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# MINUTES

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**For the Ordinary Meeting of Council  
Held on  
Tuesday, 16 August 2011  
7.00pm  
City of Albany Council Chambers**

**TABLE OF CONTENTS**

	<b>Pg#</b>	<b>Rec Pg#</b>
<b>Details</b>		
<b>I. DECLARATIONS OF OPENING</b>	3	
<b>II. OPENING PRAYER</b>	3	
<b>III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION</b>	3	
<b>IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC QUESTION TIME</b>	3	
<b>V. PUBLIC QUESTION AND STATEMENT TIME</b>	3	
<b>VI. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED</b>	7	
<b>VII. APPLICATIONS FOR LEAVE OF ABSENCE</b>	7	
<b>VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>	8	
<b>IX. DECLARATIONS OF INTEREST</b>	9	
<b>X. IDENTIFICATION OF MATTERS FOR WHICH COUNCIL MAY SIT BEHIND CLOSED DOORS</b>	10	
<b>XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS</b>	10	
Big Grove Outline Development Plan-Proponents RPS Environment and Planning		
<b>XII. ADOPTION OF RECOMMENDATIONS EN BLOC</b>	10	
<b>XIII. REPORTS</b>		
<b>1.0 OFFICE OF THE CEO</b>		
1.1.1 Albany Tourism Marketing Advisory Committee-Withdrawn.		
1.1.2 Airport Users Focus Group Committee	11	
1.1.3 Streetscape Advisory Committee Meeting	12	13
1.1.4 CEO Performance Appraisal Committee Meeting	14	
1.2 Planning and Building Reports July 2011	15	
1.3 Common Seal and Executed Documents under Delegation Report July 2011	16	
1.4 2011-2021 City of Albany Strategic Plan	17	24
<b>1.5 REPORT OR BUSINESS RAISED BY COUNCIL MEMBER SUBSEQUENT TO DRAFT AGENDA Nil.</b>		
<b>2.0 REPORTS-PLANNING AND DEVELOPMENT SERVICES</b>		
2.1 Initiation of Amendment-Lot 5498 and Lots 1 and 2 Chester Pass Road, Walmsley	25	38
2.2 Proposed Outline Development Plan for Big Grove	39	72
2.3 City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011	73	79
<b>2.4 REPORT OR BUSINESS RAISED BY COUNCIL MEMBER SUBSEQUENT TO DRAFT AGENDA Nil.</b>		

<b>3.0</b>	<b>REPORTS-COMMUNITY SERVICES Nil.</b>		
3.1	Community Sporting and Recreation Facilities Fund 2011/12 Grant Applications	80	85
3.2	Extended Trading Hours within the City of Albany	86	88
3.3	Delegated Authority to the CEO under the Dog Act	89	90
<b>3.4</b>	<b>REPORT OR BUSINESS RAISED BY COUNCIL MEMBER SUBSEQUENT TO DRAFT AGENDA Nil.</b>		
<b>4.0</b>	<b>REPORTS-CORPORATE SERVICES</b>		
4.1	List of Accounts for Payment-July 2011	92	93
4.2	Financial Activity Statement-July 2011	94	104
<b>4.3</b>	<b>REPORT OR BUSINESS RAISED BY COUNCIL MEMBER SUBSEQUENT TO DRAFT AGENDA Nil.</b>		
<b>5.0</b>	<b>REPORTS – WORKS &amp; SERVICES</b>		
5.1	Emu Point Boat Harbour Car Park. Withdrawn.		
5.2	Lake Vancouver Birdhide and Boardwalk Project	105	109
5.3	Award of Tender for Anzac Peace Park. Withdrawn.		
5.4	Award of Airport Tender. Withdrawn.		
<b>5.6</b>	<b>REPORT OR BUSINESS RAISED BY COUNCIL MEMBER SUBSEQUENT TO DRAFT AGENDA Nil.</b>		
<b>XIV.</b>	<b>MOTIONS WITH NOTICE Nil.</b>		
<b>XV.</b>	<b>MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING</b>		
15.1	Notice of Motion from Councillor Leavesley-Agenda Briefing	110	112
15.2	Notice of Motion from Councillor D Bostock-Governance Matters	113	
15.3	Notice of Motion from Councillor J Bostock-Meeting Agenda	114	116
15.4	Notice of Motion from Councillor J Bostock-Allocation of Public Open Space Funds to Mills Park, Little Grove	117	119
<b>XVI.</b>	<b>URGENT BUSINESS APPROVED BY DECISION OF THE MEETING. Nil</b>		
<b>XVII.</b>	<b>REQUEST FOR REPORTS FOR FUTURE CONSIDERATION Nil</b>		
<b>XVIII.</b>	<b>ANNOUNCEMENT OF NOTICES OF MOTIONS TO BE DEALT WITH AT THE NEXT MEETING Nil</b>		
<b>IX.</b>	<b>ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC Nil</b>		
<b>XX.</b>	<b>NEXT ORDINARY MEETING DATE</b>	120	
<b>XXI.</b>	<b>CLOSURE OF MEETING</b>	120	

Appendix A Status Report on Deferred Items from Previous Meetings page 121

Appendix B Tabled Documents page 122

**I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

7.00pm the Mayor declared the meeting open.

**II. OPENING PRAYER**

**Councillor Wolfe read the opening prayer.**

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

**ITEM 2.0: RESOLUTION**

**MOVED: COUNCILLOR HOLDEN**

**SECONDED: COUNCILLOR DUFTY**

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

**CARRIED 10-0**

**III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION**

[7:02:36 PM](#) **Councillor J Bostock**

Councillor Bostock’s tabled address is detailed at Appendix B. Summary of key points:

- Thanked City and ratepayers for funding her attendance at the WALGA conference week
- Impressed with a lecture by Matthew Taylor highlighting the growing divide between community expectation and government ability to provide.

[7:05:18 PM](#) **Councillor D Bostock**

Summary of key points:

- Will not be diverted from promises made to the electorate.

[7:06:35 PM](#) **Councillor D Dufty**

Summary of key points:

- Thanked Council for funding his attendance at Local Government Week. Advised that it was an opportunity to meet with other Councillors and discuss issues of relevance to local government.

[7:08:11 PM](#) Councillor Sutton

Summary of key points:

- Congratulated the Mayor on receiving the Local Government Merit Award for distinguished service to the community, and Councillor Wolfe on receiving a Long and Loyal Service Award for long service of a high degree to local government.

[7:08:49 PM](#) Mayor's Report.

The Mayor's Report is detailed at Appendix B.

**ITEM 3.0: RESOLUTION**

**MOVED: COUNCILLOR WOLFE  
SECONDED: COUNCILLOR SUTTON**

**The Mayor's Report be RECEIVED.**

**CARRIED 10-0**

**IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC**

Nil.

**V. PUBLIC QUESTION AND STATEMENT TIME**

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

**7:16:26 PM Tracey Sleeman and Dana Newman, Mills Park Group, Little Grove**

Summary of key points:

- Requested Council support for Item 15.4 of the Agenda, regarding allocation of existing Public Open Space funds for Mills Park, Little Grove.
- Have worked with the local community to initiate a concept plan for the park and would like to see the Public Open Space funds used now, not in the future.
- The Group is unable to access Lotterywest funding for the project.

**7:21:55 PM Mr Don Phillips, Frenchman Bay Road, Albany**

Summary of key points:

- Disappointed that no provision was made in the 2011-12 budget for logos on staff cars or solar panels

CEO Ms Faileen James responded that there are plans for branding of City cars, this expenditure is within budget just not highlighted. Solar panels will be looked at as a part of energy efficiency generally. No funding had been identified in current budget for solar panel installation.

- The City need to seriously look at ways of lowering the current energy costs for ALAC.
- Why has there been a decrease in land value but rates have increased

CEO Ms Faileen James responded and encouraged Mr Phillips to meet with ED Corporate Services to discuss his concerns.

- He was well aware of who strikes the rate, but wants an explanation

CEO Ms Faileen James responded and again encouraged Mr Phillips to meet with the Executive Director of Corporate Services to discuss his concerns.

[7:26:23 PM](#) **Mr Tony Harrison, Little Grove**

Summary of key points:

- Spoke against sections of the Big Grove Outline Development plan and hoped that Council would agree to new setback proposals
- Was concerned that the proposed Port berth for Grange Resources would redirect swell and currents causing erosion in the harbour.

[7:30:43 PM](#) **Mr Glen Davies, Terry Road, Albany**

Summary of key points:

- Presented a brief history of the proposed subdivision on Terry Road
- The Environmental Protection Authority had identified his property for fast track development due to lack of native vegetation and assured Council that he has the capability to develop the property efficiently.

[7:34:35 PM](#) **Ms Adrienne Beatty, Green Skills Program**

Summary of key points:

- Concerned over cutting of funding to parks and reserves and increased vandalism of coastal areas. Stressed the need for funding in these areas
- Expressed support for the work of City Parks and Reserves staff

[7:38:57 PM](#) **Mr Neil Smithson, Smithson Planning**

Summary of key points:

- The City had 11 years to plan for Anzac, yet there was no mention of the bicentenary of Albany in the Strategic Plan, and that it would be appropriate to start planning now for those celebrations.

[7:40:12 PM](#) **Delma Baesjou**

Summary of key points:

- Expressed support for the Officer Recommendation for Terry Road and said that the SARS process has been followed
- The area was clearly identified in ALPS as future urban, and the proposal was not premature, and capable of producing lots in the medium term
- Consistent with Local Planning Policy, and there are no significant environment issues

Mayor closed forum at

[7:42:57 PM](#)

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

Mayor MJ Evans

**Councillors:**

Breaksea Ward	R Hammond
Breaksea Ward	J Bostock
Frederickstown Ward	Vacant
Frederickstown Ward	D Wellington
Kalgan Ward	C Holden
West Ward	D Wolfe
West Ward	D Dufty
Yakamia Ward	J Matla
Yakamia Ward	R Sutton
Vancouver Ward	D Bostock

**Staff:**

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

**Apologies:**

Kalgan Ward	Councillor Leavesley
Vancouver Ward	R Paver

**VII. APPLICATIONS FOR LEAVE OF ABSENCE**

**VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**ITEM 8.0: RESOLUTION**

**MOVED: COUNCILLOR MATLA**

**SECONDED: COUNCILLOR WELLINGTON**

**THAT the minutes of the Ordinary Council Meeting held on 19 July 2011, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 10-0**

**IX. DECLARATIONS OF INTEREST**

<b>Name</b>	<b>Item Number</b>	<b>Nature of Interest</b>
Councillor D Wellington	3.2	<b>Financial.</b> The nature of the interest being that Councillor Wellington is in the retail trade. Councillor Wellington left the Chamber and did not participate in the discussion or vote.

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

**ITEM 10: MOTION**

**MOVED: COUNCILLOR D BOSTOCK  
SECONDED: COUNCILLOR J BOSTOCK**

**THAT Item 3.3 be heard behind closed doors.**

**LOST 4-6**

**Record of Vote**

For the Motion: Councillors D Bostock, J Bostock, R Sutton and the Mayor.

**XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Big Grove Outline Development Plan-Delma Baesjou

**XII. ADOPTION OF RECOMMENDATIONS EN BLOC**

Nil.

**RISK MANAGEMENT FRAMEWORK**

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

**1.1.2: AIRPORT USERS FOCUS GROUP COMMITTEE**

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

**IN BRIEF**

- Receive the minutes of the Airport Users Focus Group Committee

**ITEM 1.1.2: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR WOLFE**  
**SECONDED: COUNCILLOR SUTTON**

**THAT the CONFIRMED minutes of the Airport Users Focus Group Committee meeting held on the 17 June 2011 be RECEIVED.**

**CARRIED 10-0**

**1.1.3 : STREETSCAPE ADVISORY COMMITTEE MEETING**

**File Number (Name of Ward)** : RD.MEE.2  
**Proponent** : City of Albany  
**Attachment(s)** : Confirmed Minutes of Streetscape Advisory Committee  
**Responsible Officer** : Acting Executive Director Works & Services (S Jamieson)

**IN BRIEF**

- Council receive the confirmed minutes of the 14 June 2011 Committee meeting.
- Council receive the recommendations of the Streetscape Committee meeting held on 12 July 2011.

**ITEM 1.1.3: COMMITTEE RECOMMENDATION 1**

**MOVED: MAYOR EVANS**  
**SECONDED: COUNCILLOR WELLINGTON**

**THAT the CONFIRMED minutes of the Streetscape Advisory Committee meeting held on 14 June 2011 be RECEIVED.**

**CARRIED 10-0**

**ITEM 1.1.3: COMMITTEE RECOMMENDATION 2**

**MOVED: COUNCILLOR WELLINGTON**  
**SECONDED: COUNCILLOR MATLA**

**THAT the Staff not progress with the Central Business Landscape Improvement “Wakes Wall” Project until negotiations are finalised and a signed agreement is endorsed by both parties, being Mr Erik Wake and the City of Albany.**

**CARRIED 10-0**

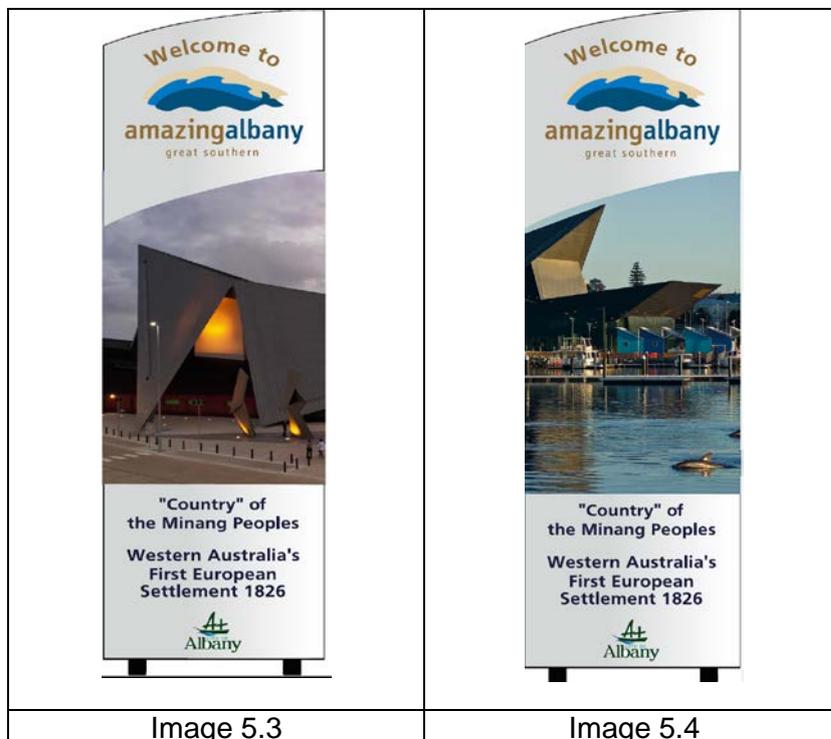
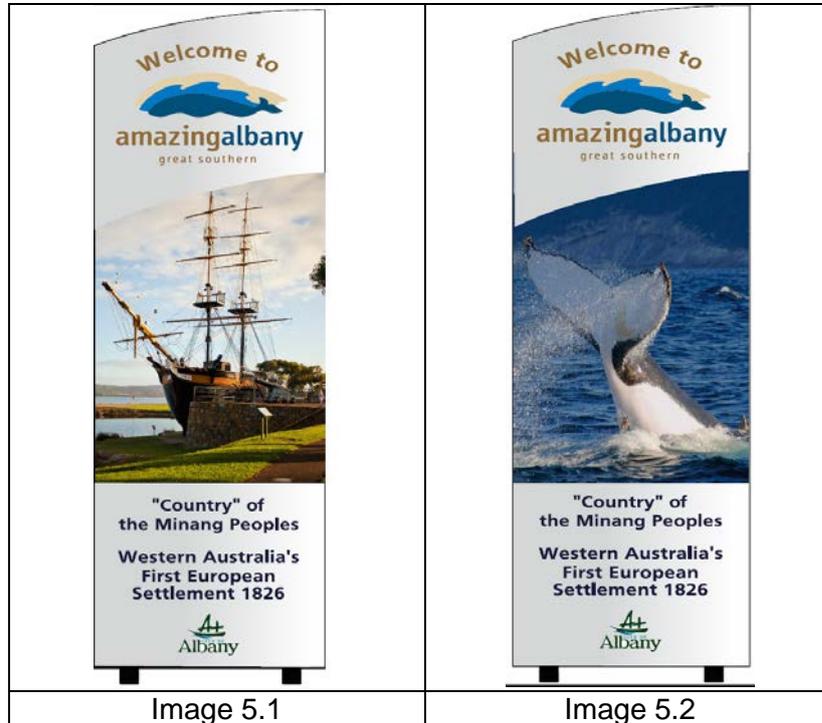
**ITEM 1.1.3: COMMITTEE RECOMMENDATION 3**

**MOVED: COUNCILLOR WELLINGTON**  
**SECONDED: COUNCILLOR MATLA**

**THAT Council ADOPT the Images 5.1, 5.2 and 5.4 as detailed in the Officer’s Report.**

**CARRIED 10-0**

**Note:** The following details the designs presented to the Committee at the 12 July 2011 meeting.



**1.1.4: CEO PERFORMANCE APPRAISAL COMMITTEE**

**File Number (Name of Ward)** :  
**Attachment** : Minutes of CEO Performance Appraisal Committee Meeting  
Key Performance Indicators  
**Responsible Officer** : Chief Executive Officer (F James)

**ITEM 1.1.4: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR WELLINGTON**  
**SECONDED: COUNCILLOR MATLA**

**That the minutes of the CEO Performance Appraisal Committee Meeting held on 28 July 2011 be RECEIVED.**

**CARRIED 10-0**

**1.2: PLANNING AND BUILDING REPORTS JULY 2011**

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

**IN BRIEF**

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

**ITEM 1.2: RESPONSIBLE OFFICER RECOMMENDATION**

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

**THAT the Planning and Building Report for July 2011 be RECEIVED.**

**CARRIED 10-0**

**1.3: COMMON SEAL AND EXECUTED DOCUMENTS UNDER DELEGATION REPORTS**

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

**IN BRIEF**

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

**ITEM 1.3: RESPONSIBLE OFFICER RECOMMENDATION**

**MOVED: MAYOR EVANS**  
**SECONDED: COUNCILLOR WELLINGTON**

**THAT the Common Seal Report for July 2011 be RECEIVED.**

**CARRIED 10-0**

## 1.4: CITY OF ALBANY STRATEGIC PLAN (2011-2021)

<b>Land Description</b>	: N/A
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: N/A
<b>Business Entity Name</b>	: City of Albany
<b>Attachments</b>	: City of Albany Strategic Plan (2011-2021) Letter from A/Director General of the Department of Local Government (13 July 2011)
<b>Councillor Workstation</b>	: Integrated Planning and Reporting ( <i>Framework and Guidelines</i> ) issued by the Department of Local Government (October 2010)
<b>Responsible Officer</b>	: Chief Executive Officer

### Maps and Diagrams:

Nil

### IN BRIEF

- A review of the City of Albany's Strategic Plan has been undertaken using a range of community engagement processes.
- The Minister for Local Government and the Director General of the Department of Local Government have both received the draft City of Albany Strategic Plan and the Acting Director General congratulated the City on progress to date (refer letter attached)
- Council endorsement of the Strategic Plan is now sought before preparation of a Corporate Business Plan which will support implementation of the strategies and define performance measures.
- The Minister for Local Government is introducing new regulations later this year that will require all local governments in Western Australia to prepare strategic plans within a specified framework. Evidence of full compliance with the proposed regulations will be required to be submitted to the Department of Local Government by 30 June 2013. Accordingly, with this work completed the City is well placed to fully comply with the new regulations.

**ITEM 1.4: ALTERNATE MOTION 1 BY COUNCILLOR D BOSTOCK**

**MOVED: COUNCILLOR D BOSTOCK**  
**SECONDED: COUNCILLOR J BOSTOCK**

**THAT** the following proposed amendment to the Strategic Plan be **ENDORSED** by Council.

**1. Future Projects (page 11)**

An additional future project is added to the list being:

**A fund is established for the purpose of securing and preparing the Hanrahan Road Waste Facility Site at the end of its useful life to be used as a dedicated public park.**

**LOST 3-7**

**Record of Vote**

For the Motion: Councillors D Bostock, J Bostock and R Hammond

**ITEM 1.4: ALTERNATE MOTION 2 BY COUNCILLOR D BOSTOCK**

**MOVED: COUNCILLOR D BOSTOCK**  
**SECONDED: MAYOR EVANS**

**THAT** the following proposed amendment to the Strategic Plan is **ENDORSED** by Council.

**1. Organisational Performance (page 24)**

**That** the Community Priority “Elected Members performance” Proposed Strategy, being:

***“Improve governance through obligatory Councillor training”*** is amended to remove “obligatory” as this was voted against at the June 2011 Ordinary Council Meeting.

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Sutton

**ITEM 1.4: ALTERNATE MOTION 3 BY COUNCILLOR D BOSTOCK**

**MOVED: COUNCILLOR D BOSTOCK**  
**SECONDED: COUNCILLOR J BOSTOCK**

**THAT** the following proposed amendment to the Strategic Plan is **ENDORSED** by Council.

**1. Organisational Performance (page 24)**

**That** the Community Priority “Elected Members performance”, Proposed Strategy, being:

***“Respect the advice from qualified professional staff”*** be amended to read:

***“Respect the advice from qualified professional staff, whilst recognising that Council carries the ultimate responsibility.”***

**LOST 3-7**

**Record of Vote**

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

**RECOMMENDATION****ITEM 1.4: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council ENDORSE the 2011-2021 City of Albany Strategic Plan and commence the preparation of a Corporate Business Plan.**

**MOVED: COUNCILLOR WOLFE  
SECONDED: COUNCILLOR HAMMOND**

**THAT the Responsible Officer Recommendation be ADOPTED, with the inclusion of the Amendment detailed in Alternate Motion 2 by Councillor D Bostock.**

**CARRIED 10-0  
ABSOLUTE MAJORITY**

**BACKGROUND**

1. A review of the City of Albany's 2008 Strategic Plan (Albany Insight) was a commitment made by the Council in response to the Better Practice Review conducted by the Department of Local Government in July 2010.
2. In October 2010, the Department of Local Government issued a document titled "*Integrated Planning and Reporting*", which outlines proposed changes to regulations that will define a future statutory framework for the development of local government strategic plans.
3. The 2011-2021 City of Albany Strategic Plan has been prepared in accordance with the principles outlined in the Framework.

**DISCUSSION**

4. The Plan identifies five key focus areas, which provide a framework for future management of the City's projects, policies and activities over the ten year period (2011-2012) and will be reviewed at least every four years.

Key Focus Areas

1. Lifestyle and Environment
  2. Sustainability and Development
  3. Albany's Role as a Regional Hub
  4. Community Focussed Organisation
  5. Organisational Performance
5. Based on community engagement undertaken for the Strategic Plan and a review of existing functional (informing) strategies, a new Corporate Business Plan will also be developed for Council consideration. The Corporate Business Plan will include more specific information on future application of financial, human and physical assets and introduce performance measures associated with desired outcomes and work outputs.

## GOVERNMENT CONSULTATION

6. A range of State and Australian Government agency representatives were consulted in the preparation of the document and are listed in Supplement 1 of the Strategic Plan (refer the Agenda attachments).
7. Supplement 2 of the Strategic Plan (refer the Agenda attachments) lists Government agency reports referred to as part of the environmental scan undertaken in preparing the Plan.

## PUBLIC CONSULTATION / ENGAGEMENT

8. The Strategic Plan was prepared through a community engagement process undertaken in May and June 2011 and included:
  - One-to-one meetings
  - Online surveys
  - Visitor intercept surveys
  - Online blog
  - Community forums
  - City of Albany staff forums
  - Elected member workshops
  - Calls for public submissions

### Feedback included:

- 20 written submissions from the public
  - 67 online survey responses
  - 20 intercept survey responses
  - 11 community forums attended by around 135 people
  - 5 one-to-one consultations with key government, business and community leaders
9. There was a strong similarity between some of the strategic priorities identified in the 2011 round of consultations, with those identified from feedback received during the 2008 engagement process.

### Examples of strategic issues reiterated by the community include:

- Create a more vibrant, active Central Business District
- Improve public transport options
- Provide better cycling and walking paths
- Maintain Albany's uniqueness and preserve its heritage
- Further develop the creative arts industry
- Increase renewable energy projects to power the City

## STATUTORY IMPLICATIONS

10. Planning for the district is a statutory requirement under s5.56 (1) of the Local Government Act 1995. s5.56 (2) of the Local Government Act requires plans to be prepared in accordance with the Local Government (Administration) Regulations 1996.

### ***Regulation 19C - Planning for the future — s. 5.56***

(1) In this regulation and regulation 19D

***plan for the future*** means a plan made under section 5.56.

16/08/2011

\*\*REFER DISCLAIMER\*\*

(2) A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).

(3) A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.

(4) A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.

(5) A council is to consider a plan, or modifications, submitted to it and is to determine\* whether or not to adopt the plan, or the modifications, as is relevant.

*\*Absolute majority required.*

(6) If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.

(7) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.

(8) A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.

(9) A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.

11. The Local Government (Administration) Regulations 1996 - **Reg 19d** refers

***Regulation 19D - Notice of plan to be given***

(1) After a plan for the future, or modifications to a plan, are adopted under regulation 19C the local government is to give local public notice in accordance with subsection (2).

(2) The local public notice is to contain —

(a) that—

(i) a plan for the future of the district has been adopted by the council and is to apply to the district for the period specified in the plan; and

(ii) details of where and when the plan may be inspected;

or

(b) where a plan for the future of the district has been modified:

(i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for a the period specified in the plan; and

(ii) details of where and when the modified plan may be inspected.

12. New regulations are expected to be gazetted and come into effect in the second half of 2011. The regulations will refer to the guidelines prepared by the Department of Local Government titled *“Integrated Planning and Reporting Framework”* issued in October 2010 (copies are available in the Councillor workstation). Full compliance with the new regulations will be required by 30 June 2013 and will include the following requirements:

Strategic Community Plan

- Minimum 10 year timeframe
- States community and local government aspirations, vision and objectives
- Developed with community input
- Minor review by Council every 2 years
- Major review by Council with renewed visioning every 4 years
- Adopted or modified through an absolute majority of Council

Corporate Business Plan

- 4 year plan
- Plan identifies and prioritises the principal strategies and activities Council will undertake in response to the aspirations and objectives stated in the Strategic Community Plan
- Details the services, operations and projects that a local government will deliver over the period of the plan, the method for delivering these and the associated cost.
- References resourcing considerations such as assets and workforce
- Reviewed annually by Council
- Adopted or modified by a simple majority of Council

Reporting

- Notice given to public when a plan for the future has been adopted or modified
- Local Government flags in its Annual Report any changes to its Corporate Business Plan (that occur during an internal review), which are subsequently not incorporated into its Strategic Community Plan and visa versa

**STRATEGIC IMPLICATIONS**

13. The existing strategic plan *“Albany Insight ~ Beyond 2020”* was adopted by Council on 15 July 2008 and has been reviewed in the preparation of this plan.
14. A document titled *“Albany Community Vision”* was prepared in 2008 as a community initiative in cultural planning and was endorsed by Council in April 2008. This document has been referred in the preparation of the Strategic Plan.
15. Both the Strategic Plan and the Corporate Business Plan (once completed) will be used as future references for the “Strategic Implications” section of Council Agenda.

**POLICY IMPLICATIONS**

16. The adoption of a new Strategic Plan and the development of a Corporate Business Plan may necessitate a review of many of the City’s existing policies and strategies.

**RISK IDENTIFICATION & MITIGATION**

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
2011-2012 Strategic Plan is not endorsed by Council	Possible	High	Extreme	Respond to Council concerns in a timely manner and consider issues through a Councillor workshop and resubmit for endorsement at a future meeting

**FINANCIAL IMPLICATIONS**

17. The cost of preparing the Strategic Plan was minimised by using internal staff resources for consultation (Community Development Team) and project management (Manager Economic Development). Financial resources used for community engagement, training by LGMA, advertising and survey internet services amounted to \$2,179.
18. The preparation of the Corporate Business Plan will be prepared in-house by staff and will guide the future allocation of the City's financial resources through long term financial planning and annual budgeting. A requirement to report new financial ratio's will be a requirement in proposed regulations to be gazetted later in 2011.

**LEGAL IMPLICATIONS**

19. There are no legal implications associated with this item.

**ALTERNATE OPTIONS**

20. Endorse the Strategic Plan as submitted  
This option will enable the commencement of a Corporate Business Plan, which will provide a systematic approach to asset, financial and workforce planning in accordance with community priorities and within a framework specified by the Department of Local Government.
21. Endorse the Strategic Plan with amendments  
This is an option, should Council consider the Plan needs to include alternative key focus areas, priorities and strategies.
22. Not endorse the Strategic Plan  
This is an option, should Council not be satisfied with the feedback received from the community engagement process.

**SUMMARY CONCLUSION**

23. The preparation of a revised strategic plan that involves contemporary community engagement practices was a recommendation of the Better Practice Review conducted by the Department of Local Government in 2010.
24. A ten year Strategic Plan for the period 2011-2021 has been prepared by engaging the community and is developed within a new framework and guidelines released by the Department of Local Government in October 2010. New regulations to be gazetted later this year will require all WA local governments to prepare strategic plans within the new framework and to be fully compliant by 30 June 2013.

16/08/2011

\*\*REFER DISCLAIMER\*\*

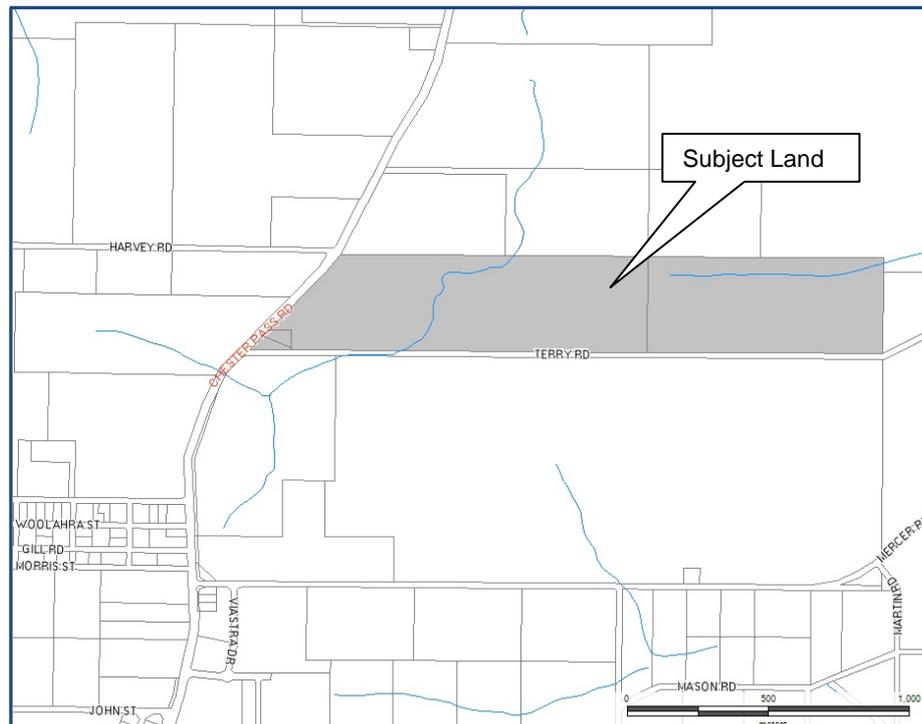
25. Once the Plan is endorsed by Council, a Corporate Business Plan will be prepared, which will drive the operations of the City of Albany and its resourcing capabilities (assets, financing and workforce).

<b>Consulted References</b>	Integrated Planning and Reporting ( <i>Framework and Guidelines</i> ) issued by the Department of Local Government (October 2010). Available at <a href="http://www.integratedplanning.dlg.wa.gov.au">www.integratedplanning.dlg.wa.gov.au</a>
<b>File Number (Name of Ward)</b>	CM.PLA.11
<b>Previous Reference</b>	OCM 15/07/08 - Item 14.5.1

**2.1: INITIATION OF AMENDMENT – LOT 5498 AND LOTS 1 AND 2  
CHESTER PASS ROAD, WALMSLEY**

<b>Land Description</b>	: Lots 5498 and 4925 Terry Road and Lots 1 and 2 Chester Pass Road, Walmsley
<b>Proponent</b>	: Ayton Baesjou Planning
<b>Owner/s</b>	: Cammit Pty Ltd ATF The Giumelli Family Trust; G & S Davies; P List; L & W Spinks; G Grayson; and R & P Weir
<b>Business Entity Name</b>	: Cammit Pty Ltd
<b>Directors</b>	: James Robert Giumelli
<b>Attachment(s)</b>	: Opportunities and Constraints Plan (map only) : Copy of DPI advice from May 2007
<b>Appendice(s)</b>	: Amendment No 298
<b>Councillor Workstation</b>	: Land Capability Report : Copy of OCM 19/06/07 – Item 11.3.6 (SAR 116) : Amendment Document (AMD298) : Copy of submissions
<b>Responsible Officer(s)</b>	: E/Director Planning and Development Services (G Bride)

**Maps and Diagrams:**



**IN BRIEF**

- Determine whether to initiate the proposed Scheme Amendment to rezone Lot 5498 and 4925 Terry Road and Lots 1 and 2 Chester Pass Road, Walmsley from the 'Rural' zone to the 'Residential Development' zone.

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

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

**THAT Council in pursuance of Section 75 of the *Planning and Development Act 2005* and *Regulation 17(2)* of the *Town Planning Regulations 1967* resolves to INITIATE Amendment No. 298 to Town Planning Scheme No. 3 without modifications by:**

- i. Rezoning Lots 1, 2, 4925 & 5498 Terry Road, Walmsley from the ‘Rural’ zone to ‘Residential Development’ zone.**

**CARRIED 10-0**

**BACKGROUND**

1. Amendment 298 proposes to amend Town Planning Scheme (TPS) No. 3 by rezoning Lots 5498 and 4925 Terry Road and Lots 1 and 2 Chester Pass Road, Walmsley from the ‘Rural’ zone to the ‘Residential Development’ zone.
2. A Scheme Amendment Request (SAR 116) for Lot 5498 Terry Road was considered at the Ordinary Council Meeting on 19 August 2007 and it was resolved:

*“THAT, subject, but not limited to, the following matters being addressed subject to the satisfaction of Council:*

- i) A clearly defined zoning boundary (including the possible inclusion of the two triangular lots to the southwest) being adopted and justified;*
- ii) A land capability assessment;*
- iii) Outline development planning, in the form of a conceptual district structure plan showing both the land’s connection to the existing urban front (including its relationship with Chester Pass Road), and constraints and opportunities including possible surrounding land use conflicts;*
- iv) Identification of servicing needs and infrastructure requirements to accommodate future subdivision; and*
- v) An Integrated Water Management Plan being prepared across the whole site prior to subdivision to ensure that water sensitive design principles are adhered to.*
- vi) An overall nutrient and drainage management plan being prepared to demonstrate how nutrients and stormwater will be managed on-site.*
- vii) A foreshore management plan being prepared to ensure the protection of the existing creek line.*
- viii) The remnant vegetation being retained and incorporated into Public Open Space where required.*

*Council advises that it is prepared to entertain the submission of a formal application for rezoning Lot 5498 Terry Road, Walmsley from the ‘Rural’ zone to the ‘Residential Development’ zone.”*

3. The above matters have been broadly addressed in the scheme amendment document as per the following:

- A clearly defined zoning boundary has been identified, including the two lots within the south-west corner of the subject land, as mentioned above.
  - A land capability and geotechnical report has been appended to the amendment document to inform the opportunities and constraints plan.
  - A conceptual district structure plan has been prepared in the form of an opportunities and constraints plan showing the land's connection to the existing urban front, including its relationship with Chester Pass Road.
  - The amendment document has identified that the land can be serviced with reticulated water and sewer, power and telecommunications.
  - A preliminary water management plan has been included within land capability and geotechnical report.
  - A preliminary nutrient management plan has been included within the land capability and geotechnical report.
  - The opportunities and constraints plan identifies the need to protect the creek line through stock proof fencing, revegetation and reservation.
  - Vegetation has been identified for retention on the opportunities and constraints plan.
4. Staff are satisfied with the level of information received for this stage of the planning process. At the detailed outline development plan stage, several studies would need to accompany the proposal inclusive of a traffic report, foreshore management plan and local water management strategy.

## **DISCUSSION**

5. The subject lots cover an area of approximately 71.1ha and lie to the east of Chester Pass Road, approximately 4.8km north of Albany town centre. The land is generally flat from Chester Pass Road eastward, until it reaches a drainage line running across Lot 5498 in a south-west to north-easterly direction, where it begins to slope upward to the east, before briefly levelling out and dropping gently back toward a drainage line along the northern edge of Lot 4925. Much of the land has been cleared for pasture, although some vegetation remains on Lots 1, 2 and along the boundaries of Lot 5498. Lot 5498 is also traversed by a shelter belt, roughly adjacent to the drainage line, and stands of parkland cleared vegetation are located in the south-eastern corner of Lot 5498 and close to the northern end of Lot 4925's eastern boundary. Two dams lie within the north-west quarter of Lot 5498, one large and one small, while smaller dams are also found at the eastern end of Lot 5498 and the western end of Lot 4925.
6. Land uses are of a rural residential nature on Lots 1 and 2, each occupied by a dwelling and associated outbuildings, while Lots 5498 and 4925 are predominantly used for rural residential purposes, with some limited grazing activity. A dwelling and associated outbuildings stand close to the mid-point along the southern boundary of Lot 5498 and a dwelling and associated outbuildings also stand close to the southern boundary of Lot 4925, near its western end.
7. The surrounding land is primarily covered by the 'Rural' zoning, although Lot 10 Chester Pass Road, on the southern side of Terry Road is covered by the 'Service Industry' and

'Landscape Protection' zones, while Lot 4925 is bounded to the north by an area of 'Parks and Recreation' Reserve and to the east by a 'Public Purposes' Reserve.

8. The area has been identified as being suitable for 'Future Urban' development in the Albany Local Planning Strategy (ALPS) and given a Priority 3 designation on Map 9B. This has been largely influenced by the relatively flat topography and unconstrained nature of the land and its proximity to a major road. Priority 3 areas are described in the ALPS as follows:

*"Priority 3 areas are logical extensions of the Priority 2 locations and/or existing urban areas and include parts of McKail, Gledhow, Warrenup, Walmsley and Big Grove. Priority 3 areas are expected to be rezoned with local structure planning undertaken in the near future. These areas are capable of producing lots within the medium-term."*

9. In addition to the designation of the land within the ALPS as 'Future Urban', the proposal also needs to be assessed against the specific strategic objectives and aims set out in Sections 8.3.1 and 8.3.2 of the ALPS text, which promotes urban lot consolidation and staged incremental development.

10. Section 8.3.1 – *Strategic Settlement Direction* sets the following Strategic Objective:

*"Facilitate and manage sustainable settlement growth for the urban area in the City of Albany."*

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

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

11. Section 8.3.2 – *Urban Lot Consolidation and Staged Incremental Development* sets the following Strategic Objective:

*"Support the consolidation of serviced urban areas and facilitate staged fully-serviced incremental-development nodes."*

The draft ALPS states that *"the benefits of incrementally-staged urban development are that it will:*

- *Establish a more sustainable urban form by minimising the development footprint and better protecting the environment.*

- *Manage growth to make it continuous, minimising urban sprawl or creation of disjointed communities.*
- *Retain agricultural land for productive uses.*
- *Maximise the use of existing infrastructure, services and facilities.*
- *Minimise distances and travel time between homes and education, retail, community and recreation services.*
- *Retain the current high levels of accessibility to the Albany City Centre.*
- *Promote greater participation in public and alternate transport options.*

*The ALPS supports incrementally-staged urban expansion based on comprehensive precinct and structure planning. The progressive development of the Future Urban areas has been classified into five Development Priority stages. The extent to which Future Urban areas are developed within the lifetime of the ALPS will be determined largely by population growth, employment opportunities, availability of infrastructure to service growth and the ability of the development and housing industry to satisfy market demand.*

12. The subject land is situated approximately 700m to the north of the existing urban front, which currently lies to the south of Mercer Road (St Ives Village and the Catalina Central development). The land to the south of the subject land, which includes a mixture of industrial and rural zoned land, is not part of the amendment proposal. Land to the west of the subject land between Henry Street and to the south of Harvey Road has previously been rezoned to 'Residential Development'.
13. The rezoning of the land to 'Residential Development' could be considered premature on the basis that the land is separated from the urban front, and does not include that land south of the subject land. It is also noted that there is continued expansion of Albany's suburbs in Bayonet Head, Yakamia, Little Grove, Big Grove, Lange and Gledhow which are expected to meet the majority of the demand for an increase of approximately 7,000 residents to the City within the next 10 years (based on current growth rates of 1.6% per annum). Beyond this timeframe it is expected that land to the north of Mercer Road, including the locality of Walmsley, will be required for residential expansion.
14. In 2007 when Council considered the Scheme Amendment Request proposal, the Department of Planning provided the following advice:

*"The site may be restricted in its use as residential land due to the close location to the existing rural and tourism activities, such as the strawberry farm and winery to the north that may need buffers from residential development due to spraying and other farm practices, and the current industrial zoning to the south. Detailed planning for the area may indicate the retention of these rural and tourism assets as the best option.*

*As such the proposal to have residential development in this area via the proposed Residential Development zone is very premature and should not be considered until much further down the line when that area including the strawberry farm and winery have fully comprehensive planning strategies developed for the area."*

15. The proposal would not play a significant role in meeting the short to medium term residential expansion requirements of the City, and if Council were not minded to support the amendment at this time, there would be no significant planning loss incurred.
16. The proposal seeks to rezone the land to 'Residential Development' and not 'Residential', which requires the preparation of a comprehensive Outline Development Plan before subdivision and or development can be considered. In this regard Clause 5.5 of Town Planning Scheme No. 3 requires an outline development plan to be undertaken over those areas contained within the Residential Development zone, *together with other areas determined by Council having regard to:*
  - c) *land holdings adjacent to or in the vicinity of the subject land.*
17. Any outline development plan for the subject land would need to include detailed planning over all of the land to the south, to tie in within the existing urban front and promote a coordinated approach to planning as advocated in the ALPS (the Department of Planning would also provide guidance on the land to be included in such a plan). This has been acknowledged in the amendment document.
18. In the interim period the land could continue to be utilised for its current use (grazing), with a zoning designation that reinforces and protects its future use for fully serviced urban development.
19. The opportunities and constraints plan contained in the amendment is consistent with Council's draft road hierarchy plan, as identified in the City's Local Planning Policy No. 1, being its Conceptual District Structure Plan, as the main north-south and east-west road connections have been identified. The land capability report has also identified that the land is capable of accommodating fully serviced residential development in the future.
20. Whilst the amendment may be considered premature given its distance from the urban front and the likelihood that residential growth within this area is unlikely to eventuate within the next 5 to 10 years, it does reinforce the future urban designation with the ALPS, providing adequate protection from inappropriate land uses in the intervening period which may compromise the future planning of the locality. The environmental investigations contained within the land capability report have identified that at this stage of the planning process the land can support fully serviced residential development into the future. As per Clause 5.5 of Town Planning Scheme No. 3, no development or subdivision can proceed unless a comprehensive Outline Development Plan is prepared, and in this case it would be essential that such a plan incorporate the land holding to the south to promote a coordinated outcome.

**GOVERNMENT CONSULTATION**

21. Due to concerns over the availability of servicing (water and sewer) and potential land use conflict with the established strawberry farm to the north of Lot 5498 Terry Road, the Amendment was referred to the Water Corporation and Department of Agriculture and Food (DAFWA) for initial assessment and comment.
22. The Water Corporation did not have any objection to the proposal and provided plans showing future sewer catchment areas and at a high level, possible arterial sewer routes and pump station locations. It has also advised that the proponent will be required to engage a consulting engineer to discuss with the Corporation the servicing of the area with water and wastewater services.
23. However, DAFWA raised significant concerns in relation to the proximity of the subject land to the strawberry farm and the lack of buffer zones or an adequate separation distance. It recommended that the most appropriate method of minimising potential land use conflict and subsequent complaints is to separate those uses by implementing buffer zones or specific separation distances within the area to be re-zoned.
24. DAFWA also highlighted that complaints about agricultural practices are often based as much on perception as reality, particularly in relation to chemical spray drift. Seeing or smelling the source of a potential nuisance may suggest or heighten the perception of a nuisance. Therefore, a suitable visual barrier between the development and agricultural land in the form of a vegetation screen can significantly reduce the level of complaint by minimising both the cause and the perception of a nuisance. It is noted that the EPA recommends generic separation distances of 300-500m for specific intensive agricultural and agri-food processing uses.
25. DAFWA has also commented on the importance of the strawberry farm as a local source of fresh produce and its contribution to local food security and economic activity in the Albany region and beyond. It has advised that the land consists of niche soil types and water resources, which are preferred specifically in the Albany area for intensive irrigated horticulture production, and that the irreversible loss of this land through rezoning from 'Rural' to 'Residential Development' would compromise the availability of suitable areas for irrigated intensive horticulture in the Albany region. DAFWA considers that the rezoning of this land would also set a dangerous precedent for the rezoning of similarly valuable land that could be used for agricultural purposes.
26. The Opportunities and Constraints Plan identifies the need for buffers from the strawberry farm and adjacent industrial development. The extent of those buffers would need to be identified in a future Outline Development Plan.
27. Should Council initiate the Amendment and the EPA decides not to assess the proposal, the Amendment will be referred to all relevant Government agencies for further comment.

## **PUBLIC CONSULTATION / ENGAGEMENT**

28. Should Council initiate the Amendment and the Environmental Protection Authority (EPA) decides not to assess the proposal, the Amendment will be advertised to all affected and surrounding landowners for comment. The amendment proposal will then come before Council to consider whether final approval should be considered.

## **STATUTORY IMPLICATIONS**

29. All Scheme Amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
30. Council's resolution under Section 75 of the *Planning and Development Act 2005* is required to amend the Scheme.
31. An Amendment to a Town Planning Scheme adopted by resolution of a Local Government must then be referred to the EPA for assessment.
32. If the EPA determines that the Amendment is environmentally acceptable advertising of the Amendment for public inspection then occurs for a period of 42 days.
33. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

## **STRATEGIC IMPLICATIONS**

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

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

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

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

36. Section 8.3.2 – *Urban Lot Consolidation and Staged Incremental Development* sets the following Strategic Objective:

*“Support the consolidation of serviced urban areas and facilitate staged fully-serviced incremental-development nodes.”*

The draft ALPS states that *“the benefits of incrementally-staged urban development are that it will:*

- *Establish a more sustainable urban form by minimising the development footprint and better protecting the environment.*
- *Manage growth to make it continuous, minimising urban sprawl or creation of disjointed communities.*
- *Retain agricultural land for productive uses.*
- *Maximise the use of existing infrastructure, services and facilities.*
- *Minimise distances and travel time between homes and education, retail, community and recreation services.*
- *Retain the current high levels of accessibility to the Albany City Centre.*
- *Promote greater participation in public and alternate transport options.*

*The ALPS supports incrementally-staged urban expansion based on comprehensive precinct and structure planning. The progressive development of the Future Urban areas has been classified into five Development Priority stages. The extent to which Future Urban areas are developed within the lifetime of the ALPS will be determined largely by population growth, employment opportunities, availability of infrastructure to service growth and the ability of the development and housing industry to satisfy market demand.*

*Priority 3 areas are logical extensions of the Priority 2 locations and/or existing urban areas and include parts of McKail, Gledhow, Warrenup, Walmsley and Big Grove. Priority 3 areas are expected to be rezoned with local structure planning undertaken in the near future. These areas are capable of producing lots within the medium-term”.*

37. The rezoning proposal in itself does not promote sustainable consolidated settlement growth, as identified in Section 8.3.1 and 8.3.2 of the ALPS, however the subsequent Outline Development Plan prepared over the land and the surrounding locality would need to be prepared taking the above matters into account to ensure a coordinated development. The staging of the subdivision and how it relates and integrates with the urban front would need to be addressed in such a plan.

## **POLICY IMPLICATIONS**

38. Council is required to have regard to any Western Australian Planning Commission Statements of Planning Policy (SPP) that apply to the scheme amendment. Any amendment to the Town Planning Scheme will be assessed by the Western Australian Planning Commission to ensure consistency with the following State and Regional Policies.

39. **SPP 1 – State Planning Framework**

The Policy establishes state-wide key land use planning principles and informs the Commission, Local Government and others involved in the planning process in relation to sustainable land use and development across the State. It is designed to ensure there is coordination and integrated decision-making across all spheres of planning.

SPP1 describes the factors which represent good and responsible decision-making in land use planning:

**“Environment**

*The protection of environmental assets and the wise use and management of resources are essential to encourage more ecologically sustainable land use and development. Planning should contribute to a more sustainable future by:*

- i. *promoting the conservation of ecological systems and the biodiversity they support including ecosystems, habitats, species and genetic diversity;*
- ii. *State Planning Framework Policy 5*
- iii. *assisting in the conservation and management of natural resources, including air quality, energy, waterways and water quality, land, agriculture and minerals, to support both environmental quality and sustainable development over the long term;*
- iv. *protecting areas and sites with significant historic, architectural, aesthetic, scientific and cultural values from inappropriate land use and development;*
- v. *adopting a risk-management approach which aims to avoid or minimise environmental degradation and hazards; and*
- vi. *preventing environmental problems which might arise as a result of siting incompatible land uses close together.*

**Community**

*Planning anticipates and responds to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities. Planning should recognise the need for and, as far as practicable, contribute towards more sustainable communities by:*

- i. *accommodating future population growth and providing housing choice and diversity to suit the needs of different households, including specialist housing needs, and the services they require;*
- ii. *providing land for a range of accessible community resources, including affordable housing, places of employment, open space, education, health, cultural and community services;*
- iii. *integrating land use and transport planning and promoting patterns of land use which reduce the need for transport, promote the use of public transport and reduce the dependence on private cars;*
- iv. *encouraging safe environments, high standards of urban design and a sense of neighbourhood and community identity;*

- v. *promoting commercial areas as the focus for shopping, employment and community activities at the local, district and regional levels; and*
- vi. *providing effective systems of community consultation at appropriate stages in the planning and development process.*

### **Economy**

*Planning should contribute to the economic well-being of the State, regions and local communities by supporting economic development through the provision of land, facilitating decisions and resolving land use conflicts. In particular, planning should provide for economic development by:*

- i. *providing suitable zoned and serviced land for industry, business and other employment and wealth generating activities;*
- ii. *protecting agricultural land resources from inappropriate uses;*
- iii. *avoiding land use conflicts by separating sensitive and incompatible uses from industry and other economic activities with off-site impacts;*
- iv. *promoting local employment opportunities in order to reduce the time and cost of travel to work;*
- v. *providing sites for tourism accommodation and facilities taking account of their special location and servicing needs; and*
- vi. *ensuring that plans and policies are clear and certain, decisions are made in accordance with plans and policies, and decisions are made expeditiously.*

### **Infrastructure**

*Planning should ensure that physical and community infrastructure by both public and private agencies is coordinated and provided in a way that is efficient, equitable, accessible and timely. This means:*

- i. *planning for land use and development in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes and essential services;*
- ii. *protecting key infrastructure, including ports, airports, roads, railways and service corridors, from inappropriate land use and development;*
- iii. *facilitating the efficient use of existing urban infrastructure and human services and preventing development in areas which are not well serviced, where services and facilities are difficult to provide economically and which creates unnecessary demands for infrastructure and human services; and*
- iv. *encouraging consultation with providers of infrastructure, to ensure they have regard to planning policies and strategic land use planning when making their investment decisions, in order to ensure that land use and development are closely integrated with the provision of infrastructure services.”*

The future Outline Development Plan would specifically need to focus on:

- assisting in the conservation and management of natural resources, including air quality, energy, waterways and water quality, land, agriculture and minerals, to support both environmental quality and sustainable development over the long term;
- preventing environmental problems which might arise as a result of siting incompatible land uses close together through the use of appropriate separation buffers;
- integrating land use and transport planning and promoting patterns of land use which reduce the need for transport; and
- protecting agricultural land resources from inappropriate uses through the use of appropriate separation buffers.

40. **SPP 3 – Urban Growth and Settlement**

SPP 3 sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.

The key policy objectives in SPP 3 are as follows:

- *“To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.*
- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*
- *To coordinate new development with the efficient, economic and timely provision of infrastructure and services.”*

The future Outline Development Plan would specifically need to focus on:

- promoting the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes; and
- coordinating new development with the efficient, economic and timely provision of infrastructure and services.

**RISK IDENTIFICATION & MITIGATION**

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Support for the rezoning proposal may give a false impression that the land can be developed in isolation, rather than as a collective whole, for fully serviced residential development.	Likely	Medium	Medium	Amendment document to identify that a comprehensive Outline Development Plan, including land to the south of the subject land, would need to be prepared prior to any subdivision or development being considered on the site. Council has the power under Clause 5.5 of Town Planning Scheme No. 3 to determine the boundary to which an Outline Development Plan applies.

**FINANCIAL IMPLICATIONS**

41. The appropriate planning fee has been received and staff has processed the application within existing budget lines.
42. Should Council support the Scheme Amendment, the proponent and other landholders in the locality would be responsible for preparing any outline development plan and extending services to the subject land at their cost.

**LEGAL IMPLICATIONS**

43. Section 75 of the *Planning Development Act 2005* allows Council to pass a resolution to amend its Town Planning Scheme.
44. Regulation 13(1)(b) of the *Town Planning Regulations 1967* allows Council to pass a resolution that it does not wish to proceed with an amendment to its Town Planning Scheme prior to the advertising of the amendment.

**ALTERNATE OPTIONS**

45. Council has the following options in relation to this item, which are:
  - To resolve to initiate the Scheme Amendment without modifications;
  - To resolve to initiate the Scheme Amendment with modifications; or
  - To resolve not to initiate the Scheme Amendment.

46. If Council believes the amendment is premature, the following alternate motion could be put by a Council member:

*That Council:*

- 1) *In pursuance of Regulation 13(1)(b) of the Town Planning Regulations 1967 resolves NOT TO PROCEED with Amendment No. 298 to Town Planning Scheme No. 3 for the purposes of:*
  - i. *Rezoning Lots 1, 2, 4925 & 5498 Terry Road, Walmsley from the 'Rural' zone to 'Residential Development' zone.*
- 2) *ADVISE the Western Australian Planning Commission that it does not wish to proceed with the amendment primarily on the basis that the proposed amendment is premature given the considerable distance of the land from the existing urban front and that there is an abundance of other land already identified to meet the short to medium residential expansion needs of the City.*

#### **SUMMARY CONCLUSION**

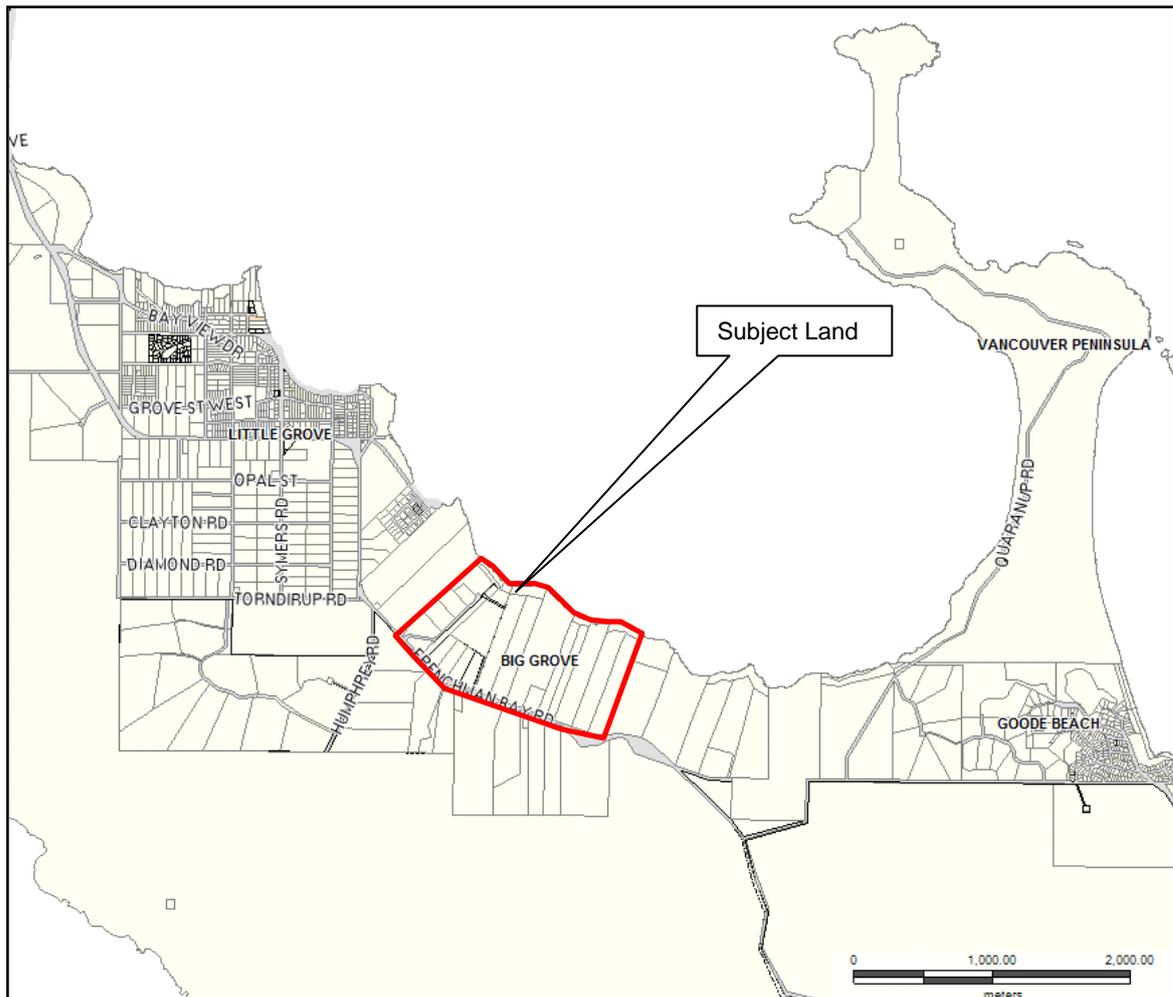
47. The subject land is identified on Map 9B of the ALPS for 'Future Urban' development. The amendment seeks to rezone the land to Residential Development, which requires the preparation of an Outline Development Plan to the satisfaction of Council and the Western Australian Planning Commission. Council has full control as to the boundaries of such a plan, which would need to include land to the south to Mercer Road, ensuring the development of the land is part of a larger coordinated precinct.

<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
<b>File Number (Name of Ward)</b>	AMD298 (Yakamia Ward)
<b>Previous References</b>	OCM 19/06/07 – Item 11.3.6 (SAR 116)

**2.2: PROPOSED OUTLINE DEVELOPMENT PLAN FOR BIG GROVE  
VERSION 2**

<b>Land Description</b>	: Lots 1, 2 (Diagram 032760), 2 (Diagram 020800), 2 (028985), 4, 6, 7, 16, 20, 21, 109, 110, 301-303, and 9000 Frenchman Bay Road and Lots 9-12, 17-18 Panorama Road, Big Grove
<b>Proponents</b>	: RPS Environment and Planning / Chappell Lambert Everett
<b>Owners</b>	: Various – refer Appendix 1.
<b>Business Entity Name/s</b>	: 1. Peet Tri State Syndicate Limited : 2. P & B Corporation Pty Ltd : 3. Panorama (WA) Pty Ltd
<b>Director/s</b>	: 1. Anthony W Lennon; Anthony J Lennon; Brendan D Gore : 2. Barry C Humfrey; Peter F Bell : 3. William P Dall
<b>Attachments</b>	: Attachment 1 - Outline Development Plan (map only) : Attachment 2 - Zoning Plan : Attachment 3 - Outline Development Plan (map only) showing modifications recommended in this report : Attachment 4 - DEC plan showing areas recommended for vegetation retention : Attachment 5 - Summary from proponent : Attachment 6 – Impact of Revised Coastal Setback : Attachment 7 – MP Rogers Report (2 August 2011)
<b>Appendices</b>	: Appendix 1 - Plan showing lots, owners and lot areas : Appendix 2 - DEC advice dated 8 April 2011 : Appendix 3 - Traffic Assessment (Report) Version 3 (Wood & Grieve) : Appendix 4 - Supplementary Frenchman Bay Road Review (Riley Consulting) : Appendix 5 - Schedule of Submissions
<b>Councillor Workstation</b>	: Outline Development Plan (updated version, to be read in conjunction with proposed modifications – disc available on request to Councillors and public) Updated Local Water Management Strategy – disc available on request to Councillors and public
<b>Responsible Officer(s)</b>	: E/Director Planning and Development Services (G Bride)

**Maps and Diagrams:**



**IN BRIEF**

- Council adopted an Outline Development Plan (ODP) for Big Grove estate at its December 2010 meeting for the purpose of initiating public advertising (refer OCM 14.10.2010 – Item 1.3)
- Advertising closed on 4 February 2011 and Council is to consider all submissions and whether changes to the ODP are required to address submissions.
- Council is to decide whether or not to adopt the Outline Development Plan (ODP) for final approval (with or without modifications).
- Should Council adopt the ODP it is to advise the Western Australian Planning Commission (WAPC) of its decision. Any ODP also requires endorsement by the WAPC.
- There is an outstanding issue as to the extent of the coastal setback that will be required by the Department for Planning Coastal branch and given the state government's position on this the matter should be determined by the WAPC.

**ITEM 2.2: ALTERNATE MOTION 1 BY COUNCILLOR DUFTY**

**MOVED: COUNCILLOR DUFTY**

**SECONDED: COUNCILLOR WELLINGTON**

**That Council make the following changes to the Officer Recommendation:**

- A. Delete Recommendation 1(e) being Modification 5, which currently reads ‘Outline portions of Lots 7 and 109 identified by the Department of Environment in red and include a notation “Area identified by the Department of Environment for public open space / vegetation retention. Area and land uses to be reviewed at subdivision stage with referral to the Environmental Protection Authority.”**
- B. Add the following advice note under Recommendation 5:**
- “iv) The submission from the Department of Environment and Conservation to retain vegetated portions of Lot 7 and 109 is not supported on the basis that:**
- The area of vegetation to be retained in public open space and within the foreshore reserve represents 34% of the vegetation found on the site (20 hectares).**
  - Significant linkages have been identified via Public Open Space areas A, B and C.**
  - The Albany Regional Vegetation Survey indicates that ‘Peppermint Low Forest’ as found on these lots and is well presented in secure tenure (in reserves such as Reserve 930 immediately to the south of the ODP) throughout the survey area.**
  - The proponent carried out targeted surveys for Western Ringtail Possums and found numbers were extremely low and that the retention of vegetation as suggested in the Outline Development Plan would be adequate to ensure the long term persistence of these and other fauna.**
  - There needs to be a balance in achieving good environmental outcomes whilst accommodating for the future expansion of the City.”**

**CARRIED 7-3**

**Record of Vote**

Against the Motion: Councillors D Bostock, J Bostock and Mayor Evans

**Councillor Reason:**

**Alternate Motion 1**

The proponent has identified significant portions of the subject land that will be retained as remnant vegetation. The vegetation on Lot 7 and 109 would be isolated and surrounded by residential development and be subject to animal and weed incursion and human activity. The surveys for the western ringtail possum identified extremely low numbers within this area. There are also two reserves either side of the ODP area that will provide areas of habitat for possums and other fauna that should be taken into account.

**ITEM 2.2: ALTERNATE MOTION 2 BY COUNCILLOR DUFTY**

**MOVED: COUNCILLOR DUFTY  
SECONDED: MAYOR EVANS**

**That Council make the following changes to the Officer Recommendation:**

- A. Modify Recommendation 2 (bullet point 9) which currently reads “*Section 9.16 to include a requirement that uniform fencing be provided along existing lot boundaries to protect the amenity of neighbouring landowners*” to the following:**

**Section 9.16 to include a requirement that uniform fencing be provided along existing lot boundaries to protect the amenity of neighbouring landowners and that in particular regard to Lot 6 Frenchman Bay Road, such uniform fencing should be erected as part of the first stage of subdivision along the full extent of the eastern (adjacent to Lot 7) and western boundary (adjacent to Lot 16) at the developers cost.**

**CARRIED 8-2**

**Record of Vote**

Against the Motion: Councillors Matla and Wellington

**Councillor Reason:**

Alternate Motion 2

The owner of Lot 6 will be in between the landholdings of the two main developers and therefore faces the prospect of having urban development on both sides. Such development without adequate fencing early in the initial subdivision stage has the potential to affect the privacy and security for this landowner and could result in trespass by persons wishing to access the school or future shops. The fence along the full extent of the property boundary will need to be built in any case and all the landowner is requesting is that the fencing along the entire lot boundary is undertaken with the first stage of subdivision, rather than through a staged approach.

**ITEM 2.2: ALTERNATE MOTION 3 BY COUNCILLOR DUFTY**

**MOVED: COUNCILLOR DUFTY  
SECONDED: COUNCILLOR WELLINGTON**

**That Council make the following changes to the Officer Recommendation:**

- A. Delete point (iii) under Recommendation 5 and replace with the following:**

**The City is not supportive of the additional 52 metre coastal setback being applied to the Outline Development Plan as requested by the Department of Planning (Coastal Branch) on the basis that the site is a sheltered shoreline and based on site specific analysis the proponents coastal engineers have determined that the existing foreshore reserve will adequately cater for a 0.9m increase in sea level.**

**CARRIED 8-2**

**Record of Vote**

Against the Motion: Councillors D Bostock and J Bostock

**Councillor Reason:**

**Alternate Motion 3**

An additional increase of 52 metres to the coastal development setback will have a detrimental impact on all landholdings adjacent to the Princess Royal Harbour. The proponent received approval from the Department of Planning (Coastal Branch) in 2009 for the current setback line, however at this late stage has advised that such approval is no longer applicable given a change in position of the Western Australian Planning Commission on sea level rise. It should be noted that the change in position has not been reflected in State Planning Policy 2.6 which still refers to a 0.38 metre factor rather than 0.9m. In any event the proponent's coastal engineers have undertaken a site specific analysis, applying the 0.9m sea level rise figure, which has indicated that the existing foreshore setback is appropriate given the sheltered nature of the shoreline.

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

**MOVED: COUNCILLOR WELLINGTON  
SECONDED: COUNCILLOR DUFTY**

**THAT the Responsible Officer Recommendation be ADOPTED, including the changes contained in Alternate Motions 1, 2 and 3 by Councillor Dufty.**

1. **Adopt the Big Grove Outline Development Plan for final approval subject to the following modifications being affected (as identified on Attachment 3):**
  - a) **Modification 1: Include a notation on Lot 17 which states “*Should the owner of Lot 17 wish to develop their landholding for residential purposes a re-zoning from ‘Motel’ to ‘Residential Development’ zone prior to any residential subdivision or development would be required. Any rezoning requires separate approval by the Minister for Planning.*”**
  - b) **Modification 2: Include a notation for the Village Centre which states “*A Detailed Area Plan is required for the Village Centre prior to development and shall be in accordance with the City of Albany Residential Design Code Policy with car parking in accordance with the City of Albany Scheme.*”**
  - c) **Modification 3: Include a notation for road widening which states “*Should a need for widening of the road reserve be identified, such widening will need to be accommodated north of Frenchman Bay Road (to meet the City requirements). Public Open Space schedule may require adjustment at subdivision.*”**
  - d) **Modification 4: Include a notation requiring “*Detailed Fire Management Plans shall be submitted with subdivision applications to the WAPC in accordance with ‘Planning for Bushfire Protection - Edition 2’.*”**
  - e) **Modification 5: Outline portions of Lot 7 and 109 identified by the Department of Environment in red and include a notation “*Area identified by the Department of Environment for public open space / vegetation retention. Area and land uses to be reviewed at subdivision stage with*”**

*referral to the Environmental Protection Authority.”*

- f) **Modification 6:** Show the southern portion of Lot 10 as ‘Residential’ with the P2 area as a ‘building exclusion area and ‘vegetation retention’ area with a note that *“The southern portion of Lot 10 shall be combined with one residential lot located outside of the P2 area (with no further subdivision potential).”*
- g) **Modification 7:** Include a notation identifying the need for intersection treatments to be designed in accordance with the Traffic Assessment Report at the subdivision stage.
- h) **Modification 8:** Change the density codes from R40 to R30, R20 to R17.5 and retain the R25 code except that a note be placed against the R25 code descriptor that the average site area shall be 400m<sup>2</sup> rather than 350m<sup>2</sup> as per Section 9.3 of the Outline Development Plan report.
- i) **Modification 9:** Tables 5b and 6 of Section 8.6 being modified to show Lot 10 Panorama Road, Big Grove contributing to a maximum of 10% Public Open Space.
- j) **Modification 10:** Place a notation on the Outline Development Plan to the following effect:

*“To the extent the creation of any road shown on the ODP requires any easement or other interest in that land to be extinguished, the proponent must at its cost (including any compensation that may be payable) arrange for the interest to be extinguished.”*

2. Require the following modifications to the Outline Development Plan report:

- **Section 5.3.1** to be amended to:
  - (i) delete the recommendation that any widening of the reserve associated with Frenchman Bay Road be to the south, and recognise that the City may require widening of the road reserve on the north side to be ceded free of cost at subdivision stage.
  - (ii) reference the findings of the amended Traffic Assessment Report.
  - (iii) include requirement that prior to subdivision a Local Planning Policy is to be prepared by the proponent and adopted by Council under Town Planning Scheme No. 3 to identify a cost contribution schedule for any required widening and upgrading of Frenchman Bay Road, inclusive of intersection treatments along its route, as per the amended Traffic Assessment Report (identified in Recommendation 3). The contributions will be proportionate to the total generation of traffic as identified in the Traffic Assessment Report and be calculated on a per lot basis.
- **Section 8.4.1** to be amended so that it is consistent with the amended 5.3.1 above.
- **Section 8.5.1** to include Lot 110 and Lot 6 as one of the retained lots to which this clause applies.
- **Section 8.6** to be amended with an updated POS schedule where widening affects the identified 5m public open space buffer.
- **Section 8.6** to clearly state that refined POS calculations will also be

provided as part of subdivision applications taking into account the traffic report, drainage and decisions on the areas identified by DEC for retention on portions of Lot 7 and 109.

- **Section 8.11** to reflect modification to Section 5.3.1 (contributions).
- **Section 9.3** to state that in relation to the R25 Code the ODP amends Table 1 of the R-Codes by increasing the average site area from 350m<sup>2</sup> to 400m<sup>2</sup>.
- **Section 9.4** to reflect modification to Section 5.3.1 (contributions).
- **Section 9.16** to include a requirement that uniform fencing be provided along existing lot boundaries to protect the amenity of neighbouring landowners.

**3. Require the following modifications to the Traffic Assessment Report:**

- The upgrading and widening of Frenchman Bay Road is to be based on the lot yield of 1000 lots (consistent with the lower lot yield scenario in the Report) on the basis of the reduction in density as identified by Modification 8 on Attachment 3.
- In addition to the intersection treatment upgrades identified for Chipana Road and Robinson Road the following intersections should also be considered for treatment, being:
  - i) Bayview Drive (south) - southern approach.
  - ii) Bayview Drive (north) - southern approach.
  - iii) Robinson Road - in both directions.
  - iv) Princess Avenue - in both directions.
  - v) Queen Street.
  - vi) Harding Road.
  - vii) Symens Street.
  - viii) Torndirrup Road.
  - ix) Lower Denmark Road and Hanrahan Road – interim intersection treatments.
- The identification of upgrade works (inclusive of intersection treatments above) and approximate upgrade costs being identified to assist in the preparation of a contribution policy. The staging of the works based on priorities at various traffic volume increases should also be identified.
- Based on the uncertainty over the timing associated with the Albany Ring Road extension, an interim intersection treatment is to be identified at both Hanrahan Road and Lower Denmark Road to the satisfaction of the City, in consultation with Main Roads WA.

**4. Formally refer the Outline Development Plan to the Western Australian Planning Commission (with a copy of this report and all Attachments) recommending endorsement subject to modifications following resolution of the required coastal setback and finalisation of the Local Water Management Strategy.**

**5. Advise the Western Australian Planning Commission that:**

- (i) The Local Water Management Strategy is being finalised and the ODP should not be endorsed until a revised Local Water Management Strategy is approved by the Department of Water and the City.
- (ii) The ODP has been referred to the Commission to consider the City's recommendations on modifications and allow for preliminary assessment at a state planning level. A number of issues will require discussion as they traverse the local government and state planning assessments.

- (iii) Although not previously raised as an issue during formal advertising, the City has received advice from the Department of Planning (Coastal Branch) that an increased coastal setback is now required reflective of WAPC adopting a change in sea level rise. The final WAPC position on the required coastal setback is currently uncertain, however ongoing discussions will occur between MP Rogers and the Department of Planning Coastal Planning branch. It is appropriate that this issue be resolved at a state planning level given that the City is not in a position to interpret the WAPC Policy position.
6. Adopt the Officer Recommendations in the Table of Submissions (Appendix 5) and advise all people and agencies that lodged a submission, and that copies of all submissions will be provided to the Western Australian Planning Commission.
7. Advise the proponent that:
- (i) The revised Local Water Management Strategy is not approved by the City as part of the Outline Development Plan documentation, and is to be approved in writing by the City and Department of Water. The Local Water Management Strategy is to clearly state that drainage for Lot 7 will be self contained and serviced by Public Open Space Areas area 'E' or 'F' in the north.
8. Advise the owners of Lot 6 that;
- (i) The Outline Development Plan acknowledges they are a non participating landowner, and Lot 6 is subject to future planning and a scheme amendment.
- (ii) A Public Open Space and drainage area is retained on Lot 6 in the Outline Development Plan, however can be further refined as part of future planning for Lot 6. Drainage for Lot 7 will be independent and the proponent has been requested to modify the Local Water Management Strategy to reflect this.
9. Advise the owners of Lot 17 that should they wish to develop the land for residential development a future scheme amendment / zoning change will be required.
10. Advise all owners within the Big Grove Outline Development Plan Area of the Council decision and that there are issues relating to coastal setbacks as follows;
- (i) Most landowners will be aware that coastal setbacks are applied through the Western Australian Planning Commission State Planning Policy No. 2.6 (SPP 2.6).
- (ii) A coastal setback report for Big Grove was compiled by the proponent (the initial report was drafted in 2007).
- (iii) In September 2009 the Department for Planning conditionally supported the setbacks recommended by the proponent subject to modifications. In correspondence the Department highlighted that SPP No 2.6 was under review, that the review would take some time, and that the current Policy Position identified a sea level rise figure of 0.38m over a 100 year timeframe. The letter foreshadowed that an increase to a Sea Level Rise value was likely, however (in 2009) could not be enforced under current Policy.
- (iv) The proponent's coastal report was revised in October 2009 and January 2010.

- (v) On 25 May 2010 the Western Australian Planning Commission (WAPC) adopted a Position Statement supporting use of a sea level rise (SLR) increase to 0.9m to 2110.
- (vi) The City consulted with the Department of Planning during advertising of the Big Grove Outline Development Plan (ODP), however no comments were lodged in regards to coastal setbacks. An agenda item on the ODP was originally scheduled for the June 2011 Council meeting.
- (vii) The City was contacted by the Department of Planning (Coastal Branch) on the 17 June 2011 advising that the coastal setbacks for Big Grove does not reflect updated the WAPC position on sea level rise. This advice was confirmed by email to the City on 20 June 2011 resulting in the withdrawal of the report on Big Grove from the June 2011 Council agenda.
- (viii) The Department of Planning advised that the total setback for the Big Grove ODP should be an additional 52 metres inland from the original setback line or to the 2.52 metre contour.
- (ix) City officers have met with Department of Planning (Perth) who indicated that the new SLR has been applied consistently since May 2010 throughout the state, however that discussions over setbacks can continue with the Coastal Branch. There appears to be some acknowledgement that there is scope to assess setbacks based on a case by case basis.
- (x) There will be ongoing discussions between the proponents and Department for Planning.
- (xi) The City is lodging the Big Grove ODP with the WAPC for assessment at the state planning level. A final position on the coastal setback required by WAPC is still to be determined.

**CARRIED 7-3**

**Record of Vote**

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

**ITEM 2.2: PROCEDURAL MOTION BY COUNCILLOR J BOSTOCK**

**MOVED: COUNCILLOR J BOSTOCK  
SECONDED: COUNCILLOR D BOSTOCK**

**THAT this matter be deferred.**

**LOST 3-7  
FOR BOSTOCK, BOSTOCK AND EVANS**

**Record of Vote**

For the Motion: Councillors D Bostock, J Bostock and Mayor Evans

**BACKGROUND**

***Location***

1. The area known as 'Big Grove' is located 6.5 kilometres south east of the Albany city centre across Princess Royal harbour. The subject land is approximately 120 hectares in area comprising of over 28 private lots. The Outline Development Plan (ODP) is included as Attachment 1.

***Relevant Scheme Amendments & initial EPA advice***

2. The western and eastern portions of the Big Grove Outline ODP area were rezoned to 'Residential Development' zone under Amendment 279 and Amendment 284 to the City of Albany Town Planning Scheme No 3 ('the Scheme'). Amendment 279 covered the western portion and Amendment 284 covered the eastern portion of the ODP area.
3. Both Scheme Amendments were referred to the Environmental Protection Authority (EPA) who decided that no formal environmental assessment was required, however the following advice was provided:
  - For Amendment 279 the EPA advised that in the event that any Ringtail possums or other significant fauna species are found on the site prior to any development, advice should be sought from Department of Environment and Conservation (DEC) regional office, and that advice should be complied with.
  - For Amendment 284 the EPA advised that remnant vegetation and fauna were not assessed although it contained significantly more native vegetation in excellent and very good condition than Amendment 279. EPA recommended that the ODP be modified in liaison with relevant authorities including DEC and Department for Planning so that key vegetation associations, fauna habitat and ecological linkages are retained where possible.
4. Both amendments have been gazetted. The fact that both Amendments have been approved by the Minister for Planning indicates that the land has been deemed suitable for some form of residential development however issues relating to the amount of vegetation to be retained were effectively deferred to the ODP stage and subject to advice of DEC.
5. There is no mechanism which allows the ODP to be referred to the EPA, however future subdivision applications can be referred to the EPA if vegetation issues remain unresolved.

***Current zoning***

6. The majority of private lots within the ODP are zoned 'Residential Development' under the Scheme with the exception of Lot 6 which is still 'Rural', and Lots 17-18 which are zoned 'Motel' – refer Attachment 2.
7. The objective of the 'Residential Development' zone is '*to facilitate the orderly and equitable development for residential purposes of areas where the existing subdivisional pattern, multi ownership, or other factors make this objective unobtainable by the normal methods of subdivision and development.*'
8. Even though Lot 6 is still zoned 'Rural' under the Scheme, the proponent has been requested to include it in the ODP area for strategic planning. A notation has been included on the ODP specifying that Lot 6 (central to the ODP) would require a scheme amendment, and that the landowner is non-participating.

9. The ODP allows for 'Residential' on Lot 17. A future scheme amendment will need to re-zone Lot 17 from 'Motel' to 'Residential Development' zone to facilitate any residential development (as a 'single house' and 'grouped dwellings' are not permitted in the existing 'Motel' zone). It is recommended that the ODP be modified to include a note reflecting this (Modification 1 – Attachment 3).
10. A plan showing the lot numbers, lot areas and ownership is included as Appendix 1.

### ***Surrounding zoning***

11. Land abutting Princess Royal Harbour (foreshore area) and land to the immediate east is reserved as 'Parks and Recreation' under the Scheme.
12. The majority of land to the south is zoned 'Rural' with the exception of Lot 19 and a portion of Lot 18 specifically zoned 'Special Site' as a caravan park under the Scheme. The Scheme reserves land to the west as 'Public Purpose', and Frenchman Bay Road as 'Important Regional Road'.

## **DISCUSSION**

### **Description of Outline Development Plan**

13. 'Peet Tri-State Syndicate Limited' (Peet) and 'P & B Corporation' have significant landholdings in the area and have commissioned the ODP.
14. A summary of the densities proposed in the ODP is detailed below;
  - a) The majority of the ODP area is proposed as Residential with an 'R20' coding. A minimum of 450m<sup>2</sup> and average of 500m<sup>2</sup> per dwelling applies to R20 under the Residential Design Codes ('R-Codes').
  - b) Larger rural residential lots are proposed in water protection (priority 2) areas and most contain existing dwellings.
  - c) Larger 'R10' densities are proposed along the western and eastern boundary of the ODP with an area for fire protection. For R10 densities a minimum of 875m<sup>2</sup> and average of 1000m<sup>2</sup> applies under the R-Codes.
  - d) An 'R25' density is proposed adjacent to areas of open space, a proposed school and near the foreshore. Originally these areas were proposed as 'R30' on the advertised version of the plan, with the density being reduced following advertising.
  - e) A primary school and Village Centre (R40-60) are proposed adjacent to Frenchman Bay Road on a main entry road.

### **Projected lot yield and population**

15. The proponent has advised that there is strong market demand for larger lots between 550m<sup>2</sup> and 750m<sup>2</sup>. They do not expect a high demand for smaller lots and have provided estimated lot yields based on predicted demand.

16. The table below summarises the proponents 'predicted' lot yields compared with the maximum yield permissible under the Codes (shown on the ODP).

Lot type (as advertised)	Net Residential Area (hectares)	Average lot size (suggested by proponent)	Total lot yield (suggested by proponent)	Average Lot size (as per R Codes)	Total yield (based on R Codes)
R10	5.43ha	1500m <sup>2</sup>	36	1000m <sup>2</sup>	54
R20	48.48ha	670m <sup>2</sup>	723	500m <sup>2</sup>	969
R30	5.97ha	400m <sup>2</sup>	149	300m <sup>2</sup>	199
R40	2.48ha	300m <sup>2</sup>	82	220m <sup>2</sup>	112
Rural Residential	3.29ha	N/A	4	N/A	4
Totals			994		1338

Table – Maximum potential lot yields

17. The proponent was required to include figures on the maximum potential lot yield based on the density codes shown on the ODP. The City does not have control over implementing the lesser densities suggested once an ODP is approved by the Western Australian Planning Commission.
18. The financial viability of the lot yield will be examined by the developer / owners having regard for costings at the detailed design and subdivision stage.
19. Given the traffic implications associated with the higher lot yield as discussed within Paragraphs 38 to 51 below, it is recommended that the densities are modified to ensure the maximum lot yield potential is reduced to be more in keeping with the lot yields as suggested by the proponent. To this end the following density changes are proposed:
- a) R20 density code (average 500m<sup>2</sup> per lot) being changed to the R17.5 density code (average 571m<sup>2</sup> per lot);
  - b) R40 density code (average 220m<sup>2</sup> per lot) being changed to the R30 density code (average 300m<sup>2</sup> per lot); and
  - c) R30 density code (average 300m<sup>2</sup> per lot) being changed to the R25 density code (with the average lot area being increased from 350m<sup>2</sup> to 400m<sup>2</sup>).
20. The change to the average lot size for the R25 Code can be achieved via a modification to the density provisions in Section 9.3 of the Outline Development Plan. Table 3 and Clause 5.8(c) of the Scheme allow an endorsed Outline Development Plan to set the density of development and vary provisions of the R-Codes accordingly.
21. The three changes to the density as identified in Paragraph 19 above will reduce the maximum lot yield by 216 lots (from 1338 lots to 1122 lots) over the whole ODP area. The worst case scenario of 1122 lots would only be achieved if all landowners (including non-participating landowners) developed their land to its full development potential, seeking the minimum lot sizes contemplated by the R-Codes. In this regard, the WAPC's 'Liveable Neighbourhoods' document, under Element 1 - Community Design (page 3) states:

*“In Western Australia the usual way of designating proposed residential density on structure plans has been by specifying an R-Code (eg. R20) across a defined area. This has only served to specify a maximum density and often what is built is much less than coding permits.”*

22. Staff's original view of substituting the R20 code with an R15 Code was based fundamentally on traffic management grounds. It is also important to consider the planning merits of density which promotes the efficient use of local services such as the future school, local centre and tourist node and the effective use of infrastructure, particularly the provision of reticulated sewerage. It is noted that the typical suburban density within Albany is R20, which is the minimum recommended density identified within the WAPC's 'Liveable Neighbourhoods' document for fully serviced urban areas.
23. The application of the R17.5 code over those areas identified as R20 on the advertised version of the ODP, is likely to achieve the anticipated yield of 1000 lots. The additional 122 lots contemplated under the R17.5 code is likely to be compensated for by the current demand by purchasers for larger lots and the clear desire of several non-participating landowners to retain a large homestead lot in excess of 1 hectare.
24. The application of an R17.5 code is a compromise position which accommodates a reasonable density, albeit below the standard residential density, whilst ensuring anticipated traffic volumes are not likely to be excessive.
25. The three changes in density as identified in Paragraph 19 above (and included in the table below) will ensure the potential lot yield under the R-Codes is reduced significantly and is relatively consistent with the average lot sizes promoted by the proponent. The reductions in density also addresses in part the concerns raised through several public submissions about the level of density identified on the advertised ODP.

Lot type (as advertised)	Suggested Lot type	Net Residential Area (hectares)	Average lot size (permitted under R-Codes)	Total maximum lot yield
R10	R10	5.43ha	1000m <sup>2</sup> , however based on a minimum frontage of 20 metres and a 70 metre depth, to cater for fire separation of 40 metres, lots of around 1500m <sup>2</sup> are likely to be achieved.	36
R20	R17.5	48.48ha	571m <sup>2</sup>	849
R30	R25	5.97ha	350m <sup>2</sup> (average to be modified by ODP to 400m <sup>2</sup> )	149
R40	R30	2.48ha	300m <sup>2</sup>	82
Rural Residential		3.29ha	N/A	4
<b>TOTAL</b>				1122

26. The above table does not include the removal of the northern part of Lot 7 from residential development as per Modification 5, which will produce a further reduction of approximately 45 lots. The imposition of the additional coastal setback if required by the Western Australian Planning Commission, will also have a significant impact on lot yield.

**Proposed Village Centre**

27. The ODP includes a Village Centre adjacent to the proposed primary school. Development within the Village Centre may comprise residential and / or commercial uses (in accordance with the Residential and Local Shopping Zone provisions of the Scheme), shall be restricted to 3 storeys in height and shall be required to accord with a Detailed Area Plan (DAP) approved for the site.
28. The ODP complies with the City of Albany Residential Design Code Policy (recently renamed as the 'Big Grove and Emu Point Village Centres' Policy) with the exception that it is not located centrally to the site. This location of the village centre adjacent to Frenchman Bay Road was discussed in the Council Report of 14 December 2010; it was considered that in order for a centre to remain viable it needed to be located in a highly visible location for passing motorists.
29. It is recommended that a note be included on the ODP to make it clear that a Detailed Area Plan is required and carparking for future development should comply with the Scheme (Modification 2 – Attachment 3).

**Open Space**

30. In accordance with the Western Australian Planning Commission's 'Liveable Neighbourhoods' document an application for a structure plan approval must be accompanied by a public open space schedule identifying the total site area, less deductions, the gross subdivisible area, the 10 percent public open space contribution and the restricted use public open space allocation.
31. Open space may be provided in the form of land, cash in lieu of open space, or a combination of both.
32. The primary focus of the ODP is on the foreshore, however this is supported by a series of secondary local parks and areas of vegetation retention spread throughout the ODP. A major corridor has been provided between remnant vegetation to the east of the ODP, through Lot 1 and to the foreshore. A five metre Public Open Space strip has been provided along Frenchman Bay Road and open space is linked with pedestrian and bicycle paths.
33. The Western Australian Planning Commission may allow inclusion of 'restricted open space' provided it is useable for recreational purposes. Restricted open space can include urban water management areas such as swales and detention areas provided that;
  - a) The area is not subject to inundation more frequently than a one year average recurrence interval rainfall event and does not present a safety hazard;
  - b) The area of the swale is contoured, unfenced and grassed and / or landscaped;
  - c) The area forms part of an appropriate management plan.
34. The proponents have provided a detailed open space schedule which demonstrates that there is an overprovision of open space based on the developable ODP area. A total of

around 12.17 hectares of open space is indicated (excluding additional foreshore reserve), representing 13 percent of the Nett Residential Area.

35. A summary of open space is included below;

Owner	Lot No.	Area (ha)	Total Deductions	Nett Developable Area	POS required (ha)	Nett POS provided (ha)	Total provided (credited – includes unrestricted and restricted POS)
Peet	Various	57.48	8.86	48.626	4.86	5.41	5.41
Vasiliu	2	9.43	0.34	9.09	0.91	1.09	1.09
Campbell	2	2	0	2	0.2	0.057	0.057**
P & B	Various	20.46	1.026	19.431	1.94	2.93	2.93
Kirby (Rural zone)	6	9.39	0.56	8.83	0.88	0.76	0.76**
Hillis	10	2.86	0.26	2.6	0.26	0.32	0.32
Leckie	12	2.32	0.2	2.12	0.21	0.077	0.077**
Kelly (Motel zone)	17	1.36	0.06	1.30	0.13	0.065	0.065**
Steane	303	2.5	0	2.5	0.25	1.138	1.138
Roberts	9000	2.4	0	2.4	0.24	0.169	0.169**
					9.89	12.026	12.026

Notes: - \*\* balance to be paid as cash in lieu  
- Does not include Public Open Space for rural residential lots in P2 area

36. The majority of the existing lots will independently meet the 10% open space requirements in the form of land. There is a shortfall of open space based on individual lot areas for Lot 2 (Campbell), Lot 12 (Leckie), Lot 6 (Kirby), Lot 17 (Kelly) and Lot 9000 (Roberts). In these cases the balance of the open space will be required to be provided in the form of cash in lieu at subdivision stage; this has been included as a notation on the ODP.

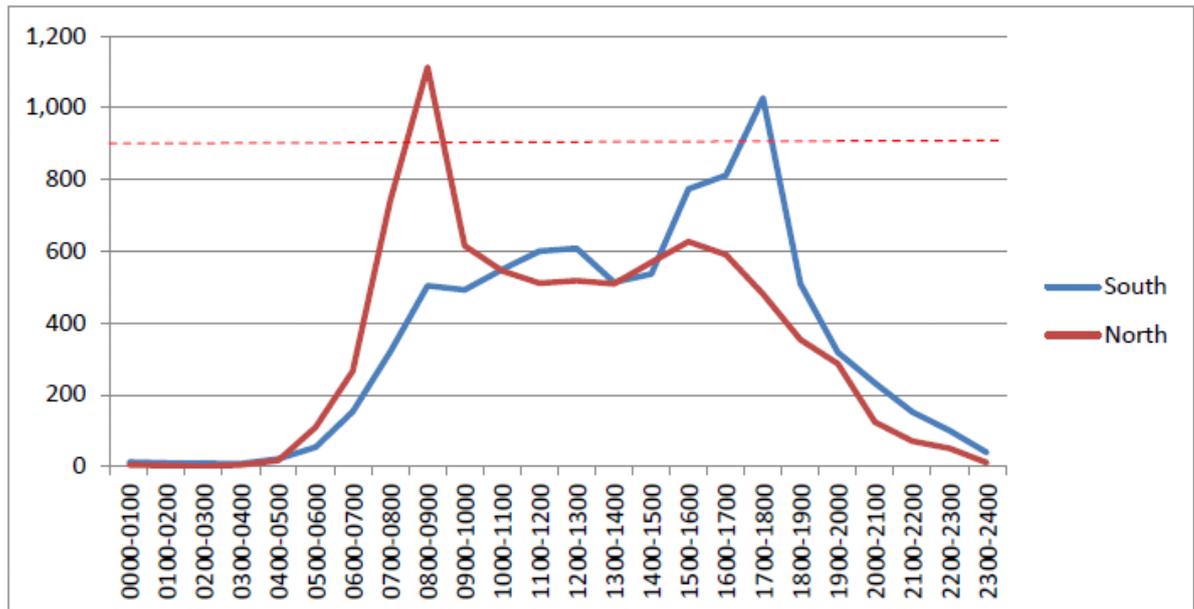
37. If the City requires road widening north of Frenchman Bay Road then the Public Open Space Schedule will require adjustment. The 5 metre Public Open Space strip along Frenchman Bay Road does not provide for actively useable open space areas and its main asset was retention of existing vegetation. Any additional shortfall can be offset by means of cash in lieu and the money utilised for expenditure on surrounding Public Open Space areas in the ODP area.

### **Traffic**

38. The ODP was advertised for public comment based on the understanding that a Traffic Assessment Report would be lodged during this time. In December Council resolved that that it 'will not consider formal adoption of an ODP for Big Grove unless it is satisfied with the traffic report results and that road widening has been addressed' (refer OCM 14.10.2010 – Item 1.3).

39. A Traffic Assessment Report was lodged by the proponent in accordance with the above resolution and has been reviewed by the City's Works and Services Department and Main Roads WA. The initial version has been modified after concerns were expressed from both the City and Main Roads WA about the traffic generation rates anticipated per lot, the accuracy and methodology surrounding traffic counts, and the assumptions on the level of service for Frenchman Bay Road. Since this time the traffic generation rates have been agreed at 6.8 vehicles per day for each lot and the level of service values have been refined and updated.
40. The updated traffic report (Version 3) is found within Appendix 3 and identifies that based on a predicted lot yield of approximately 1000 lots, and taking into account other developments within the area and a general increase in tourist traffic, road widening and upgrading would be required along Frenchman Bay from Little Grove to Hanrahan Road by the year 2030 (involving widening of each lane from 3m to 3.5m). Such widening can be accommodated within the existing road reserve. If however the traffic generation rates are applied to the maximum lot yield of 1,338 lots the northern end of Frenchman Bay Road (from Princess Avenue, but possibly as far south as Chipana Drive, to Hanrahan Road) would potentially need upgrading to a dual carriageway (four lanes) by 2030 to maintain a suitable level of service as recommended in Austroads (road engineering standards). The creation of in excess of 1007 lots at Big Grove, in addition to general increases in traffic and additional developments in the area to 2030, is deemed to be the point where Frenchman Bay Road would need to be upgraded to a dual carriageway to maintain an adequate level of service, free from congestion and regular delays in peak traffic periods.
41. There may be insufficient width within the existing Frenchman Bay Road reserve to cater for a dual carriageway without the resumption of a significant portion of private land on the western side of Frenchman Bay Road. The construction of a dual carriageway would be unacceptable to landowners concerned and would have an adverse impact on the visual amenity of the area. It is recommended that measures be undertaken to reduce the potential maximum lot yield identified under the R-Codes as per Modification 8 of the officer recommendation, and therefore the application of the lower yield scenario is supported.
42. The report includes a review of the existing intersections along Frenchman Bay Road through to Hanrahan Road, and whether further intersection treatment would be required by 2030. The report has identified that Chipana Road (deceleration lane) and Robinson Road (formalised auxiliary lane) would need upgrading. Council's Works and Services Department have reviewed the existing intersections and believe additional treatment will be required at Bayview Drive South (southern approach), Bayview Drive North (southern approach), Robinson Road (both directions) and Princess Avenue (both directions). Additional commentary on the Hanrahan Road and Lower Denmark Road intersections is made in Paragraph 44 below.
43. Along that section of Frenchman Bay Road fronting the ODP area all intersections (including the existing Panorama Road) will require left-in deceleration lanes, slight widening of the exiting lane to cater for right turning vehicles and a minimum queue length of 3 vehicles for exiting vehicles. These works in addition to any works within Frenchman Bay Road fronting the ODP area will be carried out by the proponent at their full cost at the subdivision stage and is supported by the City's Works and Services Department.

44. The Report has identified that the intersection of Frenchman Bay Road and Hanrahan Road would not have the capacity to provide an acceptable level of service for vehicles turning right from Frenchman Bay Road onto Hanrahan Road during morning peak periods by 2030, regardless of whether the Big Grove development proceeds. The Report however identifies that the traffic generated by the Big Grove development would result in an unacceptable level of service for right turning vehicles in the PM peak hour from Hanrahan Road. Whilst the Albany Ring Road extension would resolve this intersection issue, Main Roads WA have advised that this extension is only at the preliminary design stage and its timing for implementation is unknown. Main Roads WA is concerned that in the mean time as the Big Grove area develops this intersection will be placed under increasing pressure. Main Roads WA has not historically accepted developer contributions in the Great Southern for the upgrading of its assets, and are likely to request the upgrade of this intersection at the subdivision stage at the proponents full cost; despite the fact that the intersection is likely to require upgrading in the near future even if this proposal did not proceed.
45. In order to ensure fair and equitable contributions are made from the proponents to the upgrade and widening of Frenchman Bay Road and associated intersections along its route, it is recommended that the Traffic Assessment Report be amended to encapsulate the upgrading of several intersections as identified above (with particular importance to the Lower Denmark and Hanrahan Road intersections) and include costings of all such works. The amended Report will then form the basis on which to formulate a contribution policy. It is considered reasonable that contributions for improvement works will be based on the proportionate level of traffic generated by the ODP versus the total traffic generation as identified in the Traffic Report.
46. An additional supplementary traffic report for Big Grove was lodged on the 6 July 2011 by Riley Consulting (a specialist traffic engineer). The supplementary report provides a number of scenarios based on different trip rates (the existing trip rates on Frenchman Bay Road is around 4 trips per day based on the existing number of dwellings and the current traffic figures). The worst case scenario, predicts that Frenchman Bay Road will have a peak period demand greater than deemed capacity in the peak direction of flow for two periods during the day. During the remainder of the day the hourly volume would be well within the road capacity and an acceptable level of service would exist. Graph 1 below details that at the full build out scenario (using the higher vehicle trip rate of 6.8 trips per dwelling) the level of service would exceed acceptable standards (where traffic exceeds 900 vehicles per lane) during peak periods.



**Graph 1 Frenchman Bay Road Future Traffic Profile 2030 (16,452vpd)**

47. Based on the worst case scenario, the supplementary Traffic Report concludes that duplication of Frenchman Bay Road would only benefit traffic in the peak hour, therefore may not be warranted due to costs. Instead the report recommends that Frenchman Bay Road be widened similar to that identified within the Wood and Grieve Report, that upgrading of the Frenchman Bay Road/Hanrahan Road intersection be considered, and that provision of right turning lanes at key intersections on Frenchman Bay Road be undertaken.
48. The Riley report identifies that developer contributions towards upgrading should be considered. It is recommended that the contribution schedule be adopted as a local planning policy under Town Planning Scheme No. 3 prior to subdivision within the ODP area. An amendment to Sections 5.3.1, 8.4, 9.4 and 8.11 of the ODP to reflect this requirement would be needed as identified in the responsible officer recommendation.
49. It is acknowledged that the information in the supplementary Traffic Report supports a lessening need for any dual carriageway in Frenchman Bay Road adjacent to the ODP area. Notwithstanding the above a conservative approach is recommended to simply flag by notation on the ODP that 'should a need for widening of the road reserve be identified, such widening will need to be catered for on the northern side of Frenchman Bay Road', as it is less practical and feasible for significant widening to occur to the south as the land would need to be acquired at the City's cost and the land is largely rural.
50. The notation on the ODP means that if any widening is required for turning lanes, a central median / boulevard, paths or services, the issue is clearly addressed.
51. As per Paragraph 103, Council has the option of requesting the Traffic Report be amended and updated prior to granting final approval to the ODP, however as the road upgrading requirements do not affect the design of the ODP and the deficiencies in the Traffic Report will be addressed through the modifications identified, deferral of the ODP is not recommended by staff.

**Drainage**

52. Drainage has also been examined by the proponents. Engineering drawings will be re-examined at subdivision stage although the level of detail provided is considered sufficient to support the ODP.
53. The ODP has been divided into a number of drainage catchments. There have been some discussions with the proponent over drainage for Lot 7 as;
  - a) The advertised ODP relied on drainage areas shown on Lot 6 and the proponents were advised that drainage for Lot 7 should be self contained.
  - b) The owners of Lot 6 have objected to drainage for Lot 7 being directed to their land (refer Submission 14).
  - c) Staff have met with proponent's engineers (April 2011) who confirmed that the POS area 'E' or 'F' in the north of Lot 7 has sufficient area to cater for drainage of Lot 7. This will be reflected in a revised LWMS. In addition the City's Works and Services Department has agreed that drainage does not have to attenuate the 1 in 10 event with there being no downstream infrastructure to protect.
  - d) A POS / drainage area is still shown on the ODP for Lot 6 however a marginal reduction can be considered at subdivision stage. Alternatively the owners of Lot 6 could pursue a modification to the ODP when the land is re-zoned (as it is currently Rural).

**Foreshore Reserve and Coastal Setback**

54. The foreshore areas on the ODP are greater than those reflected by 'Parks and Recreation' reservations under the Scheme. The delineation was largely determined by the State Planning Policy (SPP No. 2.6) relevant at the time of the initial setback assessment in 2007.
55. In September 2009 the Department for Planning conditionally supported the setbacks subject to modifications. In correspondence the Department highlighted that SPP No 2.6 was under review, that the review would take some time, and that the current Policy Position identified a Sea Level Rise figure of 0.38m over a 100 year timeframe. The letter foreshadowed that an increase to a Sea Level Rise value was likely, however could not be enforced under current Policy (in 2009).
56. On 25 May 2010 the WAPC adopted a Position Statement supporting use of a sea level rise increase to 0.9m to 2110. SPP No. 2.6 remains under review and still includes reference to a sea level rise of 0.38m.
57. The City consulted with the Department of Planning during advertising. No comments were lodged by this Department in regards to coastal setbacks.
58. An agenda item on the ODP was originally scheduled for the June 2011 Council meeting. The City was contacted by the Department of Planning (Coastal Branch) on the 17 June 2011 advising that the coastal setbacks for Big Grove do not reflect the updated WAPC position on Sea Level Rise. This advice was confirmed by email to the City on 20 June 2011 resulting in the withdrawal of a report on the Big Grove ODP from the June 2011 Council agenda.

59. Initial advice from Department of Planning was that the total setback for the Big Grove ODP should involve the original setback plus an additional 52 metres or to the 2.52 metre contour. If the increased setbacks are imposed it will have significant implications for existing dwellings and the design of the ODP (refer Attachment 6).
60. Officers from the City of Albany and Gray & Lewis have met with Department of Planning officers in Perth, and relevant Big Grove consultants, to discuss the coastal setback issue. The Department's Coastal Planning Officers have expressed a reasonably strong preference to apply the increased Sea Level Rise (SLR) figure and a conservative setback. They indicated that there is currently a poor understanding of estuary behaviour and the 'precautionary principle' should therefore be applied.
61. Notwithstanding the above, the Department of Planning officers have acknowledged that the SLR is based on an open coast with ocean waves, and that there is some scope to consider setbacks based on an individual case as long as there is sufficient scientific or factual analysis including information such as impact of a 1 in 100 storm event, wind records etc. The Estuary is protected and has reduced wave energy.
62. Whilst Council has an obligation to have regard to State Planning Policies, it is difficult in this circumstance given the current State Planning Policy 2.6 still refers to the 0.38m sea level rise figure, and the updated 'position' has not yet been incorporated into Policy, which is under review.
63. Having been through an extensive assessment and public consultation process, it is recommended that the Outline Development Plan be adopted for the purpose of lodgement with the WAPC, with the coastal setbacks being recognised as the one outstanding issue. It is considered that the City is in no position to try and adjudicate any agreement between the proponent and the Department of Planning, given the technical nature of coastal setbacks and specialised expertise of coastal engineers.
64. A report from the proponent's coastal engineer can be found at Attachment 7. The report concludes that provided the elevation is appropriate to prevent inundation, the 38m allowance within the proposed setback is sufficient to allow for potential changes as a result of a 0.9m rise in sea level, and would include an allowance for uncertainty. It should be noted that this report will be considered by the Department of Planning in deciding whether the additional 52 metre setback is required.

### **Fire Management**

65. A Fire Management Strategy for the ODP was developed in accordance with 'Planning for Bushfire Protection' Edition 1 by a professional fire consultant (in consultation with the City and the Fire and Emergency Services Authority).
66. In summary the strategy advised as follows;
  - a) The road layout meets the requirements however each subdivision stage will need to have two egress points (to Frenchman Bay Road).

- b) The western and eastern boundaries of the site (adjoining areas of remnant vegetation) need to be provided with a 40 metre setback to incorporate a 20 metre building separation zone and 20 metre hazard separation zone. Building separation zones and hazard separation zones should be provided at subdivision stage.
  - c) A more detailed Fire Management Plan will be provided at the subdivision stage and be updated to reflect Edition 2.
67. Since development of the broad Fire Strategy, new 'Edition 2 – Planning for Bushfire Protection' guidelines have been released. Liaison with the Fire Consultant has revealed the existing overall Fire Management Strategy is sufficient for the ODP as the fire setbacks will not change.
68. The more detailed Bush Fire Management Plans for subdivision will be updated to reference Edition 2. It is recommended that the ODP include a notation requiring '*Detailed Fire Management Plans shall be submitted with subdivision applications to the WAPC in accordance with 'Planning for Bushfire Protection' Edition 2*' - (Modification 4 – Attachment 3).

#### **GOVERNMENT CONSULTATION**

69. The ODP was been referred to the Department of Environment and Conservation (Perth Branch), Fire and Emergency Services Authority, Department of Water, Department of Transport, Main Roads WA, Department of Education and Training, Water Corporation, Department of Planning; Western Power, Telstra, Department of Health, Department of Indigenous Affairs, Department of Housing and Works, Department of Mines and Petroleum and Department of Agriculture and Food WA.
70. Thirteen government authorities, agencies or service providers lodged submissions on the ODP as summarised in a schedule with officer recommendations – Appendix 5.
71. Coastal setback issues recently raised by Department of Planning are outlined in sections 49-58 above. The following main issues relevant to the ODP and government consultation are discussed in detail below;

#### **Areas for Vegetation Retention**

72. In considering environmental issues such as vegetation and fauna largely it is noted that:
- a) The EPA did not assess these issues 'up front' as part of the amendment process so they have become major issues for the ODP.
  - b) There has been an ongoing difference of opinion between the view of the proponents' environmental consultant and the view of the Department of Environment and Conservation.
  - c) The City may choose to rely on the Department of Environment and Conservation's expertise, however there is still discretion over environmental issues.
  - d) The City does not have environmental science expertise and can only provide a planning perspective.

73. The ODP includes areas of remnant vegetation and potential fauna habitat. It is noted that:
- On behalf of the proponent, environment consultants conducted vegetation surveys of the subject land in October 2006, September 2007 and November 2007. Additional survey work was conducted in 2009 to respond to advice from the EPA on the scheme amendment.
  - Fauna studies were also undertaken in 2006 (Level 1 fauna assessment) and 2007 which identified some potential for a limited number of significant species to be present or to utilise the site, including Carnaby's and Baudin's Cockatoos, Western Archaeid Spiders, Carpet Pythons, White-bellied Sea Eagles (in the karri stands on Lots 1 and 110) and the Rainbow Bee-eater. In consideration of Amendment No. 284 the EPA recommended that specific fauna surveys be conducted and include Western Ringtail Possum, Mains Assassin Spider and the Carpet Python.
  - The proponent has indicated that they discussed a methodology for additional fauna survey work (February 2010) with the Department of Environment and Conservation (Albany), followed the agreed methodology, however the Department were not satisfied, but have not provided any alternative agreed study methodology.
74. In the ODP report it notes that the proponent's environmental consultant "*considers that Western Ringtail Possums (WRP) are present in low numbers in the ODP area, where there is suitable habitat.*" The environmental consultants have made a number of recommendations to manage any fauna movements, which have been incorporated into the ODP design. Some measures include;
- Retention of areas of very good to excellent quality vegetation in the foreshore area, POS Areas A, B & C that provide suitable Western Ringtail Possum habitat.
  - The Foreshore Management Plan proposes that existing vegetation be retained and that most of the existing cleared areas of foreshore be replanted with local native plant species, including peppermint, which would be suitable as Western Ringtail Possum habitat. Corridor is 80m by 1.3km long.
  - Retention of vegetation and replanting of a 5m vegetated buffer (with peppermints included) along Frenchman Bay Road.
  - Retention of trees and understorey, where possible, within other areas of Public Open Space.
  - Introduction of landscaping incentives for new landowners which prescribe the use of local native plant species, with a focus on Peppermint trees and local understorey species.
  - Streetscaping to provide linkage at the road reserve level, with a focus on the planting of peppermint trees.
75. The ODP was referred to the Department of Environment and Conservation for comment and a submission lodged on the 11 March 2011 (Submission 32). The Department of Environment and Conservation indicated that;
- (i) The corridor link on Lot 1 should be widened; and

- (ii) Additional vegetation protection POS should be provided in the northern sector of Lot 7 and a small amount of Lot 109.
76. A meeting was arranged with the Department of Environment and Conservation officers to clarify the exact areas on the ODP requested for retention, as there was some ambiguity over whether the area on Lot 7 traversed the proposed east-west road. In discussions the Department of Environment and Conservation indicated that it made its comments under the assumption that the City had environmental expertise and would make the final decision. The City advised it would largely be guided by the Department of Environment and Conservation and had insufficient expertise to adjudicate a position between the Department of Environment and Conservation and the proponents' environmental consultants.
77. The Department of Environment and Conservation were requested to provide amended concise advice and an amended submission was lodged on the 8 April 2011 (refer Submission 33 and Appendix 2). The Department of Environment and Conservation considers it has provided significant compromise in its amended advice:
- (i) it will accept the link as proposed through Lot 1 as long as there is a clear commitment to retaining vegetation in POS areas A and C.
  - (ii) it recommends the portion east of the proposed road on Lot 7 and a portion of Lot 109 should be retained for Western Possum habitat – Attachment 4.
- *Note: The section referred to by DEC is actually north of the proposed road.*
78. An additional meeting was held with the Department of Environment and Conservation and the proponents on 18 April 2011 to discuss vegetation issues, and the Department of Environment and Conservation has re-affirmed that it stands by its position outlined in its letter dated 8 April 2011. A number of issues were discussed at the meeting (refer discussion points raised below), and whilst the views of the Department of Environment and Conservation are respected and have been accepted via Modification 5 to the Outline Development Plan (in the responsible officer recommendation) staff do have some reservations as identified in the comments below.

Discussion Points	Comments
<p>DEC has indicated that once areas are disturbed (ie subdivision site works) possums will temporarily move out of the area into surrounding habitat, and may have some territorial repositioning. This means the possums do not have to be trapped prior to site works commencing.</p>	<p>It is understood that some possums may move back into the vegetation areas to be retained and some of the vegetation retention areas are aimed to providing habitat.</p> <p>The portion of Lot 7 and 109 identified by Department of Environment and Conservation are adjacent to a major road which represents some conflict. Unless Department of Environment and Conservation is prepared to manage the new open space it represents additional land for the City to maintain.</p>
<p>It is important to provide vegetation corridors that link the foreshore to Torndirrup National Park to the immediate south. This will provide habitat and for safe movements.</p>	<p>The importance of vegetation corridors is recognised. The vegetation corridor on Lot 1 will provide a link between the foreshore and Torndirrup National park. The majority of vegetation will be retained with the exception of some clearing for drainage.</p> <p>The vegetation retention suggested for portions of Lot 7 and 109 will not provide a vegetation link and staff are concerned that encouraging possums into this area could make them more susceptible to conflict through contact with predators, such as cats.</p> <p>Department of Environment and Conservation does acknowledge that the road corridor will have a significant impact on the value and integrity of vegetation on Lot 7. Staff considers the vegetation link on Lot 1 to be of greater importance.</p>
<p>DEC advised that they can take into consideration surrounding habitat areas in their assessment.</p> <p>DEC were asked how the values of vegetation on adjacent Reserve 930 were taken into consideration. DEC has advised they have not taken Reserve 930 into account as the EPA advised that environmental values need to be achieved in the ODP area itself as there is no statutory planning mechanism</p>	<p>It is acknowledged that Reserve 930 is not provided with 100% protection of all native vegetation. From a practical perspective however it is considered that Reserve 930 should be taken into account as;</p> <ul style="list-style-type: none"> <li>- It is a Reserve vested in the City of Albany so the City has a high level of control over any future development and would have a high objective to retain vegetation.</li> <li>- The EPA advised that the majority of vegetation on Reserve 930 is of excellent condition, has the same values as the ODP area and currently acts as an ecological link.</li> <li>- The 'Parks and Recreation' zoning of Reserve 930 offers a high level of protection.</li> <li>- The reserve is leased to the Rotary Club however there are no known plans for future development.</li> </ul>

Discussion Points	Comments
<p>in place to ensure long term vegetation protection on Reserve 930.</p>	<p>Existing buildings and clearing is relatively contained.</p> <ul style="list-style-type: none"> <li>- Any clearing or development would require referral to EPA or a permit from DEC (such a permit would be difficult to obtain).</li> <li>- It is considered unlikely that the City would pursue extensive clearing on Reserve 930 because of its vegetation values and likely high community value.</li> <li>- It is no different to other vegetation areas in the ODP that will become 'open space' vested to the City.</li> </ul>

79. The issue of vegetation retention is very difficult to assess, and entails trying to achieve the right balance between the need to provide adequate environmental protection and the need to cater for future housing growth.
80. Council has three options in dealing with vegetation retention issues as follows;

Option 1

Require the ODP to be modified to reflect the areas nominated by Department of Environment and Conservation for vegetation protection on portions of Lots 7 and 109 to be shown as 'Public Open Space'.

Council could adopt Option 1 if it strongly supports the position of DEC. Staff do not recommend Option 1 as staff have reservations over the value of retaining vegetation on Lot 7 and 109 surrounded by road and urban development.

Whilst not a planning consideration, the proponent has indicated that the subdivision will not be viable with the extent of open space being requested by the Department of Environment and Conservation. Staff recommend that the vegetation issues be ultimately dealt with by the Environmental Protection Authority and this is possible through future subdivision referral. The Department of Environment and Conservation's position can be recognised with notations on the ODP.

Option 2

Support the ODP as submitted with residential development shown on Lot 7 and 109.

Option 2 is not recommended as it would be contrary to the Department of Environment and Conservation DEC's advice.

Option 3

Support the ODP with a modification to:

- (i) Outline the vegetation retention area identified by the Department of Environment and Conservation on a portion of Lot 7 and 109 clearly in red; and
- (ii) Include a notation on the ODP that states “*Area identified by the Department of Environment and Conservation for public open space / vegetation retention. Area and landuses to be reviewed at subdivision stage with referral to the EPA.*” (Modification 5 – Attachment 3).

Option 3 is recommended as it identifies the Department of Environment and Conservation’s advice and provides flexibility for the issue to be resolved at subdivision stage. The EPA advised as part of Amendment 284 if remnant vegetation and fauna issues are not adequately addressed in the ODP, then subsequent subdivisions or developments may require referral under Section 38 of the Environmental Protection Act.

The Western Australian Planning Commission can refer any subdivision to the Environmental Protection Authority, and the proponent would have also have right of review to the State Administrative Tribunal if aggrieved by any determination. Staff considers it would be appropriate for the EPA to deal with this issue given the EPA did not assess it as part of the amendment.

Option 3 also allows for vegetation issues to be comprehensively assessed by a body of experts at the Environmental Protection Authority; expertise the City does not have.

**Local Water Management Strategy (LWMS)**

81. A Local Water Management Strategy (Version 2 dated 4 December 2009) was referred to the Department of Water during advertising.
82. The Department of Water has not raised any major objections however requires additional information to be included in the Strategy (Refer Submission 6). The proponent is completing further groundwater monitoring and will lodge a revised Local Water Management Strategy incorporating the information requested.
83. To date no major impediments or anomalous information is identified. It is recommended that the ODP be referred to the Western Australian Planning Commission with advice that the Local Water Management Strategy be finalised prior to any endorsement by the Western Australian Planning Commission. This Department is satisfied that the finalisation of the Local Water Management Strategy can be dealt with through the Western Australian Planning Commission assessment process.

84. At the time of writing this report the finalised Local Water Management Strategy has been received and is currently being assessed by the Department of Water. Staff are continuing to liaise with Department of Water who have advised that an initial assessment of the report has been undertaken and some minor issues are being finalised with the proponent.

**Priority 2 (P2) Protection Area (South Coast Water reserve)**

85. The western portion of the ODP is affected by a P2 area adjacent to Frenchman Bay Road.
86. The Department of Water support the creation of lots to recognise existing houses and open space for protection of the P2 area. The Department of Water has no objections to the creation of 'rural residential' lots for the existing dwellings on Lots 302, 9, and 4.
87. There is a southern portion of Lot 10 in the P2 area shown as a 'vacant' lot. The Department of Water was requested to comment on this during advertising however did not do so in their formal submission.
88. Liaison with the Department of Water informally on this issue has realised that;
- (i) The southern portion of Lot 10 (hatched) is not supported as a stand-alone lot and cannot be built on.
  - (ii) It can form part of one other lot located outside of the P2 area.
  - (iii) It should not have any further subdivision potential.
  - (iv) The Department of Water have no objections as to whether it is shown as residential or rural residential as long as the above is complied with.
89. It is recommended that the southern portion of Lot 10 on the ODP be shown as 'Residential' with the P2 area as a 'building exclusion area and 'vegetation retention' area with a note that "*The southern portion of Lot 10 shall be combined with one residential lot located outside of the P2 area (with no further subdivision potential)*" – (Modification 6 – Attachment 3).

**PUBLIC CONSULTATION / ENGAGEMENT**

90. The ODP has been referred to all persons owning land in the ODP area, the owners of Lot 6 and surrounding / nearby owners.
91. Twenty public submissions were received and are summarised in a schedule with officer recommendations – Appendix 5.
92. The main objections relate to density, location, vegetation removal, extent of foreshore, fire management and traffic. All of the main issues are discussed in the discussion section of this report.
93. The nature of objections to vegetation removal is one reason why staff considers that the EPA would be better placed to examine that matter as part of the subdivision process.

94. The issue of coastal setback needs to be resolved by the WAPC formulating a position in consultation with Department for Planning Coastal branch and the proponent. As landowners within the ODP area are affected by the recent Department of Planning advice, it is recommended that they be formally advised of the issues. Whilst it is likely to cause a high level of concern it is important that they be aware of the issues that will be ultimately determined by the Western Australian Planning Commission. The proponents have advised that they will be challenging the position of the Department of Planning rigorously, and will therefore be representing the interests of all affected landowners, including non-participating landowners, who are concerned with the increased coastal setback.

#### **STATUTORY IMPLICATIONS**

95. City of Albany Town Planning Scheme No 3 – Clause 3.4 requires all ‘Residential Development’ zones to be subject to an Outline Development Plan, and Clause 5.5 outlines the requirements for an ODP.
96. Table 3 of Town Planning Scheme No 3, allows Council to set the residential density through an endorsed structure plan.

#### **STRATEGIC IMPLICATIONS**

97. The subject land is identified within the Albany Local Planning Strategy as ‘Future Urban’ and has been zoned accordingly.

#### **POLICY IMPLICATIONS**

98. The City of Albany Residential Design Code Policy has been discussed in the body of this report (Paragraph 28). It should be noted that this Policy as it applies to Big Grove is now known as ‘Emu Point and Big Grove Village Centres’ Policy.

**RISK IDENTIFICATION & MITIGATION**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
Fire (threat to future dwellings on the eastern and western edges of the ODP area which are adjacent to large tracts of vegetation).	Possible	Major	High	ODP design has been undertaken in consultation with fire professional and is consistent with Fire Management Plan. Detailed Fire Management Plans required at subdivision stage.
Environmental (loss of vegetation).	Possible	Moderate	Medium	Vegetation issues to be examined by EPA at subdivision stage, however retention of vegetation on Lot 7 and Pt Lot 109 in accordance with Department of Environment advice has been recommended.
Traffic safety/management (inadequacy of road network, specifically Frenchman Bay Road, to support future development)	Possible	Moderate	Medium	Require contributions to the future upgrading of Frenchman Bay Road in accordance with Traffic Report and control density through amendments to R-Coding.

**FINANCIAL IMPLICATIONS**

99. The assessment of the ODP has primarily been outsourced to Grey and Lewis Planning Consultants at Council's cost. This cost was within the 2010/11 budget.
100. The City will become responsible for ongoing maintenance of roads and public areas. In relation to the upgrading of Frenchman Bay Road and the intersections along its route into the future, proportionate contributions would be required at the subdivision stage from the proponents to ensure Council is not burdened with the full cost of upgrading the road into the future at the expense of all ratepayers throughout the City.

**LEGAL IMPLICATIONS**

101. There is a right of way, pedestrian access ways and private rights of carriageway north of the Panorama Road cul-de-sac. The City has been provided with copies of confidential legal advice relating to these matters. The proponent has requested that the legal advice only be used for internal use. Council did seek its own legal advice on this issue which is discussed in the below table.

Description of issue	Advice provided by Ayton Baesjou Planning	Staff comment
<p>There is a right of carriageway easement on Lot 2 with benefits to Lot 9 and 10. The easement extends immediately north from the end of the Panorama Road and is approximately 10.06 metres wide.</p>	<p>The proponent advises that a future road reserve is proposed that encompasses the exact area affected by the easement on Lot 2, and that all future Public Open Space and residential lots are outside of the easement area. It is not clear on the broad ODP however they have provided sketches showing the road extension.</p> <p>The proponent has provided an extract of legal advice which expresses an opinion that the easement will be extinguished once the land has been dedicated as a road through the subdivision process.</p>	<p>This legal issue will substantially be dealt with by the owner of Lot 2 as the easement is private and not an easement under the control of the City.</p> <p>As the easement is to become a public road, the owner of Lot 9 will still have pedestrian and road access to the same area. If the owner of Lot 9 is concerned over this issue they can obtain independent legal advice. In any event, this issue is not seen as an impediment to the ODP.</p> <p>The City's legal advice on this issue concluded that it would be prudent to place an annotation on the ODP to state the following:</p> <p><i>To the extent the creation of any road shown on the ODP requires any easement or other interest in that land to be extinguished, the proponent must at its cost (including any compensation that may be payable) arrange for the interest to be extinguished.</i></p>
<p>There are two Pedestrian Accesways (Lots 55 and 56) which</p>	<p>The Pedestrian Access Ways are vested to the State and grant members of the general</p>	<p>Dedication of the Pedestrian Access Ways as a public road would only be initiated at the</p>

Description of issue	Advice provided by Ayton Baesjou Planning	Staff comment
<p>extend immediate north of Panorama Road known as Lots 55 and 56.</p>	<p>public a right of access from the end of Panorama Road through to the foreshore.</p> <p>The solicitors have advised that:</p> <ol style="list-style-type: none"> <li>1. The Pedestrian Access Way may be closed by dedicating it for public use as a road under section 56 of the Land Administration Act (LAA).</li> <li>2. Where the Minister agrees, a dedication order has the effect of re-vesting the land as crown land on register of that order.</li> <li>3. People with interests or implied rights are not entitled to compensation because of the dedication and re-vesting in the crown.</li> </ol>	<p>written formal request of a landowner, and be dealt with as a separate report to Council and subject to the LAA.</p> <p>The alternative is that the Pedestrian Access Way's remain 'as is' however it would be logical to incorporate them into a road with a dual use path.</p> <p>The existence of the Pedestrian Access Way's does not negatively impact on the ODP.</p>
<p>There is a Right of Way to the north of Lot 18 running parallel to Reserve 27052 on the harbour. It borders the north boundary of Lot 2.</p>	<p>The right of way may be closed by the City re-vesting the land under section 82 of the Land Administration Act.</p>	<p>Staff have checked the Land Administration Act and the Minister can re-vest land in the crown.</p> <p>The ODP shows the Right of Way as open space. In the future the city may consider whether it is best to retain the land as Right of Way. As the land is under the care and control of the City it is no impediment to the ODP.</p>
<p>There is a right of carriageway easement on Lot 10 with benefits to Lot 2. The easement is west of and running parallel to a portion of the Panorama Road Reserve.</p>	<p>The easement on Lot 10 is outside of the Panorama Road Reserve and provides a right of carriageway to Lot 2.</p>	<p>There is no real benefit gained by the owner of Lot 2 by the existing easement.</p> <p>The owner of Lot 10 will need to either negotiate with the owner of Lot 2 to extinguish the easement or include the easement in a future road</p>

Description of issue	Advice provided by Ayton Baesjou Planning	Staff comment
		<p>reserve.</p> <p>The owner of Lot 10 can obtain their own legal advice on this matter.</p> <p>It is a private easement and its location does not cause a major impediment for the ODP design.</p>

### ALTERNATE OPTIONS

102. The options available to deal with vegetation/open space issues have been discussed in Paragraph 80 of this report.
103. If Council does not support the officer recommendation then it can resolve not to adopt the Outline Development Plan for final approval and request additional information from the proponent prior to referral to a future Council meeting including but not limited to:
- (1) A finalised Local Water Management Strategy approved in writing by the Department of Water (it should be noted that the Department of Water are currently assessing the finalised Local Water Management Strategy).
  - (2) The updated Traffic Assessment Report, with modifications requested in Recommendation 3.
  - (3) A Fire Management Plan updated to reflect the new Edition 2 'Planning for Bushfire Protection' requirements.
  - (4) A revised ODP report with updated POS schedule reflecting any road widening requirements and the findings in completed reports.
  - (5) A finalised coastal setback as agreed to and approved by Department of Planning Coastal branch.
  - (6) Any other modifications required by Council (to be listed) to the ODP.

### SUMMARY CONCLUSION

104. The ODP has progressed to a stage where the issues have been clearly identified. The ODP requires endorsement by the Western Australian Planning Commission who will likely also require modifications to be completed by the proponents.
105. There are significant landowners involved in the ODP and it is considered that the planning processes have sufficient safeguards in place to ensure all matters will be resolved or addressed before the ODP is endorsed by state planning. Notwithstanding the above, it is wholly Council's prerogative to require finalised reports prior to adoption of this ODP if preferred.

106. It is recommended that the ODP be adopted for final approval subject to modifications and requirements.

<b>Consulted References</b>	Town Planning Scheme No. 3 WAPC's 'Liveable Neighbourhoods'
<b>File Number (Name of Ward)</b>	ODP003 (Vancouver Ward)
<b>Previous Reference</b>	OCM 14/10/2010 - Item 1.3 OCM 21/06/2011 – Item 2.3 (item withdrawn)

**2.3: CITY OF ALBANY ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2011**

<b>Land Description</b>	: Whole of Municipality
<b>Proponent</b>	: City of Albany
<b>Attachment</b>	: Draft City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011
	: Schedule of Submissions
<b>Responsible Officer</b>	: E/Director Planning & Development Services (G Bride)

**IN BRIEF**

- Council is requested to resolve to adopt the *Activities on Thoroughfares and Public Places and Trading Local Law 2011* that is not significantly different from what was proposed.

**ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILOR MATLA  
SECONDED: COUNCILLOR WELLINGTON**

**THAT Council NOTES the staff recommendations within the attached Schedule of Submissions and ENDORSES those recommendations.**

**CARRIED 10-0**

**ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION 2  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: MAYOR EVANS  
SECONDED: COUNCILLOR DUFTY**

**THAT Council in accordance with Section 3.12 of the *Local Government Act 1995 (as amended)*, AGREES:**

- (a) To ADOPT the *City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011* (as detailed in the attachments) that is not significantly different from what was proposed;**
- (b) Advertise the *City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011* in the *Government Gazette*;**
- (c) Provide a copy of the *City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011* to all relevant Ministers;**
- (d) Give local public notice:**
  - (i) stating the title of the local law;**
  - (ii) summarising the purpose and effect of the local law;**
  - (iii) specifying the dates the local law; and**
  - (iv) advising where copies of the local law may be inspected or obtained.**

**CARRIED 10-0  
ABSOLUTE MAJORITY**

**BACKGROUND**

1. Council at its Ordinary Meeting of 15 February 2011 commenced the process to review the *City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011*.
2. As required by s3.12(3) of the *Local Government Act 1995*, state-wide public notice was given for a period commencing 26 March 2011 and concluding on 13 May 2011 stating that:
  - (a) the City was proposing to make the *Activities on Thoroughfares and Public Places and Trading Local Law 2011* and a summary of its purpose and effect;
  - (b) a copy of the proposed local law could be inspected or obtained at the City's offices; and
  - (c) written submissions about the proposed local law may be made to the City until 13 May 2011.

## **DISCUSSION**

3. Details are contained in the attached Schedule of Submissions.
4. Under Section 3.13 of the *Local Government Act 1995* after the advertising process has been completed the City needs to determine whether any amendments it wishes to make will be 'significantly different' to the advertised version. If so the process for making a Local Law needs to recommence (ie. readvertising). In this instance it is considered that the amendments identified in the schedule of submissions are minor in nature and Council can proceed to adopt the *Activities on Thoroughfares and Public Places and Trading Local Law 2011*.
5. Section 3.12 of the Act requires the person presiding at a Council meeting to give notice to the meeting of the purpose and effect of the proposed amendment local law.

### **Purpose**

6. The purpose of the local law is to regulate trading and other activities on thoroughfares and public places.

### **Effect**

7. The effect of the local law is to allow some activities only under permit, and prohibit some activities, on thoroughfares and in public places.

## **GOVERNMENT CONSULTATION**

8. As required by section 3.12(3)(b) of the *Local Government Act 1995*, a copy of the proposed local law was provided to the Minister for Local Government and a submission was received from the Department of Local Government providing feedback, which has been incorporated into the proposed local law. Details are contained in the attached Schedule of Submissions.

## **PUBLIC CONSULTATION / ENGAGEMENT**

9. A local and a statewide public notice was published in the Great Southern Weekender and the West Australian newspapers respectively inviting submissions from the community on the proposed *Activities on Thoroughfares and Public Places and Trading Local Law 2011* by 13 May 2011.
10. At the close of the advertising period for community submissions one comment on the proposed *Activities on Thoroughfares and Public Places and Trading Local Law 2011* had been received.

## **STATUTORY IMPLICATIONS**

11. Section 3.12 and 3.13 of the Local Government Act states—

### **“3.12 Procedure for Making Local Laws**

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
  - a) *give Statewide public notice stating that –*
    - i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
    - ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
    - iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
  - b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
  - c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submission, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.  
(\* Absolute Majority Required).*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice:*
  - a) *stating the title of the local law;*
  - b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - c) *advising that copies of the local law may be inspected or obtained from the local government’s office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made*

**3.13. Procedure where significant change in proposal**

*If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.”*

**STRATEGIC IMPLICATIONS**

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

Community Vision:  
Nil.

*Priority Goals and Objectives*

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

*Objective 4.3 The City of Albany will deliver excellent community services that meet the needs and interests of our diverse communities.*

*City of Albany Mission Statement*

*At the City of Albany we respect community needs and foster community involvement in decision making.*

**POLICY IMPLICATIONS**

14. The local law provides guidance on activities that are permitted with or without a permit or prohibited on thoroughfares and public places. The local law does not conflict with any existing Council town planning policies (for example relating to private land).

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>(L)</b>	<b>(C)</b>	<b>Risk Rating</b>	<b>Mitigation</b>
<i>If the proposed local law is not adopted the current Activities in Thoroughfares and Public Places and Trading Local Law 2001 will continue albeit sections are out-of-date, and failure to review local law (which is required every 8 years) could result in the Governor repealing the Local Law.</i>	Possible.	Minor	Medium	<i>Adoption of the Activities on Thoroughfares and Public Places and Trading Local Law 2011 by Council.</i>

**FINANCIAL IMPLICATIONS**

16. Cost will be incurred with respect to the advertising and eventual publication in the Government Gazette of the Local Law. This cost would be approximately \$1500 in addition to staff time finalising the adoption of the proposed local law.
17. Staff time has been expended in the preparation of the Local Law which has been undertaken within existing budget and resources.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

18. Council has two options in relation to the adoption of the *Activities on Thoroughfares and Public Places and Trading Local Law 2011*:
- (a) Option One: **AGREE** to adopt the *Activities on Thoroughfares and Public Places and Trading Local Law 2011*;
  - (b) Option Two: **REFUSE** to adopt the *Activities on Thoroughfares and Public Places and Trading Local Law 2011*.
- 18 Section 3.16 of the *Local Government Act 1995* requires that all of the local laws of a local government must be reviewed within an eight year period after their commencement to determine if they should remain unchanged or be repealed or amended. The current Local Law was gazetted in 2001 and therefore was due for review in 2009.

**SUMMARY CONCLUSION**

19. It is recommended that Council resolve to adopt the *City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011*.

<b>Consulted References</b>	<i>City of Albany Activities in Thoroughfares and Public Places and Trading Local Law 2001</i>
<b>File Number (Name of Ward)</b>	All Wards
<b>Previous Reference</b>	OCM 15/02/2011 – Item 1.8

**3.1: COMMUNITY SPORTING AND RECREATION FACILITIES FUND  
2011/12 SMALL GRANT APPLICATIONS ROUND TWO**

- Proponent** : City of Albany  
**Attachments** :  
• Albany City Kart Club Project Assessment Sheet  
• Albany Equestrian Centre Project Assessment Sheet  
• Albany Motorcycle Club Project Assessment Sheet  
• Albany Junior Cricket Association Project Assessment Sheet  
**Responsible Officer** : Community Service Leader (L Hill)

**IN BRIEF**

To seek Council endorsement of the priority ranking for the submitted Country Sport and Recreation Facility Fund (CSRFF) applications

**RECOMMENDATION**

**ITEM 3.1: AMENDED MOTION BY COUNCILLOR SUTTON**

**MOVED COUNCILLOR SUTTON  
SECONDED COUNCILLOR D BOSTOCK**

**THAT the ranking be altered to the following:**

- 1. Albany City Kart Club Inc.**
- 2. Albany Motorcycle Club Inc**
- 3. Albany Junior Cricket Association**
- 4. Albany Equestrian Centre**

**CARRIED 10-0**

**ITEM 3.1 RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council rank the four CSRFF applications in the following order:**

- 5. Albany City Kart Club Inc.**
- 6. Albany Equestrian Centre**
- 7. Albany Motorcycle Club Inc**
- 8. Albany Junior Cricket Association**

**BACKGROUND**

1. The Community Sport and Recreation Facilities Fund (CSRFF) is administered by the Department of Sport and Recreation. CSRFF have three rounds of available funds including two small grant funding rounds per year and its annual and forward planning funding round.
2. The current round of funding applications is for the small grant round with the financial value of the total project being from \$5,000 up to \$150,000.
3. Applicants must be either a local government authority or a not-for-profit sport, recreation or community organisation incorporated under the WA Associations Incorporation Act 1987.

4. Clubs must demonstrate equitable access to the public on a short term and casual basis.
5. The land on which the facility is to be developed must be one of the following:
  - Crown reserve
  - Land owned by a public authority
  - Municipal property
  - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.
6. Applicants must liaise with their Local Government regarding planning and building approvals pertinent to their project.
7. The Local Government has an opportunity to assess all relevant applications and to rank applications in priority order for the municipality.
8. The Department of Sport and Recreation application form calls for applications to be initially submitted to the Local Government within which the project proposal is located.
9. An element of the assessment process involves Council consideration and priority ranking of applications received. The applications are then submitted to the Department of Sport and Recreation on behalf of the applicants prior to 31 August 2011.
10. Once the assessment process from Local Government Authorities are complete all applications received from Western Australian organisations are assessed by the Department of Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

## **DISCUSSION**

11. The grant guidelines require Council to provide a ranking for the projects.
12. A total of four applications were received prior to the submission deadline.
13. The Department of Sport and Recreation provides guidance for Local Government Authorities to assess each submission. This assessment uses the following criteria and a project rating of satisfactory/unsatisfactory or not relevant:
  - Project justification
  - Planned approach
  - Community input
  - Management planning
  - Access and opportunity
  - Design
  - Financial viability
  - Coordination
  - Potential to increase physical activity
  - Sustainability

with overall project rating, being:

- a. Well planned and needed by municipality
- b. Well planned and needed by applicant
- c. Needed by municipality, more planning required
- d. Needed by applicant, more planning required
- e. Idea has merit, more planning work needed
- f. Not recommended.

14. The below ranking recommendation has been provided based on the applicant meeting the required criteria and its overall project ranking:

<b>RANK</b>	<b>ORGANISATION</b>	<b>PROJECT DETAIL</b>	<b>OVERALL PROJECT RATING</b>
1	Albany City Kart Club Inc.	Go-kart track extensions and upgrade	Well planned and needed by applicant
2	Albany Equestrian Centre	Upgrade of infrastructure at the Albany Equestrian Centre including the construction of adequate horse holding pens	Well planned and needed by applicant
3	Albany Motorcycle Club Inc	Construction of a practice track for the purpose of motocross on Parker Brook Reserve	Needed by applicant, more planning required
4	Albany Junior Cricket Association	Construction of a double wicket set of cricket nets at the Spencer Park Primary School	Needed by municipality, more planning required

15. Completed Project Assessment Sheets for each application is attached:

- Albany City Kart Club Project Assessment Sheet (Attachment 3.1.1)
- Albany Equestrian Centre Project Assessment Sheet (Attachment 3.1.2)
- Albany Motorcycle Club Project Assessment Sheet (Attachment 3.1.3)
- Albany Junior Cricket Association Project Assessment Sheet (Attachment 3.1.4)

### **GOVERNMENT CONSULTATION**

16. The Department of Sport and Recreation's Acting Regional Manager for Great Southern was consulted during the review process of the four applications received.

### **PUBLIC CONSULTATION / ENGAGEMENT**

17. A total of four applications were received from incorporated not-for-profit recreation organisations. City officers consulted with each applicant throughout the application process.

### **STATUTORY IMPLICATIONS**

18. While there is no statutory requirement, Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.

19. It should be noted that the Department of Sport and Recreation will make the final decision on funding allocation.

**STRATEGIC IMPLICATIONS**

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

1. Lifestyle and Environment

1.2 *Young adults are well catered for*

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

1.5 *Development...*

- *Incorporates healthy lifestyle activities and access to green spaces.*

4. Governance

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

**POLICY IMPLICATIONS**

21. The Recreation Planning Strategy adopted in 2008 has been applied in ranking the priority order of submissions.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Council ranks a project that is not ready to proceed above a project that is ready to proceed. This may result in both projects being rejected.	Possible	Minor	Medium	Approve the priority ranking proposed by the Responsible Officer.

**FINANCIAL IMPLICATIONS**

22. Approximately 24 hours (\$960.00) of a staff members time has been utilised reviewing the proposals.
23. The following table provides detail of all applications received and indicates that none of the applicants have proposed City of Albany financial contribution.

Organisation	Project detail	Total project cost (ex GST)	Applicant contribution (ex GST) [inc voluntary component]	CSRFF Grant (ex GST)	Proposed Other state or federal funding (ex GST)	Proposed Council contribution (ex GST)
Albany City Kart Club Inc.	Kart track extensions and upgrade	\$128,350	\$42,784	\$42,783	\$42,783	Nil
Albany Equestrian Centre	Construction of holding pens	\$41,721	\$13,907	\$13,907	\$13,907	Nil
Albany Motorcycle Club Inc	Construction of a motocross practice track	\$97,500	\$65,500	\$32,000	Nil	Nil
Albany Junior Cricket Association	Construction of a double wicket set of cricket nets	\$25,673	\$4,390	\$7,683	\$13,600	Nil

**LEGAL IMPLICATIONS**

Nil

**ALTERNATE OPTIONS**

24. Council can change the priority order of the responsible officers recommended ranking for the projects.
25. Applications have been ranked on the strength of the applications submitted as well as consultation with the Department of Sport and Recreation and each applicant.

**SUMMARY CONCLUSION**

26. The Department of Sport and Recreation has provided the City of Albany with an opportunity to assess the received applications and to rank applications in priority order for the municipality.
27. The application submitted by the Albany City Kart Club to extend and upgrade their track satisfactorily meets the criteria provided by the Department of Sport and Recreation. This project's rating is considered well planned and needed by the applicant.
28. The application submitted by the Albany Equestrian Centre to construct holding pens satisfactorily meets the criteria provided by the Department of Sport and Recreation. This project's rating is considered well planned and needed by the applicant.

**\*\*REFER DISCLAIMER\*\***

29. The application submitted by the Albany Motorcycle Club to construct a motocross track at Parker Brook Reserve requires additional planning to meet the criteria provided by the Department of Sport and Recreation. This project's rating is considered needed by applicant, but more planning is required.
30. The application submitted by the Albany Junior Cricket Association to construct double wicket cricket nets at the Spencer Park Primary School requires additional planning to meet the criteria provided by the Department of Sport and Recreation. This project's rating is considered needed by municipality but more planning is required.
31. The Department of Sport and Recreation requires a response from the City of Albany on the priority ranking order by 31 August 2011.

<b>Consulted References</b>	City of Albany Recreation Planning Strategy
<b>File Number (Name of Ward)</b>	GR.STL.13
<b>Previous Reference</b>	This CSRFF round has not previously been presented to Council

### **3.2: EXTENDED TRADING HOURS WITHIN THE CITY OF ALBANY**

<b>Land Description</b>	: Municipality of Albany
<b>Proponent</b>	: Albany Chamber of Commerce and Industry
<b>Owner</b>	: N/A
<b>Attachments</b>	: Albany Chamber of Commerce and Industry Application dated 22 July 2011
<b>Appendices</b>	: Nil
<b>Responsible Officer</b>	: Community Services Leader (Linda Hill)

#### **IN BRIEF**

Extended trading hours are requested for Sunday 25 September 2011 and Sunday 30 October 2011 due to Cruise Ships "Dawn Princess" and "Pacific Sun" docking in Albany, each with approximately 2000 passengers.

[9:23:40 PM](#) Councillor Wellington left the Chamber after declaring a financial interest in this item.

#### **ITEM 3.2: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR SUTTON**

**THAT the APPLICATION for extended trading hours on 25 September 2011 and 30 October 2011 be APPROVED.**

**CARRIED 9-0**

[9:25:26 PM](#) Councillor Wellington returned to the Chamber.

#### **BACKGROUND**

1. Two cruise ships (Dawn Princess and Pacific Sun) are scheduled to visit Albany on a Sunday, one in September and one October. Each ship will have approximately 2000 passengers who are scheduled to disembark and spend the day exploring Albany and surrounds.
2. In order to promote trade and to display Albany as a vibrant tourist destination, the ACCI requests extended trading hours for general retail shops.

## **DISCUSSION**

3. The application is for extended trading hours on Sunday 25 September 2011 and Sunday 30 October 2011 from 9am to 6pm.
4. This proposal would affect all retailers covered under the Retail Trading Hours Act within the municipality of Albany.
5. It will not be compulsory for retailers to trade on this day.
6. Approval would benefit trade and tourism.

## **PUBLIC CONSULTATION**

7. The Albany Chamber of Commerce and Industry is representative of the affected segment of the population and is the proponent of this initiative.

## **GOVERNMENT CONSULTATION**

8. Department of Consumer and Employment Protection have been informed.

## **STATUTORY IMPLICATIONS**

9. N/A

## **STRATEGIC IMPLICATIONS**

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

### ***Community Vision:***

*Nil*

### ***Priority Goals and Objectives:***

*Goal 3: City Centre..... Albany's City Centre will be the most vibrant, safe, accessible and liveable in regional WA.*

*Objective 3.3 A unique and accessible retail experience.*

### ***City of Albany Mission and Values Statement***

*Nil*

## **POLICY IMPLICATIONS**

11. N/A

## **FINANCIAL IMPLICATIONS**

12. Retailers opening on these two days may gain significant economic benefit from an influx of 2000 visitors on each day. This benefits the economy of Albany generally.

**LEGAL IMPLICATIONS**

13. Nil

**ALTERNATE OPTIONS**

14. Council can decline the application.

**SUMMARY CONCLUSION**

15. There is a precedent for a temporary extension of this nature when a cruise ship has docked in Albany.

16. Allowing this extension will promote trade and tourism in the City.

<b>Consulted References</b>	Council Policy – Extended Trading Hours Policy
<b>File Number</b>	Synergy Reference No: CM.STD.7/NP097724_2
<b>Previous Reference</b>	OCM 19 September 2006 – Item 12.2.1 OCM 21 August 2007 – Item 12.2.1 OCM 20 January 2009 – Item 18.2

**3.3: DOG ACT 1976**

**File Number (All Wards)** : PE.AUT.1  
**Proponent** : City of Albany  
**Responsible Officer(s)** : Community Services Leader (L Hill)

**IN BRIEF**

That Council delegates to the Chief Executive Officer (CEO) authority to declare a dog “dangerous” and give consent for that dog to be destroyed.

**RECOMMENDATION**

**ITEM 3.3: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR MATLA  
SECONDED: COUNCILLOR SUTTON**

**THAT Council:**

- 1. APPOINTS the CEO as an authorised person to declare a dog dangerous (*Dog Act 1976, Section E and F*).**
- 2. APPOINTS the CEO as an authorised person to give consent for a dog to be destroyed (*Dog Act 1976, Section G (2) – (6)*).**

**CARRIED 8-2  
ABSOLUTE MAJORITY**

**Record of Vote**

Against the Motion: Councillors J Bostock and D Bostock

**BACKGROUND**

- Local Government officers are required to enforce state wide and local legislation. As it relates to the management and treatment of dogs, the *Dog Act 1976* and the City of Albany *Animals Local Law 2001* are the two guiding documents.
- Under the provisions of the *Dog Act 1976*, Section 9.10 of the *Local Government Act 1995* and the *Interpretation Act 1984*, Council has delegated to City of Albany Rangers the functions of registering, seizing, detaining and disposing of dogs.

**DISCUSSION**

- There is no provision currently for any City of Albany staff member to declare a dog “dangerous”. Only the local government has the ability to declare a dog to be dangerous. While a rare occurrence, the delegated ability to make this administrative declaration in a timely fashion is required.
- The *Dog Act 1976* identifies that a local government, or on behalf of the local government, an authorised person may by a notice in writing, declare a dog to be dangerous.
- The *Dog Act 1976* identifies an authorised person as a person who is appointed by a local government, to exercise powers on behalf of the local government. The local government

shall, in writing, appoint a person to exercise, on behalf of the local government, the powers conferred on an authorised person.

6. Appointing the CEO as the authorised person will ensure timely declaration and management of dangerous dogs.
7. The CEO's decision to declare a dog dangerous will be made on the advice of the Rangers on the basis of conditions in the *Dog Act 1976* Section 33E. If approved the owner of the dog will be notified of the declaration and control requirements, as per the *Dog Act 1976* Section 33F.
8. While the Rangers have the delegation to "dispose" of a dog, it may be challenged whether "disposal" includes the destruction of a dog. To rectify any ambiguity it is considered prudent to provide administrative delegation to the CEO to authorise the destruction of a dog.
9. The *Dog Act 1976* (Section 33G (2)) states an authorised person may give notice in writing to the owner that the local government proposes to cause a dog to be destroyed.

#### **GOVERNMENT CONSULTATION**

10. N/A

#### **PUBLIC CONSULTATION / ENGAGEMENT**

11. N/A

#### **STATUTORY IMPLICATIONS**

12. 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."*

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

**STRATEGIC IMPLICATIONS**

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

**City of Albany Mission Statement:**

At the City of Albany we are results driven and accountable, and we foster leadership. We provide best value in applying council and community resources, apply Council funds carefully and develop and empower our people to deliver on expectations and promises.

**POLICY IMPLICATIONS**

15. Policy review will occur if Council so delegates to ensure City Administrative policy and processes are relevant and contemporary.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
(Individual) community member backlash against Council if dog is declared dangerous or destroyed.	Minor	Minor	Low	Ensure appropriate processes are in place for Ranger recommendations and CEO approval for declaring dogs dangerous and destroying dogs.

**FINANCIAL IMPLICATIONS**

17. There are no financial implications of this proposal beyond dog impoundment and management which the City already budgets for.

**LEGAL IMPLICATIONS**

18. N/A

**ALTERNATE OPTIONS**

19. Council may decide not to delegate this authority to the CEO, and choose to deal with dangerous dogs and their destruction at each Council meeting.

**SUMMARY CONCLUSION**

20. Recommend that Council appoint the CEO as an authorised person to declare a dangerous dog and to destroy a dog pursuant to the Dog Act 1976, Sections’ 33 F and G.

<b>Consulted References</b>	Register of Delegations
<b>File Number (All Ward)</b>	PE.AUT.1
<b>Previous Reference</b>	Nil

## 4.1: LIST OF ACCOUNTS FOR PAYMENT

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

### ITEM 4.1: RESPONSIBLE OFFICER RECOMMENDATION

**MOVED: MAYOR EVANS**  
**SECONDED: COUNCILLOR WELLINGTON**

The list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 20 July 2011 totalling \$4,287,138.34 be RECEIVED.

**CARRIED 10-0**

### BACKGROUND

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

### DISCUSSION

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

#### Municipal Fund

Trust	Totalling	\$60,383.70
Cheques	Totalling	\$84,695.95
Electronic Fund Transfer	Totalling	\$3,289,593.91
Credit Cards	Totalling	\$3,713.76
Payroll	Totalling	\$848,751.02
	<b>TOTAL</b>	<b><u>\$4,287,138.34</u></b>

- As at 20th July 2011, the total outstanding creditors, stands at **\$1,189,522.09** and made up follows:

Current	\$ 379,185.79
30 Days	\$795,648.21
60 Days	\$14,083.09
90 Days	\$605.00
<b>TOTAL</b>	<b>\$1,189,522.09</b>

- Cancelled cheques – 27389 & 27432 – no longer required, cheques 27470, 27471 - replaced with cheques 27473 & number 27405 and 27467 cancelled as Creditor named had changed – new cheque to be issued.

**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

8. Expenditure for the period to 20 July 2011 has been incurred in accordance with the 2010/2011 budget parameters.

**POLICY IMPLICATIONS**

9. The City's 2010/2011 Annual Budget provides a set of parameters that guides the City's financial practices.

**SUMMARY CONCLUSION**

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

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**4.2: FINANCIAL ACTIVITY STATEMENT – 31 JULY 2011 VERSION 2**

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

**IN BRIEF**

- Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 31 July 2011.

**ITEM 4.2: RESPONSIBLE OFFICER RECOMMENDATION**

**MOVED: MAYOR EVANS**

**SECONDED: COUNCILLOR WELLINGTON**

**The Financial Activity Statement for the period ending 31 July 2011 be RECEIVED.**

**CARRIED 10-0**

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 31 July 2011 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Performance, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

3. In accordance with section 34(1) of the Local Government (Financial Management) Regulations 1996, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.

*“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”*

*“Actual date at 30 June 2011 is designated as ‘draft’ because the year end accounts have not yet been finalised.”*

## 6. STATEMENT OF FINANCIAL ACTIVITY – AS AT 31 JULY 2011

	Actual Year to Date 31-Jul-11	Current Budget (Proposed) Year to Date 31-Jul-11	Current Budget (Proposed) vs Actual Variance	
<b>REVENUE</b>				
Operating Grants, Subsidies and Cont	38,826	44,358	-5,532	x
Fees and Charges	708,479	948,200	-239,721	x
Interest Earnings	11,784	49,730	-37,946	x
Other Revenue	22,126	55,397	-33,271	✓
	<b>781,215</b>	<b>1,097,685</b>	<b>-316,470</b>	
<b>EXPENDITURE</b>				
Employee Costs	1,266,118	1,184,068	82,050	✓
Materials and Contracts	682,681	1,369,408	-686,727	✓
Utility Charges	75,788	106,837	-31,049	✓
Interest Expenses	12,799	0	12,799	✓
Insurance Expenses	160,134	297,962	-137,828	✓
Other Expenditure	67,694	17,718	49,976	x
Depreciation	938,282	984,424	-46,142	
	<b>3,203,497</b>	<b>3,960,417</b>	<b>-756,920</b>	
<b>Adjustment for Non-cash Revenue and Expenditure:</b>				
Depreciation	-938,282	-984,424	46,142	
<b>CAPITAL REVENUE</b>				
Non-Operating Grants, Subsidies and Cont	1,157,787	577,374	580,413	✓
Proceeds from asset disposals	60,836	310,626	-249,790	x
Proceeds from New Loans	0	316,540	-316,540	
Self-Supporting Loan Principal Revenue	0	0	0	
Transfers from Reserves (Restricted Assets)	0	198,260	-198,260	
	<b>1,218,623</b>	<b>1,402,800</b>	<b>-184,177</b>	
<b>CAPITAL EXPENDITURE</b>				
Capital Expenditure	181,265	761,883	-580,618	✓
Repayment of Loans	15,144	0	15,144	
Transfers to Reserves (Restricted Assets)	0	180,601	-180,601	
	<b>196,409</b>	<b>942,484</b>	<b>-746,075</b>	
Estimated Surplus B/fwd				
ADD Net Current Assets July 1 B/fwd	<b>7,084,336</b>	<b>7,084,336</b>	<b>n/a</b>	
LESS Net Current Assets Year to Date	<b>6,619,901</b>	<b>5,511,172</b>	<b>n/a</b>	
Amount Raised from Rates	<b>14</b>	<b>-14,577</b>	<b>14,591</b>	

\* ✓ Is higher than expected revenue or lower than expected expenditure

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

## 7. CITY OF ALBANY – NET CURRENT ASSETS – AS AT 31 JULY 2011

	Actual 31-Jul-11	Draft Actual 30-Jun-11
<b>NET CURRENT ASSETS</b>		
Composition of Net Current Asset Position		
<b>CURRENT ASSETS</b>		
Cash - Unrestricted	3,683,508	6,608,007
Cash - Restricted	6,425,336	6,479,059
Receivables	2,938,800	1,657,213
Inventories	4,355,832	4,361,259
<b>Total Current Assets</b>	<b>17,403,476</b>	<b>19,105,538</b>
<b>LESS: CURRENT LIABILITIES</b>		
Payables and Provisions	4,355,605	5,542,143
	<b>13,047,871</b>	<b>13,563,395</b>
Less: Cash - Restricted - Trust	(1,256,977)	(1,310,700)
Less: Cash - Restricted - Reserves	(5,168,359)	(5,168,359)
<b>NET CURRENT ASSET POSITION</b>	<b>6,622,535</b>	<b>7,084,336</b>
<b>NET CURRENT ASSETS PER BALANCE SHEET</b>	4,719,004	5,165,661
<b>Difference</b>	<b>(1,903,531)</b>	<b>(1,918,675)</b>
<b>Difference Represented by:</b>		
Restricted Cash (Trust)	1,256,977	1,310,700
Reserve Funds - Financial Assets	1,054,480	1,054,480
Reserve Funds - Other	4,113,880	4,113,880
Self Supporting Loans (part of Receivables and Other)	6,425,337	6,479,060
<b>Less:</b>		
Borrowings	7,123,032	7,138,176
Trust Liabilities	1,205,836	1,259,559
<b>Difference</b>	<b>(1,903,531)</b>	<b>(1,918,675)</b>

## 8. CITY OF ALBANY – STATEMENT OF FINANCIAL POSITION – AS AT 31 JULY 2011

	<b>Actual 31-Jul-11</b>	<b>Draft Actual 30-Jun-11</b>
<b>CURRENT ASSETS</b>		
Cash - Municipal	3,683,508	6,608,007
Restricted cash (Trust)	1,256,977	1,310,700
Reserve Funds - Financial Assets	1,054,480	1,054,480
Reserve Funds - Other	4,113,880	4,113,880
Receivables & Other	2,938,800	1,657,213
Investment Land	3,523,483	3,523,483
Stock on hand	832,349	837,776
	<b>17,403,476</b>	<b>19,105,538</b>
<b>CURRENT LIABILITIES</b>		
Borrowings	7,123,031	7,138,175
Creditors prov - Annual leave & LSL	2,382,266	2,388,186
Trust Liabilities	1,205,836	1,259,559
Creditors prov & accruals	1,973,339	3,153,957
	<b>12,684,472</b>	<b>13,939,877</b>
<b>NET CURRENT ASSETS</b>	<b>4,719,004</b>	<b>5,165,661</b>
<b>NON CURRENT ASSETS</b>		
Receivables	77,272	77,272
Pensioners Deferred Rates	320,922	320,922
Investment Land	2,220,758	2,220,758
Property, Plant & Equip	81,697,366	81,869,170
Infrastructure Assets	180,289,901	180,952,960
Local Govt House Shares	19,501	19,501
	<b>264,625,721</b>	<b>265,460,583</b>
<b>NON CURRENT LIABILITIES</b>		
Borrowings	12,626,394	12,626,394
Creditors & Provisions	364,845	364,845
	<b>12,991,239</b>	<b>12,991,239</b>
<b>NET ASSETS</b>	<b>256,353,486</b>	<b>257,635,005</b>
<b>EQUITY</b>		
Accumulated Surplus	232,410,492	233,692,011
Reserves	5,168,360	5,168,360
Asset revaluation Reserve	18,774,634	18,774,634
	<b>256,353,486</b>	<b>257,635,005</b>

**9. STATEMENT OF COMPREHENSIVE INCOME (BY NATURE OR TYPE) – AS AT 31 JULY 2011**

<b>INCOME</b>	<b>YTD Actual 2011/12</b>	<b>Budget-Total 2011/12 (Proposed)</b>	<b>Draft Actual 2010/11</b>
Rates	(14)	25,619,665	24,114,001
Grants & Subsidies	23,971	2,710,582	3,476,115
Contributions. Reimb & Donations	14,855	349,697	1,189,433
Fees & Charges	708,479	13,327,249	7,539,548
Service Charges	0	0	3,741,095
Interest Earned	11,784	697,000	989,731
Other Revenue / Income	22,126	617,625	857,954
	<b>781,200</b>	<b>43,321,818</b>	<b>41,907,876</b>
<b>EXPENDITURE</b>			
Employee Costs	1,266,118	16,948,783	15,022,953
Utilities	75,788	1,319,732	1,481,161
Interest Expenses	12,799	1,042,761	1,072,260
Depreciation on non current assets	938,282	11,817,938	11,302,261
Contracts & materials	682,681	12,973,799	11,385,496
Insurance expenses	160,134	584,845	543,500
Other Expenses	67,694	223,994	845,589
	<b>3,203,497</b>	<b>44,911,852</b>	<b>41,653,220</b>
<b>Change in net assets from operations</b>	<b>(2,422,297)</b>	<b>(1,590,034)</b>	<b>254,656</b>
Grants and Subsidies - non-operating	1,157,787	6,770,372	9,099,184
Contributions Reimbursements and Donations - non-operating	0	3,148,907	1,101,747
Profit/Loss on Asset Disposals	(17,008)	(905,815)	355,809
Cash Backing of Reserves		718,230	
Fair value - Investments adjustment	0	0	0
	<b>(1,281,518)</b>	<b>8,141,660</b>	<b>10,811,396</b>

## 10. PORTFOLIO VALUATION – MARKET VALUE – AS AT 31 JULY 2011

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value May - 11	Market Value Jun - 11	Market Value July – 11	Latest Monthly Variation
<b>MUNICIPAL ACCOUNT</b>							
CBA	27/07/2011	1,000,000	5.79%	1,000,000	1,000,000		
Bankwest	8/07/2011	1,500,000	5.45%	1,500,000	1,500,000		
NAB	11/05/2011	1,000,000	6.21%	1,000,000			
NAB	20/08/2011	1,544,652	4.00%	1,544,652	1,544,652	1,544,642	
				<b>5,044,652</b>	<b>4,044,652</b>	<b>1,544,642</b>	n/a
<b>RESERVES ACCOUNT</b>							
No funds currently invested				0	0	0	
				<b>0</b>	<b>0</b>	<b>0</b>	n/a
<b>COMMERCIAL SECURITIES - CDOs (New York Mellon)**</b>							
Saphir (Endeavour) AAA	4/08/2011	413,160	9.10%	4	4	4	0
Zircon (Merimbula AA)	20/06/2013	502,450	8.87%	155,750	155,750	155,750	0
Zircon (Coolangatta AA)	20/09/2014	1,002,060	9.12%	307,100	10	10	0
Beryl (AAAGlobal Bank Note)	20/09/2014	200,376	8.42%	159,380	159,380	159,380	0
		<b>2,118,046</b>		<b>622,234</b>	<b>315,144</b>	<b>315,144</b>	<b>0</b>

\*\*REFER DISCLAIMER\*\*

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value May - 11	Market Value Jun - 11	Market Value July – 11	Latest Monthly Variation
<b>COMMERCIAL SECURITIES - CDOs - Other</b>							
Magnolia (Flinders AA)	20/03/2012	171,994	9.32%	144,500	144,500	144,500	0
Start (Blue Gum AA-)	22/06/2013	276,708	8.77%	0	0	0	0
Corsair (Kakadu AA)	20/03/2014	273,710	8.37%	68,750	68,750	68,750	0
Helium (C=Scarborough AA)	23/06/2014	602,244	8.77%	123,000	123,000	113,760	-9,240
		<b>1,324,656</b>		<b>336,250</b>	<b>336,250</b>	<b>327,010</b>	<b>(9,240)</b>
<b>PORTFOLIO TOTAL</b>				<b>6,003,136</b>	<b>4,696,046</b>	<b>2,186,796</b>	<b>-9,240</b>

**Notes**

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

## 11. FINANCIAL RATIOS - AS AT 31 JULY 2011

	Draft			Benchmark
	30 Jun 10	30 Jun 11	31 Jul 11	
<b>Liquidity Ratios</b>				
Current Ratio <sup>1</sup>	73.7%	227.0%	95.6%	>100%
Untied Cash to trade creditors Ratio <sup>2</sup>	19.7%	319.9%	325.6%	>100%
<b>Financial Position Ratio</b>				
Debt Ratio <sup>3</sup>	11.2%	9.5%	9.1%	<100%
<b>Debt Ratios</b>				
Debt Service Ratio <sup>4</sup>	11.1%	5.2%	3.6%	<10%
Gross Debt to Revenue Ratio <sup>5</sup>	As rates have not yet been issued, this ratio is unable to be measured for this month.			
Gross Debt to Economically Realisable Assets <sup>6</sup>	26.2%	19.3%	21.2%	<30%
<b>Coverage Ratio</b>				
Rate Coverage Ratio <sup>7</sup>	As rates have not yet been issued, this ratio is unable to be measured for this month.			
<b>Effectiveness Ratio</b>				
Outstanding Rates Ratio <sup>8</sup>	As rates have not yet been issued, this ratio is unable to be measured for this month.			

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

**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS** Expenditure for the period ending 31 July 2011 has been incurred in accordance with the 2011/12 proposed budget parameters. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

### 13. VARIANCES TO BUDGET IN EXCESS OF \$100,000 - AS AT 31 JULY 2011

Account	Proposed Original Budget	Proposed Current Budget	Proposed YTD Budget	YTD Actual	YTD Variance	YTD Percentage Variance	Variance Ticks	Comments
<b><u>DIRECTOR WORKS &amp; SERVICES</u></b>								
119030. REFUSE-REMOVAL CHARGES	(3,822,356)	(3,822,356)	(318,402)	0	318,402	-100%	x	Charges levied with rates. Rates have not yet been billed, once rates have been billed, income will be to budget.
138070. Waste Minimisation Contract	2,363,896	2,363,896	196,910	2,053	(194,857)	100%	✓	Subject to end of year accrual adjustments. Timing issue.
144450. State Black Spot Funding	(123,714)	(123,714)	0	(111,392)	(111,392)	100%	✓	Timing issue. Income budgeted for later in the year, already received.
<b>Total DIRECTOR WORKS &amp; SERVICES</b>	<b>(1,582,174)</b>	<b>(1,582,174)</b>	<b>(121,492)</b>	<b>(109,339)</b>	<b>12,153</b>			

#### **OFFICE OF THE CEO**

132650. Subdivision Land Sales	(2,000,000)	(2,000,000)	(166,600)	0	166,600	-100%	x	No land sales settled during July. Negotiations ongoing.
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#### **DIRECTOR COMMUNITY SERVICES**

137930. A/PORT-LANDING FEES	(1,274,464)	(1,274,464)	0	(121,808)	(121,808)	100%	✓	Subject to end of year accrual adjustments. Timing issue.
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**POLICY IMPLICATIONS**

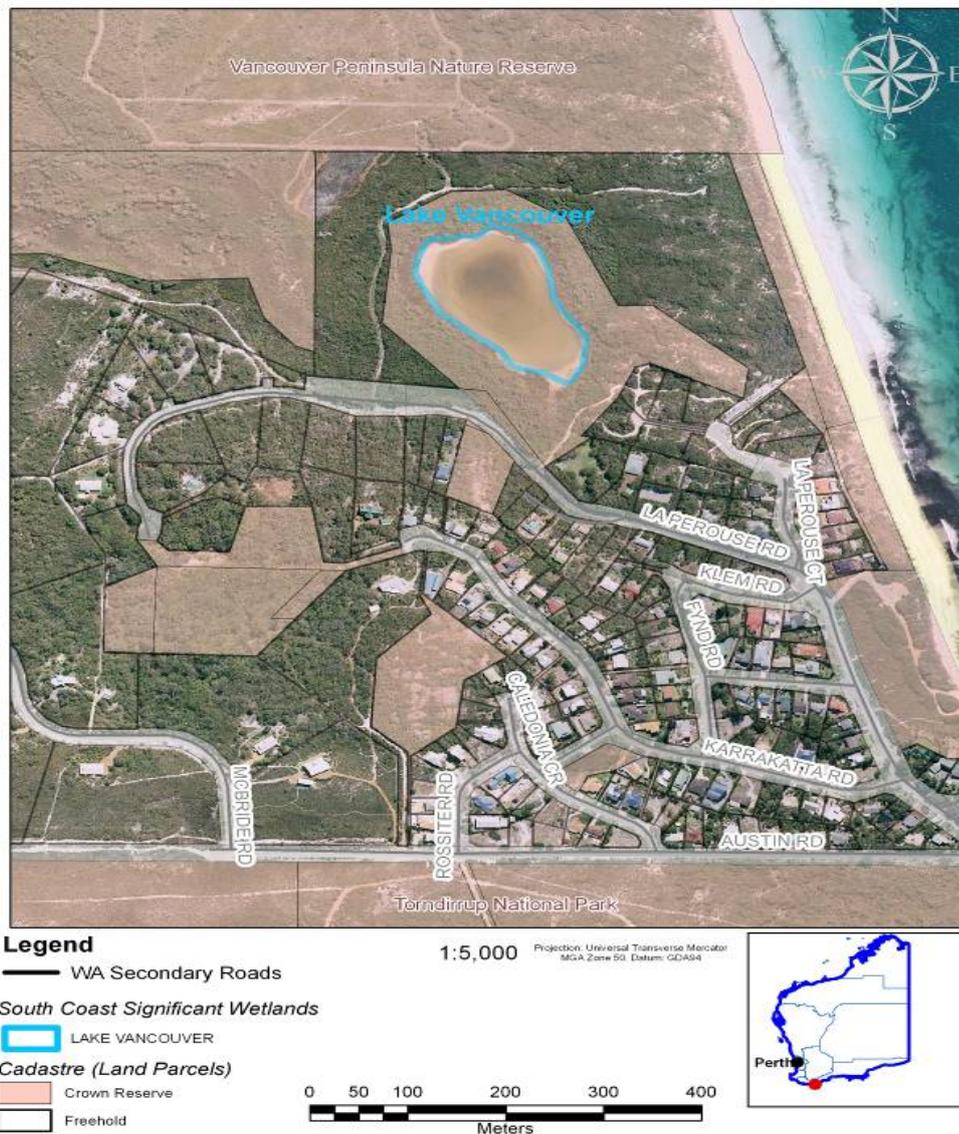
14. The City's 2010/11 Annual Budget provides a set of parameters that guides the City's financial practices.
15. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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## 5.2: LAKE VANCOUVER BIRDHIDE AND BOARDWALK PROJECT

- Land Description** : Lake Vancouver - Crown Reserve Number 48916 – Management Order with City of Albany with the purpose of ‘public recreation’.
- Proponent** : City of Albany – Funding Opportunity
- Owner** : Crown Land - Reserve Number 48916
- Attachments** : Western Australian Natural Resource Management Program funding agreement.
- Responsible Officer(s)** : Acting Executive Director Works and Services(S Jamieson)

### Maps and Diagrams:



**IN BRIEF**

- To seek Council approval for acceptance of a Western Australian Natural Resource Management grant for the Lake Vancouver bird hide and boardwalk project.

**RECOMMENDATION**

**ITEM 5.2 RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**That Council:**

- **APPROVE the Western Australian Natural Resource Management grant offer for the Lake Vancouver bird hide and boardwalk project, and**
- **APPROVE the reallocation of \$14,721 from the Stidwell Bridle Trail project as its cash contribution to the Lake Vancouver project.**

**CARRIED 10-0**

**BACKGROUND**

1. The State Natural Resource Management Program is a Western Australian Government initiative that provides funding to help protect and conserve WA's environment and natural resources.
2. Seventy three community grants worth a total of \$2.37 million were funded for 2010/11, with the Lake Vancouver project being one of them. A total of \$14,000 was awarded to the project.

**DISCUSSION**

3. The Frenchman Bay Association in consultation with the City of Albany submitted an application for the construction of an access track, boardwalk, bird hide and installation of interpretative signage within Lake Vancouver.
4. Lake Vancouver is environmentally unique, in that it is a significant body of marginal brackish water, within 200m of the ocean (Goode Beach) and for this reason is an important biodiversity asset. As it is the only freshwater wetland on the Vancouver Peninsula, Lake Vancouver is likely to be a significant source of water for fauna in the area.
5. Currently, bird enthusiasts have no visual access to the lake or the immediate vicinity. Birds can be heard calling from a distance and water birds can be seen flying into the area. With the current poor access to the lake, bird populations, which visit or live near the lake, are largely unknown and unrecorded.
6. Any excessive or inappropriate use of the site may result in trampling/loss of vegetation and lead to erosion of the dune system and destruction of this important bird habitat.

7. The construction of a sensitively planned access track, boardwalk and bird hide will allow for the Lake to be enjoyed by the growing community without compromising its biodiversity values and will also allow for formal bird surveys to help quantify the value of the wetland system.
8. The project is design ready.

#### **GOVERNMENT CONSULTATION**

9. The proposal has been referred to Department of Regional Development and Lands and to the Department of Indigenous Affairs on 29 June 2011, and the City is awaiting the response.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

10. The City developed the grant application in consultation with the Frenchman Bay Association, who were the initial drivers for this project idea. The local community identified the need for formalised access to the Lake area, to ensure the sustainability of the local flora and fauna.
11. The City developed the grant application in consultation with the Frenchman Bay Association, who were the initial drivers for this project idea. The local community identified the need for formalised access to the lake area.

#### **STATUTORY IMPLICATIONS**

12. An application for external funding does not require any legislative approvals, but since the funding has been approved, the project itself may attract legislative conditions, such as planning approvals, building licences, environmental approvals, etc all of which would be attended to during the project life. The funding agreement may also require legislative conditions, such as Freedom of Information statements, or Record keeping conditions, as per the State records Act, but once again these would be adhered to, once approval for funding has been obtained.

**STRATEGIC IMPLICATIONS**

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

*Priority Goals and Objectives:*

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

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

*City of Albany Mission Statement:*

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

**POLICY IMPLICATIONS**

14. The City has undertaken initial consultation with South West Aboriginal Land and Sea Council (SWALSC) to ascertain their support and has addressed their feedback to date.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
If project delayed, negative public response will result	Likely	Medium	Medium	Project deferred
Funding opportunity declined, works will not be carried out	Likely	Medium	Medium	Project deferred until (if) future funding is secured

**FINANCIAL IMPLICATIONS**

16. If supported by Council, the City’s cash contribution would be \$14,700, sourced from carryover from the Stidwell Bridle Trail project.
17. The cost of administering the project would be staff time overseeing the project (75 hours = \$1875). The initial funding request totalled \$16,120, however, the funding body granted a reduced commitment of \$14,000.

**LEGAL IMPLICATIONS**

18. As the funding application was successful, Council will be required to sign an agreement for funding, which includes timelines, payment arrangements, and acquittal conditions.

**ALTERNATE OPTIONS**

19. The Council may decline the funding opportunity, and defer the project, until the Council is in a better financial position to progress the preferred project.

**SUMMARY CONCLUSION**

20. There is an opportunity for the City to complete the construction of an access pathway, boardwalk, bird hide and interpretive signage at Lake Vancouver, Goode Beach using external grant funds in conjunction with support from the local community group (Frenchman Bay Association).

<b>Consulted References</b>	Western Australian Natural Resource Management Program funding scheme.
<b>File Number (Name of Ward)</b>	PR.MAI.38 (Vancouver Ward)
<b>Previous Reference</b>	N/A

**XIV. MOTIONS WITH NOTICE**

Nil.

**XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING****15.1: NOTICE OF MOTION BY COUNCILLOR LEAVESLEY – AGENDA BRIEFING****THIS MOTION LAPSED DUE TO COUNCILLOR LEAVESLEY’S ABSENCE**

ITEM 15.1: REVOCATION MOTION BY COUNCILLOR LEAVESLEY  
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT the Motion resolved at Report Item 4.1(i) – Local Public Notice – Council Meeting Calendar dated 15 May 2011 as follows:

*“THAT Agenda Briefing session be held two weeks (14 days) prior to Ordinary meetings of Council. “*

Be revoked.

*[Section 5.25 (1)(e) of the Local Government Act 1995 refers]*

**Reason:**

It is my understanding that council has never operated before on a draft agenda basis. The ‘final agenda’ not being available until after the Agenda Briefing could lead to staff recommendations being amended to meet political pressures rather than the recommendations being the best professional advice. Compliance with our standing orders as I have understood them (and have been operated since their inception) is not possible under this draft agenda process. The whole purpose of the Agenda Briefing is to show open and accountable governance and allow the ratepayers/councillors the opportunity to have timely accurate information with the decision making process being equitable and transparent.

ITEM 15.1: MOTION BY COUNCILLOR LEAVESLEY – BRIEFING AGENDA  
VOTING REQUIREMENT: SIMPLE MAJORITY

Council resolve that the Agenda Briefing for the Ordinary Council Meeting be the 2<sup>nd</sup> Tuesday (7 days prior to the OCM) in the Month. That this Agenda is the final Agenda and the information provided by staff continues to be their unbiased professional opinion. This Agenda should be provided to Councillors and the public no later than 12 noon on the Thursday prior to the Agenda Briefing.

**Reason:** Refer to revocation motion.

**Officer’s Comment:**

At its Ordinary Council Meeting of 21<sup>st</sup> June 2011 Council resolved.

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

*“Agenda Briefing session be held two weeks (14 days) prior to Ordinary meetings of Council”;*

(ii) Reviews the new process at the 11 October 2011 Ordinary Meeting of Council.

**For this Motion to succeed a further revocation motion in respect of the above would be required.**

The need for improvement within Council meeting processes and timelines was identified by the CEO shortly after her commencement in February 2011 and over the past three months, as she has observed increased numbers of Council meeting and Agenda Briefing sessions.

The intent behind the changes previously presented to Council was to allow Elected Members greater time to scrutinise Officer Reports and conduct appropriate additional research into the cause and effect of an Officer recommendation or Elected Member’s motion.

There were recent queries raised by a Councillor at a Council meeting, regarding providing Officer Reports and Councillor Motions within required “notice” periods. As a consequence, the CEO identified a further deficiency within the Council Meeting process specifically relating to agenda development and release.

Those changes allow:

- In the subsequent week to the Briefing Session, the City’s Officers will refine their reports to incorporate, where appropriate, more information to address feedback from the public and Council Members provided at the Agenda Briefing Session. Report refinement will allow Members to have the fullest available information they require to consider the recommendations to Council. This is what has occurred process wise for some time.
- The papers (including the Agenda) for the Council meeting will then be finalised on the Tuesday ONE week before the Council meeting, and distributed to Councillors and the public. This further allows both groups increased time to read, consider and discuss the papers, and prepare themselves for debate on any item.

At the Council meeting, the public will (like now) be able to question any Council paper.

The CEO’s recommendation to Council has been that Council trial this process for six months.

The *Local Government Act 1995* and Regulations, and the Council’s Standing Orders are not definitive on “notice” timeline requirements, as part of the Agenda development process, and this lack of clarity causes legal uncertainty. Accordingly, the CEO determined that to make that process clearer, the agenda should be marked “draft” and all Officer Reports will also be draft documents, until the finalised agenda and Reports (and Council Member Motions) are distributed to Council Members and the public under the cover of the finalised agenda.

Under Clause 3.3(2) of the Standing Orders “the purpose of the agenda briefing session is to provide an opportunity for elected members and persons in the public gallery to ask questions on the content of the **proposed** agenda” – the use of the word “proposed” clearly indicates that

any agenda that may be provided at an agenda briefing session is not the finalised document. The use of the word “proposed” supports the position that an agenda can be draft until the final distribution of the Council papers.

The CEO agrees with Council that significant work needs to be undertaken to make the Standing Orders much clearer, less ambiguous and provide definitive “rules” for meeting process. Until that occurs and new Standing Orders are made local law, the CEO proposes meeting processes improvements that are possible within the current Standing Orders should be embraced.

Ultimately, in support of the Council’s wish for increased transparency and quality of information provision for Albany’s citizens, clause 1.3 of the Standing Orders should be considered.

Clause 1.3 of the standing Orders state:

” (1) The purpose of (the Standing Orders) is to provide a set of procedures to assist in the good conduct of meetings of the Council....

(2) ...intended to result in:

(a) better decision-making by the Council;

(b) orderly and efficient conduct of meetings dealing with business of the Council;

(c) greater community participation and understanding of the business of the Council; and

(d) more open and accountable local government.”

Clause 1.3 forms the basis of Council’s recent decision for meeting process changes, including ensuring processes are in place to provide increased time for sharing and consideration of information that will go before Council at its meetings. The processes resolved by Council at their meeting of 15 February 2011 is intended to reflect and implement the spirit and intent of clause 1.3.

**15.2: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK – GOVERNANCE MATTERS**

**ITEM 15.2: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR D BOSTOCK  
SECONDED: COUNCILLOR J BOSTOCK**

**That the agenda for Councillor Workshops be set by councillors, to informally discuss governance matters.**

**LOST 2-8**

**Record of Vote**

For the Motion: Councillors J Bostock and D Bostock

**Reason:**

There is at present no forum for Councillors to meet, where they can consider the future long term development of our City, without being distracted by short term issues.

**Officer's Comment:**

The CEO has sought advice from Council Members regarding future Council Workshop briefing topics. Strong response was received to that request, and a list of proposed topics was provided recently to Council Members in that regard. All of those topics are strategic or of a high level operational nature. As no further feedback was received from Members in respect of that list of topics, the CEO is now preparing a forward timetable of items for consideration at future Council Workshops, based on that list. That timetable will be provided to Council Members in the near future.

Should Council wish to hold another meeting/forum (in addition to the Council Committee meeting, the Council Workshop, the Agenda Briefing session and Council meetings) to allow Councillors more time to meet to consider future long term development of the City and or governance matters, the CEO will facilitate organisation of that additional meeting.

**15.3: NOTICE OF MOTION BY COUNCILLOR J BOSTOCK-MEETING AGENDA****ITEM 15.3: NOTICE OF MOTION BY COUNCILLOR J BOSTOCK****MOVED: COUNCILLOR J BOSTOCK****SECONDED: COUNCILLOR D BOSTOCK**

1. **With immediate effect the Agenda for the Ordinary Council Meeting will be distributed to Council and the public by 12 noon on the Thursday immediately preceding the Agenda Briefing**
2. **The agenda will be the actual Agenda; the only additions being Councillor, Alternative Motions, and in exceptional circumstances revised Officer Recommendations and Urgent Items, to be admitted according to Standing Orders.**
3. **All Alternative Motions, Recommendations and additional information is to be distributed to Council and the Public by 12 noon on the Tuesday following the Agenda Briefing.**

**LOST 2-8****Record of Vote**

For the Motion: Councillors J Bostock and D Bostock

**Councillor's Reason:**

1. Council agreed to trial a change to the meeting timetable and the Agenda Briefing was brought forward by one week.
2. This has put pressure on staff to produce the Agenda earlier than usual, resulting in it being incomplete.
3. The concept of a "Draft" Agenda was subsequently introduced though this was not endorsed by Council.
4. The draft agenda is unworkable to conscientious decision makers; one cannot work with a document subject to change. Additionally the Agenda Briefing loses its value.
5. The punitive restraints of the current standing orders are obvious but the problem has been exacerbated by the new regime, further hampering Councillors ability to bring Alternate Motions, when items are not ready for the Agenda Briefing.
6. The system creates unnecessary work and Agenda production costs have escalated.
7. Additional time for consideration of officers reports has not eventuated; work done on an item withdrawn or changed is wasted.
8. In practice the time for Councillors to manage a finalised agenda has reduced, a new agenda requires one to start again and uncertainty and confusion prevails.

The increased gap between the Agenda Briefing and the Ordinary Council Meeting has I believe created more problems than it has solved. Staff and Councillors are dealing with a changed document for most of the month and staff must be juggling with a draft, a final and next month's Agenda all at once. Though initiated by a change to the meeting timetable, the predominate difficulties arise from the "Draft" Agenda. Everyone needs certainty and security, the purpose of an agenda is to outline what to expect and to allow one time to properly prepare, and ensure effective participation and a productive meeting. This is clearly lost when the Agenda is subject to change. I believe that an initiative which was introduced in good faith has had unforeseen repercussions and resulted in a process which is not conducive to good decision making. Establishment of a "Certain Agenda" would rectify some of the difficulties whilst allowing the "Trial Timetable" to continue.

**Officer's Comment (F. James):**

The need for improvement within Council meeting processes and timelines was identified by the CEO shortly after her commencement in February 2011.

The intent behind the changes previously presented to Council was to allow Elected Members greater time to scrutinise Officer Reports and conduct appropriate additional research into the cause and effect of an Officer recommendation or Elected Member's motion.

There were recent queries raised by a Councillor at a Council meeting, regarding providing Officer Reports and Councillor Motions within required "notice" periods. As a consequence, the CEO identified a further deficiency within the Council Meeting process specifically relating to agenda development and release.

Those changes allow:

- In the subsequent week to the Briefing Session, the City's Officers will refine their reports to incorporate, where appropriate, more information to address feedback from the public and Council Members provided at the Agenda Briefing Session. Report refinement will allow Members to have the fullest available information they require to consider the recommendations to Council. This is what has occurred process wise for some time. If the above motion was to succeed, such Report amendments would not be possible, limiting the "on the record" information provided to Council Members.
- The papers (including the Agenda) for the Council meeting will then be finalised on the Tuesday ONE week after the Agenda Briefing Session, and distributed to Councillors and the public. This further allows both groups increased time to read, consider and discuss the papers, and prepare themselves for debate on any item. Apart from the time limit of 12 noon, the above motion seeks to reinforce a process already put in place.

At the Council meeting, the public will (like now) be able to question any Council paper.

Under Clause 3.3(2) of the Standing Orders "the purpose of the agenda briefing session is to provide an opportunity for elected members and persons in the public gallery to ask questions on the content of the **proposed** agenda" – the use of the word "proposed" clearly indicates that any agenda that may be provided at an agenda briefing session is not the finalised document. The use of the word "proposed" supports the position that an agenda is draft until the final distribution of the Council papers.

The CEO agrees with Council that significant work needs to be undertaken to make the Standing Orders much clearer, less ambiguous and provide definitive "rules" for meeting process. Until that occurs and new Standing Orders are made local law, the CEO proposes meeting processes improvements that are possible within the current Standing Orders should be embraced.

Ultimately, in support of the Council's wish for increased transparency and quality of information provision for Albany's citizens, clause 1.3 of the Standing Orders should be considered.

Clause 1.3 of the standing Orders state:

"(1) The purpose of (the Standing Orders) is to provide a set of procedures to assist in the good conduct of meetings of the Council....

(2) ...intended to result in:

- (a) better decision-making by the Council;
- (b) orderly and efficient conduct of meetings dealing with business of the Council;
- (c) greater community participation and understanding of the business of the Council; and
- (d) more open and accountable local government."

Clause 1.3 forms the basis of Council's recent decision for meeting process changes, including ensuring processes are in place to provide increased time for sharing and consideration of information that will go before Council at its meetings. The processes resolved by Council at their meeting of 15 February 2011 is intended to reflect and implement the spirit and intent of clause 1.3.

**15.4: NOTICE OF MOTION BY COUNCILLOR J BOSTOCK-ALLOCATION OF PUBLIC OPEN SPACE FUNDS TO MILLS PARK, LITTLE GROVE**

**ITEM 15.4: NOTICE OF MOTION BY COUNCILLOR J BOSTOCK**

**MOVED: COUNCILLOR J BOSTOCK**

**SECONDED: COUNCILLOR D BOSTOCK**

**THAT with respect to Public Open Space Funds held by the City in relation to Little Grove, Council resolves to:**

- 1. Support the allocation of 100% of the existing POS funds for the Mills Park Project.**
- 2. Instruct the CEO to seek approval from the Minister of Planning for the allocation of POS cash in lieu funds as required by Clause 4.3.5(c) of WAPC Policy DC 2.3 May 2002.**
- 3. If approved coordinate the application of these funds in conjunction with other funding that becomes available to progress the Mills Park Concept Plan.**
- 4. Before any work commences on Mills Park the Aboriginal community is consulted.**

**LOST 4-6**

**Record of Vote**

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

**ITEM 15.4: PROCEDURAL MOTION BY COUNCILLOR HOLDEN**

**MOVED: COUNCILLOR HOLDEN**

**SECONDED: COUNCILLOR MATLA**

**THAT this matter be laid on the table.**

This motion was not put to the vote.

**ITEM 15.4: PROCEDURAL MOTION BY COUNCILLOR MATLA**

**MOVED: COUNCILLOR MATLA**

**SECONDED: COUNCILLOR SUTTON**

**THAT this matter be brought back to Council at a future meeting with more information to be provided.**

**CARRIED 10-0**

**Councillor's Reason:**

This project has been a joint effort with Council Staff and the Community working together. The areas has been used as a public park for many years and the City has recently added public toilets in recognition of its heavy usage. The community has been very active in making the most of the park and operate a voluntary Park Watch to encourage outdoor activity in a safe environment. The concept plan is comprehensive and ready to progress but requires funding. Whilst the community have sought opportunities of grant monies, this is dependent on Council approval and backing for the project. Thus our financial commitment is of crucial importance in progressing this community initiative.

Since Council has approved increased density in this area, provision of good public parks will be vital, the Little Grove POS account can only be applied in the Little Grove area for the purchase of new land or with the approval of the minister to upgrade an existing park. Clearly Council cannot afford to purchase new land for POS and there is little point keeping the money for a rainy day when we have urgent need and a concept plan ready to go. Utilizing the money now will benefit the current generation of not only Little Grove children but those from Goode Beach and Robinson who already frequent this park, it being the only such facility on the peninsula. The park adjoins the Primary School and the Concept Plan has the approval of the Headmistress, with plans to incorporate the playing fields into a POS worthy of investment and when completed of great benefit to the community.

**Officer's Comment (F James)**

The City holds Public Open Space (POS) funds in relation to the area covered by the Little Grove Structure Plan Area (in the amount of \$79,363.64). I presume this is the POS Fund money that Councillor J Bostock is referring to.

Mills Park is outside the Little Grove Structure Plan Area and Mills Park is approximately one kilometre by road from Jeffcott Street, and may be considered to serve a different residential area.

The funds currently held in the Little Grove Public Open Space Fund were contributed by the developers of the Jeffcott Street development as cash in lieu. This contribution should ideally be invested in an area immediately proximate to the development for use by the residents of that area.

There has been no plan formally presented to the City for development of Mills Park, and this would need to occur prior to any allocation or sourcing of funds. Any concept or proposal for a park/recreation area must be developed in conjunction and consultation with the City as to the cost implications of maintenance etc.

The purpose of the Parks, Recreation and Open Space Reserve (as a separate fund to the POS funds) is for "Purchase of Land for Parks and Recreation Grounds". The amount currently held in that Reserve is \$758,444. Presumably this is not the funds Councillor Bostock is referring to.

There has been no funding allocated to the Mills Park project in the 2011/12 City budget, nor is it recognised as a high priority infrastructure project.

While Council approval for the project is sought by Councillor Bostock, Council could be "supportive" of this project as a "Community Project", without committing City funding for infrastructure or development. The Little Grove community could seek its own funding for this project.

If the community was to seek funding to advance the initiative, any plan would still need to be formally brought to Council once it has been developed, to ensure that the appropriate design

process has been followed, and that adequate resource contributions to the maintenance of the facility have been allocated.

Accordingly, as the Responsible Officer:

1. I cannot recommend support of Motion 1 or 2.
2. I advise that it is highly unlikely on information available that there will be “other funding that becomes available” in the near future to progress Mills Park work.

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

**XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.**

Nil.

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

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

**ITEM 19: RESOLUTION**

**MOVED: COUNCILLOR WOLFE**

**SECONDED: COUNCILLOR WELLINGTON**

**THAT Standing Orders be RESUMED to stop recording of proceedings.**

**CARRIED 10-0**

**XX. NEXT ORDINARY MEETING DATE**

Tuesday 20 September 2011 at 7pm.

**XXI. CLOSURE OF MEETING**

There being no further business the Presiding Member declared the meeting closed at [10:19:51 PM](#)



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Mayor MJ Evans JP  
MAYOR

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

<b>Meeting Date</b>	<b>Item Number</b>	<b>Details/Status</b>
15/06/2010	15.2.3	Lot 5 Rufus Street - Claim for Subdivision Design Changes. <b>CEO LIAISING WITH LAND OWNER/DEVELOPER REGARDING POSSIBLE SOLUTIONS.</b>
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. <b>REQUIRES FURTHER CONSIDERATION BY COUNCIL PENDING THE COMPLETION OF THE AIRPORT MASTERPLAN/BUSINESS PLAN.</b>
15/02/2011	4.11	Padre White Lookout Project. CEO to undertake further investigation of this project, including detailed budget analysis for project scope and provide further advice to council. <b>AWAITING ANZAC ALLIANCE PROGRESS.</b>
19/04/2011	4.7	Audit Committee Recommendations. That Council request the Chief Executive Officer to further review the investment of Surplus Funds Policy through the Finance Strategy Committee, prior to recommendation to Council. <b>PENDING.- AWAITING ENDORSEMENT OF CITY OF ALBANY STRATEGIC PLAN, BUDGET AND FIVE YEAR (FINANCE) PLAN.</b>
17/05/2011	3.1	Albany Leisure and Aquatic Centre. That the Business Plan be Brought back to Council for the Approval of the Recommendation. <b>PENDING COMPLETION OF BUSINESS PLAN TO BE PRESENTED TO FUTURE OCM.</b>
July 2010	18.3	Notice of Motion by Councillor Paver-Review Standing Orders Local Law 2009 before the December 2010 Council Meeting. <b>OUTSTANDING.- INSUFFICIENT STAFF RESOURCES AT PRESENT TO COMPLETE THIS WORK AND COUNCIL AWAITS THE MODEL STANDING ORDERS BY THE DEPT OF LOCAL GOVT.</b>
21/06/2011	5.5	Public Closure of Clydesdale Road at South Coast Highway. <b>LAI D ON THE TABLE FOR A PERIOD OF ONE MONTH FOR PUBLIC CONSULTATION. TO BE BROUGHT BACK TO THE SEPTEMBER 2011 OCM.</b>
16/08/2011	15.4	Allocation of Public Open Space Funds to Mills Park, Little Grove. <b>TO BE BROUGHT TO A FUTURE COUNCIL MEETING WITH MORE INFORMATION.</b>

**APPENDIX B****TABLED DOCUMENTS**

Mr Don Phillips	Item 2.2	GO.COM.3
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**TABLED DOCUMENTS BY ELECTED MEMBERS**

Councillor J Bostock	Item 3.0	GO.COM.3
Councillor J Bostock	Item 2.2	GO.COM.3
Councillor J Bostock	Item 15.3	GO.COM.3
Councillor J Bostock	Item 15.4	GO.COM.3
Councillor D Bostock	Item 2.2	GO.COM.3
Mayor Evans	Item 3.0	GO.COM.3

**TABLED DOCUMENTS BY STAFF**

**Nil.**

TABLED DOCUMENT BY MR DON PHILLIPS

CEO, MAYOR AND COUNCILLORS

CITY OF ALBANY

“WITHOUT PREJUDICE”

**RE: BIG GROVE ODP AND EASEMENTS, WITH SPECIFIC REFERENCE TO LOT 9  
(14) PANORAMA RD, BIG GROVE**

1. Lot 9 has an exclusive use easement.
2. Other easements exist within the Big Grove ODP.
3. The Albany City Council has no jurisdiction (*ultra vires*) on the easement in favour of Lot 9 together with other easements in the Big Grove ODP. The City has acknowledged this in its Agenda to Councillors.
4. Any resolution taken by the Albany City Council that seeks to cause a detriment to those easements is actionable at law, for a remedy to be sought.
5. The Big Grove ODP needs to confirm that the easement interests must be satisfied prior to subdivision by the proponent.



Don Phillips

~~9.8.11~~  
16.8.11  
pp.



**TABLED DOCUMENT BY COUNCILLOR J BOSTOCK**

OCM August 2011

Item III Announcements by Mayor and Councillors without Discussion

I would like to thank the City for facilitating and the rate payers for funding my attendance at the Local Government Annual Convention. I acknowledge that these functions are expensive and we have a responsibility to ensure that some value is returned to our community.

Learning about achievements in other parts of Australia, New Zealand and the UK is extremely important, expanding our thinking, jogging our complacency and hopefully forging new and innovative approaches to our work.

I was particularly impressed with Matthew Taylor, a sociologist and one time advisor to Tony Blair. Mr. Taylor highlighted the growing divide between community expectation and Governments ability to deliver. The fact that the more we spend the further we get from the desired result. The mismatch between the future people aspire to and the way government manages. He outlined a spiralling decline in the democratic process, a crisis in political legitimacy, the failure of public service productivity and the disassociation of the community with its Government. Throughout the developed world we are creating a bigger divide, a social aspiration gap, a fundamental dysfunction in the way we govern.

We require radical change; future is not in Government but in the Community and their inclusion and involvement in their own destiny is essential. Government must move away, from the concept of wise men deciding for us, be more open, inclusive, listening with a focus on human capability. Public Service should be organised to facilitate this, not to simply deliver to the people but enable them to look after themselves.

There is no better place to promote this concept than in Local Government, collaboration, working with our people, truly valuing their contribution, appreciating their talents and knowledge, encouraging engagement, involvement, and driving a new thinking away from the “Nanny State” where we look for solutions from Government to an emphasis on empowering our community, delivering autonomy, to facilitate “ownership” and greater control for our own lives.

The first step is a desire to improve; it is the challenge of engagement between Government and Community. Together we can do better.

Councillor Jill Bostock 1

**TABLED DOCUMENT BY COUNCILLOR J BOSTOCK**

OCM 16 August 2011 Item 2.2 Big Grove

Councillors it is no secret that I believe this proposal to be ill considered with no planning merit at this time of Albany's history. The State Planning Strategy or our Local strategy does not support it, save for an anomalous single map in ALPS which is in contravention of the State Strategy. Be that as it may the rezoning has been gazetted and it now falls to us to ensure that any development and this ODP are brought forward in such a manner as to protect against any adverse impacts.

I would like you to consider this statement delivered at a planning conference observing the hallmarks of bad planning.

“Economic factors were decisive, outweighing considerations of living amenity, the availability of public transport and public services, traffic problems and the preservation of natural beauty.”

It was suggested that we have moved on from this thoughtless ill considered position and the evidence suggests that our strategy, legislation and policies have but it is necessary for us to heed them.

Councillors as decision makers are we doing better, please think seriously about these planning considerations:

1. Do we urgently need 1,300 or even (2,200 detailed in the possible potential for this area) of urban blocks?
2. Does this represent consolidation of the urban footprint?
3. Is it providing homes within reach of public amenity?
4. Is public transport available and are there unresolved traffic issues, will it compromise our protected Port Access?
5. Has the fire risk and emergency evacuation been adequately addressed?
6. Is the development in keeping with the amenity of the area?
7. Will the preservation of the coast, remnant vegetation and endangered species be adequately protected?
8. Are we allowing the destruction of the very essence of Albany unnecessarily, is there more suitable land for urban development available?
9. Are we observing Federal, State and Local protection of our environment?
10. Are we observing the Planning Legislation, particularly with regard to SPP 2.6?

This is essentially a new town which will destroy 120 hectares of coast, highlighted as of State and Regional significance. It is the backdrop of our City on our major tourist route. Why? when we have a vast oversupply of blocks available and ample cleared and more suitable land for residential expansion.

This land was protected under our TPS and should have remained so, it is our heritage, and to place it under concrete unnecessarily is in my view irresponsible in the extreme. We simply do not need to destroy our environment to provide homes at this stage of history. I leave you with a message from the United Nations conference,

“Man bears the solemn responsibility to protect and improve the environment for present and future generations.”

I ask you to exercise that responsibility and vote against this motion and ODP greater planning is needed to mitigate adverse impacts and afford greater protection of the environment.

Councillor Jill Bostock.

are finalised. Council has no choice it MUST abide by its previous resolution and not consider the ODP until this has been complied with.

Council has already determined that it requires these issues to be satisfactorily addressed before final adoption of the ODP.

The fact that so many issues remain unresolved, that the effected landholders still have concerns, that EPA and DEC do not consider the environmental impact to be adequately protected, that the Management Strategy has not be completed, the Traffic Management remains a problem with no definitive resolution, Fire Management and particularly escape in the event of a Major fire is yet to be managed, the Coastal Setback has not been finalised. In short there are vast areas that are not resolved to a level that will allow this development to proceed smoothly. Planning is about ensuring good land use with no adverse impacts.

Whilst I acknowledge the huge amount of work that has gone into the preparation and examination of this ODP, it is a massive development with inevitable and significant impacts and if it is to progress successfully it is essential that all considerations at every stage is properly dealt with.

I ask for your support in deferring this matter to ensure that Council cannot at a later date be criticised for not mitigating adverse impacts by failure to ensure adequate early planning.

Councillor Jill Bostock.

## TABLED DOCUMENT BY COUNCILLOR J BOSTOCK

OCM 16 August 2011 Item 15.3 Meeting Agenda.

Rather than enter a debate as to the true meaning of the word “proposed” and the expectation one could conclude with regard to its definition I will talk about the practicalities of the use of a “Draft Agenda”.

Its introduction appears to have been to mitigate problems created by bringing the Agenda Briefing forward and the demands of time restraints in the preparation of the papers. Any change tends to produce unforeseen circumstances and this seemingly small change seems to have introduced more problems than it has solved.

The difficulty for staff must be onerous, with a “Draft, Actual and the next month’s agendas and the Minutes of the last month’s meeting being juggled all at once. The cost of paper and printing must have escalated as has the time staff must spend on preparation and changes.

For Councillors the situation is more difficult than previously, working with a document subject to change is counterproductive and wasteful of time and effort. When a whole report is rewritten, one has to start again and changes may be missed. Questions and inquires may be futile and the value of the agenda briefing is undermined. There is additional wastage of time in collating and increased risk that papers and changes go astray.

For members of the public or persons with items concerning them it becomes a lottery, effective preparation becomes problematical and their own situation uncertain. I have received a number of complaints about this state of affairs. Whilst there have always been minor changes or additional information it has always been considered undesirable and to be minimised. The concept of a Draft Agenda encourages change and could lead to less attention in getting it right first time, perhaps because of tighter deadlines but also with the safety net of a second chance. I am not making judgement here, just observing the restraints and possible consequence.

When the agenda is published, delivered to Councillors and placed in the public domain one requires certainty, that this is the Agenda for the OCM. Without this security work in preparation becomes untenable. The purpose of an agenda is to outline what to expect and to allow all those involved to properly prepare and ensure effective participation and a productive meeting.

In conclusion I consider the Draft Agenda to be counterproductive for everyone involved in the Council Meeting process. Recognition of problems has been acknowledged but there has been a belief that these are “teething problems” and will settle as the change becomes established. I do not share that view the practice is flawed in concept and does not facilitate and promote an effective meeting.

I ask you to support this motion and return to the well recognised predictable and accepted practice of a Meeting Agenda that can be relied upon.

Councillor Jill Bostock

## TABLED DOCUMENT BY COUNCILLOR D BOSTOCK

OCM 16 August 2011

Item 2.2 Proposed Outline Development Plan Big Grove.

Procedural Motion, Mover speak, seconder cannot, no debate.

Under Clause 7.1 (a) Move a procedural motion that the motion be deferred, and returned to the next ordinary Council meeting when Councils Resolution of 18 August 2009 has been complied with.

Resolution: 18 August 2009

Item 13.2.3

- (a) Council shall not consider the Outline Development Plan (ODP) unless the following issues are dealt with and documentation in that regard is included as part of the ODP.
- (b) A finalised foreshore reserve area and Foreshore Management Plan;
- (c) Fire Management Plan;
- (d) Visual Amenity Impact Assessment;
- (e) Local Water management strategy;
- (f) Additional Fauna and Flora studies and information as required by the Department of Environment and Conservation;
- (g) The ODP will be prepared so that:
- (i) key vegetation associations, fauna habitat and ecological linkages are retained where possible;
- (ii) the length of direct road frontage between the east boundary of Lot 2 and Reserve 930 is reduced, to provide a softer interface with the adjoining bushland and reduce native fauna road kills;
- (iii) Coastal setback and foreshore reserve width is to the satisfaction of the DPI/WAPC, taking into account the ecological values and recreational needs as well as the management of physical processes.
- (iv) Visual amenity from Torndirrup National Park and the Albany Township are not unduly affected.
- (v) The design recognises the ecological corridor values of the foreshore, with increased, rather than reduced, levels of vegetation.

ii. Include the following text under the relevant sub sections of section 5 of the amending document:

- (a) The information regarding Fauna and Flora is not conclusive and any proposed ODP would have to contain additional studies, information, targeted fauna and flora surveys and management plans to the Satisfaction of DEC.
- (b) In addition to only referring to lot numbers add the respective house numbers to all references to Lot 2 and ensure that both are included throughout the document e.g. "Lot 2 (house 855) and Lot 2 (House no 887) Frenchman Bay Road".
- (c) include a reference to Sharp point road under the relevant sections of section 3.1 of the amending document.

Councillors the resolution of August 2009 remains in force, it is legally binding, unless a rescission motion is successful. The resolution states that Council "Shall Not Consider an ODP" it does not state "May Not", legally therefore it must be complied with.

The officers report (Page 63) outlines areas that remain outstanding, and details that Council could resolve "not support the officer's recommendation until all the information and Reports

**TABLED DOCUMENT BY COUNCILLOR J BOSTOCK**

OCM 16 August 2011

Item 15.4 Allocation of Public Open Space Funds to Mill Park

Mayor and Councillors this project has forged ahead because of a few committed members of the public and given of their time and money and worked in conjunction with City staff to deliver a comprehensive concept plan to improve this Park. The City has previously built a Skate Park and last year a Toilet Block in recognition of its heavy usage. The Park is adjacent to the Primary School and creates a natural community focus and is therefore ideally placed to serve the increased density that the Little Grove Structure Plan is designed to deliver, being within easy walking distance of the entire area.

The Park is used by children of Little and Big Grove, Robinson and Goode Beach; it is the only such facility on the peninsula. A volunteer Park watch is in operation to supervise and ensure safety; in short it is already an important and well used community provision. The Concept Plan has been well received by the community and Robbie Monk the City's Reserve Officer has worked with the group and is very supportive of the project. The Principal of the Primary School has also been involved and the incorporation of the School Playing fields offers the opportunity to extend the landscaping and develop a significant public area.

Councillors, this is a City Park, the area is set to grow and this Park needs to simultaneously develop and improve, it represents basic infrastructure a provision we need to deliver when approving increased residential development. An enormous amount of work has been done for us, we should reward, recognise and embrace this community initiative, and it is collaboration such as this that builds a strong society.

In this Agenda we have approved our New Strategic Plan, I quote from that plan.

“Incorporate into future plans, infrastructure in parks that encourages activity for all ages and abilities.”

“Facilitate and advocate for increased services for young people”

“Incorporate “meeting spaces” and recreational infrastructure in public space for young people”

“Provide financial assistance, grants to community organisations to assist and promote community projects and activities”

“Recognise the contribution of volunteers”

Councillors are these just fine words or are we going to implement them?

This project has been a wonderful example of collaboration, the City and community working together, all that is required to kick start this venture is some funding, not in 10 years time but NOW. There is no point in hoarding the money when it is needed for its rightful purpose today. The POS money held by the City cannot be used for any other purpose what possible reason could be given to withhold this money from our current generation of children. Money in a trust fund, or provision for our community, it is a simple decision.

Councillors I trust you will honour our new Strategic Plan, please put our fine words into practice and vote in favour of this motion.

Councillor Jill Bostock

**TABLED ADDRESS BY THE MAYOR  
MAYOR'S REPORT TO COUNCIL**

**TUESDAY, 16 AUGUST 2011**

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

Every month I give the Mayoral report which is a snap shot of my activities which are in addition to scheduled meetings with our C.E.O., Community members, Government Departments and utility officials , Council and Committee meetings.

Since the last Council meeting held on 19<sup>th</sup> July 2011 I have attended the following:

- Along with staff and several Councillors, met with members of the Youngs Siding community.
- Business Breakfast promoted by Russell Sage Ministeries.
- Monthly Community Radio segment.
- As Chair – Regional Development Australia, Great Southern board meeting convened in the new Cranbrook Sports pavilion.
- Sculpture unveiling and opening of the View Restaurant – AEC.
- Elleker community members meeting, along with staff and several councillors.

It is to be noted the 2011-2021 City of Albany Strategic Plan underlines the importance of senior staff and elected members meeting regularly with rural communities.

- Funeral for Kevin Arnol, long standing member of our community and Manager at St.John Ambulance, Albany.
- ACCI Business Breakfast at the Stirling Club.
- Friday 29<sup>th</sup> It was a pleasure to host a Civic Reception for students and teachers from our Friendship city Nichinan, visiting Albany through the Great Southern Grammar School student exchange programme.
- Sunday 31<sup>st</sup> attended a tree planting at Bob Thomson gardens for Planet Ark National Tree Planting Day.
- From here I attended the annual Local Government Conference between 3<sup>rd</sup> and 6<sup>th</sup> August. Aside from the lecture and presentation commitments attended, this period also included:
  - \* State Ministerial Dialogue Round Table where I met with Ministers Castrilli , Buswell , Collier, Marmion and Minister Day's advisor.
  - \* G.S. Zone of WALGA meeting with several presentations  
Including Minister Terry Waldron and Western Powers Local Government relationship Manager.
  - \* WA Regional Cities Alliance Meeting (a report on this meeting will be included with my September report to Council.
  - \* Mayors and Presidents' Reception hosted by City of Perth.

Monday 8<sup>th</sup> I attended the Friends of Emu Point meeting.

- Wednesday 10<sup>th</sup> Private Citizenship Ceremony for 2 new Australians.
- Along with CEO Ms James we attended Woodthorpe School Open Day – It was a very special event.
- Thursday 11<sup>th</sup>, I met with representatives of Verve Energy who gave an update on the additional wind turbines planned for Grassmere. I have requested a briefing for Council.
- Tree Planting Ceremony for Walter Green's 100<sup>th</sup> year. An absolutely delightful occasion. I appreciated the support from Cr Dufty and Cr Holden.
- Thank you to Cr Wolfe who deputised at the VIBE youth basketball and hip-hop challenge medal presentations.
- Attended the Albany Centenary of ANZAC presentation to Prime Minister Gillard on Thursday 11.
- Attended the UWA Friends Executive meeting.
- Friday 12<sup>th</sup> As part of the Albany Heart Safe Programme which Cr Hammond has passionately promoted, I presented machines to the Dog Rock Shopping Centre and Albany Bowling Club.

The Heart Safe initiative is to reduce heart damage, improve quality of life and increase survivability of individuals who experience a sudden cardiac arrest within the municipality.

In closing, as Mayor, I formally advise that Cr Mervyn Leavesley has tendered his resignation and will be standing down at the October 15<sup>th</sup> 2011 Local Government Elections. Cr Leavesley intends to be at the September and October Ordinary Council meetings. Notification of Cr Leavesley's resignation at this time avoids an expensive extraordinary election.