <p>b) When the draft Country Sewerage Policy is implemented, the density development provisions contained therein will limit the level of unsewered development within the park. The Department of Health will not support developments beyond those permitted by the Policy.</p> | <p>However, It is recommend by Council's Senior Environmental Health Officer that site investigation should be conducted in August.</p> <p>b) No comment</p> | <p>Disposal' be modified to require a geotechnical report for suitability of site for wastewater disposal be submitted with any application for planning consent.</p> <p>b) Noted</p> |
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Item 11.3.3 continued



DEVELOPMENT SERVICES REPORTS

11.3.4 Final Approval For Scheme Amendment – Lots 22 & 23 cnr Link & Lancaster Roads, McKail

| | | |
|-------------------------------|---|---|
| File/Ward | : | A63602A (West Ward) |
| Proposal/Issue | : | Final Approval for Scheme Amendment to rezone Lots 22 & 23 Link/Lancaster Roads from 'Rural' to 'Special Rural' |
| Subject Land/Locality | : | Lots 22 & 23 Link/Lancaster Roads, McKail |
| Proponent | : | Gray & Lewis Land Use Planners |
| Owners | : | FB & WVE Peters (Decd) |
| Reporting Officer(s) | : | Strategic Planning Officer (P Shephard) |
| Disclosure of Interest | : | Nil |
| Previous Reference | : | OCM 20/01/2004 – Item 11.3.6 OCM 15/03/2004 – Item 11.3.8 |
| Summary Recommendation | : | Grant Final Approval |
| Bulletin Attachment | : | Submission of Amendment |
| Locality Plan | : | |



DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

BACKGROUND

1. At its meeting of the 15 March 2005 Council resolved:

“THAT Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany’s Town Planning Scheme No. 3 by:
 - i) *rezoning Lots 22 and 23 Lancaster and Link Roads, McKail. From Rural Zone to Special Rural Zone;*
 - ii) *including provisions in Schedule 1 for control of development on Lots 22 and 23; and*
 - iii) *amending the scheme maps accordingly.”*
2. The amendment was assessed by the Environmental Protection Authority (EPA) as “Scheme Not Assessed (no appeals)” and was advertised for public inspection for 42-days until 30 June 2005.
3. At the close of the advertising period, 2 submissions had been received (copy of each submission attached).
4. The amendment seeks to rezone the subject area to ‘Special Rural’ to facilitate the subdivision of the affected land into 1 hectare lots and to apply planning controls appropriate to the intended development.

STATUTORY REQUIREMENTS

5. Section 7 of the Town Planning and Development Act provides the mechanism for a Town Planning Scheme to be amended. Council must resolve to initiate a scheme amendment and then place the amending documents on public display. Any comments received must be considered by Council and a recommendation made to the Minister for Planning and Infrastructure on the course of action Council wishes to pursue (this is where this application currently sits in the process). Council can seek to progress the amendment without change, it can modify the amending documents to reflect the submissions received or it can recommend that the rezoning not proceed.
6. If Council resolves to grant final approval to the amendment (with or without modifications) or to decline to proceed with the rezoning, the documents are then referred to the Minister for Planning and Infrastructure. The Minister can accept Council’s recommendation or she can require her own modifications to the documents prior to them being gazetted and coming into force. The Minister can also decline to approve the rezoning if she considers Council’s decision is not consistent with orderly planning.

POLICY IMPLICATIONS

7. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
 - The Albany Regional Strategy (1994); and
 - The Local Rural Strategy (1996).

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

8. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
9. The subject land is located within the Torbay 2 Precinct of the City's Local Rural Strategy. The policy statement for this precinct states:

“Following consultation with landowners Council will rezone the area to rural residential or special residential with appropriate zoning provisions based on the constraints and land management needs identified below;

Council will assess the potential of larger lots to create additional rural residential lots.”

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- excellent community infrastructure and services

Mission Statement:

The City of Albany is committed to providing ...

- sound governance;
- promoting our Community's vision for the future;
- innovative development complementing Albany's unique character, natural environment and heritage; and

Priority Projects

No 2. Major Planning Projects – Albany Local Planning Strategy and Town Planning Scheme (20 year land use and development strategy and statutory control mechanism)”

COMMENT/DISCUSSION

12. A Schedule of Submissions has been prepared (and attached) in which Staff have prepared a comment and recommendation on each of the submissions received for Council's consideration. There are no modifications recommended from the submissions to the advertised amendment.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

RECOMMENDATION

THAT;

- i) Council grant final approval to City of Albany Town Planning Scheme No. 3 - Amendment 243 to rezone Lots 22 & 23 Link/Lancaster Roads, McKail without modification;
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed; and
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.

Voting Requirement Simple Majority

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| <p>MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR WOLFE</p> <p>THAT;</p> <ul style="list-style-type: none">i) Council grant final approval to City of Albany Town Planning Scheme No. 3 - Amendment 243 to rezone Lots 22 & 23 Link/Lancaster Roads, McKail without modification;ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed; andiii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal. <p style="text-align: right;">MOTION CARRIED 14-0</p> |
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DEVELOPMENT SERVICES REPORTS

**Town Planning & Development Act 1928
Town Planning Scheme No. 3 - Amendment No. 243
Schedule of Submissions**

| No. | Submitter | Submission | Officer Comment | Council Recommendation |
|-----|--|---|--|--------------------------|
| 1. | Water Corporation PO Box 915 ALBANY WA 6331 | <p>No objection to scheme amendment.</p> <p>Potable water connection is available to the lots and recommend that the proponents engage a consulting engineer to discuss provision of a service.</p> <p>Sewer connection is not available to the lots.</p> | No comment. | The submission be noted. |
| 2. | Department of Health Stubbs Terrace SHENTON PARK WA 6008 | <p>The proposal is satisfactory to warrant exemption from mandatory deep sewer connection and the proponent's environment consultant has provided evidence that on-site wastewater disposal can be achieved on the lots.</p> <p>Part of the land is affected by the speedway noise buffer and may also be affected by noise from the Trotting Track. Noise levels need to be acceptable to the Department of Environment.</p> | Purchasers of the proposed lots contained within the speedway noise buffer area will be advised in accordance with the City's Town Planning Scheme Policy. | The submission be noted. |

DEVELOPMENT SERVICES REPORTS

11.3.5 Final Approval For Scheme Amendment – Lot 24 Link Road, Marbelup

| | | |
|-------------------------------|---|--|
| File/Ward | : | A67187A (West Ward) |
| Proposal/Issue | : | Final Approval for Scheme Amendment to rezone Lot 24 Link Road from 'Rural' to 'Special Rural' |
| Subject Land/Locality | : | Lot 24 Link Road, Marbelup |
| Proponent | : | Dykstra and Associates |
| Owners | : | JP & M Vermeulen |
| Reporting Officer(s) | : | Strategic Planning Officer (P Shephard) |
| Disclosure of Interest | : | Nil |
| Previous Reference | : | OCM 04/08/1999 – Item 12.1.8 OCM 29/02/2000 – Item 12.1.4 |
| Summary Recommendation | : | Grant Final Approval |
| Bulletin Attachment | : | Submissions on Amendment |
| Locality Plan | : | |



DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

BACKGROUND

1. At its meeting of the 29 February 2000 Council resolved:
“THAT Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany’s Town Planning Scheme No. 3 by rezoning Lot 24 Link Road, McKail from the Rural zone to the Special Rural zone.”
2. The amendment was assessed by the Environmental Protection Authority (EPA) as “Scheme Not Assessed (no appeals)”.
3. Link Road is the preferred option for the “Ring Road” route. The amendment was granted consent to be advertised in August 2004 by the Minister for Planning and Infrastructure subject to the inclusion of details on the Ring Road reflecting MRWA requirements. Those modifications were undertaken and the amendment was advertised for public inspection for the required 42-day period , closing on 14 July 2005.
4. At the close of the advertising period, 3 submissions had been received (copy of each submission is included in the Elected Members Report/Information Bulletin).
5. The amendment seeks to rezone the subject area to ‘Special Rural’ to facilitate the subdivision of the affected land into 1 hectare lots to apply appropriate planning controls appropriate to future development.

STATUTORY REQUIREMENTS

6. Section 7 of the Town Planning and Development Act provides the mechanism for a Town Planning Scheme to be amended. Council must resolve to initiate a scheme amendment and then place the amending documents on public display. Any comments received must be considered by Council and a recommendation made to the Minister for Planning and Infrastructure on the course of action Council wishes to pursue (this is where this application currently sits in the process). Council can seek to progress the amendment without change, it can modify the amending documents to reflect the submissions received or it can recommend that the rezoning not proceed.
7. If Council resolves to grant final approval to the amendment (with or without modifications) or to decline to proceed with the rezoning, the documents are then referred to the Minister for Planning and Infrastructure. The Minister can accept Council’s recommendation or she can require her own modifications to the documents prior to them being gazetted and coming into force. The Minister can also decline to approve the rezoning if she considers Council’s decision is not consistent with orderly planning.

POLICY IMPLICATIONS

8. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
 - The Albany Regional Strategy (1994); and
 - The Local Rural Strategy (1996).

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

9. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
10. The subject land is located within the Torbay 2 Precinct of the City's Local Rural Strategy. The policy statement for this precinct states:

“Following consultation with landowners Council will rezone the area to rural residential or special residential with appropriate zoning provisions based on the constraints and land management needs identified below:

Council will assess the potential of larger lots to create additional rural residential lots.”

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- excellent community infrastructure and services

Mission Statement:

The City of Albany is committed to providing ...

- sound governance;
- promoting our Community's vision for the future;
- innovative development complementing Albany's unique character, natural environment and heritage; and

Priority Projects:

Major Planning Projects – Albany Local Planning Strategy and Town Planning Scheme (20 year land use and development strategy and statutory control mechanism)”

COMMENT/DISCUSSION

13. A Schedule of Submissions has been prepared (and attached) in which Staff have prepared a comment and recommendation on each of the submissions received for Council's consideration. There are modifications recommended from the submissions to the advertised amendment.
14. The amendment report and special provisions reflect the planning that was undertaken in the late 90's. The final amendment needs to be updated to reflect current planning for the locality. This will be done in-house in consultation with the local Officers of the Department for Planning and Infrastructure.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

RECOMMENDATION

THAT;

- i) Council grant final approval to City of Albany Town Planning Scheme No. 3 - Amendment 208 to rezone Lot 24 Link Road, Marbelup from Rural to Special Rural and undertake modification of the report and special provisions to reflect current planning for the locality;
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed; and
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.

Voting Requirement Simple Majority

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| <p>MOVED COUNCILLOR WILLIAMS SECONDED COUNCILLOR WOLFE</p> <p>THAT;</p> <ul style="list-style-type: none">i) Council grant final approval to City of Albany Town Planning Scheme No. 3 - Amendment 208 to rezone Lot 24 Link Road, Marbelup from Rural to Special Rural and undertake modification of the report and special provisions to reflect current planning for the locality;ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed; andiii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal. <p style="text-align: right;">MOTION CARRIED 14-0</p> |
|---|

DEVELOPMENT SERVICES REPORTS

**Town Planning & Development Act 1928
Town Planning Scheme No. 3 - Amendment No. 208
Schedule of Submissions**

| No. | Submitter | Submission | Officer Comment | Council Recommendation |
|-----|--|--|---|---|
| 1. | Department of Health Stubbs Terrace SHENTON PARK WA 6008 | <p>The proposal is satisfactory to warrant exemption from mandatory deep sewer connection and the scheme report has provided evidence that on-site wastewater disposal can be achieved on the lots.</p> <p>Part of the land is affected by the speedway noise buffer and may also be affected by noise from the Trotting Track. Noise levels need to be acceptable to the Department of Environment.</p> | No comment. | The submission be noted. |
| 2. | RJ & JZ Leese Lot 4 Link Road MARBELLUP WA 6330 | <p>The adjoining landowners have raised a number of concerns as follows:</p> <p>a) Stormwater Management. Believe that the construction of the proposed subdivision road will contribute to erosion of their land which is down slope of the subdivision and they require the City:</p> <ul style="list-style-type: none"> • advise them of the drainage system to be used; • require the developer to retain the stormwater within the subdivision; and • take responsibility for the maintenance of the system and meet any costs should the system fail in the future. <p>b) Ex-Poultry Farm. Advise that they will be pursuing potential aquaculture/tourism for their property and do not intend to develop the poultry use.</p> <p>c) Visual Impacts. Request the imposition of additional tree planting areas to reduce the impact of the subdivision on their property and lifestyle.</p> <p>d) Strategic Fire Access Links. Are concerned that there is no proposal for a fire access link provided and suggest their present battleaxe leg (which will be closed to Link Road ultimately) could be used.</p> <p>e) Long-Term Outline Development Plan. Oppose the future proposed construction of a public road across their land resulting from the construction of the ring road heavy freight route.</p> | <p>a) The design and construction of the stormwater drainage system must comply with City engineering standards which requires that the approved stormwater system does not increase pre-development discharge rates. The City is responsible to manage the drainage system upon the successful completion of the subdivision works.</p> <p>b) Due to the cessation of the poultry farm, the reference and provisions should be deleted from the amendment.</p> <p>c) The addition of tree planting areas to reduce the visual impact of the subdivision is supported and should be included on the Subdivision Guide Plan.</p> <p>d) Whilst the objectives of the proposal are supported, this matter is outside of this amendment and is best</p> | <p>The submission be upheld in part and the following modifications made:</p> <p>a) remove references in the amendment report and special provisions relating to the ex-poultry farm.</p> <p>b) Include the additional tree planting areas on the Subdivision Guide Plan.</p> |

DEVELOPMENT SERVICES REPORTS

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|-----------|---|---|--|---|
| | | | <p>negotiated and resolved between the landholders. e) Not supported. There is a need to provide the connection between the properties in the interests of long-term planning for the locality and the construction of Link Road. The opportunity to reduce the impact by modifying the road alignment across the property should be subject to further discussion.</p> | |
| <p>3.</p> | <p>Main Roads WA Chester Pass Road ALBANY WA 6330</p> | <p>Advise Link Road is the preferred option for the ring road and MRWA would like to limit access points onto this heavy haulage route.</p> <p>Due to the future roadworks in the vicinity of this property to create the ring road, access in the long-term to the properties, must be located within a 50 metre section of the southern part of the lot.</p> <p>Support the Long-Term Outline Development Plan which will lead to improved levels of safety at this location.</p> <p>Require amendment be modified to: a) Update amendment report to include details on Link Road as preferred alignment for ring road. b) Noise mitigation setback should be 60 metres not 50 as stated.</p> | <p>The submission is supportive of the amendment. The proposed subdivision access point is shown in the MRWA preferred position (within 50 metres of the southern boundary). The updating of the amendment report to include reference to the ring road and modification of the noise mitigation setback are supported.</p> | <p>The submission be upheld in part and the following modifications made: a) Update references in the amendment report to include details on Link Road as the preferred route for the ring road. b) Increase the noise mitigation setback to 60 metres on the Subdivision Guide Plan.</p> |

11.4 RESERVES PLANNING

Nil.

DEVELOPMENT SERVICES REPORTS

11.5 DEVELOPMENT SERVICE COMMITTEES

11.5.1 Minutes of the Mt Martin Regional Botanic Park Advisory Committee – 6 July 2005

- File/Ward** : MAN 072 (Kalgan Ward)
- Proposal/Issue** : Committee items for Council consideration
- Reporting Officer(s)** : Parks and Reserves Planner (B Green)
- Summary Recommendation** : That the minutes of the Committee be received.

RECOMMENDATION

THAT the minutes of the Mount Martin Regional Botanic Park Advisory Committee meetings held on 6 July 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of the Mount Martin Regional Botanic Park Advisory Committee meetings held on 6 July 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.5.2 Minutes of the Mt Martin Regional Botanic Park Advisory Committee – 13 July 2005

| | | |
|-------------------------------|---|--|
| File/Ward | : | MAN 072 (Kalgan Ward) |
| Proposal/Issue | : | Committee items for Council consideration |
| Reporting Officer(s) | : | Parks and Reserves Planner (B Green) |
| Summary Recommendation | : | That the minutes of the Committee be received. |

RECOMMENDATION

THAT the minutes of the Mount Martin Regional Botanic Park Advisory Committee meetings held on 13 July 2005 (a copy of the minutes is in the Elected Members Report & Information Bulletin) and the following motion adopted:-

Item – Mount Martin Transfer of Vesting Discussion Paper

THAT Council endorse the public release of the ‘Community Discussion Paper on the Proposed Transfer of Vesting of Mount Martin Regional Botanic Park (R33308 & R21792) to the Conservation Commission of Western Australia.’

Voting Requirement Simple Majority

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WALKER**

THAT the minutes of the Mount Martin Regional Botanic Park Advisory Committee meetings held on 13 July 2005 (a copy of the minutes is in the Elected Members Report & Information Bulletin) and the following motion adopted:-

Item – Mount Martin Transfer of Vesting Discussion Paper

THAT Council endorse the public release of the ‘Community Discussion Paper on the Proposed Transfer of Vesting of Mount Martin Regional Botanic Park (R33308 & R21792) to the Conservation Commission of Western Australia.’

MOTION CARRIED 14-0

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 Financial Activity Report

| | | |
|-------------------------------|---|--|
| File/Ward | : | FIN 040 (All Wards) |
| Proposal/Issue | : | City of Albany Financial Activity Report |
| Subject Land/Locality | : | N/A |
| Proponent | : | N/A |
| Owner | : | N/A |
| Reporting Officer(s) | : | Senior Accounting Officer (D Evers) |
| Disclosure of Interest | : | Nil. |
| Previous Reference | : | N/A |
| Summary Recommendation | : | Note Financial Activity Statement |
| Bulletin Attachment | : | Nil |
| Locality Plan | : | N/A |

COMMENT/DISCUSSION

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

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Item 12.1.1 continued.

COMMENT/DISCUSSION

6. The Financial Activity Report and report on major variances follow.

RECOMMENDATION

THAT Council note the attached Financial Activity Statement – 31st July 2005.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR EVANS**

THAT Council note the attached Financial Activity Statement – 31st July 2005.

MOTION CARRIED 14-0

CORPORATE & COMMUNITY SERVICES REPORTS

FINANCIAL ACTIVITY STATEMENT 31-Jul-05

| Total Budget 2005/06 | | Actual Year to Date 31-Jul-05 | Budget Year to Date 31-Jul-05 | Budget Variance |
|----------------------------|---|-------------------------------------|-------------------------------------|--------------------|
| | OPERATING INCOME | | | |
| 15,369,722 | Rates | 15,634,615 | 15,607,222 | 27,393 |
| 4,108,000 | Grants & Subsidies | 9,759 | 10,832 | (1,073) |
| 247,333 | Contributions Reimb & Donations | 62,519 | 48,689 | 13,830 |
| 6,461,901 | Fees & Charges | 2,692,374 | 2,714,139 | (21,765) |
| 700,394 | Interest Earned | 9,041 | 9,011 | 30 |
| 962,144 | Other Revenue / Income | 177,005 | 60,207 | 116,798 |
| 27,849,494 | | 18,585,314 | 18,450,100 | 135,214 |
| | OPERATING EXPENDITURE (excluding depreciation) | | | |
| (10,710,422) | Employee Costs | (594,252) | (440,591) | (153,661) |
| (873,350) | Utilities | (53,964) | (69,636) | 15,672 |
| (1,082,833) | Interest Expenses | 40,103 | (19,062) | 59,165 |
| (21,522,887) | Contracts & materials | (306,393) | (670,778) | 364,385 |
| (375,240) | Insurance expenses | (148,615) | (156,433) | 7,818 |
| (5,728,883) | Other Expenses | (314,251) | (314,655) | 404 |
| 17,788,740 | less: capital works & loan capital repayment | 99,741 | 454,197 | (354,456) |
| (22,504,875) | | (1,277,630) | (1,216,958) | (60,672) |
| | CAPITAL INCOME | | | |
| 3,318,767 | Grants & Subsidies | 0 | 63,803 | (63,803) |
| 1,729,450 | Contributions Reimb & Donations | 30,000 | 3,874 | 26,126 |
| 2,425,606 | Proceeds from sale of assets | 29,075 | 84,910 | (55,835) |
| 7,473,823 | | 59,075 | 152,587 | (93,512) |
| | CAPITAL EXPENDITURE | | | |
| (6,903,143) | Asset Masterplans | (42,677) | (226,266) | 183,589 |
| (3,340,000) | ALAC Redevelopment | 0 | 0 | - |
| (2,267,187) | Plant Replacement | (43,243) | (78,927) | 35,684 |
| (1,107,950) | Developers Subdivisions | 0 | 0 | - |
| (4,170,461) | Other Capital | (13,821) | (149,004) | 135,183 |
| (17,788,740) | | (99,741) | (454,197) | 354,456 |
| | CASH FLOWS FROM FINANCING ACTIVITIES | | | |
| (579,092) | Loan Principal Repayment | (10,103) | (10,276) | 173 |
| 38,606 | Proceeds from Self Supporting Loans | 0 | 2,750 | (2,750) |
| 2,340,000 | Proceeds from new loans | 0 | 0 | - |
| 1,799,514 | | (10,103) | (7,526) | (2,577) |
| | OTHER BALANCE SHEET ITEMS | | | |
| | Change in stock position | 109,881 | | |
| 150,000 | Change in Debtors | (18,485,908) | | |
| (69,139) | Change in Creditors | (362,424) | | |
| 80,861 | | (18,738,450) | | |
| (3,089,923) | NET CASH FLOW | (1,481,536) | | |
| 11,303,835 | Opening Cash balance | 13,045,744 | | |
| 8,213,912 | NET CASH AT BALANCE DATE | 11,564,208 | | |
| | Cash summary | | | |
| 1,351,677 | Municipal Account | 2,742,810 | | |
| 5,854,475 | Reserve Account | 7,727,799 | | |
| <u>1,007,760</u> | Trust Account | 1,093,598 | | |
| 8,213,912 | Total Bank / Investments | 11,564,208 | | |

Explanation of Variances on Financial Activity Statement Report

- 1) Contributions, Reimbursements and Donations
Grant funding of \$20,000 from Lotteries Comm. for the Christmas Pageant, New Years Eve and Australia Day was received in July, expected in November.
- 2) Other Revenue / Income
Advertising rebate of \$14,000 from WALGA received in July expected in August/September.
- 3) Employee Costs
Workers Compensation insurance of \$101,000 paid in July, expected in October. Also, \$70,000 of waged employee costs charged in July and charged to jobs in August.
- 4) Utilities
Due to the accrual process, July utilities accounts will generally be less than the average monthly figure. This will be corrected in the 06/07 budget.

Some accruals of expenses and income are created at financial year end to accurately reflect the City's financial position at that point.. These accruals are time consuming and provide no real benefit through the year, and therefore are not created on a monthly basis.
- 5) Interest Expenses
The reversal of loan interest accruals in 05/06 appear as a positive amount in the expense item, these accruals will have no effect as the interest payments are made. (see above note)
- 6) Contracts and Materials
Capital expenditure was very low in July due to significant work continuing on the repair of flood damage. City of Albany construction staff and plant costs have been allocated to maintenance and externally resourced materials and contracts have been deferred. Every effort is being made to ensure that the delay to the commencement of 05/06 capital expenditure projects is made up prior to year end.
- 7) Grants and Subsidies
It is difficult to predict when grants & subsidies will be received. This is only a timing difference and there is no reason to believe there will be any significant ongoing variation from the annual budget.
- 8) Contributions, Reimbursements and Donations
A contribution of \$30,000 has been received from the Department of Housing and Works for the upgrade of Stirling Terrace verge in front of the new Albany Police and Justice Complex.
- 9) Proceeds from Sale of Assets
Fewer assets were replaced in July than budgeted. This is a timing difference that will correct through the year.
- 10) Asset Masterplans
please refer to #6 above
- 11) Plant Replacement
This is the corollary to #10 above. Plant is replaced when necessary, and budgets are prepared as an estimate of financial impact through the year.

Explanation of Variances on Financial Activity Statement Report (cont)

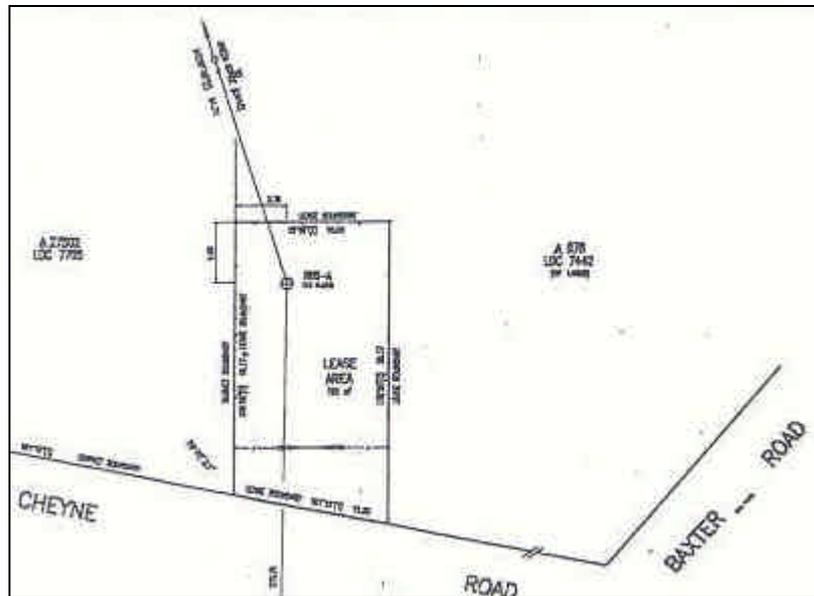
- 12) Other Capital
please refer to #6 above

- 13) Proceeds from Self-Supporting Loans
The City of Albany Self Supporting loan repayment should have been budgeted in August.

12.2 ADMINISTRATION

12.2.1 Proposed Telstra Lease – Reserve 878 Cheynes Beach

| | | |
|-------------------------------|---|--|
| File/Ward | : | PRO 152 (Hassell Ward) |
| Proposal/Issue | : | Further Lease Option |
| Subject Land/Locality | : | Cheynes Beach, Reserve 878 |
| Proponent | : | Telstra Corporation Limited |
| Owner | : | Crown Land (Managed by the City of Albany) |
| Reporting Officer(s) | : | Corporate Services Officer (A Wiseman) |
| Disclosure of Interest | : | Nil |
| Previous Reference | : | Nil |
| Summary Recommendation | : | To approve a further 10 year lease option for Telstra Corporation Limited. |
| Bulletin Attachment | : | Nil |
| Locality Plan | : | |



CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued.

BACKGROUND

1. Telstra Corporation Limited currently has a lease agreement with the City of Albany for a portion of reserve 878. This agreement is for a period of 10 years and is due to expire on 31 August 2005. There is already a 10 year option on this lease, which Telstra proposes to enter into from 1 September 2005 until 31 August 2015.
2. The City has now received an application from United KFPW Pty Ltd on behalf of Telstra Corporation Limited for a further 10 year lease option commencing on 1 September 2015 until 31 August 2025 on a portion of Crown Reserve 878, located at Cheynes Beach. Telstra currently uses this site for a digital radio service, which provides network coverage to the caravan park and the residents of Cheynes Beach.
3. The current Management Order for Reserve 878 is for the purpose of “Recreation, Camping, Holiday Accommodation & Accommodation Associated with the Fishing Industry & Fire Station Site” with power to lease.

STATUTORY REQUIREMENTS

4. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a lease over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
5. Council must then give consideration to those submissions before resolving whether or not to proceed with the lease.
6. Should submissions be received, Section 3.58 further requires that the reasons for a Council’s decision also to be recorded in the minutes of the meeting at which a decision to a lease is made.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. All costs relating to the proposed further option of lease will be borne by Telstra Corporation Limited.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Mission Statement:

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

Item 12.2.1 continued.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

10. The land in question is a portion of Reserve 878, and has a Management Order in the name of the City of Albany for the purpose of Recreation, Camping, Holiday Accommodation & Accommodation Associated with the Fishing Industry & Fire Station Site”.
11. The Management Order for Reserve 878 allows the City of Albany power to lease for periods up to and including 21 years. United KFPW Pty Ltd on behalf of Telstra Corporation Limited is now applying for a further lease option of 10 years with the City of Albany for security of tenure and to be able to continue to provide the residents of the area with the required telecommunications service.

RECOMMENDATION

THAT in accordance with Section 3.58 of the Local Government Act 1995, Council agree that, should no submissions be received as a result of advertising to Endorse a further lease option of 10 years with Telstra Corporation Limited from 1 September 2015 until 31 August 2025 for a portion of Reserve 878.

Voting Requirement Simple Majority

.....

| |
|---|
| <p>MOVED COUNCILLOR WALKER SECONDED COUNCILLOR WEST</p> <p>THAT in accordance with Section 3.58 of the Local Government Act 1995, Council agree that, should no submissions be received as a result of advertising to Endorse a further lease option of 10 years with Telstra Corporation Limited from 1 September 2015 until 31 August 2025 for a portion of Reserve 878.</p> <p style="text-align: right;">MOTION CARRIED 10-4</p> |
|---|

For: Mayor Goode, Councillors Marshall, Wellington, Emery, Williams, Wolfe, West, Lionetti, Wiseman and Walker.

Against: Councillors Paver, Bocjun, Jamieson & Evans

12.2.2 Proposed New Lease For New Aircraft Hangar Site

File/Ward : PRO 343 (Kalgan Ward)

Proposal/Issue : New Lease

Subject Land/Locality : Portion of Location 5650 Albany Highway
(Harry Riggs Regional Airport)

Proponent : Cocklies PTY LTD

Owner : City of Albany

Reporting Officer(s) : Corporate Services Officer (S Foy)

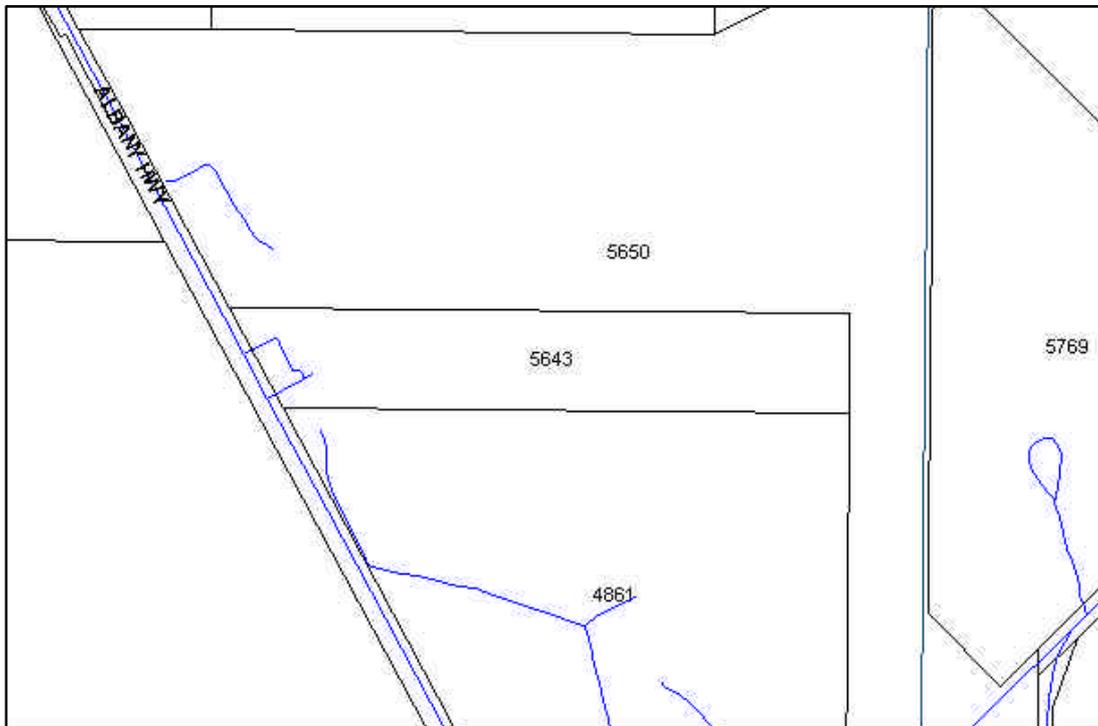
Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : That Council agree to the request for a new lease to be prepared for a 20-year term from 1 September 2005.

Bulletin Attachment : Nil

Locality Plan :



Item 12.2.2 continued.

BACKGROUND

1. The City of Albany has recently released five new sites at the Harry Riggs Regional Airport for the construction of Aircraft accommodation.
2. A request has been received from Mr Davyd Hooper trading as Cocklies PTY LTD for Council to consider granting a lease agreement for a 20-year term, for portions of Location 5650, at the Harry Riggs Regional Airport.
3. Location 5650 is located on City of Albany freehold land adjacent to the Airport Terminal on Certificate of Title Volume 2158 Folio 588.

STATUTORY REQUIREMENTS:

4. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue leases over properties, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
5. Council is however able to dispose of property by other means, provided that it gives Statewide public notice (2 weeks) of the proposed dispositions and invite submissions on the proposal.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. All costs associated with the proposed lease will be borne by the applicant.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Mission Statement:

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

Priority Projects:

Nil”

COMMENT/DISCUSSION

9. A recent valuation of the five sites has determined an open market rental value of \$5.50 per square metre per annum. Site 30 and 31 on Location 5650 has dimensions of 503 m² and is valued at \$2766.50 per annum subject to GST.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

10. Cocklies PTY LTD will construct an aircraft hangar on the site at his own expense, subject to appropriate planning approvals and licences being obtained.
11. Cocklies PTY LTD will be responsible for ongoing maintenance and insurance of all buildings within the leased area.
12. All costs relating to the lease, including connection to various services, are to be borne by the applicant.

RECOMMENDATION

THAT subject to no submissions being received as a result of advertising, Council agree:

- i) to a new lease for Mr Davyd Hooper trading as Cocklies PTY LTD being prepared for a period of 20-years, from 1 September 2005 to 31 August 2025 on a portion of Location 5650 at the Harry Riggs Regional Airport. with a rental review being conducted in the fifth year (2010);
- ii) that the rental is set at \$2766.50 per annum, subject to GST, in accordance with the independent sworn valuation;
- iii) that the lease will be prepared in accordance with Council's standard leasing terms and conditions, with all maintenance, repairs, insurance and service connection costs being the responsibility of the applicant;
- iv) that a clause is included into the lease agreement, that no compensation be paid to the Lessee should they be affected by any future redevelopment of the Harry Riggs Regional Airport;
- v) all fees associated with the lease be payable by the applicant; and
- vi) the Common Seal of the City of Albany be affixed to the documentation.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WEST
SECONDED COUNCILLOR WILLIAMS**

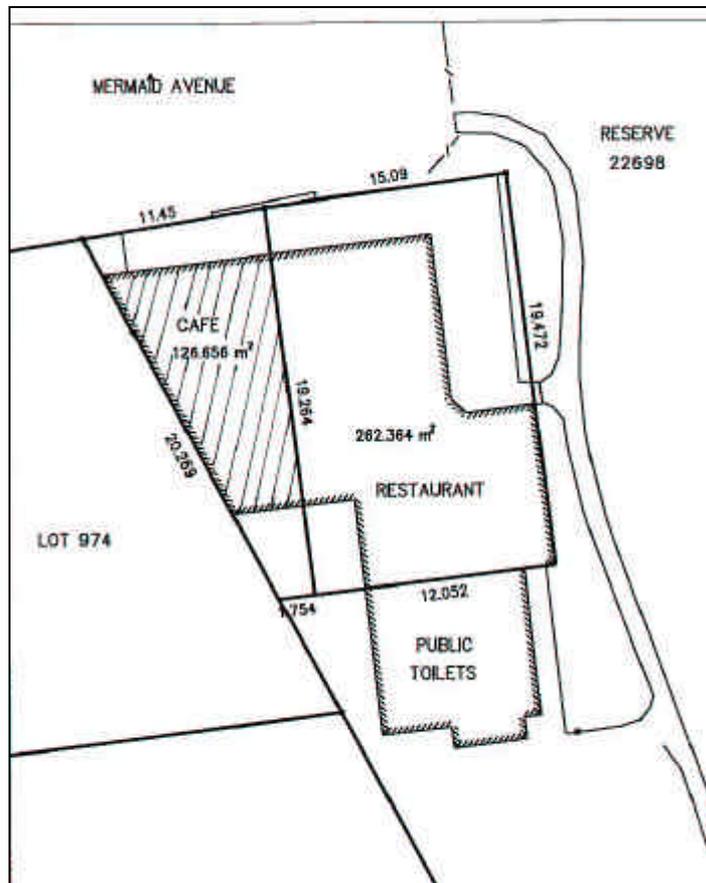
THAT subject to no submissions being received as a result of advertising, Council agree:

- i) to a new lease for Mr Davyd Hooper trading as Cocklies PTY LTD being prepared for a period of 20-years, from 1 September 2005 to 31 August 2025 on a portion of Location 5650 at the Harry Riggs Regional Airport. with a rental review being conducted in the fifth year (2010);**
- ii) that the rental is set at \$2766.50 per annum, subject to GST, in accordance with the independent sworn valuation;**
- iii) that the lease will be prepared in accordance with Council's standard leasing terms and conditions, with all maintenance, repairs, insurance and service connection costs being the responsibility of the applicant;**
- iv) that a clause is included into the lease agreement, that no compensation be paid to the Lessee should they be affected by any future redevelopment of the Harry Riggs Regional Airport;**
- v) all fees associated with the lease be payable by the applicant; and**
- vi) the Common Seal of the City of Albany be affixed to the documentation.**

MOTION CARRIED 14-0

12.2.3 Extension and Variation of Sub-Lease for Laughton

| | | |
|-------------------------------|---|--|
| File/Ward | : | PRO 056 (Breaksea Ward) |
| Proposal/Issue | : | Extension and Variation of Sub-Lease |
| Subject Land/Locality | : | Emu Point Kiosk – Mermaid Parade Emu Point Part Lot 1366 Reserve 22698 |
| Proponent | : | Lennard Laughton (Sub-Lessee) |
| Owner | : | City of Albany |
| Reporting Officer(s) | : | Corporate Services Officer (S Foy) |
| Disclosure of Interest | : | N/A |
| Previous Reference | : | Nil |
| Summary Recommendation | : | That Council approve an extension and variation of sub-lease for Lennard Laughton |
| Bulletin | : | N/A |
| Locality Plan | : | |



Item 12.2.3 continued.

BACKGROUND

1. The Emu Point Restaurant and Kiosk is located on Part Lot 1366, Reserve 22698 Mermaid Parade, Emu Point. The Restaurant and Kiosk is leased to Walker Paddon Real Estate PTY LTD for a term of 21 years, expiring 14 December 2013.
2. Walker Paddon Real Estate PTY LTD sub-leases the Restaurant and Kiosk to Mr Lennard Laughton.
3. The City has received a request from Walker Paddon Real Estate PTY LTD for an extension to the sub-lease of the Emu Point Restaurant and Kiosk. The new lease will commence on 5 February 2005 and expire on 4 February 2008.
4. Additionally, Walker Paddon Real Estate PTY LTD have requested a variation to the existing lease to include an insurance clause under section 7.34 as follows:
5. “7.34 Insurance by the Sub Lessor - The Sub Lessor will insure and keep insured or cause to be insured at the expense of the sub lessee on a full reinstatement and replacement basis as the Sub Lessor may decide from time to time the Building and the Sub Lessor’s fixtures and fittings in the Building against loss or damage to fire, fusion, explosion, smoke, lightning, flood, storm, tempest, rainwater, earthquake, riot, civil commotion, malicious damage, sprinkler leakage, water damage, impact by vehicles, aircraft and articles dropped.”

STATUTORY REQUIREMENTS

6. There are no statutory requirements relating to this item.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. All costs associated with the preparation of the new Sub Lease will be borne by the Sub Lessee.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Mission Statement:

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

Priority Projects:

Nil”

Item 12.2.3 continued.

COMMENT/DISCUSSION

- 8. The City’s Commercial Property Manager, Albany Real Estate, manage the Emu Point Restaurant and Kiosk.

RECOMMENDATION

THAT in accordance with Section 3.58 of the Local Government Act 1995, Council agree to:

- i) an extension of Mr Lennard Laughton’s sub-lease for a period of 3 years, commencing from 5 February 2005 for the Emu Point Kiosk, Mermaid Parade, Emu Point;
- ii) a variation to the lease document to include a new clause under section 7.34;
*“7.34 Insurance by the Sub Lessor
The Sub Lessor will insure and keep insured or cause to be insured at the expense of the sub lessee on a full reinstatement and replacement basis as the Sub Lessor may decide from time to time the Building and the Sub Lessor’s fixtures and fittings in the Building against loss or damage to fire, fusion, explosion, smoke, lightning, flood, storm, tempest, rainwater, earthquake, riot, civil commotion, malicious damage, sprinkler leakage, water damage, impact by vehicles, aircraft and articles dropped.”;*
- iii) any signage is to have the approval of council, by way of a planning consent;
- iv) the sub-lease being prepared in accordance with Council’s standard leasing terms and conditions, acknowledging that the lessor is ultimately responsible for all insurance specified under the head lease;
- v) all fees associated with this lease be payable by the sub lessee, Mr Laughton; and
- vi) the Common Seal of the City of Albany be affixed to the documentation.

Voting Requirement Simple Majority

.....

Item 12.2.3 continued.

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WALKER**

**THAT in accordance with Section 3.58 of the Local Government Act 1995,
Council agree to:**

- i) an extension of Mr Lennard Laughton’s sub-lease for a period of 3 years, commencing from 5 February 2005 for the Emu Point Kiosk, Mermaid Parade, Emu Point;**
- ii) a variation to the lease document to include a new clause under section 7.34;
*“7.34 Insurance by the Sub Lessor
The Sub Lessor will insure and keep insured or cause to be insured at the expense of the sub lessee on a full reinstatement and replacement basis as the Sub Lessor may decide from time to time the Building and the Sub Lessor’s fixtures and fittings in the Building against loss or damage to fire, fusion, explosion, smoke, lightning, flood, storm, tempest, rainwater, earthquake, riot, civil commotion, malicious damage, sprinkler leakage, water damage, impact by vehicles, aircraft and articles dropped.”;***
- iii) any signage is to have the approval of council, by way of a planning consent;**
- iv) the sub-lease being prepared in accordance with Council’s standard leasing terms and conditions, acknowledging that the lessor is ultimately responsible for all insurance specified under the head lease;**
- v) all fees associated with this lease be payable by the sub lessee, Mr Laughton; and**
- vi) the Common Seal of the City of Albany be affixed to the documentation.**

MOTION CARRIED 14-0

12.3 LIBRARY SERVICES
Nil.

12.4 DAY CARE CENTRE
Nil.

12.5 TOWN HALL
Nil.

12.6 RECREATION SERVICES**12.6.1 Appointment of Project Management Consultant**

| | | |
|-------------------------------|---|--|
| File/Ward | : | CO4020 & MAN 167 (All Wards) |
| Proposal/Issue | : | Tenders received for Project Management Consultancy Albany Leisure and Aquatic Centre Upgrade Project – Stage 1. |
| Subject Land/Locality | : | Albany Leisure and Aquatic Centre (Barker Rd) |
| Proponent | : | N/A |
| Owner | : | N/A |
| Reporting Officer(s) | : | Recreation Development Officer (M Weller) Contracts Officer (H Tasker) |
| Disclosure of Interest | : | N/A |
| Previous Reference | : | OCM 17/06/03 - Item 12.2 OCM 07/08/03 - Item 12.2 OCM 12/12/03 - Item 12.2 OCM 15/06/04 - Item 12.6 OCM 15/02/05 - Item 12.6 OCM 19/04/05 - Item 12.6 |
| Summary Recommendation | : | Appointment of the recommended Tenderer Accepts the EDMT recommendation for the utilisation of a supervising architect for the project |
| Bulletin Attachment | : | N/A |
| Locality Plan | : | N/A |

BACKGROUND

1. At the Ordinary Council Meeting held on 19th April 2005, Council resolved that:

- “ii) subject to Council funding being confirmed (item 12.7.3) and regional partnership contributing \$500,000 to the project:-*
- a) *tenders are called for a project manager to manage the appointment of architects, sub-consultants, design process, construction tenders and construction;*
 - b) *the design and any subsequent tender documents allow for the removal of the water-slide and bridge over drain elements, in the event that sufficient additional funds are not raised in order for them to be constructed; and*
 - c) *that the City hosts a public meeting with the aim eliciting support from key stakeholders and service groups to raise funds for the project elements detailed above.”*

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued.

2. The granting of Regional Partnerships funding of \$634,000 (ex GST) for the project was announced 28th June 2005. Given this tenders were called for Project Management Consultancy for the project with the scope outline being:

“The City of Albany is seeking tenders for a project management consultancy with experience in Major facility development, including Leisure and Aquatic centres, to complete specific stages of work during Stage 1 of the planned upgrade of the Albany Leisure and Aquatic Centre, including:

PMC Stage 1

- *Prepare a design and supervising architects brief for Architectural services for the detailed design/ working drawings/ construction supervision elements of the project*

PMC Stage 2

- *Review Architectural tenders, provide a report supporting a recommendation as to the most appropriate tenderer and assist with tender negotiation and finalisation of the Architectural services contract.*

PMC Stage 3

- *Review completed working drawings for compliance with the design brief and assist in follow up with the Architect to correct any non-conformances.*

PMC Stage 4

- *Be available on an hourly rate to provide advice if required to the City of Albany during the construction process.”*

4. After a review, which considered outcomes of the North rd. construction process the given scope was determined as being the most effective way of reducing risks involved in the Project while allowing the Architect to supervise the Construction process which has proved effective in previous major projects undertaken by the City.
5. The design brief is seen as an extremely important aspect of the project as it instructs the Architect all elements specifically required and ensures that the design meets the expectations and key outcomes determined through the concept design, community consultation and council determinations the project. As part of the process a list of over 100 items of community feedback received in relation to the concept plans, which have been on display at the Albany Leisure and Aquatic Centre, will be considered.
6. It is believed that an Architect completing the design and supervising the construction process is an effective method which saves costs which would be involved by retaining an architect and external Project Manager at the same time.
7. By specifying the Project Management consultants role in stages the benefits of this role can be utilised cost effectively. PMC stage 4 allows for the Project Management Consultants advice to be attained on an hourly basis should a problem or dispute requiring expert external advice occur during the construction process.

STATUTORY REQUIREMENTS

12. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more than \$50,000.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued.

13. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.
14. Regulation 19 requires Council to advise each tenderer in writing the result of the Council's decision.

POLICY IMPLICATIONS

15. The City of Albany Regional Price Preference Policy is applicable to this item, however regional price preference was not claimed by any tenderer.

FINANCIAL IMPLICATIONS

16. The Tenders received are priced as following:

| Tenderer | Lump Sum | Stage Hourly Rate | Buy Local Policy Claimed? |
|-------------------------------------|-----------|-------------------------------------|------------------------------|
| ARUP | \$74,539 | \$250 | No |
| Benchmark Projects | \$49,500 | \$143 | No |
| Thompson Marquis Project Management | \$20,856 | \$132 | No |
| Clifton Coney Group | \$38,500* | \$161.70 \$121.00 or \$97.9** | No |
| Solly Holdings Pty Ltd. | \$20,000 | \$140 | No |

* Calculation includes \$2750 Regional Consultant

** Dependant on personal utilised

17. In the opinion of the evaluation committee the price given by the recommended Tenderer, Thompson Marquis project Management, represents good value for money.
18. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A healthy City, Albany's Community will enjoy... Diverse and affordable cultural, recreational and sporting opportunities.

A thriving City, Albany's community will enjoy... excellent community infrastructure and services.

City of Albany Mission Statement

The City of Albany is committed to... Making a difference for Albany by ... Sustainably Managing Albany's municipal assets, Delivering excellent community services, Actively keep abreast of best practice; Respect(ing) the Communities Aspirations and resources.

Priority Projects

City Facilities Project 31. Albany Leisure and Aquatic Centre.”

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

20. Tenders for Contract C04020 were evaluated by a committee consisting of the Executive Director for Corporate and Community Services, Manager of City Services and Recreation Development Officer, with the assistance of the Contracts Officer.
21. It is noted that Thompson Marquis Project Management submitted one conforming and two alternate tenders, the first alternative tender offered “Additional Project Management Services to include contract administration and Supervision together with Quantity Surveying and Programming during the construction phase of the project” at an additional cost of \$92,000
22. The second alternative tender by the company offered “additional project management services for an appointment commencing at the beginning of the project and to continue through the project including design development, documentation, tendering, appointment of builder, through construction phase and handover” at a cost of \$116,500.
23. These alternatives were considered and dismissed as they did not comply with the determinations of the City of Albany Executive Development Management Team. It is noted however that the utilisation of Quantity surveying services separate from the Architect and builder may be considered in the future.
24. Tenders received from five company’s were evaluated according to the following criteria:

Compliance Criteria

These criteria will not be point scored. Each submission will be assessed on a Yes/No basis as to whether the criterion is satisfactorily met. An assessment of “No” against any criterion may eliminate the prospective tenderer from consideration.

| Description of Compliance Criteria | Yes/No |
|--|--------------------------------------|
| (a) Compliance with the Delivery Date. | Yes/No |
| (b) Tenderers must give commitment and demonstrate ability to: <ul style="list-style-type: none"> • Commence PMC Stage 1 of the project by the 8th August 2005 completing this stage no later than the 5th September 2005 • Commence PMC Stage 2 by the 27th September 2005 with completion no later than the 4th October 2005 • Commence PMC Stage 3 by the 28th November 2005 with completion no later than the 12th December 2005 • Be available during the period of 12th November 2005 to 6th June 2007 if required for PMC stage 4 (see item 3.2 of specifications for explanation of PMC staging) | Yes/No Yes/No Yes/No Yes/No |
| (c) Complies with the conditions for making a submission including but not limited to addressing all elements of the selection criteria, correctly submitting form 1 with all pricing details and providing all supporting documentation | Yes/No |

Item 12.6.1 continued.

Qualitative Criteria

| Description of Qualitative Criteria | Weighting |
|--|-------------|
| (a) Demonstrated experience of tendering company in completing similar projects. | 15% |
| (b) Demonstrated sound awareness of potential risks and best practice in relation to contemporary Leisure and Aquatic Centre Design. | 15% |
| (c) Familiarity with, and the ability to resolve issues relating to supply of services in a regional area | 5% |
| (d) Skills and experience and knowledge of key personnel. | 15% |
| (e) Tenderers resources. | 5% |
| (f) Cost | 45% |
| TOTAL | 100% |

25. As all submissions demonstrated compliance with the compliance criteria, they were assessed against the qualitative criteria utilising the weighted attribute method with the following results.

| Rank | Tenderer | Weighted Attribute Score |
|----------|--|--------------------------|
| 1 | Thompson Marquis Project Management | 672.8 |
| 2 | Solly Holdings Pty Ltd. | 551.8 |
| 3 | ARUP | 497.65 |
| 4 | Clifton Coney Group | 479.65 |
| 5 | Benchmark Projects | 388.45 |

26. It is noted that the recommendation to appoint Thompson Marquis project Management for the completion of the specified contract was a unanimous decision of the committee.

RECOMMENDATION

THAT;

- i) the City of Albany accepts the tender of Thompson Marquis Project Management and enters into contract for the specified services;
- ii) a Supervising Architect be engaged in the ALAC upgrade stage 1 to:
 - complete the Architectural design services
 - complete specifications and assist in the preparation of the tender documentation for the construction contract
 - prepare a report evaluating the construction tenders with recommendation as to the best tender
 - supervise the Construction Process; and
- iii) following the completion of the design and supervising architects brief, tenders are called for supervising architect services.

Voting Requirement Absolute Majority

.....

Item 12.6.1 continued.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WISEMAN**

THAT;

- i) the City of Albany accepts the tender of Thompson Marquis Project Management and enters into contract for the specified services;**
- ii) a Supervising Architect be engaged in the ALAC upgrade stage 1 to:**
 - complete the Architectural design services**
 - complete specifications and assist in the preparation of the tender documentation for the construction contract**
 - prepare a report evaluating the construction tenders with recommendation as to the best tender**
 - supervise the Construction Process; and**
- iii) following the completion of the design and supervising architects brief, tenders are called for supervising architect services.**

MOTION CARRIED 14-0

12.6.2 Bayonet Head – Flinders Park Community Oval Feasibility Study

| | |
|-------------------------------|--|
| File/Ward | : GOV 023 (Yakamia Ward) |
| Proposal/Issue | : Feasibility Study For Recreation Facilities at Flinders Park |
| Subject Land/Locality | : Bayonet Head/ Lower King |
| Proponent | : N/A |
| Owner | : N/A |
| Reporting Officer(s) | : Recreation Development Officer (M Weller) |
| Disclosure of Interest | : N/A |
| Previous Reference | : OCM19/04/05 - Item 12.6.2 |
| Summary Recommendation | : Council receives the draft feasibility study and advertises it for public comment Council Approves the preparation of an application for CSRFF funding for the project Commencement of works being subject to management agreement with the Education Department |
| Bulletin Attachment | : N/A |
| Locality Plan | : N/A |

BACKGROUND

1. At the Ordinary Council Meeting of 19th April 2005 council adopted the following recommendations:

“THAT the City of Albany accepts the ‘Bayonet Head – Flinders Park Community Oval Needs Assessment’ with an appendix to be added to the executive summary detailing the contents of points 5 – 19 above as the City’s comments in relation to the study.”

AND

“THAT;

- i) the City completes a feasibility study/ cost benefit analysis in relation to investigation of several options for either provision of interim facilities/ infrastructure at the Flinders Park School Oval or to expedite the development of facilities adopted as part of the Bayonet Head Outline Development Plan;*
- ii) as part of this study preliminary recommendations are made in relation to the nature of facilities to be constructed as part of the provision recommended in the Bayonet head outline Development Plan which allocates the land area and usage only; and*
- iii) \$1,500 is allocated from job # 3526 Recreation Development Officer Miscellaneous Projects, being for the services of a quantity surveyor to provide costings for options outlined in the study.”*

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.2 continued.

2. One of the difficulties in provision of active public open space for the area is that much of the suitably located land for such facilities has been privately owned and/or not serviced by road infrastructure.
3. At time of the adoption of the needs assessment in April 2005 no development timeline was given for the majority of the land in the area by any owner or developer.
4. The feasibility study was proposed to assess interim solutions for meeting active open space requirements as well as possible measures for expediting the development of facilities proposed in the Bayonet Head Outline Development Plan.
5. In June 2005, as the Feasibility Study was commenced, Developers Heath and Co approached the City of Albany indicating they had purchased and now controlled a large proportion of the undeveloped land in between Bayonet Head and Lower King.
6. The company indicated that they proposed a holistic, well planned and staged development incorporating best practice for excellent short, medium and long term outcomes for the community, particularly in relation to Recreation and presented the City of Albany Council a new concept plan for the area.
7. The concept plan is still currently subject to review by staff, recommendation and council determination however after initial assessment this plan was utilised for the purpose of the feasibility study in relation to spacing of major recreation infrastructure.
8. It is noted the feasibility study is subject to the adoption of the new concept outline development plan for the development of the area.

STATUTORY REQUIREMENTS

9. There are no statutory requirements relating to this item.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

11. The following budget is proposed for stage 1 of the project:

| | |
|----------------------------|--------------------------|
| | Total |
| Preliminaries | \$ 74,309 |
| Earthworks | \$ 241,691 |
| Siteworks | \$ 49,750 |
| Building Works | \$ 190,000 |
| Site Services | \$ 90,250 |
| Subtotal | \$ 646,000 |
| Contingency | \$ 65,000 |
| Professional Fees | \$ 55,000 |
| Cost Escalation to May '06 | \$ 70,000 |
| TOTAL COST ESTIMATE | <u>\$ 836,000</u> |

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.2 continued.

9. The funding scenario proposed involves:

| Contributor | Amount | Status |
|---|-------------------|--|
| State Government/ Education Department | \$ 200,000 | Approved |
| Heath Development Company (Contribution to public open space) | \$ 353,125 | Preliminary approval given subject to formal agreement. Cash and in kind contribution |
| Department of Sport and Recreation | \$ 269,603 | Not committed. Subject to CSRFF application process |
| Flinders Park P & C | \$ 13,362 | May involve application for COA community financial assistance or from external funding providers or community fundraising |
| Total | \$ 836,000 | Subject to all required funding and approvals |

10. It is noted that a major cash contribution is not planned by the City of Albany as part of the developers contribution could in essence be considered as being that of the City as it is a required contribution towards public open space for the development of the area.
11. It is noted the developers proposed contribution is above that normally required towards public open space as they have indicated they wish to provide a high standard of quality facilities for the residents of the new development.
12. It is intended that in the event all funding and relevant approvals are secured the project could commence construction in May 2006.
13. Under the Department of Sport and Recreation Guidelines any application for the Community Sport and Recreation Facilities Fund for the project would need to be submitted by the City of Albany. As part of their contribution towards the project and given that the Feasibility study was completed by the City of Albany the Flinders Park P & C committee has offered to complete the CSRFF application in consultation with City Officers.
14. The deadline for submission of a CSRFF application in the next funding round, to the City of Albany is 30th September 2005. It is noted that the outcome of any application to this fund is not guaranteed and works could not commence until announcement of a favorable result, usually occurring in the first three months of the next year.
15. Should the proposed Department of Sport and Recreation application or developer funding agreement be unsuccessful or for an amount less than the proposed budget it is noted that any shortfall is not budgeted for in the City's 2005/2006 budget or 5 year financial plan and it is likely that the project scope would need to be reduced.
16. Given the current level of adopted priority projects it is not recommended any resulting shortfall be funded by the City of Albany.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.2 continued.

17. It is proposed that a management agreement is entered into with the Education Department for the management and funding of ongoing expenditure in relation to the shared use facilities. It is envisaged that subject to the agreement of both parties the management agreement would involve:
- Public Toilets/ Change rooms would be used predominately for after hours community use and as such maintenance and ongoing management completed by the City of Albany as part of its public toilet network
 - Toilets for school hours activities are continued to be provided and managed by the Education Department at the Flinders Park School
 - The lighting would be operated on a swipe card system. A terminal would be located at the Flinders park school allowing the public to purchase lighting 'credits' on the card. After being activated by the swiping of a 'charged' card, the lights would switch off once the cards 'credits' had been utilised.
 - The charge for lighting would be calculated ensure full cost recovery for maintenance and electricity costs as well as a contribution towards a reserve for the purpose of replacement of the lights at the end of their useful life.
 - Operating costs for oval maintenance, mowing and reticulation expenses would be split between the City of Albany and Education Department. The level of contribution from each party would be based on pre-agreement of the respective level of community and school use.
 - The agreement would contain provisions allowing review each year and re-agreement on contributions based on any variation, plus provisions in the event of any dispute.

STRATEGIC IMPLICATIONS

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

“Community Vision:

A healthy City, Albany's Community will enjoy... Diverse and affordable cultural, recreational and sporting opportunities.

A thriving City, Albany's community will enjoy... excellent community infrastructure and services.

City of Albany Mission Statement

The City of Albany is committed to... Making a difference for Albany by ... Sustainably Managing Albany's municipal assets, Delivering excellent community services, Actively keep abreast of best practice; Respect(ing) the Communities Aspirations and resources.

Priority Projects

This is not currently listed as a City Priority Project.”

Item 12.6.2 continued.

COMMENT/DISCUSSION

19. The draft feasibility study, which has been circulated to Councillors investigates the proposed development of the area in the short, medium and long term and proposes the following project elements are completed as Stage 1:
1. Zoning of an area of land adjacent to the Flinders Park School Oval as public open space
 2. Reticulated level multiuse playing field of a size of 165m x 135m
 3. Synthetic cricket pitch
 4. Toilets/ Change rooms with a shaded spectator area
 5. 70m x 70m lit area to large ball training standard
 6. Car parking
20. The feasibility study indicates the significant benefit of the proposed recreation facility and infrastructure development to the local community with the sustainability of the project increased significantly due to the proposed partnership between the City of Albany and Department of Education.

RECOMMENDATION

THAT:

- i) Council accepts the draft “Feasibility Study for Joint Use Community Recreation/ Sporting Facilities – Servicing the Bayonet Head and Lower King Communities” and advertises it for public comment for a period of 4 weeks;
- ii) Council approves the preparation of an application to the Department of Sport and Recreation Community Sport and Recreation Facilities Fund for the project scope given in the feasibility study and notes that the application would be submitted to council for final determination and ranking with any other applications to the same fund at the October 2005 Ordinary meeting; and
- iii) the commencement of any works be subject to a management agreement with the education department and the project being fully funded.

Voting Requirement Simple Majority

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WALKER**

THAT:

- i) Council accepts the draft “Feasibility Study for Joint Use Community Recreation/ Sporting Facilities – Servicing the Bayonet Head and Lower King Communities” and advertises it for public comment for a period of 4 weeks;**
- ii) Council approves the preparation of an application to the Department of Sport and Recreation Community Sport and Recreation Facilities Fund for the project scope given in the feasibility study and notes that the application would be submitted to council for final determination and ranking with any other applications to the same fund at the October 2005 Ordinary meeting; and**
- iii) the commencement of any works be subject to a management agreement with the education department and the project being fully funded.**

MOTION CARRIED 14-0

12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.7.1 Minutes of the Disability Services and Community Access Advisory Committee – 15th June 2005

| | | |
|-------------------------------|---|--|
| File/Ward | : | MAN 134 (All Wards) |
| Proposal/Issue | : | Committee Items for Council Consideration. |
| Reporting Officer(s) | : | Executive Director Corporate & Community Services (WP Madigan) |
| Summary Recommendation | : | That the Minutes of Disability Services and Community Access Advisory Committee held on 15 th June 2005 be adopted. |

RECOMMENDATION

THAT the minutes of Disability Services and Community Access Advisory Committee held on 15th June 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motions adopted:-

RECOMMENDATION

Item 5.2

THAT the Eyre Park Disabled Parking and wheelchair access be referred to the Executive Director Works & Services for consideration.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of Disability Services and Community Access Advisory Committee held on 15th June 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motions adopted:-

RECOMMENDATION

Item 5.2

THAT the Eyre Park Disabled Parking and wheelchair access be referred to the Executive Director Works & Services for consideration.

MOTION CARRIED 14-0

Item 6.3

THAT the following appointments be made to the Disability Services and Community Access Advisory Committee:-

- Mayor Alison Goode - City of Albany
- Gabriel Rose – Disability Services Commission rep
- Lorraine Wolf – Disabled Persons Rep
- Colin May – Disabled Persons rep
- Jaime Wilson – Disabled Persons Rep
- Alan Triplett – Great Southern Personnel
- Fran Fehrman – Activ Foundation
- Kathleen Summers – Disabled Persons Rep

CORPORATE & COMMUNITY SERVICES REPORTS

- Arlene Osborne – General community
- Anne Weaver = Neurological Nurse Specialist
- Jo Hummerston – Albany Chambers of Commerce & Industry
- Executive Officer, Rob Shanhun – Community Development Officer

Voting Requirement Absolute Majority

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**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR BOJCUN**

THAT the following appointments be made to the Disability Services and Community Access Advisory Committee:-

- Mayor Alison Goode - City of Albany
- Gabriel Rose – Disability Services Commission rep
- Lorraine Wolf – Disabled Persons Rep
- Colin May – Disabled Persons rep
- Jaime Wilson – Disabled Persons Rep
- Alan Triplett – Great Southern Personnel
- Fran Fehrman – Activ Foundation
- Kathleen Summers – Disabled Persons Rep
- Arlene Osborne – General community
- Anne Weaver = Neurological Nurse Specialist
- Jo Hummerston – Albany Chambers of Commerce & Industry
- Executive Officer, Rob Shanhun – Community Development Officer

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

12.7.2 Minutes Seniors Advisory Committee – 16th June 2005.

| | | |
|-------------------------------|---|---|
| File/Ward | : | MAN 131 (All Wards) |
| Proposal/Issue | : | Committee Items for Council Consideration. |
| Reporting Officer(s) | : | Executive Director Corporate & Community Services (WP Madigan) |
| Summary Recommendation | : | That the Minutes of Seniors Advisory Committee held on 16 th June 2005 be adopted. |

RECOMMENDATION

THAT the minutes of Seniors Advisory Committee held on 16th June 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motions adopted:-

Item 8.1 Albany Traffic Management Issues

THAT the Albany Traffic Management issue be referred to the Executive Director Works & Services for consideration.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WEST
SECONDED COUNCILLOR JAMIESON**

THAT the minutes of Seniors Advisory Committee held on 16th June 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motions adopted:-

Item 8.1 Albany Traffic Management Issues

THAT the Albany Traffic Management issue be referred to the Executive Director Works & Services for consideration.

MOTION CARRIED 14-0

Item 3.0 Appointment of Committee

THAT the following appointments be made to the Seniors Advisory Committee.

- Mayor Alison Goode – Chairperson
- Assn of Independent Retirees – Janet St Jack
- Over 50's Recreation Assc – Ray Crocker
- Albany Sub Branch RSL – Digger Cleak
- Seniors Interest Group – Kim Butfield
- General Community – Jennie Grieve
- National Seniors Assn – Cyril Skinner
- Seniors Community – Hope Sharp
- Meals on Wheels / Senior Citizens Assn – Nancy Millard
- Breaksea Ladies Probus Club – June Spouse
- Seniors Community – Middy Dumper
- Seniors Community – John Beamon
- Seniors Community – Heathr Gillmore
- Executive Officer, Rob Shanahun – Community Development Officer

Voting Requirement Absolute Majority

Item 12.7.2 continued.

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WOLFE**

Item 3.0 Appointment of Committee

THAT the following appointments be made to the Seniors Advisory Committee.

- **Mayor Alison Goode – Chairperson**
- **Assn of Independent Retirees – Janet St Jack**
- **Over 50's Recreation Assc – Ray Crocker**
- **Albany Sub Branch RSL – Digger Cleak**
- **Seniors Interest Group – Kim Butfield**
- **General Community – Jennie Grieve**
- **National Seniors Assn – Cyril Skinner**
- **Seniors Community – Hope Sharp**
- **Meals on Wheels / Senior Citizens Assn – Nancy Millard**
- **Breaksea Ladies Probus Club – June Spouse**
- **Seniors Community – Middy Dumper**
- **Seniors Community – John Beamon**
- **Seniors Community – Heathr Gillmore**
- **Executive Officer, Rob Shanahun – Community Development Officer**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

12.7.3 Minutes Special Meeting of Albany Arts Advisory Committee – 20th July 2005

| | | |
|-------------------------------|---|--|
| File/Ward | : | MAN 116 (All Wards) |
| Proposal/Issue | : | Committee Items for Council Consideration. |
| Reporting Officer(s) | : | Executive Director Corporate & Community Services (WP Madigan) |
| Summary Recommendation | : | That the Minutes of Special Meeting of Albany Arts Advisory Committee held on 20 th July 2005 be adopted. |

COMMENT

A special meeting of the Committee was held to discuss the format of the Albany Art Prize into the future.

In addition, two further nominations have been received to become members of the Committee:-

- JA Crisp; and
 - JM Campbell
- a copy of each persons CV is included within the Bulletin.

RECOMMENDATION

THAT the minutes of Special Meeting of Albany Arts Advisory Committee held on 20th July 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

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| |
|---|
| <p>MOVED COUNCILLOR WILLIAMS SECONDED COUNCILLOR JAMIESON</p> <p>THAT the minutes of Special Meeting of Albany Arts Advisory Committee held on 20th July 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin).</p> <p style="text-align: right;">MOTION CARRIED 14-0</p> |
|---|

RECOMMENDATION

THAT JA Crisp and JM Campbell be appointed as community representatives to the Albany Arts Advisory Committee.

Voting Requirement Absolute Majority

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| |
|--|
| <p>MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR WELLINGTON</p> <p>THAT JA Crisp and JM Campbell be appointed as community representatives to the Albany Arts Advisory Committee.</p> <p style="text-align: right;">MOTION CARRIED 14-0 ABSOLUTE MAJORITY</p> |
|--|

12.7.4 Minutes Finance Strategy Advisory Committee – 29th July 2005

- File/Ward** : FIN 066 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Finance Strategy Advisory Committee held on 29th July 2005 be adopted.

RECOMMENDATION

THAT the minutes of the Finance Strategy Advisory Committee meeting held on the 29th July 2005 be received (copy of minutes is in the Elected Members Report/Information Bulletin) and the following motions adopted:-

Item 7

THAT the draft Five Year Business Plan be adopted.

Item 9.1

THAT the Church of Christ be advised that the portion of land at Lot 3 Mercer Road, Lange is not for sale, but Council would be prepared to consider supporting an approach to the State Government should the Church identify Crown Land which would be suitable for their requirements.

Voting Requirement Simple Majority

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| |
|--|
| <p>MOVED COUNCILLOR MARSHALL SECONDED COUNCILLOR WALKER</p> <p>THAT the minutes of the Finance Strategy Advisory Committee meeting held on the 29th July 2005 be received (copy of minutes is in the Elected Members Report/Information Bulletin) and the following motions adopted:-</p> <p>Item 7 THAT the draft Five Year Business Plan be adopted.</p> <p>Item 9.1 THAT the Church of Christ be advised that the portion of land at Lot 3 Mercer Road, Lange is not for sale, but Council would be prepared to consider supporting an approach to the State Government should the Church identify Crown Land which would be suitable for their requirements.</p> <p style="text-align: right;">MOTION CARRIED 14-0</p> |
|--|

12.8 COUNCIL REPRESENTATION

12.8.1 Albany Entertainment Centre Steering Committee – Appointment of Members

| | |
|-------------------------------|--|
| File/Ward | : MAN 075 (Frederickstown Ward) |
| Proposal/Issue | : Council appoint members to the Albany Entertainment Centre Steering Committee |
| Subject Land/Locality | : N/A |
| Proponent | : N/A |
| Owner | : N/A |
| Reporting Officer(s) | : Manager Economic Development (J Berry) |
| Disclosure of Interest | : Nil |
| Previous References | : OCM 19/04/05 - Item 14.3.1 OCM 21/06/05 - Item 14.3.3 |
| Summary Recommendation | : That Council appoint 4 Councillors and 3 Community Representatives to the Albany Entertainment Centre Steering Committee |
| in Attachment | : Registrations of interest by prospective members |
| ity Plans | : Nil |

BACKGROUND

1. At its 21 June 2005 meeting Council resolved to rename the existing Albany Entertainment and Convention Centre Steering Committee the 'Albany Entertainment Centre Steering Committee' with terms of reference to make recommendations to Council on the design, operation and layout of the new facility at the Albany Waterfront.
2. Council also resolved that the Committee would comprise four Councillors and three community representatives.
3. Advertisements seeking nominations for the three community positions were placed in the City of Albany Public Notice section in mid July 2005 with nominations closing 28 July 2005.
4. The State Government has committed \$14.9million for construction of the Centre and Council has previously committed \$1.2m plus any Australian Government grants.

STATUTORY REQUIREMENTS

5. Committees of Council are established under Section 5.8 of the Local Government Act 1995.

Item 12.8.1 continued.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision

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

- *Excellent community infrastructure and services;*
- *A unique economically sustainable waterfront facility providing a functional boat harbour and shore based facilities accessible to the community and attractive to investment.*

City of Albany Mission Statement

Making the difference for Albany.

Priority Projects

City Facilities Projects

- *No 29: Obtain funding and design and construct a performing arts centre with capacity to host conventions.”*

COMMENT/DISCUSSION

9. Nominations for the three community positions have been received by 14 individuals with their name and a summary of their reason for nominating provided below [refer the Elected Members Bulletin for details of their nomination):-

| Name | Reason for Nominating (Refer Submission in Elected Members Bulletin) |
|------------------------------------|---|
| Ms Narelle Wakefield (nee Rule) | Would like to represent views of musicians after having experience with tourism, entertainers and an appreciation of local demand |
| Mr Grant Simmons | Involved in Down South Festival, Agricultural Society and a range of other local events and believes he could make a positive contribution to the planning of the new centre |
| Ms Trish Cleeve | Nominated by Grant Simmons to ensure AEC meets broad community needs (no separate details provided). |
| Mr Nik Rolph | Would like to see a commitment to good design principles and as a representative of Albany Ratepayers and Residents Association wishes to contribute further to the community through this important project |
| Ms Alicia Bickford | Has an understanding of the needs and expectations of a representative cross section of Albany through contact with her client base and involvement in organising conferences and other functions and festivals |

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued.

| | |
|--------------------|--|
| Mr Rod Vervest | As co-ordinator of many cultural and arts festivals and events in Albany he offers to contribute practical knowledge and experience along with solid connections with the Albany arts community |
| Mr David Heaver | Local Architect with over 30 years experience, the last ten being in Albany. Has a general interest in the development of cultural and community facilities. Has a demonstrated ability in working and consulting with community groups on building and construction projects. |
| Mrs M Cook | Has an active interest in the University and Albany Choral Society and has studied music in both voice and orchestral performance. |
| Mr Chris Holden | Has a keen interest in arts and entertainment with a solid background in the performing arts and in advisory roles to local, State and Federal government agencies. |
| Mr Don Dufty | Involved in theatre productions for over 40 years. Has experience in Council processes being a former councillor and involved with the Albany Town Hall Advisory Committee |
| Mr Punito Fairborn | Present member on Town Hall Advisory Committee with a background in Theatre as stage manager. Background in film in 1970's and 80's. |
| Mr Ian R.D. Watson | Retired after 45 years of Architectural practice in Australia and overseas and now living in Albany. Would like to contribute to the architectural brief, is experienced in community committees and has overseen many building projects including a performing arts centre. |
| Mr Andrew Markovs | Has a solid network in the Albany community and is a member of a number of arts related groups. Has practised as an architect and has professional performing arts experience |
| Mr Chris Morris | Involved in music, theatre and entertainment and has served on committees in Queensland along with productions in WA and interstate. Was a member of the former Entertainment and Convention Centre Steering Committee. |
| Mr Len Smith | Has an active interest in the tourism/hospitality industry exceeding 35 years. Has strong community networks and was a member of the former steering committee for the York Street site. |
| Mr Eric Wake | Has an active interest in music, entertainment and hospitality having lived in Albany for the past 40 years. |

10. The Albany Entertainment Centre Steering Committee has terms of reference to make recommendations to Council on the design, operation and layout of the new facility. It will provide a liaison point between Council and the architect and make recommendations to Council on issues, challenges and opportunities for the development as they arise.

RECOMMENDATION

THAT Council appoint-

- i) the following Councillors;
 Councillor _____
 Councillor _____
 Councillor _____
 Councillor _____

CORPORATE & COMMUNITY SERVICES REPORTS

- ii) the following community nominees
 - a) _____
 - b) _____
 - c) _____

to the Albany Entertainment Centre Steering Committee:-

Voting Requirement Absolute Majority

ADDENDUM TO ITEM

1. Nominations for the three community positions were called, which were listed and included within the Elected Members Report & Information Bulletin.
2. However, an administrative oversight, saw the omission of one (1) compliant nominee. Please find attached this nomination.
3. His name will be added to the ballot form, which will be circulated at the Ordinary Meeting of Council.

| Name | Reason for Nominating (Refer Submission in Elected Members Bulletin) |
|-------------|---|
| David Sims | As a former member of the Albany Local Planning Strategy Committee, David is aware of Council Committee processes. He has worked within the building industry and in a professional capacity within film, television, music and theatre. He also has an education background within the entertainment industry. |

The following Councillors nominated for the Albany Entertainment Centre Steering Committee and a ballot was conducted.

Councillors Lionetti, Wellington, Waterman, Walker, Evans and Paver.

A ballot was conducted to elect three Community Representatives.

Councillor Wiseman left the Chambers at 8.35pm.

Councillor Wiseman returned to the Chambers at 8.37pm.

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

THAT Council appoint-

- i) the following Councillors;
 - a) Councillor Lionetti;
 - b) Councillor Wellington;
 - c) Councillor Waterman;
 - d) Councillor Walker.
- ii) the following community nominees
 - a) Ms Narelle Wakefield
 - b) Mr David Heaver
 - c) Mr Ian Watson

to the Albany Entertainment Centre Steering Committee.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT
Nil.

13.2 ASSET MANAGEMENT
Nil.

13.3 WORKS
Nil.

13.4 AIRPORT MANAGEMENT
Nil.

13.5 RESERVES PLANNING & MANAGEMENT
Nil.

WORKS & SERVICES REPORTS

13.6 WORKS & SERVICES COMMITTEES

13.6.1 Minutes of the Streetscape Committee – 14th July 2005

| | | |
|-------------------------------|---|--|
| File/Ward | : | MAN 161 (All Wards) |
| Proposal/Issue | : | Committee Items for Council Consideration |
| Reporting Officer(s) | : | Executive Director Works & Services (L Hewer) |
| Summary Recommendation | : | That the minutes of the Streetscape Committee are received |

RECOMMENDATION

THAT the minutes of the Streetscape Committee, from the meeting held on 14th July 2005, are received. (A copy of the minutes is attached in the Elected Members' Report/ Information Bulletin) and the following recommendation adopted:-

Item 7.1 – York Street / Grey Street Roundabout

The Concept Plan for reinstatement of the York Street / Grey Street roundabout, following works by the Water Corporation, be endorsed for implementation. (Copy of plan attached in the Elected Members' Report / Information Bulletin.)

Voting Requirement Simple Majority

.....

| |
|--|
| <p>MOVED COUNCILLOR WALKER SECONDED COUNCILLOR MARSHALL</p> <p>THAT the minutes of the Streetscape Committee, from the meeting held on 14th July 2005, are received. (A copy of the minutes is attached in the Elected Members' Report/ Information Bulletin) and the following recommendation adopted:-</p> <p>Item 7.1 – York Street / Grey Street Roundabout</p> <p>The Concept Plan for reinstatement of the York Street / Grey Street roundabout, following works by the Water Corporation, be endorsed for implementation. (Copy of plan attached in the Elected Members' Report / Information Bulletin.)</p> <p style="text-align: right;">MOTION CARRIED 14-0</p> |
|--|

General Management Services

REPORTS

14.1 STRATEGIC DEVELOPMENT
Nil.

14.2 ORGANISATIONAL DEVELOPMENT

14.2.1 Ward Boundary Review

| | | |
|--------------------------------|---|--|
| File/Ward | : | MAN 002 (All Wards) |
| Proposal/Issue | : | Ward Boundary Review |
| Subject Land / Locality | : | N/A |
| Proponent | : | City of Albany |
| Owner | : | N/A |
| Reporting Officer(s) | : | Chief Executive Officer (A Hammond) |
| Disclosure of Interest | : | Nil |
| Previous Reference | : | Nil |
| Summary Recommendation | : | That Council undertake a review of its ward system |
| Bulletin Attachment | : | Letter from Local Government Advisory Board |
| Locality Plan | : | N/A |

BACKGROUND

1. Council recently received notification from Chairperson of the Local Government Advisory Board requesting that a report on the review of Ward Boundaries be submitted by 30/6/06.
2. The purpose of a review is to evaluate the current arrangements and consider other options to find the system of representation that best reflects the characteristics of the district and its people. Any of the following may be considered:
 - Creating new wards in a district already divided into wards;
 - Changing the boundaries of a ward;
 - Abolishing any or all of the wards into which a district is divided;
 - Changing the name of a district or a ward;
 - Changing the number of offices of councillor on a council; and
 - Specifying or changing the number of offices of councillor for a ward.
3. Before conducting the review, a local government is to give local public notice that a review is to be carried out. In addition to giving public notice, local governments may undertake other initiatives to promote community discussion including public and/or ward meetings, media articles and interviews, sending information to non-resident electors, ratepayers or progress associations and distributing information to all households. Maps clearly showing the current situation and possible options are essential.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued.

4. All options must be assessed against the following factors:
 - Community of interest;
 - Physical and topographical features;
 - Demographic trends;
 - Economic factors; and
 - The ratio of councillors to electors in the various wards

5. The Board considers that the ratio of councillors to electors is always significant. It is expected that each local government will have similar ratios of electors to councillors across the wards of its district. It may become apparent that of the other four factors some have less relevance to the local situation or a particular option. It may emerge that in some cases, factors are in conflict with each other. It is for the local government to decide which of the other four factors have the most relevance to the assessment of options and why. The Minister for Local Government and Regional Development has indicated that he will not consider changes to ward boundaries and representation that result in ward councillor/elector ratios that are greater than plus or minus 10% of the average councillor/elector ratio for that local government. If local governments consider that they have exceptional circumstances that justify ward councillor/elector ratio deviations greater than plus or minus 10% then they must present the arguments for these circumstances to the Board.

6. The councillor/elector representation ratios and % deviation to average as at 18/3/2005 is as follows:

Average councillor/elector Ratio = 1 : 1544

| WARD | RATIO | % DEVIATION |
|---------------|--------------|--------------------|
| Breaksea | 1 : 1917 | 24.2% |
| Hassell | 1 : 157 | 89.8% |
| Kalgan | 1 : 1546 | 0.1% |
| West | 1 : 1592 | 3.1% |
| Fredrickstown | 1 : 1840 | 19.2% |
| Yakamia | 1 : 1824 | 18.1% |
| Vancouver | 1 : 1930 | 25.0% |

Only 2 of the 7 ward ratios currently meet the Minister's expectation.

STATUTORY REQUIREMENTS

7. Schedule 2.2 Clause 6 provides that a review of Ward Boundaries and the number of offices for Councillor of each ward shall be undertaken at least once every eight years.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

9. Mapping and advertising costs will be accommodated in the project facilitation budget.

Item 14.2.1 continued.

STRATEGIC IMPLICATIONS

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

“Community Vision:
Nil

Mission Statement:
• *Providing sound governance*

Priority Projects:
Nil”

11. Major Review Project No10 : Boundaries Review

COMMENTS/DISCUSSION

12. The Chairman of the Advisory Board, Cr Charlie Gregorini O.A. M. has agreed to brief Council on the review process at the 30th August 2005 Concept Briefing.

13. A detailed information package has been distributed to all Elected Members and is available to the general public at the front counter, Albany Public Library and via the Department of Local Government and Regional Development website (www.dlgrd.wa.gov.au).

14. The process will require several briefing sessions and significant community consultation prior to the Council being in a position to make a decision on the outcomes of the review.

RECOMMENDATION

THAT Council carry out a review of its ward boundaries and the number of offices of Council of each ward.

Voting Requirement Simple Majority

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| |
|--|
| <p>MOVED COUNCILLOR PAVER SECONDED COUNCILLOR JAMIESON</p> <p>THAT Council carry out a review of its ward boundaries and the number of offices of Council of each ward subject to the review excluding any proposal to abolish the ward system.</p> <p style="text-align: right;">MOTION CARRIED 12-2</p> |
|--|

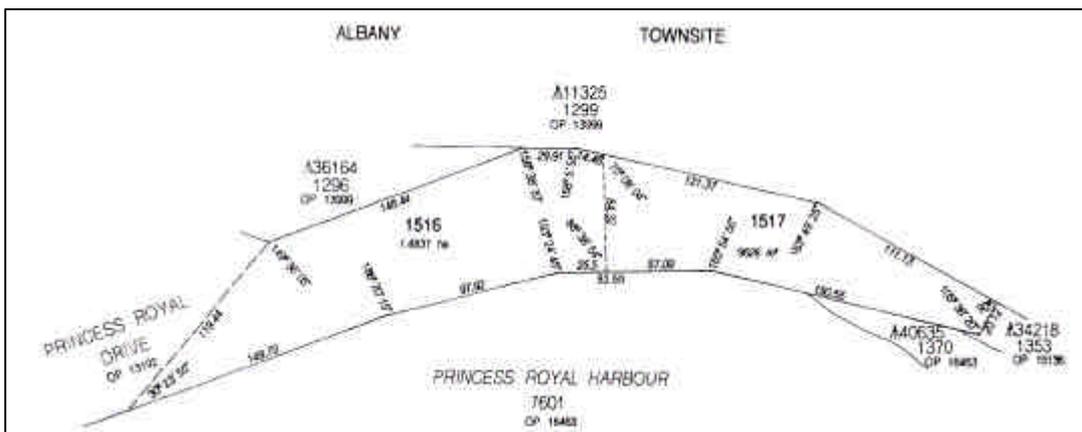
Reason:

- Abolition of a ward system would deliver less rather than more accountability to the electors of the City.

14.3 ECONOMIC DEVELOPMENT

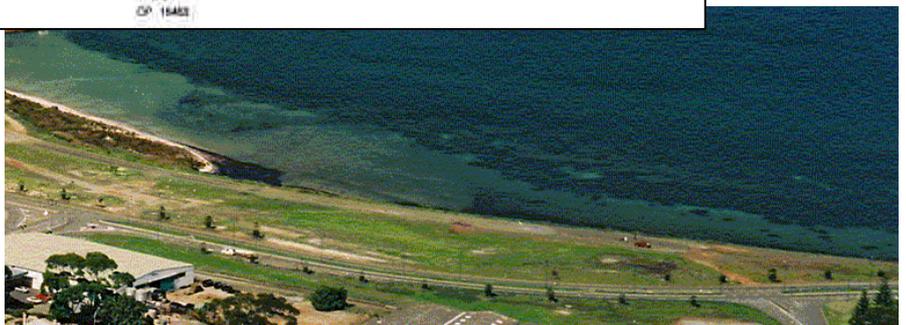
14.3.1 Albany Waterfront Peace Park – Consideration of Public Comment and Adoption of Concept Plan

- File/Ward** : PRO 298 (C04022) (Frederickstown Ward)
- Proposal/Issue** : Albany Waterfront Peace Park
- Subject Land/Locality** : Lot 1516 Princess Royal Drive Albany
(An additional portion of the Crown Reserve 1517 adjoining Lot 1516 may also required to implement the concept as shown)
- Proponent** : City of Albany
- Owner** : Crown Land (Vested with City of Albany)
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 21.12.04 - (Item 14.3.1)
 OCM 17.05.05 - (Item 14.3.2)
- Summary Recommendation** : THAT Council receives public comments on the report; adopts the concept plan; recommends its name; and proceeds to the implementation stage
- Bulletin Attachment** : Concept Plans for the Albany Waterfront Peace Park and public comments
- Locality Plan** :



Albany Waterfront existing land parcels

Current view of the site for the Albany Waterfront Peace Park



GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

BACKGROUND

1. The establishment of a park to interpret Albany's role in the Anzac story has been included in concept plans for the western portion of the Albany foreshore area since 2000. The proposed park is planned to include outdoor interpretive systems, and also capable of accommodating mid-morning ANZAC day memorial services and generally able to provide quality passive recreation opportunities for the general community and tourists.
2. The City has previously received a commitment from the State Government to help establish a quality outdoor interpretive facility on the western end of the Albany Waterfront area to recognise and enhance Albany's ANZAC tradition. It is expected that the overall design of the facility and the interpretive experience offered will provide a memorable visitor experience.
3. The objective of the Albany Waterfront Peace Park Concept Plan is to establish the waterfront as both a significant site for remembrance and celebration of the ANZAC tradition and as a place of reflection and peace to be used throughout the year.
4. The Albany Waterfront Peace Park Concept Plan provides an opportunity to create an historically rich and environmentally conscious interface between city and harbour. To ensure this is achieved, continued environmental and community significance of the site as a key parkland area will need to be maintained, whilst also balancing the needs of private investors and leaseholders interested in the development of leisure, entertainment and recreational facilities further along to the east of the waterfront project area.
5. The project brief prepared by the City of Albany states the objective of the Albany Waterfront Peace Park is to "provide an outcome that will satisfy the potential competing interests between interpretation and celebration of the ANZAC heritage, community recreation and tourist attraction"
6. At its 17 May 2005 meeting Council resolved to receive the report and concept plans prepared by Syrinx Environmental PL and Freeman Ryan Design and seek public comments prior to adopting the concept plan and proceeding to the implementation stage.

STATUTORY REQUIREMENTS

7. There are no statutory requirements relating to this item.

POLICY IMPLICATIONS

8. The Albany Waterfront Peace Park project is identified as a priority project in the City of Albany tourism strategy adopted by Council in March 2005. The park is a component of the Albany Waterfront Concept Plan adopted by Council on 21 June 2005.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

FINANCIAL IMPLICATIONS

9. The report estimates the cost of establishing the facilities recommended in the concept plan will be approximately \$1.23m (ex GST). Cost estimates for the Pier of Remembrance, Memory Wall, Line Pine Grove and interface works have been excluded. These will need to be estimated as part of the further development of the concept and would be completed as a second stage approaching 2014 (the centenary of the departure of troops from Albany), and when more significant State and Federal heritage funds may become available.
10. An indicative funding mix for Stage One works (plus escalation, environmental works and contingencies) has been prepared as follows:-

| Organisation | Amt (ex GST) | Comment |
|-------------------------------|---------------------|--|
| City of Albany | \$ 100,000 | Budgeted 05/06 financial year |
| Premier and Cabinet | \$ 250,000 | Committed |
| Regional Investment Fund | \$ 336,000 | (Application Submitted) |
| Lotterywest | \$ 280,000 | (Application to be written) |
| Veterans Affairs | \$ 300,000 | (Application to be written) |
| Funding Shortfall | \$ 134,000 | (Finance Strategy Committee to consider) |
| Est Total Project Cost | \$1,400,000 | |

11. The Australian Government's Community Water Fund may also be available to assist with stormwater management and reuse in the proposed swales. Preliminary maintenance costs for the park have been estimated at approximately \$48,800pa (ex GST), however there will be refined in the detailed development stage.

STRATEGIC IMPLICATIONS

12. This item directly relates to the City of Albany 3D Corporate Plan.

Community Vision:

A Thriving City, Albany community will enjoy economic growth and outstanding opportunities for our youth through...

- innovative development complementing Albany's unique character, natural environment and heritage.

Mission Statement:

The City of Albany is committed to...

- sustainably managing Albany's municipal assets;
- delivering excellent community services;
- providing sound governance; and
- promoting our Community's vision for the future.

Priority Projects:

Major Albany Infrastructure Project No 25 - Albany Foreshore Park - Obtain funding, design and construct nationally recognised community park/interpretive facility with ANZAC theme recognising World Peace."

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

COMMENT/DISCUSSION

13. A copy of the Syrinx report and concept has previously been distributed to elected members. The report was made available for public comment by advertising in local press in late May 2005 with comments closing on 24 June 2005.
14. Fifty-nine (59) submissions were received from the public. A summary of the public submissions (sorted by support/not support columns) is included in the elected members' information bulletin. A full copy of the submissions has also previously been distributed to elected members for their perusal.
15. Although the public comment form was open-ended only two respondents specifically stated that they did not support the concept with the remainder either specifically stating they support the concept (30) or not actually stating their support or otherwise (27). The dominant issue raised was the recommended name of the park (being '*Albany Waterfront Peace Park*') with a strong preference for the word '*ANZAC*' to be included in the name. Suggestions for the name included:-
 - Anzac Park
 - Anzac Peace Park
 - Anzac Memorial Park
 - Anzac Memorial Peace Park
 - Albany War Memorial Park
 - Albany Anzac Peace Park
 - Memorial Park
 - Anzac Memorial and Peace Park
 - Albany Anzac Memorial Peace Park
 - Peace Park
16. Overall, the submissions indicated a high level of support for developing the concept of an interpretative park recognizing Albany's military heritage, particularly the assembly and departure of the troops in WW1. Other concerns in the submissions related to ensuring enough area is maintained to conduct mid-morning services; environmental issues; access to the port is maintained; and suitable integration of the park with the eastern part of the Waterfront.
17. If Council resolves to adopt the concept presented by Syrinx Environmental and Freeman Ryan Design then many of the issues raised in the public submissions can be addressed further in the detailed design stage and with further consultation with stakeholder groups.

RECOMMENDATION

THAT Council;

- i) receives public comments on the report '*Albany Waterfront Peace Park*' prepared by Syrinx Environmental PL and Freeman Ryan Design and adopts the concept plan;
- ii) proceeds to the detailed design and development stage, subject to environmental approvals and upon confirmation of sufficient external funding;
- iii) seeks a management order from the Minister for Planning and Infrastructure for a portion of the adjoining crown reserve, to enable a sufficient area of land for the park's development as shown in the concept plan;

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

- iv) seeks approval from the Federal Minister for Veteran's Affairs to have the park named '*Anzac Peace Park*' and if approval is granted formally recommend this name to the State Government's Geographic Names Committee; and
- v) refers the \$134,000 funding shortfall to the Finance Strategy Committee for possible inclusion into the 06/07 and 07/08 financial years.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR PAVER**

THAT Council;

- i) receives public comments on the report '*Albany Waterfront Peace Park*' prepared by Syrinx Environmental PL and Freeman Ryan Design and adopts the concept plan;**
- ii) proceeds to the detailed design and development stage, subject to environmental approvals and upon confirmation of sufficient external funding;**
- iii) seeks a management order from the Minister for Planning and Infrastructure for a portion of the adjoining crown reserve, to enable a sufficient area of land for the park's development as shown in the concept plan;**
- iv) seeks approval from the Federal Minister for Veteran's Affairs to have the park named '*Anzac Peace Park*' and if approval is granted formally recommend this name to the State Government's Geographic Names Committee; and**
- v) refers the \$134,000 funding shortfall to the Finance Strategy Committee for possible inclusion into the 06/07 and 07/08 financial years.**

MOTION CARRIED 14-0

14.4 GENERAL MANAGEMENT SERVICES COMMITTEES

14.4.1 Minutes Albany Tourism Marketing Committee meeting – 6th July 2005

- File/Ward** : STR 208 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of the Albany Tourism Marketing Minutes held on 6 July 2005 be adopted.

RECOMMENDATION

THAT the minutes of the Albany Tourism Marketing Committee held on 6 July 2005 be received (copy of the minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....
**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WEST**

THAT the minutes of the Albany Tourism Marketing Committee held on 6 July 2005 be received (copy of the minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 14-0

GENERAL MANAGEMENT SERVICES REPORTS

14.4.2 Minutes Albany Tourism Marketing Committee meeting– 12th July 2005

- File/Ward** : STR 208 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of the Albany Tourism Marketing Committee held on 12 July 2005 be adopted.

RECOMMENDATION

THAT the Minutes of the Albany Tourism Marketing Committee held on 12 July 2005 be received (copy of the minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WELLINGTON**

THAT the Minutes of the Albany Tourism Marketing Committee held on 12 July 2005 be received (copy of the minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 14-0

GENERAL MANAGEMENT SERVICES REPORTS

14.4.3 Minutes Albany Tourism Marketing Committee meeting – 20th July 2005

- File/Ward** : STR 208 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of the Albany Tourism Marketing Committee held on 20 July 2005 be adopted.

RECOMMENDATION

That the minutes of the Albany Tourism Marketing Committee held on 20 July 2005 be received (copy of the minutes are in the Elected Members report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WALKER**

That the minutes of the Albany Tourism Marketing Committee held on 20 July 2005 be received (copy of the minutes are in the Elected Members report/Information Bulletin).

MOTION CARRIED 14-0

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR BOJCUN**

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

MOTION CARRIED 14-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17.0 MAYORS REPORT

"Fellow Councillors:

The annual Local Government Week convention in Perth from the 5th to 9th August was attended this year by Councillors Bob Emery, Milton Evans, John Jamieson, Steve Marshall, John Walker and myself. The program theme for this year's convention addressed three major issues;

- Community – our towns, our suburbs, our neighbourhood and our people;*
- Sustainability – achieving social, economic and environmental balance; and*
- Initiators – the role Local Government plays in sustained development.*

Local Government Week provides various informative and educational sessions for Elected Member development and it is also an invaluable opportunity for Councillors to network with their peers to discuss and exchange local, national and global information.

Cultural and educational exchange has been the theme this month with Japanese students from Nichinan and Tomioka visiting the City. I had the pleasure of hosting a luncheon for 10 students and 2 teachers from Nichinan on the 29th July and a similar luncheon was held yesterday for students from our Sister City Tomioka. Promoting and encouraging cultural exchange is something that the City actively supports in line with our Learning City philosophy and our Synergetic and Sister City agreements. The benefits are far reaching; not only does the program allow the Japanese students to experience our Australian lifestyle but it also allows our local host schools and host families to learn more about Japanese culture over the duration of the students' visit. Friendships are formed and solid relationships are built.

On the theme of education, 55 Yakamia Primary School students visited the Council Chambers on Wednesday 3rd August to speak with myself, the CEO and key staff members about the role of the City of Albany and Local Government generally in matters of planning, development and service to the community.

The Planet Ark "National Tree Day" was celebrated in Albany with a full week of activities during the last week of July. The Department of Defence presented the City with a memorial pine tree on the 26th July to correspond with National Tree Week and to commemorate of the 90th Anniversary of the ANZAC landing at Gallipoli. On the 29th July the City, in conjunction with the Keep Albany Beautiful committee, planted 400 native plants

in the sand dunes along Cunningham Street at Emu Point. Many of our local schools organized tree planting events over the week and I thank Councillor Steve Marshall for representing me at the Woodbury Boston Primary School tree planting day.

On Monday the 8th August the City hosted a Civic Function to welcome visiting players competing in the Grand Masters Over 60 International Hockey Council 2005 Round Robin Series. Over 200 players from around the world descended on Albany for the series, with 100 attending the Civic Reception. From all accounts the night was very much enjoyed by all who attended. I extend sincere appreciation to Deputy Mayor Dennis Wellington for hosting the event on behalf of the City whilst I attended Local Government Week.

Finally, on the 11th August I officially opened the Albany Migrant Resource Centre, an extension of the Rainbow Coast Neighbourhood Centre, which provides settlement services, information, referral and advocacy for migrants, refugee and humanitarian entrants and the dependants of skilled migrants with low level English proficiency.

Thank you.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

THAT the Mayor's report be received.

MOTION CARRIED 14-0

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

18.1 Development Services Compliance - Authorisation for Staff – Various State Government Acts

| | | |
|-------------------------------|---|--|
| File/Ward | : | MAN 052 (All Wards) |
| Proposal/Issue | : | To authorise staff members to carry out duties in accordance with various legislation on behalf of Council |
| Subject Land/Locality | : | N/A |
| Proponent | : | City of Albany |
| Owner | : | N/A |
| Reporting Officer(s) | : | Manager Planning & Ranger Services (G Bride) |
| Disclosure of Interest | : | Nil |
| Previous Reference | : | Nil |
| Summary Recommendation | : | To approve authorisations |
| Bulletin Attachment | : | Nil |
| Locality Plan | : | N/A |

BACKGROUND

1. Local Government officers from time to time are required to enforce statewide legislation (Acts and Regulations) on Council's behalf. Some of these Acts include the Bushfires Act 1954, the Dog Act 1976, the Litter Act 1979, the Local Government Act 1995 and Control of Vehicles (off-road areas) Act 1978.
2. Due to a number of staff changes within the Rangers Team and the Development Services Directorate, there is a need to cancel and add to those persons previously authorised.

STATUTORY REQUIREMENTS

3. Section 9.10 of the Local Government Act 1995 stipulates that:

“The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.”

4. Should Council support the proposed authorisations, a notice is required to be published in the Government Gazette.

POLICY IMPLICATIONS

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

Item 18.1 continued

FINANCIAL IMPLICATIONS

6. Council needs to publish a notice in the Government Gazette. That cost can be accommodated within the existing budget.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- Excellent community infrastructure and services; and

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. In order to allow new staff to fulfill the duties required by their position, authorisation of officers is required.
9. Those officers who have left the organisation are required to have their authorisation cancelled as they can no longer act on the City’s behalf.

RECOMMENDATION

THAT Council:

- i) authorises Robert John Fenn, Keith Barnett, Graeme John Bride, Garry Phillip Turner, Phillip George Dunkley, Gerhardous Hendrick Monkhorst, and Deborah Anne Walker to enforce provisions of the following Acts:
- Part XX Local Government (Misc Provisions) Act 1960;
 - Section 9.13, 9.16 Local Government Act 1995;
 - Section 3.39(i) Local Government Act 1995;
 - Section 26(i) C (i) & (ii) Litter Act 1979-81;
 - Section 29 Dog Act 1976;
 - Section 3 Dog Act 1976 – Registration Officer;
 - Section 38 Control of Vehicles (Off-road areas) Act 1978;
 - Section 38 Bush Fires Act 1954;
 - Section 59, 59A Bush Fires Act 1954; and
 - Section 3 Spear Guns Control Act 1955-72;
- ii) authorises Robert John Fenn, Keith Barnett and Graeme John Bride to enforce the provisions of Section 9.19 & 9.20 of the Local Government Act 1995;

- iii) authorises Gwendoline Carole Munro, Tanya Maree Catherall, Natalia Ross, Sabrina Ann Coster and Dene Sharee Bingham for the purpose of applying the following Acts:
- Section 9.17 Local Government Act 1995; and
 - Section 3 Dog Act 1976 – Registration Officer;
- iv) authorises Stephen Donald Gray for the purposes of applying the following Acts:
- Section 38 Bush Fires Act 1954; and
 - Section 59 & 59A Bush Fires Act 1954; and
- v) hereby cancels all previous authorisations pertaining to the above Acts.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR EVANS**

THAT Council:

- i) authorises Robert John Fenn, Keith Barnett, Graeme John Bride, Garry Phillip Turner, Phillip George Dunkley, Gerhardous Hendrick Monkhorst, and Deborah Anne Walker to enforce provisions of the following Acts:
- Part XX Local Government (Misc Provisions) Act 1960;
 - Section 9.13, 9.16 Local Government Act 1995;
 - Section 3.39(i) Local Government Act 1995;
 - Section 26(i) C (i) & (ii) Litter Act 1979-81;
 - Section 29 Dog Act 1976;
 - Section 3 Dog Act 1976 – Registration Officer;
 - Section 38 Control of Vehicles (Off-road areas) Act 1978;
 - Section 38 Bush Fires Act 1954;
 - Section 59, 59A Bush Fires Act 1954; and
 - Section 3 Spear Guns Control Act 1955-72;
- ii) authorises Robert John Fenn, Keith Barnett and Graeme John Bride to enforce the provisions of Section 9.19 & 9.20 of the Local Government Act 1995;
- iii) authorises Gwendoline Carole Munro, Tanya Maree Catherall, Natalia Ross, Sabrina Ann Coster and Dene Sharee Bingham for the purpose of applying the following Acts:
- Section 9.17 Local Government Act 1995; and
 - Section 3 Dog Act 1976 – Registration Officer;
- iv) authorises Stephen Donald Gray for the purposes of applying the following Acts:
- Section 38 Bush Fires Act 1954; and
 - Section 59 & 59A Bush Fires Act 1954; and
- v) hereby cancels all previous authorisations pertaining to the above Acts.

MOTION CARRIED 14-0

18.2 List of Accounts for Payment – City of Albany

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

COMMENT/DISCUSSION

1. The list of accounts for payment for the City of Albany is included in the Councillor Report/Information Bulletin and contains the following:-

| | | | |
|--------------------------|-----------|-----------------------------------|--|
| Municipal Fund | | | |
| Cheques | totalling | 183,552.22 | |
| Electronic Fund Transfer | totalling | 2,367,456.80 | |
| Credit Card | totalling | 3,667.43 | |
| Payroll | totalling | 705,694.24 | |
| TOTAL | | <u><u>3,260,370.69</u></u> | |

2. As at 29th July 2005, the total outstanding creditors, stands at \$204,387.33.

RECOMMENDATION

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

| | | |
|----------------|-----------|-------------------------------------|
| Municipal Fund | totalling | \$3,260,370.69 |
| | Total | <u><u>\$3,260,370.69</u></u> |

Voting Requirement Simple Majority

**MOVED COUNCILLOR MARSHALL
 SECONDED COUNCILLOR WILLIAMS**

RECOMMENDATION

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

| | | |
|----------------|-----------|-------------------------------------|
| Municipal Fund | totalling | \$3,260,370.69 |
| | Total | <u><u>\$3,260,370.69</u></u> |

MOTION CARRIED 14-0

19.0 CLOSED DOORS

19.1 Thomas Street Access Dispute

[Section 5.23 (2)(d) of the Local Government Act] Council seeking legal advice.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

THAT Council sit behind closed doors.

MOTION CARRIED 14-0

Council came out from behind closed doors.

The following motions were carried whilst behind closed doors.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WALKER**

THAT Council suspend Standing Order 6.5 – Order of Call in Debate.

MOTION CARRIED 14-0

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WELLINGTON**

THAT Council resume Standing Order 6.5.

MOTION CARRIED 14-0

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WOLFE**

THAT Council come out from behind closed doors.

MOTION CARRIED 14-0

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WALKER**

THAT the Chief Executive Officer be delegated authority to settle the claim of R & J Cooper at maximum nett expenditure of \$10,131.61 subject to compliance with advice from Council's Solicitors.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

20.0 NEXT ORDINARY MEETING DATE

Tuesday 20th September 2005, 7.30pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 9.28pm. .

Confirmed as a true and correct record of proceedings.

**A Goode, JP
Mayor**

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

| Name | Item | Nature of Interest |
|-------------------|-------------|--|
| Councillor Walker | 11.3.2 | Lease/contract with ITC for Plantation forestry. |

APPENDIX B

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil.

INTERESTS DISCLOSED BY OFFICERS

Nil.