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# **MINUTES**

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## **ORDINARY MEETING OF COUNCIL**

**Held on  
Tuesday, 16<sup>th</sup> December 2008  
7.00pm  
City of Albany Council Chambers**

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**1.0 DECLARATION OF OPENING**

The Deputy Mayor declared the meeting open at 7.00pm.

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

<b>Deputy Mayor</b> (West Ward)	D Wolfe
<b>Councillors:</b>	
Breaksea Ward	J Bostock
Breaksea Ward	D Wiseman
Frederickstown Ward	D Price
Frederickstown Ward	Vacant
Kalgan Ward	J Walker
Kalgan Ward	R Buegge
Vancouver Ward	R Paver
Vancouver Ward	K Stanton
West Ward	Vacant
West Ward	D Wolfe
Yakamia Ward	J Matla
Yakamia Ward	G Kidman
<b>Staff:</b>	
Chief Executive Officer	Paul Richards attended from 8.15pm
Executive Director Corporate & Community Services	WP Madigan
Acting Executive Director Works & Services	P Brown
Executive Director Development Services	R Fenn
Minutes Secretary	F Paech
<b>Public Gallery and Media:</b>	
2 media representatives were in attendance and approximately 41 members of the public.	
<b>Apologies/Leave of Absence:</b>	
<b>Elected Members</b>	
Mayor	MJ Evans, JP

### 3.0 OPENING PRAYER

Councillor Stanton read the opening prayer.

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

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

Nil

### 5.0 PUBLIC QUESTION TIME

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

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

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

Speaker One

**Mr. Neil Smithson, Albany**

Mr. Smithson addressed Council in regard to Item 14.3.2 – Expenditure of Grant Allocation.

A transcript of Mr Smithson’s address can be found in Appendix D.

Speaker Two

**Mr. Peter Aspinall, Lower Kalgan**

Mr Aspinall addressed Council in regard to Item 14.3.2 – Expenditure of Grant Allocation.

A transcript of Mr Aspinall’s address can be found in Appendix D.

Item 5.0 continued  
Speaker Three

**Mr. Ed Nelson, Albany**

Mr Nelson spoke to Item 11.1.1 - Development Application – Proposed Caravan Park extension – Lot 4 (Number 550) Albany Highway, Milpara

He stated that spare land was available for the proposed Park Homes, that in 2005 it was deemed appropriate to develop the Park home in three stages. An agreement had been reached with the adjoining property owner to share the costs of deep sewerage.

Mr. Nelson also stated the application had been amended to comply with the 50/50 permanent/short stay requirement currently in force. He also requested that Council use the current policy - Tourism Philosophy - when considering the application.

Speaker Four

**Mr Craig Pursey, Albany**

Mr Pursey spoke in support of the Officer Recommendation for Item 11.1.2 - Development Application – Proposed residential buildings (x2) – 77 Stead Road, Albany.

Mr Pursey said that ACTIV have a commitment to Albany and that the approval of this Development would upgrade their facilities and services.

Mr Pursey also spoke in support of the Officer Recommendation Item 11.3.3 - Scheme Amendment – Final Approval – Lot 14 (Number 36-50) Spencer Street, Albany. In particular he supported Paragraph 16.

Speaker Five

**Alastair Anderson, Albany**

Mr Anderson spoke with regard to Item 11.3.3 - Scheme Amendment – Final Approval – Lot 14 (Number 36-50) Spencer Street, Albany. Mr Anderson resides opposite and said that if Council is to approve this Amendment it should remove Appendix D. He said that this does not support Council planning. He also stated that he was not against development but wished to retain the views from his property.

Speaker Six

**Pat Kerriush, Middleton Beach**

Ms Kerriush addressed Item 12.8.2 – Committee Recommendation 3: Item 5.2 – Competitive Neutrality Review – Gym and Group Fitness operations of the Albany Leisure & Aquatic Centre (October 2008).

Item 5.0 continued

Ms Kerriush stated that she has no interest in Body Care which is owned by her daughter. She enumerated several perceived flaws in the Neutrality Review and urged Council to reject it. Ms Kerriush asked Mr Madigan if the number of items of gym equipment at the ALAC gym was documented.

In response Mr Madigan replied that it was a documented Council decision in February 2007.

Ms Kerriush then addressed Item 12.8.2 Committee Recommendation 4. She asked if the gym was unsupervised why were ALAC staff saying it was supervised, and why was the Council seeking advice on this.

Ms Kerriush again urged Councillors to reject the Competitive Neutrality Review.

Speaker Seven

**Mr Graham Harvey, Albany**

Mr Harvey spoke to Item 12.8.2 Committee Recommendation 3: Item 5.2 – Competitive Neutrality Review – Gym and Group Fitness operations of the Albany Leisure & Aquatic Centre (October 2008). He urged Councillors to reject the Review stating it was a flawed document.

Mr Harvey also spoke to Item 12.8.2 – Committee Recommendation 5. He expressed doubts re the Memorandum of Understanding established with local Gym owners, and recommended Council to lay the Item on the table.

Council supported the extension of Public Question time by a show of hands.

Speaker Eight

**Mr Roy Winslow, Harley Survey Group**

Mr Winslow spoke to Item 11.3.2 -

Mr Winslow spoke on behalf of the owners of the property concerned. He said this was the first occasion on which the proposal had been considered on its own. He cited pages 138, 139 of the ALPS, para 17, saying that the Officer recommendation appeared to contradict this. He also mentioned page 141, saying the requested SAR would apply beyond the 10 year supply stated. He requested Council to accept Councillor Buegge's Alternate Motion.

Item 5.0 continued

Speaker Nine

**Nick Ayton, Albany**

Mr Ayton spoke to item 11.1.3. He stated that it was unfortunate that the correct approvals had not been obtained before the business had been commenced. He said that the owners believed the business was classed as Rural Use, and could apply for re-zoning. He said that relocation was financially unviable. He suggested that a site visit by councillors may be beneficial and urged Council to lay the item on the table until this could be achieved.

Speaker Ten

**Tony Harrison, Little Grove**

Mr Harrison urged Council to consider the construction of toilets at Surfers Beach with Govt funding obtained, as the closest toilets available are at Mutton Bird Beach. He then directed questions to Mr Brown re the erosion at Emu Point.

Mr Brown replied that the whole issue of Emu Point erosion and the shifting of the seabed was being studied and options being considered.

Mr Harrison then urged Council to disallow the development of Torbay Hill.

Council supported the extension of Public Question time by a show of hands.

Speaker Eleven

**Mr Bob Swarbrick, Albany**

Mr Swarbrick asked that ceremonial tree plantings not take place in Eyres Park.

He also said that the existing blue gums should be removed.

He then asked that the State Government be lobbied to impose a 5c levy on bottles to reduce littering.

Mr Swarbrick then said that the road drainage in Shorts Place was ineffective because the drains were above the road surface so the water was unable to drain.

He also urged the Council to check the ruling on floor levels in housing as he claimed many were too low and flooding was occurring.

The Deputy Mayor replied that Councillors may conduct a site visit to observe this.

Speaker Twelve

**Mr Graeme Waugh, Little Grove**

Mr Waugh spoke to Item 11.1.4. He tabled several documents that may be viewed in Appendix D. and urged Councillors to support the Officer Recommendation.

## 6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

*Councillor Buegge left the Chamber at 7.58pm and returned at 8.00pm*  
*Councillor Bostock left the Chambers at 8.00pm*

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

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#### VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR: PRICE**

**SECONDED COUNCILLOR: MATLA**

**THAT** the following minutes:

- Ordinary Council Meeting held on the 18<sup>th</sup> November 2008;
- Annual General Meeting of Electors held on the 4<sup>th</sup> December 2008; and
- Special Council Meeting held on the 4<sup>th</sup> December 2008

as previously distributed be confirmed as a true and accurate record of proceedings.

**MOTION CARRIED 9 - 0**

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*Councillor Bostock left the Chamber at 8.00pm and returned at 8.01pm*

## 7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

## 8.0 DISCLOSURE OF FINANCIAL INTERESTS

[Members of Council are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the disclosure by 3.00pm on that day.]

Name	Item Number	Nature of Interest
Councillor Wiseman	11.1.1	Financial. Councillor owns competing business for tourist accommodation.  Councillor left the Chamber.
Councillor Paver	11.1.1	Impartiality. Councillor supplies gratuitous tourist information service to proponent.  Councillor remained in the Chamber for the debate and vote.
Councillor Kidman	11.1.3	Financial. Councillor has a tenant who is a block manufacturer.  Councillor left the Chamber.

ORDINARY COUNCIL MEETING MINUTES – 16/12/08

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CEO Richards	11.1.4	Proximity. CEO rents property which is in close proximity to the proponents.  CEO remained in the Chamber.
Councillor Wiseman	11.3.3	Proximity. Councillor owns property close to the subject site.  Councillor left the Chamber.
Councillor Price	11.3.3	Proximity. Councillor owns property at 70 Spencer St., Albany. View from Councillors property may be affected by the development.  Councillor left the Chamber.
Councillor Wiseman	11.6.1	Proximity. Councillor owns property detailed in Committee Meeting Minutes.  Councillor left the Chamber.
Councillor Paver	12.8.2 Committee Recommendation 1	Financial. Councillor supplies marketing services to ALAC.  Councillor left the Chamber.
Councillor Paver	12.8.2 Committee Recommendation 3	Financial. Councillor supplies marketing services to ALAC.  Councillor left the Chamber.
Councillor Paver	12.8.2 Committee Recommendation 4	Financial. Councillor supplies marketing services to ALAC.  Councillor left the Chamber.
Councillor Paver	12.8.2 Committee Recommendation 5	Financial. Councillor supplies marketing services to ALAC.  Councillor left the Chamber.
Councillor Paver	14.3.1	Impartiality. Councillor supplies marketing services to city of Albany.  Councillor remained in the Chamber for the vote.
Councillor Paver	14.3.3	Financial. Councillor supplies marketing services to ALAC.  Councillor left the Chamber.

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

Nil

**10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

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# **DEVELOPMENT SERVICES Reports**

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**DEVELOPMENT SERVICES REPORTS**

**11.0 REPORTS – DEVELOPMENT SERVICES**

**11.1 DEVELOPMENT**

**ITEM NUMBER:** 11.1.1

**ITEM TITLE:** **DEVELOPMENT APPLICATION – Proposed Caravan Park Extension – 550 Albany Highway, Milpara**

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

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

<b>File Number or Name of Ward</b>	: A023343 (Kalgan Ward)
<b>Summary of Key Points</b>	: Consideration of additional permanent accommodation units on the site
<b>Land Description</b>	: Lot 4 (550) Albany Highway, Milpara (Albany Holiday Park)
<b>Proponent</b>	: Harley Survey Group
<b>Owner</b>	: E Nelson
<b>Reporting Officer(s)</b>	: Planning Officer (T Wenbourne)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Bulletin Attachment(s)</b>	: <ul style="list-style-type: none"><li>• Application for Planning Scheme Consent</li><li>• Tourism Philosophy</li><li>• Submission on draft Tourist Accommodation Planning Strategy</li></ul>

**Maps and Diagrams:**



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**BACKGROUND**

1. This application is for an extension of Albany Caravan Park located at 550 Albany Highway, Milpara.
2. The site is zoned as a “Special Site” within Town Planning Scheme No. 3, with a specific caravan park designation.
3. The site has been upgraded in recent years with dilapidated permanent caravan sites being replaced with modern park homes. The steady income from the park homes helps to balance the seasonal variations in temporary tourist visitors and keeps the caravan park financially viable as a whole. This application represents the third and final stage of a planned overall upgrade of the site.

**DISCUSSION**

4. The Tourism Philosophy was adopted by Council at its meeting on 19 March 2002.
5. The Draft Tourism Accommodation Planning Strategy has since been developed and was adopted as a draft by Council at its meeting on 16 September 2008. The draft document was subject to a public consultation process with a closing date for submissions of 25 November 2008.
6. The draft strategy designated Albany Holiday Village as a “Suitable Tourism Site” and proposed the following development options:

<b>Recommended Development</b>	<b>Percentage Residential</b>	<b>Percentage Chalets</b>	<b>Proposed Zone in Community Planning Scheme</b>
Caravan Park	30%	20%	Caravan / Camping

7. The application has been amended since its initial submission and now seeks to increase the permanent residential park home element by 25 sites (originally 29 sites). In addition the number of tourist sites is proposed to be increased by 4. This would result in an overall provision of 142 sites with an even 50/50 split between permanent park home sites and tourist sites.
8. The adopted Council policy “Tourism Philosophy”, permits a maximum 50% for residential units in tourism development in less attractive locations. The application site is considered a less attractive location as it is some 6.0km from the CBD adjacent to a highway used by heavy haulage with no water frontage or other amenity value attributable through its location. It is the first caravan park one sees when arriving in Albany from the Perth direction and so has a high visibility advantage. This lower desirability rating is confirmed in the draft Tourism Accommodation Planning Strategy, where the site is designated as a “Suitable” tourism site.

## DEVELOPMENT SERVICES REPORTS

## Item 11.1.1 continued

9. The Tourism Philosophy requires a tourism site with residential units to be connected to a reticulated sewer system. Currently the park has an onsite sewerage treatment plant, but the proposed extension of the caravan park includes the area covered by this facility. The adjoining land to the east has been approved for residential sub-division with a sewerage connection requirement. The applicant intends to collaborate with the adjoining landowner to jointly provide the sewer connection; the entire caravan park would then be serviced by this new connection. If Council approves the application, the development could be conditioned to only be undertaken in conjunction with the provision of the sewer connection. Such a condition has been suggested by the Council's Environmental Health Department in their consultation response.
10. In the draft Tourism Accommodation Planning Strategy, it is proposed that no more than the 30% of the site should be used for permanent residential occupation. The extra units proposed would give a 50/50 split between permanent park home sites and tourist sites. As the site is not considered a "local strategic" or a "prime" site in the Strategy and does not have a particular locational advantage in terms of proximity to the CBD or water frontage, it does not contribute significantly as a tourism site of first choice. Therefore the increase in the percentage of permanent occupancy sites as proposed would not have a detrimental impact in the overall provision of tourist accommodation in the area; the proposed development is to occur on undeveloped portions of the site.
11. In the submission, the applicant has requested that due to the current global financial situation and the need for the proposal to coincide with the extension of reticulated sewer to the property, that consideration is given for a 3 year planning consent rather than the usual 2 years. The 2 year validity for a planning consent is a State-wide standard and although the Council has discretion to grant a longer time for commencement of development, the applicant would have to demonstrate exceptional circumstances for such consideration to be given. No such circumstances have been advanced in this instance.
12. In the "Report of the Ministerial Taskforce to the Minister for Planning and Infrastructure (2006)" it is stated:  
*"The taskforce has identified, that there is the potential to provide the flexibility for residential use of a proportion of units in the development of some sites zoned and required to be retained primarily for tourism purposes. This is restricted to those sites that are identified as non-strategic and where the site is in a suitable location and planning context to accommodate residential use, ie the site would provide adequate access to residential services and amenities, creates a sustainable residential environment and does not result in excessive servicing or infrastructure costs. Within this framework, not all sites identified as non-strategic will be considered in the planning framework as suitable to accommodate a residential component.*  
  
*The recommendations are designed to allow the project-financing benefits of a residential component in a new tourism development or a significant redevelopment of a tourism facility to be achieve. It also establishes principles to ensure any detrimental impacts on the tourism experience available in such developments, or the capacity to accommodate future tourism demand through the permanent loss of land to tourism purposes, are minimised. Achieving this outcome requires specific controls on the nature and extent of the residential development."* (Pg 72)
13. This site is likely to be completely surrounded by residential development in the near future. The proponent also proposes to add the additional 25 park homes into the site without reducing the number of bays available for short stay tourism use; the proposal intends to add an additional 4 short stay sites consistent with the Taskforce's principles detailed above.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

14. The Taskforce Report (pg 73) then proceeds to provide some principles on the percentage of a site that could be developed for residential (no occupancy restriction) purposes. In summary, these principles are:
  - a. Zero to 25 percentage of non strategic sites may be permitted where access to residential services and amenities exist.
  - b. The maximum percentage should;
    - i. be equal to or less than the mix of residential and tourist sites.
    - ii. achieve clustering of the residential units.
    - iii. the common areas required for short stay use should be excluded from any calculation of area for the mix of uses.
    - iv. the tourism component shall remain the dominant element in all respects.
  - c. In considering the appropriate mix, the local authority shall have regard to tourism issues and the sustainability of a residential development within the broader planning and settlement context of the specific site.
  - d. The establishment of performance criteria for the determination of the applicable percentage.
  - e. Appropriate zoning of the site to differentiate it from other sites zoned for tourist purposes where permanent occupation is not permitted.
15. The application would appear to satisfy principles (a) to (d) in the above paragraph. The City's Tourism Planning Accommodation Strategy is seeking to provide the framework mentioned in clause (e).

**PUBLIC CONSULTATION/ENGAGEMENT**

16. Not applicable.

**GOVERNMENT CONSULTATION**

17. Consultation with Government Agencies has been undertaken. Letters were sent to Main Roads Western Australia and the Western Australian Tourism Commission. No response has been received from Main Roads. The Western Australian Tourism Commission has replied only to state that they will provide full comments by 27 November 2008. Any comments received between the writing of this report and the Council Meeting will be circulated to Councillors.

**STATUTORY IMPLICATIONS**

18. The land is zoned as a "Special Site" with a designation for a "Caravan Park" use in Town Planning Scheme 3 (TPS 3). The current use is a "Caravan Park" and the proposed extension is permissible under the Scheme.
19. The development would also be subject to the *Caravan Parks and Camping Regulations 1997* and the *Caravan Parks and Camping Grounds Act 1995* as amended, which regulates the use and development standards of Caravan Parks.
20. A "Park Home" is defined in the *Caravan Parks and Camping Grounds Act 1995* as a vehicle of a prescribed class or description that is designed or fitted for habitation. The *Caravan Parks and Camping Grounds Regulation 1997* at Regulation 9 states "*despite anything else in this Part, a person may occupy a park home only in a caravan park licensed under the Act*".
21. Regulation 30 also states that a person may only bring a park home on to a caravan park only with the prior written approval of the owner of the park home, the licence holder for the caravan park and the local government.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**FINANCIAL IMPLICATIONS**

22. Not applicable.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

23. This item directly relates to the following elements from the Albany Local Planning Strategy (ALPS):

*“5.2 Tourism,*

*Planning Principle: “Albany will remain the premier tourism destination on the south coast and will provide the complete tourism experience.”*

*5.4.1 Destination,*

*Planning Objective: “To retain existing and facilitate new tourism developments that are sympathetic to community and environmental considerations.”*

*5.4.2 Accommodation,*

*Planning Objective: “Promote the development of sustainable tourist accommodation.”*

*Actions Proposed By ALPS,*

*Ensure that new tourism and other developments and/or land uses do not threaten the natural and cultural heritage values that make the City so unique and desirable as a tourist destination...”*

24. The City of Albany Tourism Accommodation Planning Strategy (Draft), has listed this site as a “Suitable” tourism site, which means it provides a lower order tourism product, having the potential to be altered over time as urban development pressures increase or the infrastructure reaches the end of its service life. This site has been assessed as providing no direct community benefit or disadvantage derived from the development of the site.

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

*“Priority Goals and Objectives:*

*Goal 2: Economic Development ... Albany will be Western Australia’s first choice for regional investment offering a wide range of development, employment and learning opportunities within a robust economy.*

*Objective 2.2 Investment is complementary to Albany’s sense of place and occurs within an up to date and effective planning framework.*

*City of Albany Mission Statement:*

*At the City of Albany we are ethical and operate within our strategic and policy framework.”*

**POLICY IMPLICATIONS**

26. The City of Albany adopted Tourism Philosophy Policy (2002) includes certain requirements to be met including:

- *The percentage of residential units in a tourism development should be inversely proportionate to the tourism value and prime nature of the site with maximum percentages of 10% for prime sites and 50% for less attractive locations. The residential units should be evenly distributed throughout the site (with no accumulation of residential units along particular frontages, or the development of residential enclaves).*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

- *Where residential units are being mooted within a tourism site, the subject land must be connected to a reticulated sewer system operated by the Minister for Water Resources.*

27. Attention is also drawn to the Tourism Planning Taskforce Report prepared by Tourism WA wherein the issue of “permanent occupation” of facilities built and approved for tourism (short term occupation) use has been examined. The Report makes recommendations against any form of permanent occupation on “strategic” sites. Tourism WA also has a policy which recommends that any permanent residential activity be clustered within the site to segregate permanent residents from people seeking to gain a holiday experience.
28. The Draft City of Albany Tourism Accommodation Planning Strategy identifies this site as a “Suitable Tourism Site” to be included within the “caravan/camping zone” in the City’s Community Planning Scheme and recommends additional controls to restrict the percentage of the site used for permanent occupation to 30% and the chalet units to a further 20% of the total registered number of bays on the site. The owner has lodged a detailed submission on that strategy (see Information Bulletin).

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

29. Should Council refuse the application, the applicant could seek a review of that decision through the State Administration Tribunal. This would have associated cost implications for the Council. The Tribunal will consider the relevance of the various strategies/policies as part of its determination and the dates those policies were introduced.
30. The Council could defer the decision, pending consideration of the submissions on the draft City of Albany Tourism Accommodation Planning Strategy; that process could take several months to complete.

**SUMMARY CONCLUSION**

31. The application proposes an extension to a caravan park in a less attractive location in terms of demand for proximity to typical tourist facilities.
32. The current adopted Council Policy – Tourism Philosophy, permits permanent residential units up to a maximum of 50% of the total number of sites on a property in a less attractive location. This is the level sought in this instance to be provided through Park Homes, which are not discordant to the visual amenity of the caravan park setting.
33. The draft Tourism Accommodation Planning Strategy proposes permanent occupation be restricted to 30% of the total number of bays onsite. However, given the low desirability rating due to the location circumstances and the other options available locally, a higher percentage of permanent residential occupation is considered acceptable.
34. In conclusion, the proposal for extension of the caravan park to provide 25 additional permanent residential sites and 4 tourist sites is acceptable and is hereby recommended for approval subject to complying with a number of conditions.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**ITEM NUMBER – 11.1.1 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council SUPPORTS the issuing of a Notice of Planning Scheme Consent for a “Caravan Park – Extension (25 park home sites and 4 tourist sites)” at 550 Albany Highway, Milpara subject to, but not limited to, the following conditions:

- i) No more than 50% of the total number of registered bays within the caravan park shall be used for permanent residential occupation.
- ii) The development shall be undertaken in accordance with the approved plans.
- iii) The proposed sites shall be connected to the Water Corporation’s reticulated sewerage system prior to the occupancy of the park homes.
- iv) Detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issuing of a building licence. Such plans should identify invert levels, cover levels and pipe size and grade.
- v) Landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence.
- vi) All land indicated as landscaped area on the approved plans being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council.
- vii) All vehicular parking, manoeuvring and circulation areas indicated on the approved plans being constructed, properly drained and sealed to the satisfaction of Council.

**ITEM NUMBER – 11.1.1 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council DELEGATES it’s authority to the Manager of Planning and Ranger Services, pursuant to 7.22 of the City of Albany Town Planning Scheme 1A, to issue a notice of Planning Scheme Consent for a “Caravan Park – Extension (25 park home sites and 4 tourist sites)” at 550 Albany Highway, Milpara and empowers the Manager to incorporate any further conditions that he considers necessary.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

*Councillor Wiseman left the Chambers at 8.03pm*

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**ITEM NUMBER: 11.1.1**

**AMENDED OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: PAVER**

**SECONDED COUNCILLOR: BOSTOCK**

**THAT Council SUPPORTS the issuing of a Notice of Planning Scheme Consent for a “Caravan Park – Extension (25 park home sites and 4 tourist sites)” at 550 Albany Highway, Milpara subject to, but not limited to, the following conditions:**

- i) No more than 50% of the total number of registered bays within the caravan park shall be used for permanent residential occupation in perpetuity.**
- ii) The development shall be undertaken in accordance with the approved plans and in accordance with the schedule of upgrading referred to in condition (viii).**
- iii) The proposed sites shall be connected to the Water Corporation’s reticulated sewerage system prior to the occupancy of the park homes.**
- iv) Detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issuing of a building licence. Such plans should identify invert levels, cover levels and pipe size and grade.**
- v) Landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence.**
- vi) All land indicated as landscaped area on the approved plans being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council.**
- vii) All vehicular parking, manoeuvring and circulation areas indicated on the approved plans being constructed, properly drained and sealed to the satisfaction of Council.**
- viii) The proponent shall provide a schedule to Council outlining the programming of the construction of the additional tourist park facilities (renovation of main toilet block, provision of dump station, construction of coffee house, tennis court and fire pit) with the increase of the number of tourism sites and park homes and that schedule shall be endorsed and implemented to the satisfaction of Council.**
- ix) Access arrangements and the physical segregation of the tourism and residential components upon the site shall remain independent of each other as detailed on the approved plans.**

**MOTION CARRIED 9 – 0**

Advice Note:

In regards to condition viii, Council anticipates that the financial proceeds from the expansion of the park home development on the site will be applied in a timely manner to the upgrading of tourism infrastructure and the proponent’s commitments will be delivered prior to, or concurrently with, the placement of the final park home on the site.

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**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

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**ITEM NUMBER – 11.1.1 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED COUNCILLOR: WALKER**

**SECONDED COUNCILLOR: BUEGGE**

**THAT Council DELEGATES it's authority to the Manager of Planning and Ranger Services, pursuant to clause 6.10 of the City of Albany Town Planning Scheme 3, to issue a notice of Planning Scheme Consent for a "Caravan Park – Extension (25 park home sites and 4 tourist sites)" at 550 Albany Highway, Milpara and empowers the Manager to incorporate any further conditions that he considers necessary.**

**MOTION CARRIED 9 – 0  
ABSOLUTE MAJORITY**

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*Councillor Wiseman returned to the Chambers at 8.07pm.*

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 11.1.2

ITEM TITLE: DEVELOPMENT APPLICATION – Proposed Residential Buildings (x2) – 77 Stead Road, Albany

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

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

- File Number or Name of Ward : A196556 (Frederickstown Ward)
- Summary of Key Points : Proposal to develop site for two residential buildings
- Land Description : 77 Stead Road, Centennial Park
- Proponent : Concept Building Design
- Owner : Activ Foundation Inc.
- Reporting Officer(s) : Planning Officer (C McMurtrie)
- Disclosure of Interest : Nil
- Previous Reference : Nil
- Bulletin Attachment(s) : Nil

Maps and Diagrams:



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**BACKGROUND**

1. An application has been received from Concept Building Design for two (2) residential buildings at 77 Stead Road, Centennial Park. The proposed development covers an area of 2424m<sup>2</sup>, within a total lot area of 3109m<sup>2</sup>, on what was formerly the oval of the Albany Primary School.
2. The proposed residential buildings have a footprint of 1287.54m<sup>2</sup> and are arranged side-by-side on approximate U-plan layouts with a 10m section of parapet wall joining them together at their south-eastern end. Each is divided into two mirror-image wings comprising a total of twelve bedrooms, two offices, two double carports and communal living areas. A separate en-suite bedroom for an on-site carer is positioned centrally in each building and a small detached store with a floor area of 23.04m<sup>2</sup> stands to the south-west. A copy of the plan follows this report.
3. The buildings would be finished in rendered brickwork with flat and mock-weatherboard cement composite feature panels and 'Colorbond Custom-Orb' steel roof sheeting.
4. Access is proposed via the existing access serving the adjacent private housing development, which is covered by a right of carriageway easement.

**DISCUSSION**

5. The subject land is currently zoned as *Special Site No. 37* in Town Planning Scheme 1A (TPS 1A). The base zone is listed as "Residential", with the following additional uses permitted:
  - Consulting rooms;
  - Office; and
  - Restaurant.
6. When the site was rezoned, a Development Guide Plan was prepared for the subject land and subsequently adopted as a local planning policy under TPS 1A.
7. The Guide Plan proposed a mixture of "Commercial" and "Residential Development", with office buildings fronting Stead Road and townhouses to the rear. However, approval was granted previously for a development consisting solely of townhouses under the R40 density coding applicable to the site. That development covers the land to the south-east of the subject land.
8. The submitted plans show an indicative future office building fronting Stead Road, to the north-east of the proposed residential buildings. However, this does not constitute part of the current application. Despite this inclusion, the proposal represents a departure from the existing Development Guide Plan and is valued in excess of \$1.5 million. It has therefore been referred to Council for consideration.
9. The subject land is zoned as Special Site No. 37 in TPS 1A and is subject to the following controls:

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

37	Portion Location 1342 Stead Road, Centennial Park. (Reserve 34020) and Lot 38 and part Lot 39 Hymus Street, Centennial Park	Residential	<ul style="list-style-type: none"> <li>• Consulting Rooms</li> <li>• Office</li> <li>• Restaurant</li> </ul>	<p>Despite anything else in the Scheme a Development Guide Plan is to be prepared by the proponent and approved by the Local Government before any subdivision or development. The development Guide Plan is to address:</p> <ul style="list-style-type: none"> <li>• The management of traffic impacts generated by the proposed use of the land on Stead Road;</li> <li>• Provision for the mixed land uses that are compatible with uses on adjoining land and land on the opposite side of Stead Road;</li> <li>• Preparation of design guidelines for the frontage to Stead Road to require buildings with a residential scale.</li> <li>• If more than 200m<sup>2</sup> Net Leasable Area of office space is proposed across the whole Special Site, incorporation of an impact assessment in accordance with Section 11.5 of the Albany Commercial Centres Strategy of January 1994 (these impacts will be considered in the assessment of the DGP and modification to the DGP may be required as a result);</li> <li>• Proposed subdivision (if any) of the site; and</li> <li>• Such other matters considered appropriate by Council.</li> </ul>
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10. An assessment of the proposed development against these criteria follows:

**Traffic Management**

11. A traffic management study was prepared by BSD Consultants based on a mix of “Commercial” and “Residential” land uses as per the adopted Development Guide Plan for the site. The traffic assessment included the following findings:

- A shared crossover with reciprocal rights of access is to be provided centrally along Stead Road to cater for access and egress.
- The percentage increase of traffic along Stead Road was estimated to be 10% and at Moir / Hymus Streets, 4%, which does not constitute a substantial increase in traffic movements.

12. Due to the nature of the proposal, the increase in traffic movements generated by the development would be significantly less than those reported in the traffic management study. A shared access arrangement from Stead Road is identified under the development proposal.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**Provision of mixed uses that are compatible to surrounding issues**

13. Stead Road is primarily a residential street and traffic flows are relatively low. From a land use perspective, Staff are supportive of this type of development being located in close proximity to the CBD, as it affords the residents easy access to amenities and services.

**Residential scale to Stead Road**

14. Although it does not front directly on to Stead Road, the proposed single-storey development is in keeping with the established residential character of the area and complies with the acceptable height criteria of the Residential Design Codes.

**Economic impact assessment**

15. An economic impact statement is not required, as the proposed development does not include any commercial floor space.

**Proposed subdivision**

16. A subdivision approval has been granted previously by the Western Australian Planning Commission. This led to the creation of the lot that is now the subject of the current application. As part of that process, reciprocal rights of access were provided to control access and egress to and from the site.

**Appendix IV – Use Development Table**

17. Appendix IV – Use Development Table in TPS 1A requires residential buildings to have a maximum plot ratio of 0.5 (50%), a minimum of one car parking space per bed and connection to reticulated sewer.

18. The proposed development meets the necessary plot ratio requirements, with the proposed buildings covering only 46.8% of the site, and connection to reticulated sewer is available.

19. In respect of the car parking requirements, only thirteen marked parking spaces have been provided. However, the driveways ahead of the carports are of sufficient length to accommodate tandem parking, as permitted by the R-Codes. This would provide an additional six spaces without causing obstruction, raising the total to nineteen. Although this still falls short of the required twenty-six spaces, staff consider that this may be relaxed, given that the permanent residents of the buildings will not have their own vehicles and a maximum of six staff are expected to be on the premises at any time. There may be further scope to provide an additional two spaces in place of the enclosed courtyard area to the front of the north-easternmost building.

20. Even so, there is always a concern that, if the premises were to be sold in the future and the buildings used for rental accommodation (lodging house, backpackers, etc), then the parking provision may no longer be adequate. If Council requires the full complement of twenty-six spaces to be provided, the vacant land that has been set aside for the future office development could be used for parking on a temporary basis. Should the office development then be brought forward, the final design could be adjusted from that indicated in order to provide sufficient parking. The building would be difficult to convert into group dwellings and be strata titled at a future date.

**Development Guide Plan**

21. The Development Guide Plan that was prepared for Special Site No. 37 proposed the creation of relatively high-density office accommodation fronting Stead Road and Hymus Street, with flexible live / work townhouses behind. However, the previous approval of a purely residential scheme on the south-eastern portion of the site has rendered this largely redundant.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**Residential Design Codes**

22. The Residential Design Codes are not specific regarding requirements for a “Residential Building”. However, the proposal would broadly comply with the R-Codes in terms of setbacks from boundaries, building height, open space and overlooking.

**PUBLIC CONSULTATION/ENGAGEMENT**

23. The application was received and the variation to the site standard was advertised, with one letter being received. While this was not an objection to the proposal, the following issues were raised in respect of its relationship with the existing development on the south-eastern portion of the site:
- a. Legal arrangements to cover shared cost for maintenance of the common property (driveway and electric gates).
  - b. Visitors car parking associated with the existing development being used by visitors to the proposed development.
24. These issues have both been addressed by the applicant, who has stated that both owners have control over 50% of the driveway (split lengthways) immediately in front of their developments and that this division of the Right of Way is shown on both Certificates of Title. Consequently, both developers will be responsible for the maintenance of their own portion of the driveway. In terms of the electric gates, both developers contributed to the cost of installation and are currently drawing up an agreement with the Strata Body Corporate to address the driveway maintenance and electric gate annual service and repair.
25. The applicant has suggested that the erection of signage identifying the visitors car parking associated with each development would be the simplest way to address this matter. Staff would consider this to be an acceptable solution, provided unrestricted access to the visitor car parking bays can be achieved.

**GOVERNMENT CONSULTATION**

26. Consultation with State Government Departments was not deemed necessary on this application.

**STATUTORY IMPLICATIONS**

27. The subject land is zoned as Special Site No. 37 in TPS 1A. The proposal complies with the various controls set out in the scheme for the site. However, Council approval to vary the standards and provisions of TPS 1A in respect of residential buildings is requested for the following:
- a. Minimum car parking spaces – The TPS 1A requirement is one per bed and the application before Council is 0.73 per bed.
28. Clause 4.10 of TPS1A states:  
*“Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning scheme consent and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.”*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

29. Clause 4.10 further requires Council to determine whether the impact of the non-compliance is likely to affect the owners or occupiers in the general locality or adjoining the site. The adjoining landowner was consulted and his response is referred to in this report. Council is required to determine the impact of this non-complying component and determine if it will adversely impact upon the occupiers or users of the development or the inhabitants of the locality or upon likely future development of the locality.
30. Clause 7.21.4 of TPS1A states:  
*“A Town Planning Scheme policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.”*

**FINANCIAL IMPLICATIONS**

31. Not applicable.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

32. The subject land is designated as part of Albany Regional Centre within the Albany Local Planning Strategy, which supports a mix of land uses, including residential. Councillors will note that while the Strategy has been adopted by Council, it has not yet been formally adopted by the Western Australian Planning Commission.

**POLICY IMPLICATIONS**

33. The Development Guide Plan that was prepared for Special Site No. 37 was adopted as Council Policy. This Plan proposed the creation of relatively high-density office accommodation fronting Stead Road and Hymus Street, with flexible live / work townhouses behind to utilise the “Special Site” provisions. As the bulk of the site development is “Residential” and it is consistent with the base zoning, the relevance of the guide plan is questioned.
34. Although the development of a group housing project on the adjoining site has rendered the Plan largely redundant, this proposal does show an indicative future office building on the remainder of the site. This does not form part of the current application; it does provide scope for the original aim of the policy, namely the creation of a mixed use development, to be fulfilled if there is a future demand.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

35. Council is required to consider this application and to either approve the application with conditions that relate to the development or to refuse the application and provide reasons for that refusal. Any conditions attached to the approval can be the subject of a review with the State Administrative Tribunal, as can a decision to refuse the application.
36. Council must assess this application on its merits against the prevailing policy framework and the scheme provisions. If the proposal meets the statutory requirements of the scheme and the objectives and principles of the relevant policies, the specific wording within a policy does not provide an absolute impediment to the City approving the application.
37. Issuing a Notice of Planning Scheme Refusal to the application may result in a Review of that decision being sought with the State Administrative Tribunal and the grounds of refusal become an important consideration in the defence of that decision.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**SUMMARY CONCLUSION**

38. The subject land is zoned as Special Site No. 37 and is intended to accommodate a mix of land uses, principally residential, consulting rooms, offices and restaurant development. The Development Guide Plan that was prepared for the site and adopted as Council policy encouraged the development of relatively high-density office accommodation fronting Stead Road and Hymus Street, with flexible live / work townhouses behind. However, this was rendered obsolete by the approval of nineteen grouped dwelling units on the adjoining portion of the site.
39. The proposal complies with all other controls and provisions as set out in TPS 1A and the R-Codes. The only relaxation required is that of the minimum number of car parking spaces to be provided. However, given the nature of the proposed development, Staff consider this to be justifiable. Should the ownership of the property change in the future, it is unlikely that the building could be used or modified to support a use that would place additional demands for car parking on the site.
40. The construction of two further residential buildings in this location complies with the base zoning of the site and will further enhance the established residential character of the area. The proposed location also offers the benefit of proximity to the CBD, affording the residents easy access to local amenities and services.
41. Staff therefore recommend approval of the proposal.

*CEO Paul Richards entered the chamber at 8.17pm*

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**ITEM NUMBER – 11.1.2 OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council SUPPORTS the issuing of a Notice of Planning Scheme Consent for a “Residential Building (x2)” at 77 Stead Road, Centennial Park, subject to, but not limited to, the following conditions:

- i) The development shall be undertaken in accordance with the approved plans.
  - ii) Detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issue of a building licence. Such plans should identify invert levels, cover levels and pipe size and grade.
  - iii) Landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence.
  - iv) All land indicated as landscaped area on the approved plans being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council.
  - v) All vehicular parking, manoeuvring and circulation areas indicated on the approved plans being constructed, properly drained and sealed to the satisfaction of Council.
  - vi) Arrangements being made to the satisfaction of Council to ensure visitors attending the site have unfettered access to parking areas at all times when visiting is permitted.
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**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

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**ITEM NUMBER – 11.1.2 ALTERNATE MOTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: BOSTOCK**  
**SECONDED COUNCILLOR: PAVER**

**THAT Item 11.1.2 be laid on the table.**

**MOTION CARRIED 7 – 3**

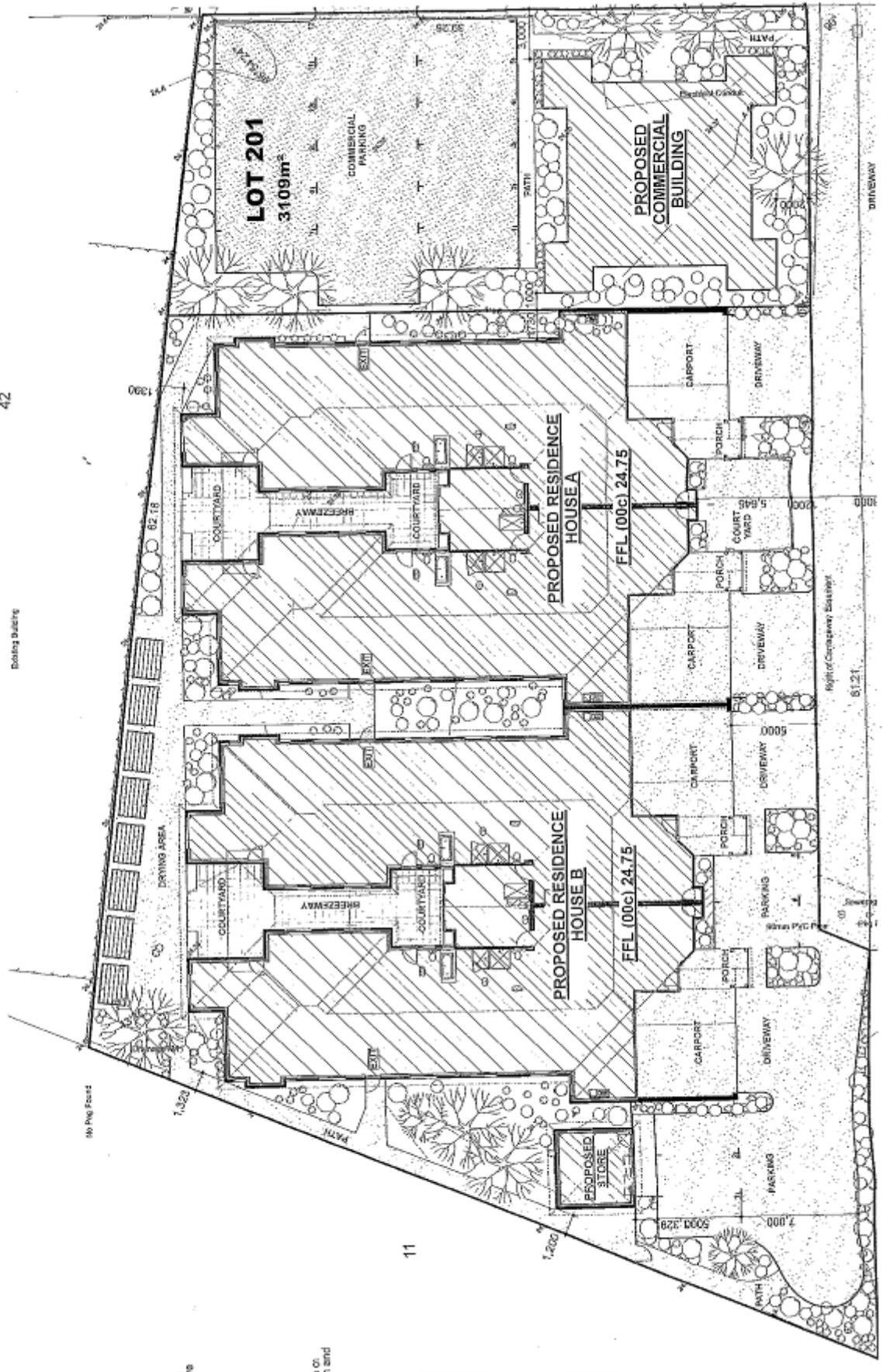
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**Councillors Reason:**

Councillor Bostock addressed Council in support of laying the item on the table. A copy of the tabled address is available at Appendix D.

ORDINARY COUNCIL MEETING MINUTES – 16/12/2008  
\*\*REFER DISCLAIMER\*\*  
DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued



DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 11.1.3

ITEM TITLE: DEVELOPMENT APPLICATION – Review of decision to enforce Planning Scheme (Block Manufacturing) – Lot 1896 Attwell Road, Cuthbert

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

**Review:** Council reviewing a decision made under a local law or regulation upon the request of a person affected by that decision.

- File Number or Name of Ward** : A6227 (West Ward)
- Summary of Key Points** : Consideration of proposal to continue with enforcement action and to consider general industry (block manufacturing)
- Land Description** : Lot 1896 Attwell Road, Cuthbert
- Proponent** : Ayton, Taylor & Burrell
- Owner** : P Attwell
- Reporting Officer(s)** : Manager Planning and Ranger Services (G Bride) & Senior Planning Officer (J van der Mescht)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Application for Planning Scheme Consent

Maps and Diagrams:



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**BACKGROUND**

1. In late 2007, City staff received a complaint/inquiry about an industrial activity being undertaken on Location 1896, Attwell Road, Cuthbert presumably without approval. The complainant raised concerns over the legitimacy of the use and negative impact on the local environment.
2. Based on this complaint, staff undertook a site inspection and reviewed the property information on record. These actions confirmed that neither the industrial use, nor the industrial structures on the property had been approved by Council.
3. The land use (being “General Industry”) was one that could not be supported in the “Rural” zone as it was a prohibited land use under the City of Albany Town Planning Scheme 3 (TPS3).
4. Given there was no legal scope to consider an application for planning scheme consent, the CEO issued a Section 214 Notice under the *Planning & Development Act 2005* (in June 2008), requiring the land use to cease on the lot and the business to be relocated to an appropriately zoned lot within a period of 120 days.
5. The proponent has since sought a review of the notice with the State Administrative Tribunal (SAT). A mediation session was held between the proponent and City staff on 19 September 2008. At this session, the proponent argued that the use should be classified as a “Rural Industry”, which could be considered in the “Rural” zone, rather than a “General Industry” use. As part of the mediation session, the proponent was given leave to lodge an Application for Planning Scheme Consent with Council, which was to include arguments as to why the block manufacturing facility should be considered a “Rural Industry”.
6. Council now needs to consider whether it is possible to classify the land use as a “Rural Industry” as proposed by the proponent, and for the application to then be assessed on its planning merit.
7. A copy of the proponent’s Application for Planning Scheme Consent is included in the Information Bulletin.

**DISCUSSION**

8. To gain a Notice of Planning Scheme Consent, the Proponent has argued that as the laterite and limestone used in the manufacturing processes are “of, pertaining to, or characteristic of, the country” and these materials are found in the “Rural” zone, the blocks manufactured must be called rural products. It is on this basis that the Proponent believes the use should be categorised as a “Rural Industry”.
9. Council’s solicitors (Minter Ellison) were asked to review the proponent’s legal position. Whilst the entire legal advice has been distributed to Councillors, separate to this report, the conclusion within the advice states the following:

*“From a town planning perspective, it is the use and not the raw material used that will generally determine the impact on the neighbourhood. However, the definition of ‘industry – rural’ requires consideration of both the purpose for which the land is to be used and the materials to be used. In our view, since the proposed Brick Facility involves the manufacturing of blocks it cannot be an ‘industry – rural’ use and in that regard, it is largely irrelevant that the raw materials used may be ‘rural products’.*”

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

*We are of the view that, while the use may be characterised as an 'industry – noxious' use, the proper characterisation of the use is a use of the land for the purposes of manufacturing blocks and as such falls within an 'industry – general' use. As such the proposed Brick Facility is not permitted on the Land."*

10. The overriding issue in relation to this application is whether the use is legally able to be considered by Council. If the use is an "Industry – Rural" Council can consider the merits of the application and determine whether it wishes to approve the development. If the use is an "Industry – General" or "Industry – Noxious" then the activity is a Prohibited land use and Council has no discretion to assess the application. Council has the capacity to classify the land use and that decision can be the subject of a SAT review.
11. Based on the advice of Council's solicitors, City staff consider that Council does not have the legal ability to grant approval to the development.
12. A SAT directions hearing to discuss the process to progress the review and report on Council's decision on this application is to be held on the 19<sup>th</sup> December 2008.

**PUBLIC CONSULTATION/ENGAGEMENT**

13. Not applicable.

**GOVERNMENT CONSULTATION**

14. Not applicable.

**STATUTORY IMPLICATIONS**

15. The lot is zoned "Rural" in Town Planning Scheme No. 3.
16. The objective for the "Rural" zone is:  
  
*"To ensure that high quality agricultural land is retained for primary production. To regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests. To preserve rural land within easy reach of urban areas."*
17. The use on the land being applied for is correctly categorised as a "General Industry" which is not permitted in the "Rural" zone.

**FINANCIAL IMPLICATIONS**

18. Legal expenses have been incurred in gaining advice on the classification of the land use and further expenses will be incurred defending the issuing of the Notice.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

19. Nil.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**POLICY IMPLICATIONS**

20. The Development Guidelines Scheme No. 3 Policy states the following:  
“Guideline 1 – Authority to Issue Planning Consent –  
1.6 – All uses listed as ‘X’ in the Zoning Table must be refused.”

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

21. An alternative to staff’s recommendation would be for Council to disregard the advice of its solicitors in relation to the categorisation of the use and determine that the use be classified as a “Rural Industry”. The application could then be assessed on its merits, taking into account advice from government agencies, etc.
22. Should this alternative be pursued, Council would need to receive a report which discusses the merits of the application. The legal advice provided by Minter Ellison is explicit and approving this development would create a precedent where many similar industrial activities (concrete batching plants, brick manufacturing, etc) would have to be considered in a similar way. This precedent will have negative impacts on existing underutilised industrial areas and create industrial development pressure on rural land. A third party appeal could also be lodged by a complainant or other party, which would call into question Council’s actions.

**SUMMARY CONCLUSION**

23. According to Town Planning Scheme No. 3, the use “General Industry” in a “Rural” zone is not permitted. Based on the advice of Council’s solicitors, City staff are of the opinion that Council does not have the legal ability to grant approval to this development. Staff therefore recommend, that the Application for Planning Scheme Consent be refused.
24. The Proponent has requested a review by the State Administrative Tribunal and that process will continue.

*Councillor Kidman left the Chamber at 8.23pm.*

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**ITEM NUMBER – 11.1.3 ALTERNATE MOTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: WALKER  
SECONDED COUNCILLOR: WISEMAN**

**THAT the item be laid on the table.**

**MOTION LOST 2 - 7**

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**Councillors Reason:**

That clarification of what constitutes “Rural Industry” be sought before proceeding.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

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**ITEM NUMBER – 11.1.3 OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: STANTON**  
**SECONDED COUNCILLOR: PRICE**

**THAT Council resolves to ISSUE a Notice of Planning Scheme Consent Refusal for “General Industry (Block Manufacturing)” at Location 1896 Attwell Road, Cuthbert on the basis that the land use proposed is a prohibited land use within the “Rural” zone.**

**MOTION CARRIED 7 – 2**

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*Councillor Kidman returned to the Chambers at 8.29pm.*

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 11.1.4

ITEM TITLE: AMENDMENT TO NOTICE OF PLANNING SCHEME CONSENT – Solar Power and Wind Turbine - 76 Bay View Drive, Little Grove

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

**Review:** Council reviewing a decision made under a local law or regulation upon the request of a person affected by that decision.

- File Number or Name of Ward** : A48090 (Vancouver Ward)
- Summary of Key Issues** : Reconsideration of conditions placed on Planning Scheme Consent for solar and wind turbines on a residential property, where noise and amenity issues are applicable
- Land Description** : Lot 1 (76) Bay View Drive, Little Grove
- Proponent** : G Waugh
- Owner** : G Waugh
- Reporting Officer(s)** : Senior Planning Officer (J van der Mescht)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 20/05/08 - Item 11.1.2
- Bulletin Attachment Reference** : Written application from owner requesting amendment of Planning Scheme Consent

Maps and Diagrams:



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**BACKGROUND**

1. A request has been received from the landowner to amend a condition upon the Notice of Planning Scheme Consent issued on a development involving the erection of solar panels on the roof of an existing outbuilding and a single wind turbine at 76 Bay View Drive, Little Grove.
2. Council at its Ordinary Meeting dated 20 May 2008 resolved to issue a Notice of Planning Scheme Consent for the development of solar panels and a wind turbine at 76 Bay View Drive, Little Grove. The approval was subject to the following condition (Condition A2):  
  
*“The proponent shall provide an acoustic report from an authorised acoustic engineer that verifies the proposed siting and operation of the turbine will not generate unacceptable noise impacts (i.e. not above 5dB(A) above the background sound level or 35dB(A) using the 10 minutes  $L_{Aeq}$  whichever is greater) at the nearest noise sensitive premise prior to the erection and commissioning of the wind turbine.”*
3. A request to amend the Notice of Planning Scheme Consent, by removing the requirement for an acoustic report has been received from the proponent. The request is included in the Information Bulletin.

**DISCUSSION**

4. The land is zoned “Residential Development” in Town Planning Scheme No. 3 and is located at the north-western edge of the long term Little Grove urban (redevelopment) area. The lot is 3.4ha in area and is used for horticultural production and sales.
5. Condition A2 was recommended as members of the public expressed concern over the potential noise that might be generated by the turbine. The condition was formulated to protect the community and reduce the Proponent’s risk of constructing the turbine, only to discover that it did not comply with the Noise Regulations and it could not be operated.
6. The Proponent has commissioned some research to satisfy the condition. However, due to a lack of information, and not having access to data from a similar model of turbine, he cannot complete all of the required studies.
7. The proponent commissioned SVT Engineering Consultants (acoustic engineers) to undertake noise modelling on the proposed wind turbine. The consultant found that the evaluated sound power level for the closest neighbour was calculated to be 37.9dB(A). This is 2.9dB above the 35dB(A) specified in Condition A2 and the Environmental Protection Authority (Noise) Regulations 1997. The consultant does make the point that the data supplied by the manufacturer was not comprehensive enough in relation to wind speeds. Therefore, noise levels were calculated on higher wind speeds and produced a higher calculated level.
8. The consultant was not commissioned to record the actual background noise level, and the “predicted” noise level cannot be evaluated against the background noise. It is therefore difficult to determine whether there will or will not be a 5dB(A) exceedance and a “nuisance” will be created.
9. The Proponent is not willing to commission the consultant to evaluate the background noise level and believes that the condition is too onerous and costly. He requests the condition be deleted or amended.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

10. Staff believe the current impasse can be resolved by amending the existing condition to ensure the wind turbine complies with the Regulations. Staff can easily ascertain the noise level after construction; should the noise level exceed the Regulations, the capacity exists for an Environmental Pollution Notice (EPN) to be served on the proponent, requiring the wind turbine to stop operating. If the Proponent is prepared to take this financial risk, by constructing the turbine without undertaking comprehensive noise modelling, and is willing to accept the consequences of his actions, staff have no objection to amending the condition. The surrounding owners who objected to the proposal, on the basis of a potential noise nuisance, can be comforted that the wind turbine will still need to comply with the Regulations.

**PUBLIC CONSULTATION / ENGAGEMENT**

11. The initial application was advertised in accordance with Clause 3.2 of Town Planning Scheme No. 3. The application was advertised as a “Use not Listed” for public comment and five (5) submissions were received. The submissions were considered and dealt with by Council.
12. Nearby landowners within 200m of the proposed site had concerns with the proposal as they believed the wind turbine would generate noise which would be annoying to residents (anecdotal evidence from an existing turbine 500m from one of the objector’s residence).

**GOVERNMENT CONSULTATION**

13. Not applicable.

**STATUTORY IMPLICATIONS**

14. Clause 5.3.6 (Amending Planning Consent) of Town Planning Scheme No. 3 states the following:  
  
*“Council may, on written application from the owner of land in respect of which planning consent has been granted, revoke or amend the planning consent, or any of the attached conditions, prior to the commencement of the use or the development the subject of the planning consent.”*
15. A Building Licence, with engineering certification, is required for the construction of the solar panels and wind turbine. This building licence is pending the resolution of the noise issues subject to this report.

**FINANCIAL IMPLICATIONS**

16. Nil.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

17. As per previous Council report dated 20 May 2008.

**POLICY IMPLICATIONS**

18. Not applicable.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

19. Council has the following options in relation to the proposal:
  - a. Accept the landowners request and delete or modify Condition A2; or
  - b. Advise the proponent that it is not willing to modify Condition A2 in whole or part.
20. Should Council not support the request to amend the planning scheme consent, the Proponent has the ability to request a review of Council's decision through the State Administrative Tribunal (SAT).

**SUMMARY CONCLUSION**

21. It is believed that Condition A2 can be amended to the following:

*"The wind turbine shall operate in accordance with the noise limits specified in the Environmental Protection (Noise) Regulations 1997 (or as amended)"*

22. Should the operation of the turbine create levels of noise in excess of the prescribed levels in the Regulations, the Proponent will be required to remove or reduce the noise to the satisfaction of Council.

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**ITEM NUMBER – 11.1.4 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: STANTON**

**SECONDED COUNCILLOR: BOSTOCK**

**THAT Council resolves to AMEND the Notice of Planning Scheme Consent (P285025) pursuant to Clause 5.3.6 of Town Planning Scheme No. 3 for a "Use Not Listed – Solar Panels and Wind Turbine Power Generation" at 76 Bay View Drive, Little Grove by changing condition A2 to read as follows:**

***"A2. The wind turbine shall operate in accordance with the noise limits specified in the Environmental Protection (Noise) Regulations 1997 (or as amended)."***

**MOTION CARRIED 10 – 0**

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**DEVELOPMENT SERVICES REPORTS**

**11.2 HEALTH, BUILDING & RANGERS**

Nil

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

ITEM NUMBER: 11.3.1

ITEM NAME: SCHEME AMENDMENT REQUEST – Lots 44, 19 and Pt. 800 Lower Denmark Road, Albany

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

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

- File Number or Name of Ward** : SAR 123 (West Ward)
- Summary of Key Points** : To consider a scheme amendment request proposal to rezone Lot Lots 44, 19 and Pt. 800 Lower Denmark Road, Albany from “Rural” to “Special Rural”
- Land Description** : Lots 44, 19 and Pt. 800 Lower Denmark Road
- Proponent** : Whelans Planning Consultants
- Owner** : Grande Terra Land Developments Pty Ltd
- Reporting Officer(s)** : Senior Planning Officer (J Van Der Mescht)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 28/04/99 – Item 12.1.3  
OCM 24/08/99 – Item 12.1.10  
OCM 26/10/99 – Item 12.1.5  
OCM 18/11/03 – Item 11.3.7  
OCM 21/10/08 – Item 11.3.1
- Bulletin Attachment(s)** : Nil

Maps and Diagrams:



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**BACKGROUND**

1. Council has received a Scheme Amendment Request (SAR) to rezone the subject lots from the present “Rural” zone to the “Special Rural” zone to facilitate the future subdivision and development of the land.
2. Council is required to determine its strategic support or non support for the potential rezoning of the land parcels (A copy of the SAR document is included in the Information Bulletin).
3. This matter was tabled at the Ordinary Council Meeting held on the 21 October 2008; at this meeting Council resolved to lay the matter (Item 11.3.1) on the table until the next meeting.

**DISCUSSION**

4. The proposal is to create “Special Rural” lots ranging from 1.05ha to 4.48ha in area as shown in the SAR proposal. The subject land is located north of the Railway reserve and south of the existing ‘Albany Green’ Special Rural subdivision (see Locality Plan).
5. The site slopes essentially southwards with a broad valley in the central portion of the site. The property is largely cleared and has been developed for grazing purposes with some areas of remnant vegetation. Agricultural drains have been constructed on the land to reduce seasonal water logging and improve productivity. The property forms part of the local drainage district and feeds into Cuthbert Drain and Lake Powell to the west.
6. The surrounding uses include “Special Rural” to the north, railway reserve to the south and other mainly limited rural pursuits including extractive industries and agricultural uses.
7. The ALPS identifies the subject land for “Priority Agriculture”, the proposed “Special Rural” use is not considered compatible with this designation. The ALPS also strongly recommends that existing “Rural Living” areas be fully developed prior to new ones being created as in this case.
8. At the October meeting concerns were raised by the Proponent over comments made in the previous officer report. Those concerns centred on a description of the land and the activities within the locality. The purpose of a SAR is to analyse the “strategic fit” of the application before Council and much of the previous debate focussed on the detail of what was proposed, rather than should the proposal be considered.
9. The Lower Great Southern Strategy and the Albany Local Planning Strategy recommend that this locality be defined in the City of Albany’s Town Planning Scheme as “Agricultural Land of State and Regional Significance” and that it be zoned “Priority Agriculture”. Notwithstanding comments made by the Proponent, designating land as “Priority Agriculture” does not mean that the land must have all the attributes needed for it to be used for perennial horticultural use.
10. The mapping undertaken by the Department of Agriculture and Food is broad scale mapping and it provides a 70% probability that the individual lot may have the soil, slope, water and other attributes needed for it to be used for perennial horticultural use.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

11. Council is being asked to expand “Special Rural” land uses into an area where it has previously decided (on no fewer than three (3) occasions) that it was strategically undesirable to expand the “Special Rural” development front. Council has previously agreed that the future demand for rural living and lifestyle lots should be accommodated by redeveloping (i.e. further subdividing) existing “Special Rural” lots or expanding rural settlements. No extenuating circumstances have been provided in the application before Council for a departure from that position.

**PUBLIC CONSULTATION/ENGAGEMENT**

12. Not applicable.

**GOVERNMENT CONSULTATION**

13. The SAR was referred to State Government agencies including the Department of Environment and Conservation, Department of Planning and Infrastructure and Water Corporation for assessment and comment.
14. The Agencies do not “in principal” object to the proposal. The Agencies will however require the applicant and developer to address a number of concerns in future, should the amendment and development continue. A summary of the comments made is attached.

**STATUTORY IMPLICATIONS**

15. The SAR process is not a statutory process covered by planning legislation. It is used by the City (and other adjoining Local Governments in the region) as a precursor to the formal scheme amendment process. It is designed to provide a proponent with a simple and informal assessment of a proposal, to gauge the views and comments of the City and other Government agencies on the merits of the proposal and to provide feedback on likely support for a future request to initiate the amendment.

**FINANCIAL IMPLICATIONS**

16. Not applicable.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

17. This proposal is not consistent with the long term planning framework shown in the Albany Local Planning Strategy or the Lower Great Southern Strategy (LGSS)
18. The City’s decision on the SAR proposal must be consistent with the outcomes of the Albany Local Planning Strategy (ALPS), the principal land use planning strategy for the City.
19. The subject area is shown as “Priority Agriculture” within the draft Albany Local Planning Strategy (ALPS) adopted by Council in August 2007 with a reaffirmation of this strategic position on the 16 September 2008.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**POLICY IMPLICATIONS**

20. Council is required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) that apply to the scheme amendment. (SPP) No's 1 "State Planning Framework Policy" and 3 "Urban Growth and Settlement" establish the general principles for planning in Western Australia. The primary aim of these SPP's being to provide for the sustainable use and development of land by reducing energy consumption, consolidating development where there are existing services, supplying a range of suitable land for a variety of housing and to coordinate new development with the efficient, economic and timely provision of infrastructure and services. This application is required to address these policies and strategies.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

21. Council has the following options in relation to this item, which are:
- a. To not support the proposal and advise the applicant that it is not prepared to entertain the submission of a formal scheme amendment to rezone the subject lots, until such a time as the ALPS is modified to strategically support the development, as part of a future formal review process (at that time the applicant would have to address the various concerns raised by the agencies); or
  - b. To disregard the strategic direction contained in ALPS and to support the proposal and advise the applicant that it is prepared to entertain the submission of a formal scheme amendment to rezone the subject lots, subject to the amending document addressing the various concerns raised by the agencies.
22. Support for the item and disregarding the strategic position in ALPS will undermine the initiatives suggested in ALPS and it would create an expectation that similar developments will be approved, contrary to ALPS.
23. Should Council support the proposal, it will progress to a formal scheme amendment; the amendment undergoes a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. All scheme amendments require the endorsement of the WA Planning Commission and approval from the Minister for Planning.
24. If Council was to reject the request, the proponents have the following options:
- To accept the initial advice and take no further action to rezone the land; or
  - To go against Council's advice and lodge a formal scheme amendment.

**SUMMARY CONCLUSION**

25. The subject land is capable of being developed, subject to the developer addressing a number of concerns raised by the City and the various Government agencies.
26. The proposal contained in the SAR is not supported by staff as it is inconsistent with the strategic land use planning objectives set out in the ALPS and within the LGSS.
27. This proposal can be reconsidered should the ALPS be modified to support this development when reviewed.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

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**ITEM NUMBER – 11.3.1 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: MATLA**

**SECONDED COUNCILLOR: STANTON**

THAT Council ADVISE the proponents that it is not prepared to entertain the submission of a formal scheme amendment to rezone the subject lots, until such time as:

- i) The ALPS is modified and strategically supports the development; and
- ii) All matters and concerns raised by agencies are appropriately addressed.

**MOTION TIED 5 - 5**

**Mayor Exercised Casting Vote  
MOTION CARRIED 6 – 5**

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**RECORD OF VOTE:**

**FOR THE MOTION:** Councillors Bostock, Paver, Stanton, Wolfe and Matla,

**AGAINST THE MOTION:** Councillors Wiseman, Buegge, Walker, Kidman and Price

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 11.3.2

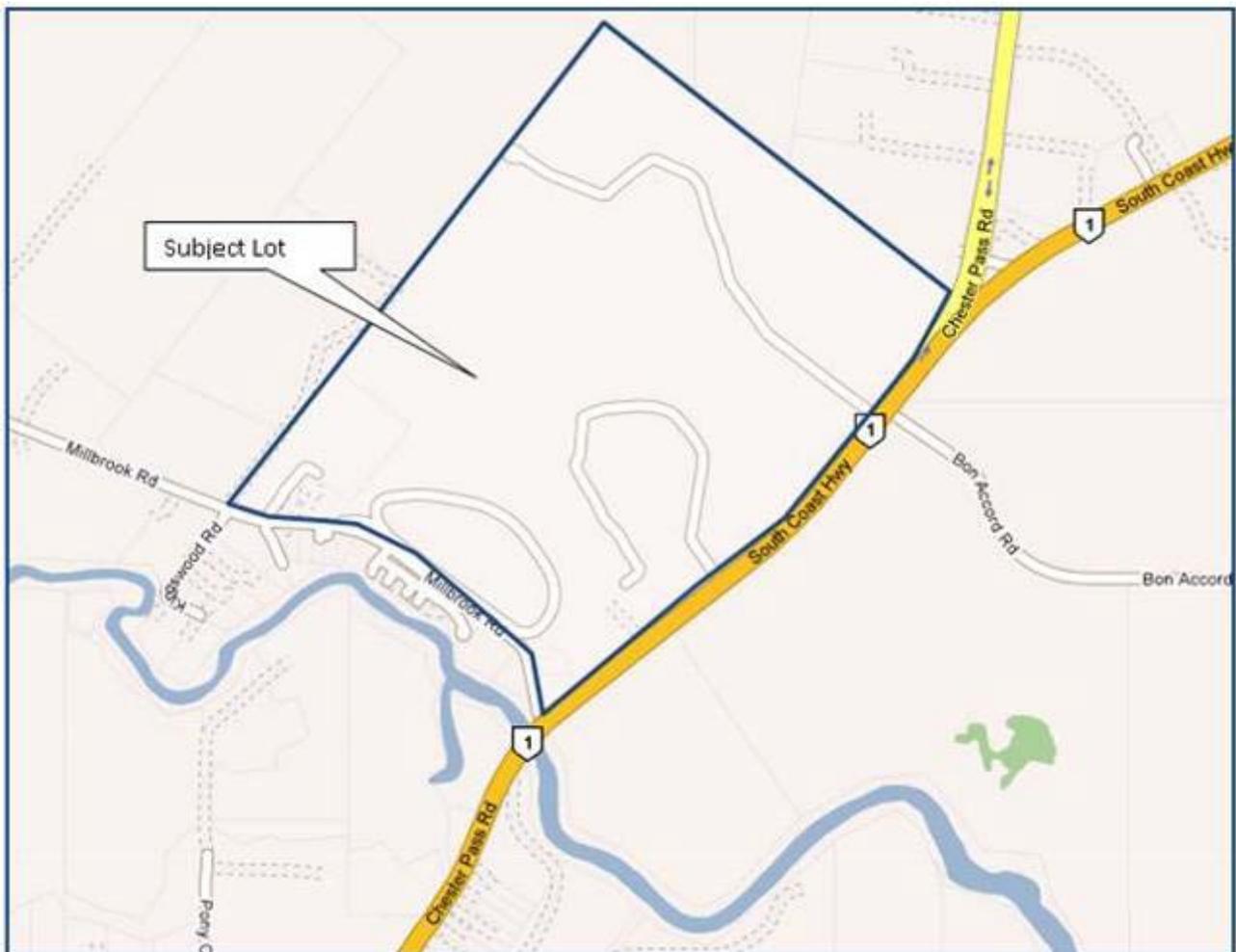
ITEM NAME: SCHEME AMENDMENT REQUEST – Lot 50 Chester Pass Road, King River

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

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

- File Number or Name of Ward** : SAR 138 (Kalgan Ward)
- Summary of Key Points** : To consider a scheme amendment request proposal to rezone Lot 50 Chester Pass Road, King River from “Rural” to “Special Rural”
- Land Description** : Lot 50 Chester Pass Road, King River
- Proponent** : Harley Survey Group
- Owner** : GC & GL Cake
- Reporting Officer(s)** : Senior Planning Officer (J Van Der Mescht) & Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Scheme Amendment Request document

Maps and Diagrams:



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**BACKGROUND**

1. Council has received a Scheme Amendment Request (SAR) to consider the rezoning of Lot 50 Chester Pass Road, King River from the present “Rural” zone to “Special Rural” zone to facilitate the future subdivision/development of the land. A copy of the SAR document is included in the Information Bulletin.
2. Council is required to determine its support or not for the SAR proposal.

**DISCUSSION**

3. The subject land is approximately 102ha in area and has frontage to both Chester Pass and Millbrook Roads. The property gains vehicular access from Chester Pass Road and has been developed for farming purposes including dwellings and outbuildings. Parts of the property have been used for sand and gravel extraction. Local drainage improvements including dams and water features have been developed to improve the use of some of the property.
4. The site slopes downwards from the central north ridge (60.0m) towards Millbrook Road (5.0m) and a tributary running north-south along the western side of the property. The property has been cleared, apart from some isolated areas of remnant vegetation in the paddocks and along the creekline. The property lies within the King River catchment which is an important waterway that ultimately discharges into Oyster Harbour.
5. The surrounding uses are varied and include mainly small-scale limited rural pursuits to the north and east, with “Special Rural”/“Residential” uses south of Millbrook Road. The property is also close to other uses including the Bakers Junction roadhouse, Dymesbury Lodge, King River Tavern, holiday accommodation etc.
6. The proposal is not considered consistent with the strategic land use outcomes of the Lower Great Southern Strategy or Albany Local Planning Strategy. Whilst the request highlights previous proposals considered and the locational advantages they see, it does not contain sufficient planning justification to warrant any change to the strategy’s outcomes and should not be supported.

**PUBLIC CONSULTATION/ENGAGEMENT**

7. Not applicable.

**GOVERNMENT CONSULTATION**

8. In accordance with the SAR process, the original SAR was referred to Government agencies including the Department of Environment and Conservation, Department of Planning and Infrastructure, Department of Water, Main Roads WA, Department of Agriculture and Food, Western Power, Telstra and Water Corporation for assessment and comment.
9. Responses were received from the Department of Environment and Conservation, Department of Planning and Infrastructure, Department of Water and Water Corporation as outlined below:

**Water Corporation**

10. Advise the land is within the Corporations’ Water Operating License Area and reticulated water would be required to be supplied to all lots 4ha’s in area or less. Upgrading of the mains may also be required to meet the additional demand.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**Department of Water**

11. There is a need to protect the tributary that traverses the property and this area should be included within a foreshore reserve and be subject to a foreshore management plan.

**Department for Planning and Infrastructure**

12. The Commission had previously requested Council consider this proposal as part of finalising the ALPS and the development was not supported by the City. Note that the ALPS has identified a current oversupply of this type of land.

**Department of Environment and Conservation**

13. Provide comment on the need to protect the tributary that traverses the property and the fauna/flora values need to be ascertained and possible connectivity to other areas outside the lot. Note that any plantings should involve specialist advice and utilise locally endemic species. Support the proposed retention of the paddock trees.

**STATUTORY IMPLICATIONS**

14. Not applicable.

**FINANCIAL IMPLICATIONS**

15. Not applicable.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

16. The ALPS designates this locality as a “General Agricultural” area. This strategy has as one of its key objectives, a commitment to contain the spread of fragmented urban and rural living areas in the City to;
- minimise the “development footprint” on the landscape to assist in the protection of biodiversity and the environment;
  - promote energy conservation;
  - provide greater housing choice;
  - minimise journey length from home to work/school/services and encourage the use of public transport, cycling and walking; and
  - reduce government expenditure on servicing current and future populations.
17. This request is contrary to all of the above stated objectives and it has the potential to add a community of several hundred people, over 12 km from Albany’s CBD, with high car dependency, no social, work or educational infrastructure and with inherently high long term infrastructure maintenance costs.

**POLICY IMPLICATIONS**

18. The City’s decision on the SAR proposal must be consistent with the outcomes of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.
19. The subject area is located within an area shown for “General Agriculture” purposes within the ALPS adopted by Council and the proposal is not consistent with the objectives or outcomes of the strategy.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

20. Council is also required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) that apply to the scheme amendment. (SPP) No's 1 "State Planning Framework Policy" and 3 "Urban Growth and Settlement" establish the general principles for planning in Western Australia. The primary aim of these SPP's being to provide for the sustainable use and development of land by reducing energy consumption, consolidating development where there are existing services, supplying a range of suitable land for a variety of housing and to coordinate new development with the efficient, economic and timely provision of infrastructure and services. The SAR proposal is required to reflect these policies and strategies.
21. The WA Planning Commission prepared the Lower Great Southern Strategy (LGSS) to guide land use planning decisions within the region. The SAR proposal is not considered consistent with the actions identified in the LGSS.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

22. Council has the following options in relation to this item, which are:
  - To support the SAR proposal without modifications;
  - To support the SAR proposal with modifications; or
  - To reject the SAR proposal.
23. The SAR process is not a statutory process under any planning legislation. It is used by the City (and other adjoining Local Governments in the region) as a precursor to the formal scheme amendment process. It is designed to provide a proponent with a simple and informal assessment of a proposal to gauge the views and comments of the City and other Government agencies on the merits and likely support to be expected.
24. Should Council support the SAR proposal, it will progress to a formal scheme amendment; the amendment undergoes a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. All scheme amendments require the endorsement of the WA Planning Commission and approval from the Minister for Planning.
25. If Council were to reject the SAR proposal, the proponents have the following options, including:
  - To not proceed with the SAR proposal;
  - They may still lodge a formal scheme amendment and request consideration by Council; or
  - Revise the SAR proposal and resubmit it.

**SUMMARY CONCLUSION**

26. The SAR proposal is not supported as it is not consistent with the strategic land use planning objectives as set out in the LGSS or the ALPS.

**ITEM NUMBER – 11.3.2 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council ADVISE the proponents that it is not prepared to entertain the submission of a formal scheme amendment to rezone Lot 50 Chester Pass Road, King River to the "Special Rural" zone as it is not consistent with the strategic land use planning objectives as set out in the Albany Local Planning Strategy or the Lower Great Southern Strategy.

Item 11.3.2 continued

## ALTERNATE MOTION BY COUNCILLOR BUEGGE

**ITEM TITLE:** 11.3.2 Scheme Amendment Request – Lot 50 Chester Pass Road, King River

**DATE & TIME RECEIVED:** Wednesday 10/12/08 at 10.25am

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**ITEM NUMBER: 11.3.2 ALTERNATE MOTION BY COUNCILLOR BUEGGE**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council ADVISE the proponents that it is prepared to entertain the submission of a formal scheme amendment to rezone Lot 50 Chester Pass Road, King River to the “Special Rural” zone;

AND

That ALPS be amended to recognise this land as Rural Living.

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### **Councillors Reason:**

The location is adjacent to other special rural lots, restaurants, hotel, service station and holiday accommodation enterprises. If developed as a quality subdivision, the land would enhance the locality and improve local infrastructure and make the existing facilities more viable. The Proponent should be given the opportunity to qualify the benefits of developing a special rural subdivision in this locality.

### **OFFICERS REPORT**

**Author:** Executive Director Development Services (R Fenn)

### **STATUTORY IMPLICATIONS**

No Change.

### **POLICY IMPLICATIONS:**

No Change.

### **FINANCIAL IMPLICATIONS:**

No Change.

### **STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

No Change.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

If Council is supportive of this land being developed for a higher and better use, it should encapsulate that objective in a strategic framework by modifying the Albany Local Planning Strategy (ALPS) to support that position. This approach was taken with the Lowana Drive and the Gunn Road Special Rural areas, where the ALPS was modified prior to the amendment being considered.

For an amendment to the ALPS to occur, the Western Australian Planning Commission (WAPC) is required to endorse the change. In taking that decision, the Commission will analyse the capacity of the land to meet the strategic planning framework of the state and region. The Commission will also analyse the proposal against the State's settlement policy and the objectives espoused in various agency strategies (including the ALPS).

Council could be encouraging the landowner to commit considerable funds to report on and justify an amendment under this motion, knowing that is unlikely to be seriously entertained by either the WAPC or the Minister at the conclusion of the process.

**COMMENT:**

Whilst Council can agree to support the amendment, as outlined in the motion, the amending documents become the property of Council once the amendment is initiated. The City would be promoting to both the WAPC and the community its support to change the zoning of a parcel of land that is clearly inconsistent with the objectives, principles and actions detailed in the ALPS. The strategic relevance of changing the zoning of this parcel of land has been considered on no fewer than three occasions by Council over the past two years and in each instance Council could not see its way to identifying the expansion of Rural Living lots in this locality; on the last occasion it was agreed that reconsideration of that position was best left to the next official review of the ALPS (five years hence).

Without a strategic framework to support the amendment proposal, the credibility of Council to manage town planning in accordance with its own adopted strategy would be compromised. The decision would also be at total odds with the recommendations made by the independent specialists that Council funded to undertake a Peer Review of the ALPS.

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**ITEM NUMBER: 11.3.2 ALTERNATE MOTION BY COUNCILLOR BUEGGE****VOTING REQUIREMENT: SIMPLE MAJORITY****MOVED COUNCILLOR: BUEGGE****SECONDED COUNCILLOR: PRICE****THAT**

i) Council **ADVISE** the proponents that it is prepared to entertain the submission of a formal **scheme amendment** to rezone Lot 50 Chester Pass Road, King River to the "Special Rural" zone;

and

ii) the ALPS be amended to recognise this land as Rural Living.

**MOTION CARRIED 6 – 4**

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DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 11.3.3

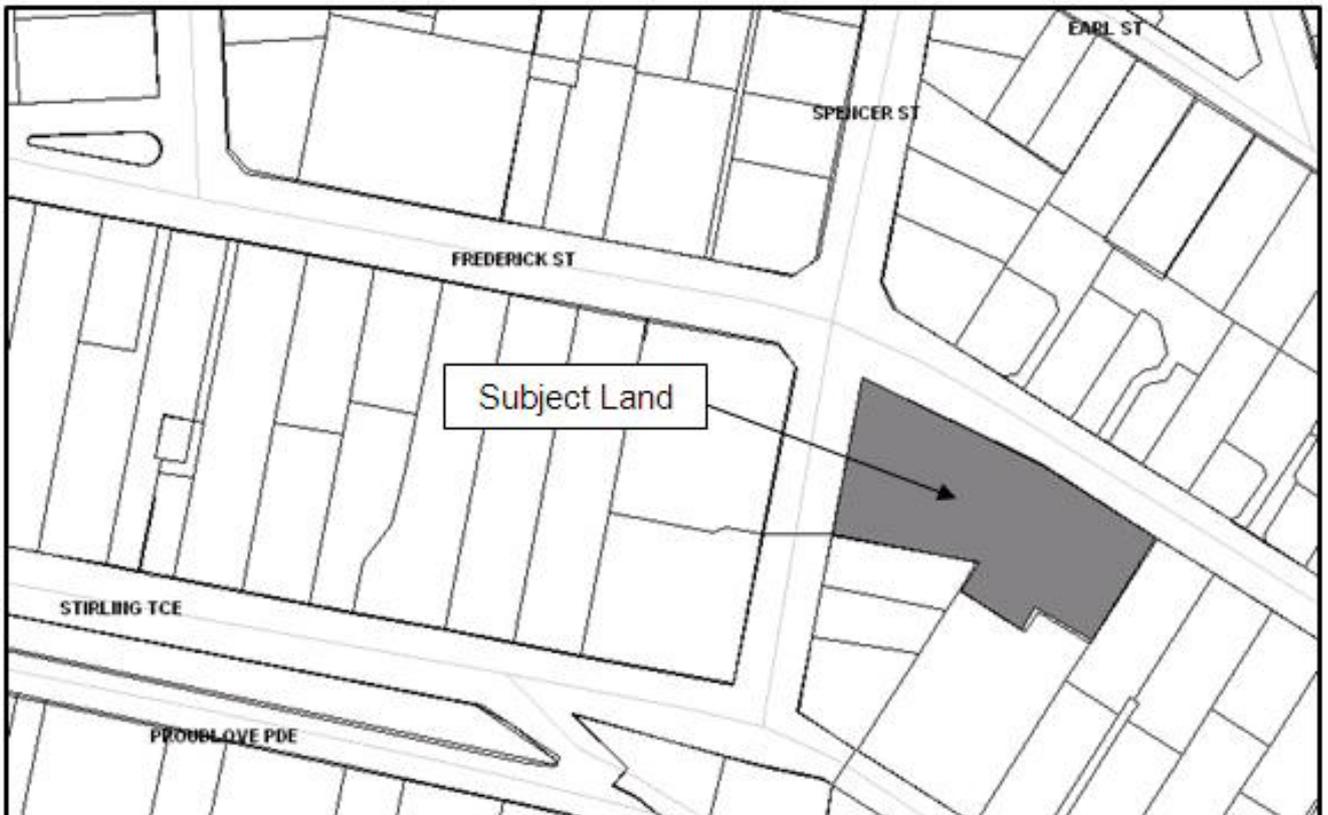
ITEM NAME: SCHEME AMENDMENT – FINAL APPROVAL – Lot 14 (Number 36 – 50)  
Spencer Street, Albany

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

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

- File Number or Name of Ward : AMD167 & A150786 (Frederickstown Ward)
- Summary of Key Points : To consider the submissions received and determine whether final approval should be granted to the amendment
- Land Description : 36 – 50 (Lot 14) Spencer Street, Albany
- Proponent : Harley Survey Group
- Owner : Activ Foundation Inc.
- Reporting Officer(s) : Senior Planning Officer (J Van Der Mescht)
- Disclosure of Interest : Nil
- Previous Reference : OCM 19/02/08 – Item 11.3.2  
OCM 17/06/08 – Item 11.3.4  
OCM 18/11/08 – Item 11.3.3
- Bulletin Attachment(s) : Nil

Maps and Diagrams:



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**BACKGROUND**

1. Council supported a Scheme Amendment Request (SAR) for the proposed change in zoning and density in February 2008.
2. Council initiated Amendment 167 to Town Planning Scheme No. 1A in June 2008.
3. The proposal seeks to rezone the Spencer Street land from “Clubs and Institutions” to “Residential” and apply a density coding of R60. The zoning will enable the future development of the site for mainly residential purposes with “Mixed Use” or shop/office type developments permitted within the ground-storey areas (to reflect the existing Activ and adjoining Thrift Shops).
4. At the Council meeting of 18 of November 2008, Council decided to lay the matter on the table to reconsider the appropriateness of the proposed density coding of R60.

**DISCUSSION**

5. The Western Australia Planning Commission Statement of Planning Policy No. 3, titled Urban Growth and Settlement, contains the following objective:
  - a. *“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...”*
6. The policy then lists the key requirements for sustainable communities and includes the following:
  - *“Affordable land for housing and affordable housing products in both greenfield and brownfield locations to ensure the housing needs of all the community can be met including those with special needs;*
  - *Making the most efficient use of land in existing urban areas through the use of vacant and under-utilised land and buildings, and higher densities where these can be achieved without detriment to neighbourhood character and heritage values;*
  - *Supporting higher residential densities in the most accessible locations, such as, in and around town and neighbourhood centres, high frequency public transport nodes and interchanges, major tertiary institutions and hospitals, and adjacent to high amenity areas such as foreshores and parks;...”*
7. The Albany Local Planning Strategy (ALPS) Section 8.3 Settlement Strategy has the following objectives:
  - *“Facilitate and manage sustainable growth for the urban area in the City of Albany.*
  - *Support the consolidation of serviced urban areas and facilitate staged fully serviced urban incremental development cells.*
  - *Support urban infill development based on compatibility of land uses and infrastructure capacity.”*
8. The ALPS proposes the following action:

*“The CPS to provide for a variety of residential densities, with higher densities located around the CBD, neighbourhood and local centres.”*

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9. The previous statement is re-emphasised as part of the housing section in the ALPS:  
*“8.6.2 Housing Strategic Objective:  
Facilitate a diversity of housing to align with future population and social needs.*
- The ALPS recommends that the housing choice be facilitated by providing for a greater variety of residential densities, with higher densities around the CBD, neighbourhood and local centres. Strategic housing outcomes are also discussed in Section 8.3 Settlement Strategy.”*
10. The subject land is well located on the edge of the Central Business District, highly accessible and in close proximity to educational and employment opportunities and adjacent to areas with high amenity value.
11. The subject land is directly opposite lots with a density coding of R160 (recommended to go to R80 as per Council’s position on Amendment No. 161) and adjacent to R30 sites. There are also other sites zoned “Special Site” with an R60 density (as tourist accommodation) currently provided in the vicinity of the subject land (eg Masonic Hall).
12. A coding of R60 is planned for lots to the west of Spencer Street and it will create a transition zone between the higher densities R80 and the R30 areas.
13. The current development on the site has a building bulk and scale similar to a medium density development.
14. The site is one of a few infill sites available within the central area of town with a substantial redevelopment potential (the Spinning Mill is another).
15. The scheme amendment was generally supported by persons who lodged submissions. Several issues were raised within the submissions as follows:
- Ensuring compliance with the Central Albany Urban Development Policy;
  - Control of building heights and floor levels on new developments;
  - Views from existing housing along Frederick Street;
  - Protection of heritage values in the area generally and on the adjoining Cheyne’s cottage site (Lot 1);
  - Protection of the existing public access through the right of carriageway over the land to Lot 1; and
  - Traffic access/egress to the site and parking.
16. City staff consider that an increase in density to R60 on this site will not be detrimental to the locality. It will act as an incentive/catalyst for the redevelopment of the site, with the following potential planning gains;
- a. Improving / creating a streetscape character on southern side of Frederick Street;
  - b. Create the opportunity for the protection of heritage and character elements in the area such as Cheyne’s cottage, and the Art Deco Facade of the building on the subject site;
  - c. Result in a more appropriate land use that will make better use of well located land; and
  - d. Directly contributing to the achievement of the set objectives and actions from the ALPS.

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17. The Central Albany Urban Design (CAUD) Policy sets out the development parameters for the subject land, which amongst other requirements stipulates a maximum of three (3) stories for a percentage of the site when the land parcel is greater than 2500m<sup>2</sup> (this site is 3623m<sup>2</sup>). It is staff's view that regardless of whether the site was coded R30 or R60, the built form in terms of bulk and scale would not be affected given the parameters set by the CAUD Policy. As stated above, an increase in density would be advantageous in that an appropriate unit yield could be achieved within a smaller building footprint, allowing for increased separation to neighbouring boundaries, assisting in this case with the protection of Cheyne's Cottage and the vista of the oak tree.
18. The recommended actions in the Schedule of Submissions would introduce minor modifications to the amendment document that was advertised. The modifications will improve the proposed development controls and encourage an increase in residential densities around the CBD, whilst achieving a high quality development outcome that complements the unique built and cultural heritage values in Albany.
19. The amendment document includes 'Appendix D: Development Concept for Illustrative Purposes'. This Appendix introduces concept plans to generally show how the site may be developed in the future. Acknowledging the concerns expressed in the submissions in relation to building heights, it should be reinforced that these plans are not statutory and are incorporated into the scheme for illustration purposes only. Given the concerns expressed through the advertising process, it is recommended that the development concept plan be removed from the document.
20. The Masonic Hall site (corner of Earl and Spencer Street) was rezoned by Council approximately four years ago. The same density coding of R60 was provided to ensure the retention and upgrade of the Hall, whilst accommodating sympathetic development within its curtilage.

**PUBLIC CONSULTATION/ENGAGEMENT**

21. The scheme amendment was advertised for 42 days in accordance with the requirements of the *Town Planning Regulations 1967* from 28 August 2008 to 9 October 2008 by placement of a sign on-site, direct referral to adjoining/nearby landowners and relevant State Government agencies and by an advertisement in the local newspaper.
22. A total of nine (9) written submissions were received. The submissions are summarised and discussed, with a draft recommendation for each submission in the following Schedule of Submissions. A letter of support from the Proponent also follows this report.

**GOVERNMENT CONSULTATION**

23. The scheme amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA has advised that the amendment has been considered and does not require a more detailed and formal assessment under the *Environmental Protection Act 1986*. The EPA has provided no additional advice or recommendations as outlined in the Schedule of Submissions.
24. The amendment was also referred to the Department of Planning, Alinta Gas, Telstra, Water Corporation, Western Power, Heritage Council of WA and the Police Department for assessment and comment. Responses were received from WestNet Energy, Water Corporation and Heritage Council of WA and are summarised in the Schedule of Submissions.

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**STATUTORY IMPLICATIONS**

25. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. Council's decision on the final approval of the amendment requires endorsement by the WA Planning Commission and approval by the Minister for Planning.
26. Council is required to consider and determine the submissions received within 42 days from the close of the public consultation period.

**FINANCIAL IMPLICATIONS**

27. Not applicable.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

28. This proposal is consistent with the strategic planning for the locality as detailed in the Albany Local Planning Strategy, the "Urban Growth and Settlement" policy of WAPC and the Lower Great Southern Strategy. The strategic issues were covered in greater detail when Council assessed the Scheme Amendment Request and initiated the Scheme amendment.

**POLICY IMPLICATIONS**

29. The City's decision on the scheme amendment must be consistent with the Albany Local Planning Strategy (ALPS), the principal land use planning strategy for the City.
30. The subject land adjoins the Albany Central Business District (CBD). The proposal to redevelop the site for mixed uses is consistent with the commerce and settlement strategy objectives of the ALPS.
31. Council is also required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) that apply to the scheme amendment. (SPP) No's 1 "State Planning Framework Policy" and 3 "Urban Growth and Settlement" establish the general principles for planning in Western Australia. The primary aim of these SPP's being to provide for the sustainable use and development of land by reducing energy consumption, consolidating development where there are existing services, supplying a range of suitable land for a variety of housing and to coordinate new development with the efficient, economic and timely provision of infrastructure and services.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

32. Council has the following options in relation to this item, which are:
  - To grant final approval to the scheme amendment without modifications;
  - To grant final approval to the scheme amendment with modifications; or
  - To recommend that final approval not be granted to the scheme amendment.
33. Council's decision on the scheme amendment is a recommendation to the WAPC and Minister for Planning. The Minister for Planning makes the final decision on the scheme amendment.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**SUMMARY CONCLUSION**

34. The modified amendment will provide for an increase in residential densities around the CBD, whilst achieving a high quality development outcome that complements the unique built and cultural heritage values in Albany.
35. There is a mis-match between housing requirements and housing provision and every effort should be made to increase housing densities in areas close to shops, schools, etc. This is one of a few remaining “large blocks” near the CBD and it would be completely inappropriate for Council to not increase the development potential of the lot. Increasing density does not automatically increase building height, etc.
36. The scheme amendment is supported by staff subject to minor modifications being made to address the matters raised within the submissions and to provide an appropriate level of development control.

ITEM NUMBER – 11.3.3 OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

- i) THAT Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, resolves to ADOPT WITH MODIFICATIONS, including the requirement to remove the development concept plan from the document, Amendment No. 167 to Town Planning Scheme No. 1A to rezone Lot 14 Spencer Street, Albany from the “Clubs and Institutions” zone to “Residential” zoned with a density code of R60.

AND

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

*Councillors Price and Wiseman left the Chamber at 9.05pm.*

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**ITEM NUMBER: 11.3.3 ALTERNATE MOTION BY COUNCILLOR BUEGGE**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: BUEGGE**

**SECONDED COUNCILLOR: BOSTOCK**

- i) THAT Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, resolves to ADOPT WITH MODIFICATIONS, Amendment No. 167 to Town Planning Scheme No. 1A to rezone Lot 14 Spencer Street, Albany from the “Clubs and Institutions” zone to “Residential” zone by;
  - a. removing the development concept plan from the document; and
  - b. introducing a Residential Design Code designation for the land of R30.

AND

- ii) THAT Council RECEIVE the Schedule of Submissions and ADOPTS the officer’s recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions, with the exception that submission 4 be **UPHELD**.

**MOTION CARRIED 7 - 1**

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*Councillors Price and Wiseman returned to the Chambers at 9.08pm.*

**DEVELOPMENT SERVICES REPORTS**

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**Councillors Reason:**

The current R30 coding allows sufficient scope for development of the lot whilst complementing the unique built and cultural heritage values in Albany.

**OFFICERS REPORT:**

**Author:** Executive Director Development Services (R Fenn)

**STATUTORY IMPLICATIONS:**

No Change.

**POLICY IMPLICATIONS:**

No Change.

**FINANCIAL IMPLICATIONS:**

No Change.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN:**

The “Albany Insight – Beyond 2020” strategic plan endorsed by Council lists as one of its four (4) key goals “Albany’s City Centre will be the most vibrant, safe, accessible and liveable in Regional WA”. That goal is supported by a statement that reads “Over the next four years we will undertake a range of initiatives so that by 2025, Albany’s City Centre will be family and pedestrian friendly and a vibrant cultural hub stimulated by attractive inner city residential and tourism accommodation”.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS:**

The Scheme Amendment is at the “final approval” stage with Council. However, the final decision on whether the amendment is adopted in its current form or in accordance with any recommendations made by the Council, rests upon an independent review of the amendment, the submissions and Council’s decision by the Western Australian Planning Commission. The Commission then recommends a course of action to the Minister for Planning, who ultimately determines the fate of the amendment.

**COMMENT:**

If Council is to achieve its corporate strategic objective of increasing inner city vibrancy and stimulating inner city residential activity, it needs to accept that housing densities in proximity to the CBD should be increased. Increased density does not mean that the height of buildings, the built form, or the character of buildings should, or would, be different to any building that is capable of currently being developed on an R30 coded site.

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Under the Residential Design Codes, the current R30 classification falls at the lower end of the “medium density” housing scale, with the R60 classification at the upper end of “medium density” living. The current coding in proximity to Albany’s CBD is not encouraging developers to invest in alternate housing products, nor is it allowing sufficient ‘near CBD’ housing and units to be developed. It is inconsistent for Council to be promoting R40 and similar coded developments in proximity to neighbourhood shopping centres, yet a lot within walking distance of the CBD that is ideally positioned and of a suitable size to be developed for units, remains at a density of R30.

The comments of the Heritage Council of WA on the amendment are drawn to Council's attention. The urban form that will be developed on the land will be controlled by the City’s Central Albany Urban Design Policy, a policy that is applied across residential lots on the slopes of Mounts Clarence and Melville, irrespective of the coding.

## DEVELOPMENT SERVICES REPORTS

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<b>CITY OF ALBANY TOWN PLANNING SCHEME No. 1A AMENDMENT No. 167 SCHEDULE OF SUBMISSIONS</b>				
<b>No.</b>	<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>Officer Comment</b>	<b>Council Recommendation</b>
1	Environmental Protection Authority PO Box K822 PERTH WA 6842	The Environmental Protection Authority (EPA) has determined that the scheme amendment is not required to be formally assessed and no advice or recommendations is required.	Nil.	The submission is noted.
2	Telstra Corporation Ltd Forecasting & Area Planning Locked Bag 2525 PERTH WA 6001	No negative comments.	Nil.	The submission is noted.
3	Water Corporation (Great Southern Regional Office) 215 Lower Stirling Terrace ALBANY WA 6330	No objection to the amendment. Advises the proponents may be required to upgrade the existing reticulated water and wastewater (deep sewer) services to cater for the development and this will be assessed by the Corporation at the building application stage.	Nil.	The submission is noted.
4	J Davidson 30 Frederick Street ALBANY WA 6330 (Adjoining Landowner)	Comment on the heritage of their dwelling and area and the importance of retaining the uniqueness of Albany.  Does not support the proposed R60 rezoning until it has been proven that the density coding and development can achieve the requirements of the City's Central Area Urban Development Policy to protect the visual amenity of this area.	The matters raised within the submission have been addressed within the Special Sites conditions.  These include the requirement for a Development Concept Plan to be prepared in accordance with the City's Central Area Urban Development Policy to show how the development complies with the scheme and policy.	The submission is upheld in part and Condition 2. of the Special Sites Schedule shall include an additional dot point to state: <ul style="list-style-type: none"> <li>Building heights shall be determined from the present floor levels of the existing buildings on-site to reduce their overall height impact</li> </ul>

**DEVELOPMENT SERVICES REPORTS**

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CITY OF ALBANY TOWN PLANNING SCHEME No. 1A AMENDMENT No. 167 SCHEDULE OF SUBMISSIONS			
No.	Name/Address Submitter	Summary of Submission	Officer Comment
		<p>Comments on aspects of the Central Albany Urban Design Policy that apply to the development including:</p> <ul style="list-style-type: none"> <li>• The housing should be the same height as existing dwellings on Frederick Street and maintain views around them to the harbour etc.</li> <li>• Comments on the height differences across the site and requests that all housing be set at the lower level along Spencer Street and does not support any changes to the maximum heights or excess fill under dwellings to increase height and the floor levels should be determined from the present floor levels of the existing buildings on site.</li> <li>• Comments on the importance of integrating landscaping (including the heritage Oak tree on the adjoining lot) within the development.</li> <li>• Parking should be provided on-site and be ample for residents, visitors and emergency vehicles.</li> <li>• Existing views should be preserved including through to the Oak tree and old Post Office building.</li> <li>• Prefers that all traffic use one-way</li> </ul>	<p>The proposed R60 density is considered appropriate for the site. The actual density of the completed development will indeed be subject to the design complying with the controls proposed in the final Special Sites Schedule and any City Policy that also applies to the proposal. The City intends for these controls and policies to retain some views through parts of the site from Frederick Street to the Oak tree, harbour and Old Post Office building etc.</p> <p>Staff agree that future building heights should be determined with reference to the existing buildings floor levels.</p> <p>The amendment limits access/egress to one-way entering the site off Frederick Street and exiting the site onto Spencer Street.</p> <p>The comments should be reinforced by minor modifications to the proposed controls in the Special Sites Schedule.</p>
			<p>onto Frederick Street.</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

CITY OF ALBANY TOWN PLANNING SCHEME No. 1A  
 AMENDMENT No. 167  
 SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
5	A Anderson 30A Frederick Street ALBANY WA 6330 (Adjoining Landowner)	<p>access/egress off Spencer Street.</p> <p>Not against the proposed development. Have lived in the area for many years (29) and have renovated several properties in the vicinity of the application, including successful tourist accommodation premises 'Oakview Cottage' which is named after old oak tree (in front of property).</p> <p>Comments on aspects of the Central Albany Urban Design Policy that apply to the development including:</p> <ul style="list-style-type: none"> <li>The R code density should be subject to the design complying with the Policy guidelines.</li> <li>Prefers that all traffic use Spencer Street, however may support one-way traffic from Frederick (entry) through to Spencer (exit) Streets. Would support one-way traffic movements off Frederick Street.</li> <li>Does not support any changes to the maximum heights or excess fill under dwellings to increase height and the floor levels should be determined from the present floor levels of the existing buildings on site.</li> </ul>	<p>See comments in submissions 4 and 6 also.</p> <p>Whilst the oak tree mentioned within the submissions is not within the subject land, it is attached to Cheyne's cottage which has very significant cultural heritage values within Albany and the protection and enhancement of this place needs to be considered as part of the development of the area.</p> <p>Staff supports the access/egress from the site being controlled to one-way entering the site off Frederick Street and exiting the site onto Spencer Street.</p> <p>The comments should be reinforced by minor modifications to the proposed controls in the Special Sites Schedule.</p> <p>See additional comments in Heritage Council of WA submission below.</p>	<p>The submission is upheld in part and Condition 2. of the Special Sites Schedule shall include an additional dot point to state:</p> <ul style="list-style-type: none"> <li>Protection and enhancement of the adjoining Cheyne's cottage heritage place, including the vista of the Oak tree from Frederick Street.</li> </ul>

DEVELOPMENT SERVICES REPORTS

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CITY OF ALBANY TOWN PLANNING SCHEME No. 1A AMENDMENT No. 167 SCHEDULE OF SUBMISSIONS			
No.	Name/Address of Submitter	Summary of Submission	Officer Comment
6	Heritage Council of WA 108 Adelaide Terrace EAST PERTH WA 6892	The scheme amendment does not affect a registered place and they have no objection to the amendment proceeding.	See comments in submission 5 above.  The proposal was discussed on-site during a recent visit by the Regional Heritage Adviser.  As stated above, the adjoining property to the south of the subject site contains Cheyne's cottage and oak tree which whilst not registered are considered to have significant local and State heritage significance. Part of the history includes that this is the place where Dr. Alexander Collie died (who was an early European explorer around Albany and Colonial Surgeon at the Swan River Colony from 1833 to 1835).  The Regional Heritage Adviser indicated that the place is to be nominated for inclusion onto the State Register of Heritage Places to enable the place to be protected and enhanced through registration and preparation of a Conservation Plan etc. Staff considers that the nomination will be successful and the development of Lot 14 should be prefaced as though this
			Council Recommendation  The submission is noted.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

CITY OF ALBANY TOWN PLANNING SCHEME No. 1A AMENDMENT No. 167 SCHEDULE OF SUBMISSIONS				
No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
			registration was complete.	
7	WestNet Energy 12-14 The Esplanade PERTH WA 6000	The proposal affects distribution pipelines and the applicant should contact 'Dial Before You Dig' before commencing any works.	Nil.	The submission is noted.
8	C Dixon 32 Spencer Street ALBANY WA 6330 (Adjoining Landowner)	Requests that the development ensure that the present public access available to Cheyne's Cottage heritage place through the present right of carriageway over Lot 14 is protected and included within any proposed development.  Comments that all development should be respect the heritage values of adjoining sites and the art deco facade should be retained.	See comments in submissions 4, 5 and 6.  There is no proposal for the right of carriageway to be extinguished within the scheme amendment document.  The comments should be reinforced by minor modifications to the proposed controls in the Special Sites Schedule.	The submission is upheld and Condition 2. of the Special Sites Schedule shall include an additional dot point to state: <ul style="list-style-type: none"> <li>Provides for public use and access of the existing right of carriageway over Lot 14 through to Lot 1.</li> </ul>
9	G & L Checketts 34 Frederick Street ALBANY WA 6330 (Adjoining Landowner)	Comment on the heritage of their dwelling and the importance of retaining the built heritage values around Albany.  Comments on aspects of the Central Albany Urban Design Policy that apply to the development including: <ul style="list-style-type: none"> <li>Prefers that all traffic use Spencer Street.</li> <li>Would not support any changes to the maximum heights or excess fill under dwellings etc. Floor levels</li> </ul>	See comments in submissions 4, 5 and 6.	The submission is noted.

**DEVELOPMENT SERVICES REPORTS**

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CITY OF ALBANY TOWN PLANNING SCHEME No. 1A AMENDMENT No. 167 SCHEDULE OF SUBMISSIONS			
No.	Name/Address Submitter	Summary of Submission	Officer Comment Council Recommendation
		should be determined from the present floor levels of the existing buildings on site. <ul style="list-style-type: none"> <li>• Parking should be provided on-site.</li> </ul>	

DEVELOPMENT SERVICES REPORTS

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- Directors
- Rod Hedderwick
  - Mike Sauzier
  - Sebastian Bolhuis

ACN: 009 101 786

Please reply to Albany Office

Our Ref: 14120/RAW/BJM

21<sup>st</sup> November 2008

Mr Robert Fenn  
Executive Director Development Services  
City of Albany  
PO Box 484  
ALBANY WA 6331



Doc No: City of Albany Records  
ICR8070468  
File: AMD167

Date: 24 NOV 2008  
Officer: PLAN16

Attach:

Dear Robert

RE: SUPPORTING INFORMATION - SCHEME AMENDMENT NO.167(1A), LOT 14  
SPENCER STREET, ALBANY

We are writing on behalf of our clients, Activ Foundation Inc, regarding Council's resolution to lay Town Planning Scheme Amendment 167 of Town Planning Scheme 1A on the table. We understand that this was to give Council additional time to consider the ramifications of the proposed R60 density. Therefore we would like to take this opportunity to reiterate and elaborate on why the R60 residential density is appropriate in this location. The reasons for this include:

- It is sustainable planning practice to locate higher residential densities closer to existing service centres, such as the Albany CBD. This serves to increase the number of people living in close proximity to entertainment, shopping and employment opportunities, reduces motor vehicle dependence whilst adding vitality and increasing the viability of businesses within the city centre.
- The R60 density is appropriate given the proximity to the city centre as recommended by adopted Western Australian Planning Commission and City of Albany planning strategies. In particular, the City of Albany's Housing Position Paper 2005 recommends R60 & R80 residential densities within 800m of the City Centre. Lot 14 is adjacent to the current 'Central Area' zoning and 350m from York Street.
- Whilst R80 is a possibility under the current strategic documents, the landowners decided that rather than proposing this higher density, the R60 residential density was more conducive to creating a quality development. Preliminary investigations with local designers proved that the lot size and dimensions lent itself to a quality development at the R60 density with slightly larger dwellings of higher quality than squeezing a higher number of smaller dwelling units into the property.
- The land use controls of the town planning scheme, policies & R-Codes will control development and ensure a high standard of development on the site with an

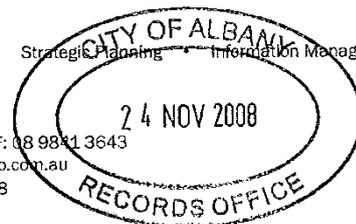
X:\14120 CBDD - Activ\14120 Correspondence\Letters\Out\CoA 201108 R60 support.doc

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



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appropriate streetscape, regardless of R80, R60 or R30 density of development. That is, the form and street appearance of development permitted under the R60 residential density will not significantly vary from lower densities, due to the effect of established policies.

In particular, the Central Albany Urban Design Policy (CAUDP) will control development at Lot 14. This policy was developed primarily as a means of setting height and building bulk restrictions. It requires vistas to be provided through Lot 14 to Princess Royal Harbour and promotes development that respects the topography of a site by encouraging undercroft parking and storage. As Lot 14 slopes down and away from Frederick Street it is highly likely that development will be largely located at a lower elevation than existing development on the northern side of Frederick Street. This is reinforced by the Officer's recommendation of linking the calculation of building height for future development to the finished floor levels of the existing buildings. We understand this is to insure against the unlikely possibility that the site would be filled to the Frederick Street level.

- Whilst the application of R60 density rather than a lower density may result in more dwellings on the site, it may result in smaller dwellings and promote multiple dwellings. This will allow for smaller footprints and therefore, there may be a greater opportunity for views through the site than if the site were developed with fewer but larger dwellings. Using a lower R30 density may make the development not commercially feasible for multiple dwellings with the result that the likely development would be of larger multi-storey detached dwellings that do not allow clustering on the site to maximise view corridors.
- Our client is aware of the importance of retaining view corridors through the site, in particular to Cheynes Cottage and the oak tree. During initial stages of the rezoning process, the client identified early on that the density of the site and ultimate development needed to be sympathetic to the views currently enjoyed from Frederick Street and higher on the landscape. We believe that the R60 density will provide a greater ability to provide view corridors by being able to cluster the development on smaller footprints.

In conclusion, we support the officer's recommendations in item 11.3.3, presented to Council on the 18<sup>th</sup> November 2008. We would like to reiterate that an R60 density over Lot 14 Spencer Street will result in development that will support the Albany CBD with appropriate development controlled by the more than adequate planning policies of Council.

If you wish to discuss this proposal any further, please contact me on 9841 7333 or 0429 087 644

Yours sincerely

Craig Pursey  
Senior Planning Consultant  
Harley Survey Group Pty Ltd

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

**DEVELOPMENT SERVICES REPORTS**

**ITEM NUMBER:** 11.3.4

**ITEM NAME:** **SCHEME AMENDMENT – FINAL APPROVAL – Lots 2, 4, 5, 9, 10, 11, 12, 16, 301, 302, 303 & 9000 Frenchman Bay/Panorama Roads, Big Grove**

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:**

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

- File Number or Name of Ward** : AMD279 (Vancouver Ward)
- Summary of Key Points** : Consider the submissions received from the public consultation period and determine whether to seek final approval to the amendment to rezone land at Big Grove to “Residential Development”
- Land Description** : Lots 2, 4, 5, 10, 11, 12, 16, 301, 302, 303 & 9000 Frenchman Bay and Panorama Roads, Big Grove
- Proponent** : Ayton Taylor Burrell
- Owner** : Various
- Reporting Officer(s)** : Senior Planning Officer (J Van Der Mescht) and Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 21/05/05- Item 11.3.9  
OCM 18/04/06 - Item 11.3.5  
OCM 20/06/06 - Item 11.3.1  
OCM 17/06/08 - Item 11.3.5
- Bulletin Attachment(s)** : Copy of Submissions

**Maps and Diagrams:**



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

**BACKGROUND**

1. Council initiated Amendment 279 to Town Planning Scheme No. 3 at its Ordinary Meeting held on 17 June 2008.
2. The amendment seeks to rezone the subject land from various zones including “Tavern”, “Rural” and “Special Rural” to “Residential Development”. The successful completion of this amendment will then facilitate the future development of the land to residential uses subject to the completion of an Outline Development Plan (ODP) to guide the future subdivision and development.

**DISCUSSION**

3. The scheme amendment was generally supported by the persons who lodged submissions. The outcome of this scheme amendment will effectively create a planning boundary around the subject lots. The landowners will then need to complete an ODP, for adoption by Council and approval by the WA Planning Commission, prior to subdivision or development proceeding.
4. The majority of the issues raised in the submissions do not relate to this scheme amendment. They are more relevant to the more detailed planning undertaken during the preparation and adoption of the ODP. As can be seen from the submissions, the planning consultants have already had discussions with many of the landowners and staff expect the draft ODP will be presented to Council in January for consideration. The issues raised in the submissions will be considered by staff in preparing the ODP report.
5. Issues relevant to the amendment raised within the submissions are as follows:
  - The Environmental Protection Authority request to consider including the “Foreshore” reserve area outside the current amendment proposal as a “Parks and Recreation” reserve in finalising the amendment; and
  - Some minor modifications to the amendment report relating to the Department of Environment and Conservation submission.
6. Staff recommend that the scheme amendment be finalised by incorporating these minor changes.

**PUBLIC CONSULTATION/ENGAGEMENT**

7. The scheme amendment was advertised for 42 days in accordance with the requirements of the *Town Planning Regulations 1967* from 16 September 2008 to 28 October 2008 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners and relevant State Government agencies and advertisement in the local newspaper.
8. A total of ten (10) written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

**GOVERNMENT CONSULTATION**

9. The scheme amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA has advised that the amendment has been assessed and does not require formal assessment. The Authority has provided some advice and recommendations as outlined in the attached Schedule of Submissions.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

10. The amendment was also referred to the Department of Planning and Infrastructure's Coastal Planning Branch, Alinta Gas, Telstra, Water Corporation, Western Power, Albany Port Authority, Department of Agriculture and Food, Department of Health, Department of Water, Department of Environment and Conservation, Department of Education and Training, Main Roads WA and WA Tourism Commission for assessment and comment. Responses were received from Telstra, Water Corporation, Department of Health, Department of Water, Department of Environment and Conservation, Department of Education and Training and Main Roads WA and are summarised in the attached Schedule of Submissions.

**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

12. Not applicable.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

13. The City's decision on the scheme amendment must be consistent with the outcomes of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.
14. The subject area is located within an area identified for future urban uses within the ALPS adopted by Council in August 2007. The proposal to rezone the land is consistent with the settlement strategy objectives of the ALPS.
15. The WAPC has prepared the Lower Great Southern Strategy to guide land use planning decisions within the region. The scheme amendment is consistent with the actions identified in the Lower Great Southern Strategy.

**POLICY IMPLICATIONS**

16. Council is required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) that apply to the scheme amendment. (SPP) No's 1 "State Planning Framework Policy" and 3 "Urban Growth and Settlement" establish the general principles for planning in Western Australia. The primary aim of these SPP's being to provide for the sustainable use and development of land by reducing energy consumption, consolidating development where there are existing services, supplying a range of suitable land for a variety of housing and to coordinate new development with the efficient, economic and timely provision of infrastructure and services.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

17. Council has the following options in relation to this item, which are:
  - To grant final approval to the scheme amendment without modifications;
  - To grant final approval to the scheme amendment with modifications; or
  - To not seek final approval to the scheme amendment.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

18. Council's decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

**SUMMARY CONCLUSION**

19. The proposed scheme amendment is supported with minor modifications to address the relevant matters raised within the submissions.
20. The majority of the matter raised in the submissions are not directly relevant to the scheme amendment and are more appropriately dealt with during the preparation and adoption of the ODP plan which is the next stage of planning required to be undertaken for the land.

ITEM NUMBER – 11.3.4 OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR:

SECONDED COUNCILLOR:

- i) THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to ADOPT WITH MODIFICATIONS Amendment No. 279 to Town Planning Scheme No. 3 as follows:

- a) Rezoning Lot 2 Frenchman Bay Road, Big Grove from "Tavern" to "Residential Development";
- b) Rezoning Lots 9 & 10 Panorama Road, Big Grove from 'Rural' to 'Residential Development' zone;
- c) Rezoning Lots 11 & 12 Panorama Road, Big Grove from 'Special Rural Area 7' to 'Residential Development' zone;
- d) Rezoning Lots 4, 5, 16, 301, 302, 303 & 9000 Frenchman Bay Road, Big Grove from 'Rural' to 'Residential Development' zone;
- e) Rezoning the identified foreshore reserve areas from 'Rural' zone to 'Parks and Recreation (non restricted)' Reserve;
- f) Deleting Special Rural Area 7 from Schedule 1 'Special Rural Zones' of Town Planning Scheme No. 3;
- g) Amending the Scheme Map accordingly;
- h) Inserting Clause 5.8(c) as follows:

*"The provisions of the Residential Design Codes may be varied for new urban residential areas and large urban infill sites by a structure plan and/or a Detailed Area Plan approved by Council and endorsed by the Western Australian Planning Commission";*

- i) Including the following row in Table III – 'Residential Design Codes Density Applicable to Land Within the Scheme Area':

Lots Zoned Residential Development	Density as depicted on the endorsed Structure Plan
------------------------------------	--

AND

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

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**ITEM NUMBER: 11.3.4 ALTERNATE MOTION BY COUNCILLOR BOSTOCK**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: BOSTOCK**  
**SECONDED COUNCILLOR: PAVER**

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

**MOTION CARRIED 7 - 3**

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**Councillors Reason:**

That this is the last opportunity that Council has to affect what happens to the land. Once this submission has been approved control of the project passes out of Council hands. One of the land owners whose land is not included in the scheme, none the less, has "Public Space" for the proposed development marked as being on his property and several roads passing across his property. Until more detailed information can be obtained this Scheme Amendment should not be approved.

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AMENDMENT No. 279

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
1	Environmental Protection Authority PO Box K822 PERTH WA 6842	<p>The Environmental Protection Authority (EPA) has determined that the scheme amendment is not required to be formally assessed. They provide the following advice and recommendations on the amendment:</p> <p>The EPA notes that development cannot proceed until the completion of the Outline Development Plan (ODP) and expect the following advice will be implemented through the ODP.</p> <ul style="list-style-type: none"> <li>• <b>Vegetation</b> Request that clearing of remnant Eucalypts and Peppermint trees be minimised to ensure habitat for Western Ringtail Possums including retaining trees within road reserves and using building envelopes on private land.</li> <li>• <b>Fauna</b> Note that whilst there are no threatened fauna species located on the land, they have been recorded in the area. If possums or other significant fauna is found during development, advice shall be sought from the Department of Environment and Conservation Regional Office for implementation.</li> </ul>	<p>The EPA advice and recommendations will be considered and implemented through the development of the separate ODP process.</p> <p>In regards to the zoning anomaly and the foreshore area, Council when initiating the amendment did not require this land to be included within the parks and recreation reserve. The foreshore reserve area will be included for foreshore and recreation purposes in the ODP plan and this will secure them for these uses accordingly.</p> <p>There is no planning impediment that prevents Council from requesting that the foreshore reserve area be included within the parks and recreation reserve as part of finalising the amendment, although it may require readvertising at the discretion of the Minister for Planning as it was not requested by Council at the time of initiating the amendment and is outside of the current scheme amendment area.</p>	<p>The submission is upheld in part and the following modifications to the scheme amendment map be completed:</p> <p>a) Those portions of the land within the foreshore area be removed from the Rural Zone and shown as Parks and Recreation Reserve.</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 279 SCHEDULE OF SUBMISSIONS			
No.	Name/Address Submitter	Summary of Submission	Officer Comment Council Recommendation
		<ul style="list-style-type: none"> <li>• <u>Coastal Setback and Foreshore Reserve</u> Note a zoning anomaly and request that unless it cannot be accommodated that this foreshore reserve area be included within the final amendment as a parks and recreation reserve.</li> <li>• <u>Surface and Groundwater Quality</u> Note the draft ODP shows some special residential land which is an incompatible use with the South Coast Water Reserve Protection Area and advice from the Department of Water is required to ensure if it is permissible.  Expect that all development will be connected to deep sewer infrastructure.</li> <li>• <u>Contamination</u> The documentation with the amendment indicated there may be contamination of the soil and groundwater due to previous uses and a preliminary investigation should be carried out prior to detailed planning. If contamination is identified, the proponents will be</li> </ul>	

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 279 SCHEDULE OF SUBMISSIONS					
No.	Name/Address Submitter	of	Summary of Submission	Officer Comment	Council Recommendation
			required to undertake a 'Site Remediation and Validation Report' to the satisfaction of the Department of Environment and Conservation (DEC).		
2	Department of Health Grace Vaughan House 227 Stubbs Terrace SHENTON PARK WA 6008		No objection subject to all developments being connected to deep sewer.	All development will be required to connect to deep sewer.	The submission is noted.
3	Water Corporation (Great Southern Regional Office) 215 Lower Stirling Terrace ALBANY WA 6330		No objection to the amendment and advise that water and wastewater (deep sewer) services will need to be connected to all lots.  Advise the proponents may also be required to upgrade the existing reticulated water and wastewater services to cater for the development.  Part of the land is within the South Coast Water Reserve and the ODP will need to incorporate measures to protect the water reserve and bores.	See above comments.  The separate ODP plan will include the necessary setbacks/buffers to protect the Water Reserve and bores.	The submission is noted.
4	Department of Water (South Coast Region) 5 Bevan Street ALBANY WA 6330		Provides the following advice:  • <u>Public Drinking Water Source Area</u> Do not support the inclusion of any urban development within the South Coast Water Reserve area.	See above comments.  The Department's opposition to urban development within the South Coast Water Reserve area is clear and the majority of this	The submission is noted.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 279 SCHEDULE OF SUBMISSIONS			
No.	Name/Address Submitter	Summary of Submission	Officer Comment
		<ul style="list-style-type: none"> <li><u>Bore Protection</u> Advise that no development may occur within 300m of the water production bore in the south of the area and that this is contained within the overall water reserve boundary.</li> <li>Note that this area is shown as public open space and recommend minimal disturbance to native vegetation and some areas of non-irrigated grassland if required to protect its values.</li> <li><u>Foreshore Reserve</u> Request the extent of the foreshore reserve be determined on-site through the ODP process. They would require the proponents develop and implement a Foreshore Management Plan to show future uses/management etc. Recommend a road be provided between private developments and the foreshore reserve.</li> <li><u>Stormwater Management</u> Require the proponents prepare an Urban Water Management Plan as subdivision occurs to address stormwater management.</li> </ul>	<p>land will be included as public open space areas within the separate ODP plan.</p> <p>The ODP process will conclude the extent of the required foreshore reserve and incorporate the stormwater management systems mentioned.</p>
			Council Recommendation

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 279 SCHEDULE OF SUBMISSIONS			
No.	Name/Address Submitter	Summary of Submission	Officer Comment
		This should be achieved through the ODP process and include water sensitive urban design principles to ensure stormwater collection and disposal does not adversely affect the catchments.	
5	JA & J Hillis Big Grove Bed & Breakfast 15 Panorama Road BIG GROVE WA 6330 (Affected Landowner)	Does not support the proposed ODP plan due to lack of input and the plan does not protect their interests.  They have no plans for development of the property and seek to ensure future possibilities are not precluded or property value diminished.  Provide detailed copy of responses to draft ODP plan regarding reservation of their land, amendment, subdivision design and road layouts, densities and non-conforming uses, future changes to water reserve boundary etc.	The majority of the matters raised within the submission will be addressed through the separate ODP process, not this scheme amendment proposal.  The ODP plan should reflect the bed and breakfast business establishment. Its existence will not be affected by the outcome of this amendment.  The Department of Water have made it clear that no urban development may occur within the South Coast Water Reserve area (which covers part of this property) and this will affect both the amount and type of development permitted.
6	P & B Kirby 835 Frenchman bay Road ALBANY WA 6330	Advise of dealings with the ODP process and outline their proposals for the land. Seek to retain a larger 2	The matters raised within the submission will need to be addressed through the separate

The submission is noted.

The submission is noted.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 279 SCHEDULE OF SUBMISSIONS			
No.	Name/Address of Submitter	Summary of Submission	Officer Comment
	(Affected Landowner)	<p>hectare lot at this stage around their existing dwelling.</p> <p>Provide responses to draft ODP plan regarding fencing to be erected by the subdividers to protect their privacy and request R30 and R40 densities be considered for their land.</p>	ODP process, not this scheme amendment.
7	Department of Education and Training (Asset Planning Branch) 151 Royal Street EAST PERTH WA 6004	<p>Advise the Department has been involved in discussions with the planning consultants over the development of the ODP.</p> <p>Comment the overall lot yield from the development of the Little and Big Grove areas of approximately 2,500 lots will require a new primary school site to cater for this growth. No objection to the rezoning and request approval of the Concept Plan is delayed until the ODP is completed for the overall area.</p>	The comments are noted and the separate ODP process will need to conclude the designation of an additional primary school in the area in consultation with the Department.
8	Department of Environment and Conservation (South Coast Region) 120 Albany Highway ALBANY WA 6330	<p>Request that some parts of the amendment document be modified to:</p> <ul style="list-style-type: none"> <li>• Correct the status of the Torndirrup National Park (p.3).</li> <li>• Include reference to Sharp Point Road within the visual sensitivity analysis on the Opportunities &amp;</li> </ul>	<p>Those parts of the amendment report requested to be modified by the Department regarding Torndirrup National Park and Sharp Point Road should be completed.</p> <p>The submission is upheld and the following modifications to the scheme amendment report be completed: a) Part 2.2 Surrounding Landuse (p.3 para.4) line 2 be deleted.</p>

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 279 SCHEDULE OF SUBMISSIONS			
No.	Name/Address Submitter	Summary of Submission	Officer Comment Council Recommendation
		Constraints map.	b) Sharp Point Road is added to dot point 8 on the Opportunities and Constraints Map.
9	Main Roads WA (Great Southern Region) Chester Pass Road ALBANY WA 6330	No objection 'in principle' and comments that the scheme amendment only shows a portion of the development proposed under the Albany Local Planning Strategy and therefore traffic impacts expected on State and Local Government roads. The proposal should be subject to a detailed traffic impact study as part of the ODP.  Advise that the expected traffic volumes from the overall developments in the Little and Big Grove areas will also require upgrading of the intersection at Princess Royal Drive and Frenchman Bay Road by the proponents.	The comments are noted and it is clear that the full development of these areas will require substantial upgrades to the present minor and major road system. The separate ODP process will need to quantify and address traffic impacts and provide for all necessary road improvements (vehicular and pedestrian) to cater for these increases.  The Department will be consulted in preparing the ODP and it is expected they then will seek road upgrading conditions upon referral of future subdivision applications by the WA Planning Commission.
10	Telstra Corporation Ltd (Forecasting & Area Planning) 3/80 Stirling Street PERTH WA 6001	No negative comment and advises that the area can be easily serviced.	The submission is noted.

DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

ITEM NUMBER: 11.4.1

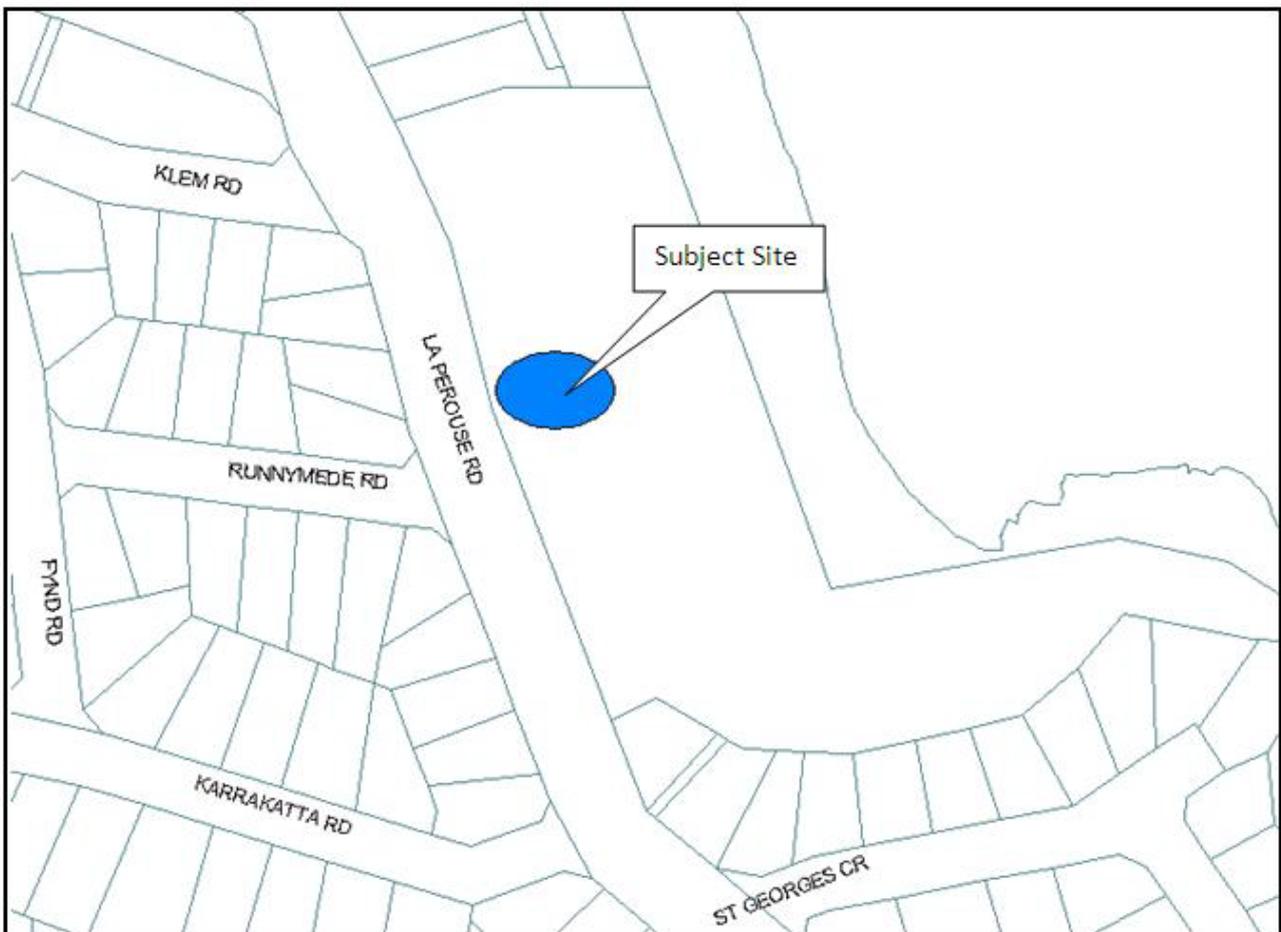
ITEM NAME: Goode Beach Community Centre – Site Selection

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

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

<b>File Number or Name of Ward</b>	: REL083 & A175087 (Vancouver Ward)
<b>Summary of Key Points</b>	: Recognition of site for a community centre at Goode Beach
<b>Land Description</b>	: Reserve 26221 La Perouse Road, Goode Beach
<b>Proponent</b>	: Frenchman Bay Association
<b>Owner</b>	: Crown
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Bulletin Attachment(s)</b>	: Nil

Maps and Diagrams:



**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued

**BACKGROUND**

1. The Frenchman Bay Association recently wrote to the City of Albany advising that the Association has conducted a survey of owners / occupiers of land at Goode Beach to establish areas of concern / interest. One area that has rated highly in the responses is the development of a community centre, capable of being used by the community for a variety of activities.
2. In support of the application it is highlighted that such facilities are an essential part of a healthy community. Most of the City's outlying communities have halls and other facilities which can be used by their communities to conduct meetings, provide for a community get together and information session and to accommodate indoor recreation pursuits (cards, indoor bowls, etc). The City is not expected to fully fund such a facility and it is desirable for the siting issues to be resolved to allow the community to commence the process of securing funding.
3. The Association is canvassing the City on the siting for such a facility and recommends that portion of Reserve 26221 be considered.

**DISCUSSION**

4. Within Goode Beach there are only three Crown Reserves where a community facility could potentially be developed. A Public Open Space (POS) reserve adjacent to Harvik Street has a cross fall in excess of 10 metres and this reserve would require considerable re-contouring to provide for a community centre and the associated car parking.
5. At the western extremity of La Perouse Road is a POS reserve of approximately 3.2ha that has potential to be developed for this purpose. However, the reserve is located in a position that is remote to the majority of the Goode Beach community.
6. Reserve 26221 is the foreshore reserve adjacent to the swimming beach and it has been developed with a car park and toilet block.
7. No detail is available on the potential design of the proposed community centre, and most of the settlement overlooks Reserve 26221. It is assumed that the new structure would be built towards the northern end of the reserve, in proximity to the existing toilet block. Having a public toilet at this location has the potential to reduce the initial construction costs to the Association and/or Council and to provide increased surveillance of a new building. Corrosion control on building components would also need to be managed in the design of a building.
8. The reserve comprises a "drop off" slope from La Perouse Road, covered in coastal heath. The slope gives way to a plateau approximately 5.0m above sea level and covered in thick coastal heath and peppermint thicket. No work has been undertaken to determine the potential for the area to be affected by severe storm surges.
9. There has been only one new meeting facility developed for an outlying community (Wellstead) within the City of Albany over the past decade. Many of the halls in close proximity to Albany were developed in an era when communities more than 10.0km from the CBD were independent towns and transport options severely restricted mobility. The utilisation rates of those facilities are in decline and modern communities are now able to easily move to alternate venues for social interaction and for recreational pursuits. If the utilisation rates continue to fall, the various groups managing the cleaning, booking and minor maintenance of the halls will fold and the buildings will revert back to the City's care and control.

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued

10. There is a total void of community facilities at Goode Beach and it would be desirable for Council to designate a site for future development; any site chosen is likely to remain inaccessible by foot from sections of the local community as the settlement rises to 70.0m above sea level.

**PUBLIC CONSULTATION / ENGAGEMENT**

11. The Frenchman Bay Association represents the residents at Goode Beach and the Association has undertaken its own survey of community opinions. The detailed results of the survey have not been provided.

**GOVERNMENT CONSULTATION**

12. Not applicable.

**STATUTORY IMPLICATIONS**

13. Reserve 22621 has an area of approximately 3.1ha and it is set aside for the purpose of “Recreation with Special Conditions”. The management order has been issued to the City of Albany and the special conditions preclude the use of the land for public camping and for caravan parks.

**FINANCIAL IMPLICATIONS**

14. No provision has been made in any forward financial planning undertaken by the City for a contribution to the construction of a community centre at Goode Beach.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

15. Not applicable.

**POLICY IMPLICATIONS**

16. Not applicable.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

17. The site proposed for the community centre has not been subjected to a detailed planning and community consultation process. Council may wish to undertake that process prior to seeking a change in the purpose of the reserve to reflect a potential “Recreation and Community Centre” usage.
18. Council could decide that the population base at Goode Beach does not warrant an independent community centre being developed at Goode Beach and that position could be established by denying the request to designate a site for that use.

**SUMMARY CONCLUSION**

19. Goode Beach is located approximately 20.0km from Albany’s CBD and has a concentrated population base in excess of the Redmond, Manypeaks or Bornholm communities which are at a similar distance. Many small communities rely upon a central community or recreational facility to strengthen societal values and draw the community together. The residents of Goode Beach have been forced to meet in private residences when issues affecting the community are raised, or they travel to larger meeting facilities at Whaleworld if management agrees to allow them access to those facilities.

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued

20. The site selected for the development of a future community centre is far from ideal, however the range of site options is very limited. Council may wish to advertise the intention to consider Reserve 262221 for this purpose prior to approaching the Department of Planning and Infrastructure with a request to change the reserve purpose. No request has been made at this time for a contribution to the funding of a community centre.

*Councillor Buegge left the Chamber at 9.18pm.*

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**ITEM NUMBER – 11.4.1 OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: PRICE  
SECONDED COUNCILLOR: MATLA**

**THAT Council SEEK public comment on a proposal to change the purpose of Reserve 26221 La Perouse Road, Goode Beach to include the capacity for a community centre to be built on the reserve at a future date.**

**MOTION CARRIED 9 - 0**

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**DEVELOPMENT SERVICES REPORTS**

**11.5 EMERGENCY MANAGEMENT**

Nil

DEVELOPMENT SERVICES REPORTS

**11.6 DEVELOPMENT SERVICE COMMITTEES**

**ITEM NUMBER: 11.6.1**

**ITEM TITLE: Planning and Environment Strategy and Policy Committee Meeting Minutes – 19 November 2008**

**File Number or Name of Ward** : MAN 235 (All Wards)  
**Summary of Key Points** : Committee Items for Council Consideration.  
**Reporting Officer(s)** : Executive Director Development Services (R Fenn)  
**Disclosure of Interest** : Nil  
**Bulletin Attachment(s)** :

*Councillor Wiseman left the Chambers at 9.21pm.*

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**COUNCIL'S ROLE: EXECUTIVE FUNCTION**

**ITEM 11.6.1 - COMMITTEE RECOMMENDATION 1**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: MATLA**

**SECONDED COUNCILLOR: PRICE**

**THAT the unconfirmed minutes of the Planning and Environment Strategy and Policy Committee held on Wednesday 19 November 2008 be RECEIVED (copy of minutes are in the Information Bulletin).**

**MOTION CARRIED 8 - 0**

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*Councillor Wiseman returned to the Chambers at 9.22pm*

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**COUNCIL'S ROLE: LEGISLATIVE FUNCTION**

**ITEM 11.6.1 - COMMITTEE RECOMMENDATION 2**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: STANTON**

**SECONDED COUNCILLOR: PRICE**

**Item 5.0 – Environmental Code of Conduct and Reserve Signage**

**THAT the information be RECEIVED and that a further report be submitted to the Committee when a preferred strategy or policy framework has been determined.**

**MOTION CARRIED 9 – 0**

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*Councillor Buegge returned to the Chambers at 9.24pm*

**DEVELOPMENT SERVICES REPORTS**

Item 11.6.1 continued

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**COUNCIL'S ROLE: LEGISLATIVE FUNCTION**

**ITEM 11.6.1 - COMMITTEE RECOMMENDATION 3**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: PRICE**  
**SECONDED COUNCILLOR: BUEGGE**

**Item 6.0 – Extractive Industries – Access to Materials**

**THAT the information be RECEIVED and that a report be submitted back to the Planning and Environment Strategy and Policy Committee when work currently being undertaken by the Technical Advisory Group for the Lower Great Southern Strategy is further advanced.**

**MOTION CARRIED 10 – 0**

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**COUNCIL'S ROLE: LEGISLATIVE FUNCTION**

**ITEM 11.6.1 - COMMITTEE RECOMMENDATION 4**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: STANTON**  
**SECONDED COUNCILLOR: MATLA**

**Item 8.0 – Little Grove Structure Plan (LGSP)**

**THAT Council LAY THIS ITEM ON THE TABLE for a period of one month to provide the opportunity for an inspection of the Structure Plan Area by Councillors.**

**MOTION CARRIED 10 - 0**

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**COUNCIL'S ROLE: LEGISLATIVE FUNCTION**

**ITEM 11.6.1 - COMMITTEE RECOMMENDATION 5**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: MATLA**  
**SECONDED COUNCILLOR: WALKER**

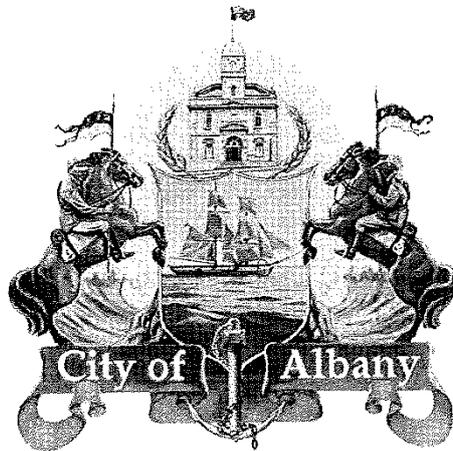
**Item 11.0 – City of Albany Household and Population Forecast Study**

**THAT Council RECEIVE the City of Albany Household and Population Forecast Study and acknowledge the report's findings within future strategic planning processes.**

**MOTION CARRIED 10 – 0**

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Item 11.6.1 continued



# **MINUTES**

## **PLANNING AND ENVIRONMENT STRATEGY AND POLICY COMMITTEE**

**Held on  
Wednesday, 19 November 2008  
6.00 pm**

**Margaret Coates Boardroom**

**DEVELOPMENT SERVICES REPORTS**

Item 11.6.1 continued

COMMITTEE MEETING MINUTES – 19/11/08

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**DECLARATION OF OPENING**

The Chairperson declared the meeting open at 6.00pm.

**1.0 ATTENDANCES**

Attendances:

Councillors -

K Stanton (Chairperson)

J Bostock

R Paver

J Walker

G Kidman

R Buegge (from 6.12pm)

R Fenn

K Barnett

G Bride

A Nicoll

A Tucker (until 7.10pm)

S Maciejewski (until 7.10pm)

Executive Director Development Services

Manager Building & Health Services

Manager Planning & Ranger Services

Strategic Planner

Reserves (Bush and Coastal) Officer

Reserves (Bush and Coastal) Officer

Observers:

Nil

**2.0 APOLOGIES**

M Evans

Mayor

J Matla

Councillor

D Wolfe

Councillor

**3.0 DECLARATION OF INTEREST**

Nil

**4.0 CONFIRMATION OF MINUTES OF MEETING 22 OCTOBER 2008**

Councillors Stanton and Bostock advised that they had differing recollections on the voting on the draft Cat Local Law agenda item.

**MOVED: STANTON**

**SECONDED: WALKER**

**THAT with the exception of "item 5.0 – Draft Cat Local Law" the minutes of the Planning and Environment Strategy and Policy Committee Meeting held on 22 October 2008, as previously distributed, be confirmed as a true and accurate record of proceedings.**

**Carried 5/0**

Councillor Buegge arrived at 6.12pm

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**5.0 ENVIRONMENTAL CODE OF CONDUCT AND RESERVE SIGNAGE**

**Proposal**

To brief Councillors on the City's Environmental Code of Conduct and to examine the City's requirements for signage at bush and coastal reserves.

**Previous Reference**

Nil

**Attachments**

Nil

**Background**

To undertake a number of operational functions within the City, staff prepared an Environmental Code of Conduct to manage environmental issues. The adoption of the Code allowed certain work to continue without staff having to seek the approval of the Department of Environment and Conservation every time roadside slashing, material cartage, etc was undertaken within a road reserve or adjacent to a Crown reserve.

The City's Reserves Officers (Bush and Coastal) will attend the briefing to explain the Code and discuss with committee members areas in which the Code may need modification and strengthening.

An audit of signage at coastal reserves is also underway and the officers will discuss with the committee the initial findings of the audit and ways in which the signage can be improved.

**Committee Discussion**

Mrs Maciejewski provided an explanation of the City's Environmental Code of Conduct and its content. The Code was prepared and adopted by Council to provide an assessment framework for the City's maintenance operations, to determine their compliance with environmental obligations. The introduction of the Code allows the City to do certain activities without having to seek and obtain Department of Environment and Conservation permits for the discrete activities.

The Code requires updating to acknowledge recent work on the mapping of dieback within certain City Reserves and to incorporate fire management. On-going implementation and auditing of the Code also needs to be further detailed.

Ms Tucker provided examples of the types of signs that remain within City Reserves and of the confusing nature of the signage. The phasing out of single signs was promoted and it was suggested that future signage promote positive actions on reserves and it be based on the signage model recently promoted by South Coast Management Group. It was suggested that the Group may also have some funding remaining for sign replacement that they City could apply to access.

**MOVED: BUEGGE**  
**SECONDED: PAVER**

**THAT the information be received and that a further report be submitted to the Committee when a preferred strategy or policy framework has been determined.**

Carried 6/0

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Item 11.6.1 continued

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**6.0 EXTRACTIVE INDUSTRIES – ACCESS TO MATERIALS**

**Proposal**

To appraise Committee members of the situation relating to the location and management of basic raw materials within the City of Albany

**Previous Reference**

Nil

**Attachments**

Nil

**Background**

Within the City of Albany there are deposits of basic raw materials (sand, gravel, rock, limestone) that are extracted for the benefit of the community. A large percentage of the resource is unable to be extracted due to overlying land uses and the ownership of the land. City staff proposed to brief Councillors on the location of the resources and the constraints imposed on the resources.

**Statutory Requirements**

The Lower Great Southern Strategy identifies the need to protect basic raw materials from inappropriate land uses, so that the resource is available for future extraction. The ALPS maintains a similar strategic objective.

**Comment/Discussion**

The future supply of hard rock and agricultural lime is in doubt and the lack of these materials has long term financial consequences on the building industry, on civil works and on farming practices. City staff will brief Councillors on the history of basic raw material extraction in the City and of the pressures affecting the future supply of materials.

**Committee Discussion**

The EDDS tabled a plan produced by the Department of Industry and Resources, in conjunction with the Department of Planning and Infrastructure, showing the likely distribution of basic raw materials (rock, sand, gravel, limestone) in the City of Albany. It was highlighted that the major limestone deposits are in coastal locations, on land set aside for National Parks, or close to urban areas. Agricultural lime resources have not been fully investigated, but are likely to be in limited supply. Granite resources are concentrated near Albany's urban area or within National Parks. Accessible sources of granite are to the east of Manypeaks or in the Torbay area. Gravel has been extracted across the region and access to this resource for the immediate future is not seen as being problematic. A similar situation exists with sand supplies.

The EDDS advised that the largest threat to access to these resources is from urban encroachment and it was not practical to protect the resources through land use zoning. Denying access to basic raw materials has a flow on effect to the Albany economy and the construction industry.

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**MOVED: WALKER**  
**SECONDED: BUEGGE**

**THAT the information be received and that a report be submitted back to the Planning and Environment Strategy and Policy Committee when work currently being undertaken by the Technical Advisory Group for the Lower Great Southern Strategy is further advanced.**

**Carried 6/0**

Ms Tucker and Mrs Maciejewski departed the meeting at 7.10pm.

It was agreed that a change in the order of business was desirable to allow discussion on the Public Open Space Strategy before consideration of the Little Grove Structure Plan.

**7.0 PUBLIC OPEN SPACE STRATEGY**

**Proposal**

Provide initial briefing of Councillors on the rationale for the development of the Public Open Space Strategy

**Previous Reference**

Nil

**Attachments**

Nil

**Background**

Councillors have expressed concern over the lack of an endorsed strategy detailing the location of current and future areas of Public Open Space, identifying the circumstances under which POS is obtained and cash in lieu is taken and providing the framework for POS planning.

**Statutory Requirements**

The WAPC has several urban design policies outlining the rationale for the allocation and planning of POS areas. Endorsement of a POS strategy by the WAPC will allow for a coordinated approach to the allocation and management of POS areas to occur at both the subdivision and development stages.

**Comment/Discussion**

The planning of POS areas requires functionality and special considerations to be taken into account. City staff will provide a presentation on the work completed to date on identifying and planning for the City's open space needs.

**Committee Discussion**

The EDDS tabled a plan showing the current and proposed distribution of POS throughout the urban area of Albany. The general principles for the planning of POS areas is defined in the Liveable Neighbourhoods policy produced by the WAPC.

Within a 400 m range of most households it is desirable to have access to one or more local parks, containing a small item of playground equipment, and a neighbourhood park (3000 – 5000m<sup>2</sup> in area) where a combination of passive and active recreation can occur. Within 1500 m of every household a District Park (similar to Eyre Park) should be available.

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**RESOLVED that this matter be discussed further at a future meeting of the Planning and Environment Strategy and Policy Committee.**

**8.0 LITTLE GROVE STRUCTURE PLAN (LGSP)**

**Proposal**

**Previous Reference**

OCM21/08/07 – Item 11.3.2  
OCM 20/03/07 - Item 11.3.2  
OCM 18/09/07 – Item 11.3.2  
OCM 19/08/08 – Item 11.6.3

**Attachments**

Submissions  
Draft Little Grove Structure Plan (Consultation Version)  
Draft Amended Little Grove Structure Plan  
Parkland Model (WAPC Liveable Neighbourhood Policy)  
Parkland Model for Little Grove  
Aerial Photograph

**Background**

In August 2008, the amended LGSP was adopted as a draft document by the Council for the purpose of inviting public comment. An advert was placed in the local newspaper, the plan was displayed at the North Road offices and on the City of Albany website and a copy of the plan was sent to all the residents within the structure plan area.

The public consultation period (28 days) has now closed and 13 submissions were received.

**Comment/Discussion**

The submissions highlighted resident concern regarding access, public open space (POS), land acquisition, density, sewer, vegetation, buildings and fire. The following summarises the concerns expressed and a schedule has been attached to provide a technical response to the submissions and an initial recommendation for consideration.

Access

The structure plan illustrates a road to be constructed within lots fronting O'Connell Street to accommodate the planned future development. The capability to develop the road has been questioned. The proposed road would be built on the steep topography and in close proximity to existing dwellings.

In response to the submissions, the following changes are submitted for consideration:

- Proposed roads are no longer required upon lots 18 Wilson Street and 31, 32 and 33 O'Connell Street. Final subdivision details will resolve the requirement or otherwise for roads on these lots.

Public Open Space

The structure plan defines an area (6000m<sup>2</sup>) upon Lot 17 Grove Street West (private property) for the development of an area of active and passive open space. The

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suitability of identifying an area for POS on private land has been questioned on grounds of morality and the current supply of POS.

The Little Grove Structure Plan has the capacity to increase the resident population of Little Grove from its current level of 415 persons to approximately 2,400 people (larger than the current Bayonet Head). Existing Little Grove residents are heavily reliant upon the Little Grove Primary School and the South Coast Progress Association Reserve to provide for their recreational needs. Notwithstanding the comments contained in the submissions, the future residents of Little Grove (once it is more closely settled) will require Public Open Spaces in close proximity to where they live. A range of spaces will be required and they need to be planned before the land is fragmented. Whilst Council may reposition the POS to reduce the burden on one or two landowners, the removal of the POS from the Structure Plan is not seen as an option. The terrain also dictates that there are few sites where acceptable areas of active POS can be provided.

In response to submissions, the additional explanatory information can be incorporated into the Structure Plan:

- Incorporate the relevant information from the WAPC Liveable Neighbourhoods document in the body of the structure plan to further explain the rationale for the selection of the POS areas;
- An additional two local parks could be included into the structure planning of the area to further detail POS requirements;
- Contribution planning for the area could be modified to reflect the changes in POS (as above).

The principles for the allocation of POS in the Structure Plan area will need to be documented and Council needs to resolve where the POS areas are to be provided and under what circumstances it will accept cash in lieu payments.

Land Acquisition

A contribution plan could be included in the Structure Plan to detail the mechanisms to acquire the land required for POS where an individual landowner is required to cede more than 10% of their land as part of a subdivision or development. The process and capability of acquiring land over and above the 10% requirement has been questioned in the submissions.

In response to submissions, the following change is suggested:

- Reference to the *Planning and Development Act 2005* and the *WAPC Policy No. DC 2.3* to be included in the Structure Plan to clarify the acquisition of the land required for POS.

Density

The dominant characteristics of the Structure Plan area are large lots, vegetation along ridgelines and vegetation adjacent to roads.

The infill development density has been questioned on the grounds that the character of the area will change. The land is currently zoned 'Residential Development' and it is capable of being sewered; for some time, the intention of the zoning was to facilitate residential subdivision at a higher density. Already, the WAPC and the City have received a number of applications for subdivision and infill development, based upon the R20 density Code provisions. The WAPC has recently supported the subdivision of three (3) properties to create lots less than 600m<sup>2</sup> in area.

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In considering the submissions, it has been suggested that no changes be made to the density proposed in the Structure Plan. The R20 provisions of the Residential Design Codes, requires development and subdivision to provide a minimum lot area of 300m<sup>2</sup> and an average of 500m<sup>2</sup>.

Sewer

The structure plan requires all subdivision and group dwellings to be connected to the sewerage infrastructure. The structure plan does not illustrate the strategic layout of sewer infrastructure within the structure plan area. The capability of individual lots to connect to sewer infrastructure has been questioned; some owners wishing to maintain alternate treatment units for any future development.

The WAPC will not support the subdivision of land without the land connecting to the sewer infrastructure. The Water Corporation has confirmed that all the lots in the Structure Plan area can connect to the sewer mains without the need for pressure pumps. The location of sewer mains will be determined at the development and subdivision stages and the costs associated with mains extensions will be borne by the developer / subdivider.

In response to submissions, additional wording is proposed to be added to the structure plan to clarify the consultation processes for development applications:

- 'Applications for group dwellings should be referred to the Water Corporation to assess the strategic planning of sewer infrastructure'.

Vegetation

The structure plan includes a vegetation analysis, undertaken by an Albany based botanist. The condition and type of vegetation classified in the report has been questioned.

In response to submissions, the following clarification could be added to the structure plan:

- Any clearing of vegetation requires the approval of the Department for Environment and Conservation.

Buildings

The structure plan requires the protection and regeneration of vegetation within 5 metres of a front boundary and on ridgelines. The structure plan requires building setbacks to front boundaries but does not clearly restrict the development of buildings on ridgelines.

In response to submissions, the following variation is suggested to the structure plan:

- Development needs to be setback 6 metres from the front boundary of a lot and located off the dominant ridgelines, as depicted on the structure plan.

Fire

The structure plan makes little reference to fire risk within the area. Concern has been raised for the safety of persons against fire, especially considering infill development is to be supported and vegetation is to be protected.

In response to submissions, it is suggested that clauses be included within the plan to highlight the developer's obligations in high and extreme fire risk areas.

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**Committee Discussion**

Mr Nicoll tabled a copy of the approved subdivision design for lots 8, 9 and 10 Wilson Street, Little Grove.

The merits of retaining Public Open Space on one land parcel, or distributing it amongst two or more landowners was discussed. City staff were asked to explain the expectations for the development of the POS, once it was created. Discussion also took place on the requirements for passive POS areas where landscape and environmental objectives could be met.

**MOVED: WALKER**  
**SECONDED: PAVER**

**THAT Council lay this item on the table for a period of one month to provide the opportunity for an inspection of the Structure Plan Area by Councillors.**

**Carried 6/0**

**9.0 OUTLINE DEVELOPMENT PLAN (ODP002) – BOUNDARY STREET, FLEMINGTON STREET AND LE GRANDE AVENUE, MCKAIL**

**Proposal**

To consider the submissions received on draft ODP002

**Attachments**

Draft ODP002 McKail Structure Plan  
Copy of Submissions

**Purpose**

To finalise the draft ODP002. Lots 113, 114 & 118 Boundary Street, Lots 115, 116 & 117 Flemington Street and Lot 51 Le Grande Avenue, McKail

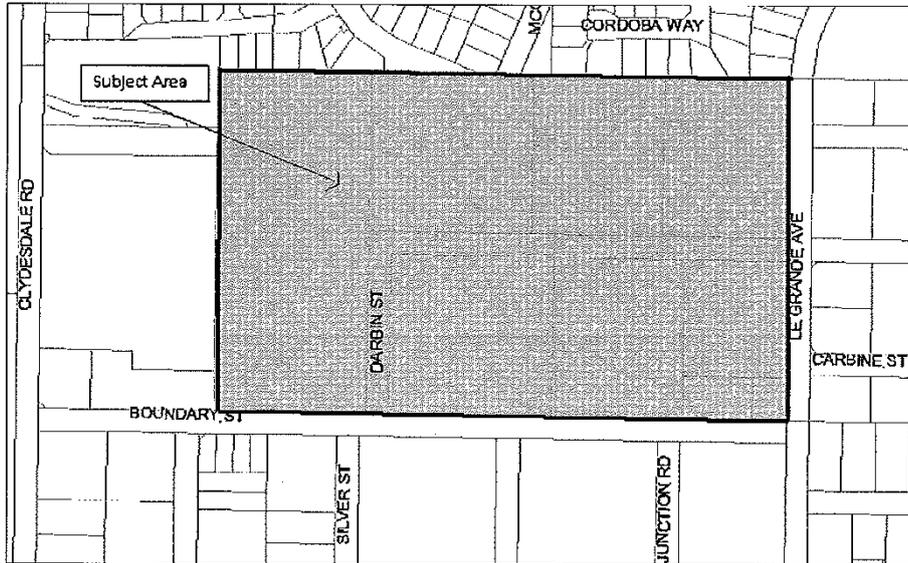
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**Locality**



**Background**

The public comment period for the draft Outline Development Plan (ODP) for the above lots has now been completed in accordance with Council's decision in August 2008, to adopt the draft ODP for advertising purposes.

The draft ODP was advertised for and referred to both the affected and adjoining landowners and to relevant government agencies.

**Statutory Requirements**

The majority of the subject lots are contained within the Residential Development zone under Town Planning Scheme No. 3 (TPS3). Part 5.5 'Development Zones' of TPS3 controls development within these zones as follows:

**5.5 Development Zones**

*5.5.1 Before granting approval for any of the uses permitted within the Development Zones subject to Council approval under Table No. 1 or endorsing an application for subdivision the Council will require the submission to, and approval by, the WA Planning Commission of an Outline Development Plan for such areas as are the subject of an application to develop or subdivide being not less than the area shown within the outer edge of the green border on the part of the scheme and containing the subject land, together with other areas determined by the Council having regard to:*

- (a) the major road systems under the scheme;*
- (b) topographic conditions;*
- (c) land holdings adjacent to or in the vicinity of the subject land;*
- (d) the necessity of providing civic and public facilities;*
- (e) preservation of the environment.*

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5.5.2 *Outline Development Plans shall be prepared for areas as described under clause 5.2.1 by either the owners of the land involved or by the Council and shall be submitted by the Council to the WA Planning Commission.*

5.5.3 *Outline Development Plans shall show the principles under which it is proposed to develop or subdivide the land and as a minimum requirement shall show –*

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

The WA Planning Commission has the "Guidelines for the Preparation of Local Plans for Urban Release Areas" (June 1992) which sets out the procedure for the adoption of a Structure Plan. Clause 4.1 of these guidelines set out the "Procedural Requirements" and state:

*"Prior to forwarding the Local Structure Plan to Department for Planning and Infrastructure (DPI), the local authority should ensure adequate community consultation. It should be satisfied that the local community has been made aware of the LSP and given the opportunity to make submissions to ensure that any community concerns are addressed at the earliest possible stage of the land development process. This will normally require the LSP to be advertised, as appropriate, for a minimum period of 28 days and any affected landowners (other than the proponent) to be notified and invited to make a submission. After considering any submissions the local authority should forward the LSP to DPI together with its comments on the submissions."*

Lot 118 Boundary Street (the subject of the submission received) is zoned 'Rural' under Town Planning Scheme No. 3 (TPS3) and the broad objectives for the rural zone are:

- *To ensure that high quality agricultural land is retained for primary production.*
- *To regulate uses which may conflict with farming interests, and foster uses which are complementary to such interests.*
- *To preserve rural land within easy reach of urban areas.*

The future zoning of this land is discussed within the submission comments and report.

**Comment/Discussion**

At the conclusion of the public comment period, one (1) submission had been received. The submission is summarised and discussed in the following Table:

AGENCY	SUMMARY	STAFF RESPONSE
<b>C Bontempo (Affected Landowner)</b>	Concerned about the implications of the draft ODP for his land and provides the following comments/recommendations: i) Modifications to proposed road layout to delete certain	Noted.  The comments below are dealt with using the same number as the submission: i) Staff does not support the removal of the proposed

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	<p>road connections including:</p> <ul style="list-style-type: none"> <li>• deletion of road along northern side of POS on Lot 118, and</li> <li>• deletion of access road across drain off Flemington Street.</li> </ul> <p>ii) Advises his lot is still zoned rural and requests the plan allow for flexibility as he does not intend to proceed with subdivision at this stage.</p>	<p>road along the north side of the POS. The road provides essential connectivity to adjoining/nearby developments and provides a consistent approach to the urban design and recognises the drainage network in the area. This ODP does not preclude minor changes to the design at the time of subdivision. This planning was acknowledged in the McKail Structure Plan adopted by Council in 1999.</p> <p>Staff will support the removal of the proposed access road across the drain off Flemington Street.</p> <p>ii) The landowner states his intention to not proceed with subdivision in the near future. The ODP does allow some flexibility to accommodate possible changes to developments over time. Although the ODP will cover this land, the subdivision of the land for urban purposes cannot proceed under the existing rural zone. Rezoning the land will ensure zoning consistency across the area and to allow for the outcomes of the ODP to be realised. For clarity, it is suggested that a notation be added to the ODP advising 'That the future subdivision and development of Lot 118 Boundary Street for residential purposes shall be subject to the completion of a scheme amendment to zone the land to an appropriate residential zone'. An alternative would be to remove the land from the ODP until this was completed.</p>
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	<p>iii) Supports the use of Darebin Road for future access and servicing needs as it is ideally located.</p> <p>iv) Requests Council consider his previous objections to the Harley Survey Groups regarding the preparation of the draft ODP.</p> <p>v) If the modifications requested are not made, it will devalue his lot and Council should compensate him accordingly, which is considered at a minimum of 8 lots.</p>	<p>iii) No comment.</p> <p>iv) These comments relate to the preparation of the draft ODP and a discussions with the Harley Survey Group who prepared the draft. The relevant issues have been dealt with adequately within the ODP.</p> <p>v) The Council is not liable for any compensation arising out of the adoption of an OPD reflecting contemporary subdivision / development standards and principles.</p>
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The 'Residential Development' zone has been applied to the majority of the land. The intention for this land is for it to be developed for fully serviced urban lots, connected to deep sewer, underground power, kerbed/sealed roads etc.

The ODP has been prepared to set an acceptable overlay for the future integrated development of this area and seeks to define setbacks, access/egress, solar design/orientation and open space requirements.

Staff recommend that the ODP be finalised subject to the modifications requested in the above Table.

**RESOLVED that this matter be deferred to the next meeting of the Planning and Environment Strategy and Policy Committee.**

**10.0 OUTLINE DEVELOPMENT PLAN (ODP001) – SILVER STREET, COSTIGAN STREET, JUNCTION STREET AND LE GRANDE AVENUE, MCKAIL**

**Proposal**

To consider the submissions received on draft ODP001.

**Attachments**

Draft ODP001 McKail Structure Plan

Copy of Submissions

Harley Survey Group – Response

**Purpose**

To finalise the draft ODP001 for Lots 32 & 37 Silver Street, Lot 33 Costigan Street, Lots 35 & 134 Le Grande Avenue and Lot 36 Junction Street, McKail.

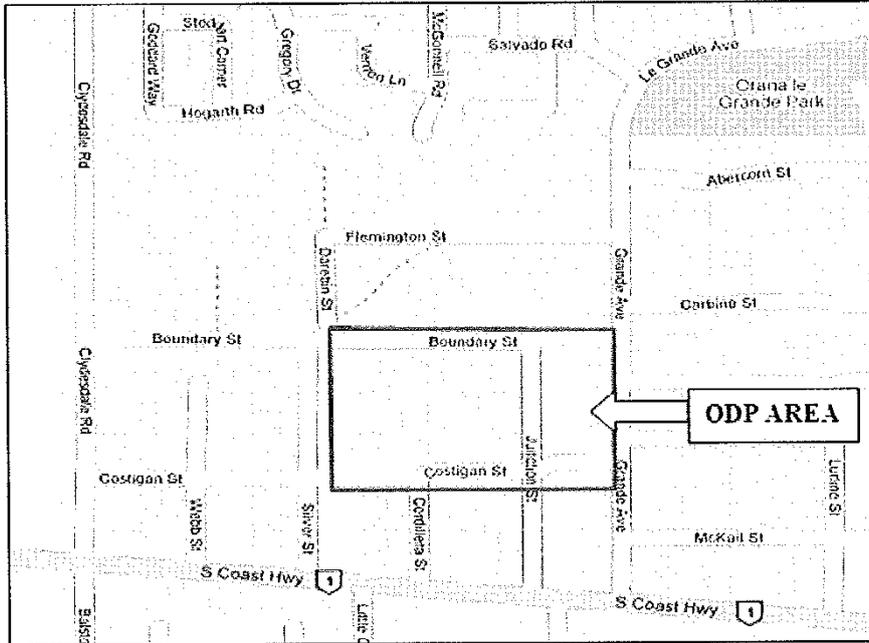
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**Locality**



**Background**

Council received an application to prepare an Outline Development Plan (ODP) for the above lots. The lots adjoin the existing McKail Local Structure Plan that was adopted in 1999. The draft ODP area covers Lots 32 & 37 Silver Street, Lot 33 Costigan Street, Lots 35 & 134 Le Grande Avenue and Lot 36 Junction Street, McKail.

The draft ODP was advertised and referred to affected and nearby landowners and relevant government agencies.

At its September 2008 meeting, Council resolved to defer consideration of the proposal until certain issues arising from the submissions had been dealt with including:

- Ability to accommodate a single area of public open space,
- Location of stormwater basin to provide a practical location,
- Dual use paths to be shown on the ODP and comments on their linkages to paths in the wider area, and
- Advise on the suitability of the Costigan Street/Le Grande Avenue intersection.

**Statutory Requirements**

The subject lots are contained within the Residential Development zone under Town Planning Scheme No. 3 (TPS3). Part 5.5 'Development Zones' of TPS3 controls development within these zones as follows:

**5.5 Development Zones**

*5.5.1 Before granting approval for any of the uses permitted within the Development Zones subject to Council approval under Table No. 1 or endorsing*

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*an application for subdivision the Council will require the submission to, and approval by, the WA Planning Commission of an Outline Development Plan for such areas as are the subject of an application to develop or subdivide being not less than the area shown within the outer edge of the green border on the part of the scheme amp containing the subject land, together with other areas determined by the Council having regard to:*

- (a) *the major road systems under the scheme;*
- (b) *topographic conditions;*
- (c) *land holdings adjacent to or in the vicinity of the subject land;*
- (d) *the necessity of providing civic and public facilities;*
- (e) *preservation of the environment.*

*5.5.2 Outline Development Plans shall be prepared for areas as described under clause 5.2.1 by either the owners of the land involved or by the Council and shall be submitted by the Council to the WA Planning Commission.*

*5.5.3 Outline Development Plans shall show the principles under which it is proposed to develop or subdivide the land and as a minimum requirement shall show –*

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

The WA Planning Commission also has the "Guidelines for the Preparation of Local Plans for Urban Release Areas" (June 1992) which sets out their procedure for the adoption of a Structure Plan. Clause 4.1 of these guidelines set out the "Procedural Requirements" and state:

*"Prior to forwarding the Local Structure Plan to Department for Planning and Infrastructure (DPI), the local authority should ensure adequate community consultation. It should be satisfied that the local community has been made aware of the LSP and given the opportunity to make submissions to ensure that any community concerns are addressed at the earliest possible stage of the land development process. This will normally require the LSP to be advertised, as appropriate, for a minimum period of 28 days and any affected landowners (other than the proponent) to be notified and invited to make a submission. After considering any submissions the local authority should forward the LSP to DPI together with its comments on the submissions."*

**Comment/Discussion**

The submissions received on the draft ODP are summarised and discussed in the following Table:

<b>AGENCY</b>	<b>SUMMARY</b>	<b>STAFF RESPONSE</b>
<b>Department of Education and Training</b>	No objections. Advise that due to the proposal creating additional residential lots landowners are expected to make pro-rata financial contributions to the	Noted. The ODP should be modified to include reference to the need for contributions from landowners towards the future school.

**DEVELOPMENT SERVICES REPORTS**

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 19/11/08

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	proposed McKail Primary School.	
<b>Western Power</b>	No objections.	Nil.
<b>Department of Water</b>	<p>The Department provides the following comments:</p> <ul style="list-style-type: none"> <li>• Require the preparation and implementation of an Urban Water Management Plan in accordance with Water Sensitive Urban Design principles to the satisfaction of the Department and Council.</li> <li>• The Department require all stormwater (1 in 10 year event) to be contained on-site via retention basins within the public open space (POS) areas.</li> <li>• The foreshore reserve areas to be revegetated.</li> <li>• The retention basins need to be designed to accommodate stormwater from the Southern McKail Structure Plan also.</li> <li>• The proposed comprehensive coordinated plan for the POS areas needs to be consistent with the above comments and should be required prior to subdivision. This can best be achieved by the preparation of a Foreshore Management Plan.</li> </ul>	Noted. The ODP should be modified to include reference to the Department's requirements for the drainage and POS areas.
<b>Water Corporation</b>	No objections. Advise that the development will be required to connect to the reticulated sewer and water infrastructure networks.	Nil.
<b>Landcorp</b>	Support the proposal.	Nil.
<b>Department for Planning and Infrastructure</b>	<p>No major objections. Request the following recommendations be considered:</p> <ul style="list-style-type: none"> <li>• Consider setting a maximum and minimum front setback to better maintain streetscape consistency.</li> <li>• Text on road widths needs to be consistent (Part 7.3.6 states 15m width but Figure 8 shows 14.2m width).</li> <li>• Show footpaths and dual use paths on ODP.</li> <li>• Prefer that southern/northern ends of Costigan Street be included in POS areas.</li> <li>• Request the ODP include a condition to ensure the proposed grouped dwelling site</li> </ul>	<p>The following comments on the DPI's recommendations are:</p> <ul style="list-style-type: none"> <li>• The setbacks of future housing development are adequately covered by the R-Codes and the Detailed Area Plan provided by the consultants. The setting of a maximum front setback is not supported.</li> <li>• The report clearly states that all road reserves shall be a minimum of 15m and Figure 8 should be modified accordingly.</li> <li>• The footpaths and dual use paths should be shown on the ODP.</li> <li>• The southern/northern ends of Costigan Street should be included in the POS. This does</li> </ul>

**DEVELOPMENT SERVICES REPORTS**

Item 11.6.1 continued

COMMITTEE MEETING MINUTES- 19/11/08

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	<p>includes the 'sustainable development principles' mentioned in Part 7.3.12.</p> <ul style="list-style-type: none"> <li>• The Detailed Area Plan (DAP) be modified to include a building envelope symbol; making the sustainable features a mandatory requirement; undertake minor corrections to the terminology; include minimum/maximum setbacks; and include the requirement for visually permeable fencing adjoining the POS.</li> <li>• Recommend liaison with Main Roads WA regarding the function and impacts of the additional traffic.</li> </ul>	<p>not affect the construction of paths through the reserve areas.</p> <ul style="list-style-type: none"> <li>• The request for the ODP to include a condition to ensure the proposed grouped dwelling site includes the 'sustainable development principles' is dealt with adequately at this stage. This includes a commitment that if the land is sold the landowner reserves the right to place a covenant to ensure compliance.</li> <li>• The Detailed Area Plan (DAP) should be modified as requested.</li> <li>• Liaison with Main Roads WA regarding the function and impacts of the additional traffic has been completed (see their submission elsewhere).</li> </ul>
<p><b>G &amp; K Herbert (Adjoining landowner)</b></p>	<p>Comment that the POS is minimal and disjointed and should be modified with provision of a larger area suitable for activities such as ball sports as well as playground areas. The nearest such facility is in the Lakeside Estate.</p> <p>Comment that the due to local topography the proposed intersection at Costigan Street and Le Grande Avenue will be dangerous.</p> <p>Consider that more planning needs to be done to ensure the development fit with the existing structure of this area.</p>	<p>The allocation of POS represents 7.3% of the land area and is considered adequate in this area for the development proposed.</p> <p>The intersection is to comply with relevant engineering standards including sightlines etc. Any upgrading will be at the developer's cost.</p>
<p><b>N &amp; J Sargeant (Affected landowner)</b></p>	<p>Comment that they are not interested in subdividing their land at present and in the future may only pursue three lots for siblings.</p> <p>Would prefer access was from Cordillera Street and POS was at west end of lot near Silver Street.</p> <p>Don't agree with contributing to overall drainage costs required for the subdivision as they will use the existing drainage along Costigan Street. Agree to contribute towards drainage costs when subdividing.</p> <p>Suggest that the ODP should only cover landowners with intentions to subdivide in the near future.</p>	<p>Noted.</p>

**DEVELOPMENT SERVICES REPORTS**

Item 11.6.1 continued

COMMITTEE MEETING MINUTES- 19/11/08

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<b>Telstra</b>	No objections.	Nil.
<b>J Shanhun (Affected landowner)</b>	<p>Opposed to the present ODP for the following reasons:</p> <ul style="list-style-type: none"> <li>• The plan has been drawn by the consultants to deliberately shift the cost of the drainage sump required for the whole development onto them and Lot 32 who have no intention of subdividing, which will create problems.</li> <li>• Disagree with consultants' drainage proposals as it appears they are attempting to run water uphill.</li> <li>• Advise of intentions to stage future subdivision over many years at one lot every couple of years.</li> <li>• The drainage sump should be located on Lot 36 Junction Street in combination with the POS and their land should be shown as POS.</li> <li>• The drainage sump costs should be shared between Lot 36 Junction Street and Lot 33 Costigan Street as they have the water problems.</li> </ul>	Objection noted.
<b>Main Roads WA</b>	<p>No objection in principle and provide the following comments:</p> <ul style="list-style-type: none"> <li>• The ODP does not reflect the overall land available for development in this area and therefore the potential traffic impacts on local road networks.</li> <li>• Additional planning is required including a District Structure Plan with traffic modelling and an agreed access strategy with respect to the State Road Network. Due to this unable to assess traffic impacts and would not support subdivision of these lots.</li> </ul>	The ODP includes an Engineering Report by Wood and Grieve Engineers that includes a preliminary traffic study and recommendations. This is considered adequate for the development proposed.

The existing Residential Development zoning promotes the development of existing land parcels for fully service urban lots connected to sewer, underground power, kerbed/sealed roads etc.

The proponents have provided a revised ODP concept and report (copy attached) that includes consideration of the matters raised from the City's September 2008 decision as follows:

- A single area of public open space in the northern area has been shown.

**DEVELOPMENT SERVICES REPORTS**

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 19/11/08

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- The location of stormwater basin has been shifted to the more practical lowest point in the ODP area.
- The dual use paths and footpath are shown on the ODP and the report comments on their connections to the paths in the wider area.
- The Costigan Street/Le Grande Avenue intersection has been assessed by Wood and Grieve Engineers who advise that it meets relevant Austroads Standards and is acceptable for the development proposed.

The ODP, as prepared, establishes an acceptable standard for the future development of this area into residential uses and includes setbacks, access/egress, solar design/orientation and open space requirements.

Staff recommend that the ODP be finalised subject to the modifications requested in the above Table.

**RESOLVED that this matter be deferred to the next meeting of the Planning and Environment Strategy and Policy Committee.**

**11.0 CITY OF ALBANY HOUSEHOLD AND POPULATION FORECAST STUDY**

**Proposal**

Receipt and acceptance of the City of Albany Household and Population Forecast Study.

**Previous Reference**

Nil

**Attachments**

Copy of Study Report

**Background**

During the recent development boom, concern was raised within Council that the Australian Bureau of Statistics and the Western Australian Planning Commission population projections for Albany were conservative and they failed to take into consideration the flow on effects of the identified resource projects.

In the 2008/09 budget, provision was made for an independent firm of demographers to undertake a review of the City's population forecasts for the next decade and beyond.

**Statutory Requirements**

Nil

**Comment/Discussion**

The demographers have concluded that Albany's annual growth rate will continue to remain at 1.56% per annual and the household growth rate will be 2.45%. A steady growth in the number of households built will be experienced, however the actual occupancy rates within the houses will continue to decline. A change in the housing product provided in the City will be required in the future to meet the changing household demographic.

If either Lignor or Grange were to proceed, the growth rates predicted would increase to 1.75% and 2.65% respectively. If both proceeded together, the growth rates would

**DEVELOPMENT SERVICES REPORTS**

Item 11.6.1 continued

COMMITTEE MEETING MINUTES- 19/11/08

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increase to 1.90% and 2.45% respectively. The demand for housing for these projects could be stretched over a decade, given the transition of workforces for the construction and operational phases and the capacity of the development industry to supply dwellings.

The report has sought to distribute the anticipated population increases over the various urban suburbs and there is an acknowledgement that this exercise takes no consideration of the available housing stock, capacity to deliver housing product, etc.

**Committee Discussion**

The EDDS advised the Committee that the findings of the report as they related to population and household projections were sound and staff supported the report's findings. Concern was raised over the methodology used by the consultant to distribute the future population and households within the City.

An alternate estimate of household distribution to that described in Section 4.3.1 was tabled. Attention was drawn to the concluding paragraph of Section 5 of the report.

**MOVED: BUEGGE  
SECONDED: KIDMAN**

**THAT Council receive the City of Albany Household and Population Forecast Study and acknowledge the report's findings within future strategic planning processes.**

**Carried 6/0**

**12.0 MATTERS FOR CONSIDERATION AT NEXT COMMITTEE MEETING**

- Little Grove Structure Plan
- Outline Development Plan – Boundary Street, Flemington Street and Le Grande Avenue, McKail
- Outline Development Plan – Silver Street, Costigan Street, Junction Street and Le Grande Avenue, McKail

**13.0 CLOSURE OF MEETING**

The meeting was declared closed at 8.15pm.

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**CORPORATE & COMMUNITY  
SERVICES  
Reports**

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**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.0 REPORTS – CORPORATE & COMMUNITY SERVICES**

**ITEM NUMBER:** 12.1.1

**ITEM TITLE:** LIST OF ACCOUNTS FOR PAYMENT

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER: Executive Function:** Council setting strategic direction and overseeing the operational functions of the City.

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

**BACKGROUND**

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

**DISCUSSION**

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

Municipal Fund			
Cheques	Totalling		\$116,624.97
Electronic Fund transfer	Totalling		\$2,406,579.72
Credit Cards	Totalling		\$13,839.52
Payroll	Totalling		<u>\$771,691.88</u>
	<b>Total</b>		<b>\$3,308,736.09</b>

4. As at the 30<sup>th</sup> November 2008, the total outstanding creditors, stands at \$896,649.17.
5. Cancelled cheques – 24797, 24810, 24842, 24845, 24891, 24894.

**PUBLIC CONSULTATION / ENGAGEMENT**

6. Nil

**GOVERNMENT CONSULTATION**

7. Nil

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.1 continued.

**STATUTORY IMPLICATIONS**

8. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment may only be made from the Municipal Fund or a Trust Fund if the Local Government had delegated the function to the Chief Executive Officer or alternatively authorises payment in advance.
9. The Chief Executive Officer has delegated authority to authorise payments.
10. Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments should be presented to Council meetings and recorded in the minutes.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

***Community Vision:***

*Nil*

***Priority Goals and Objectives:***

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

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

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

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

**POLICY IMPLICATIONS**

13. The City's 2008/09 Annual Budget applies to this item, as it provides a set of parameters that guides the City's financial.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

14. Nil

**SUMMARY CONCLUSION**

15. The list of accounts payed by delegated authority be received.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.1 continued.

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**ITEM 12.1.1 - OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: PRICE  
SECONDED COUNCILLOR: MATLA**

**THAT the list of accounts authorised for payment by the Chief Executive Officer as presented in the Elected Members Report / Information Bulletin be RECEIVED.**

**MOTION CARRIED 10 – 0**

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**CORPORATE & COMMUNITY SERVICES REPORTS**

**ITEM NUMBER: 12.1.2**  
**ITEM TITLE: FINANCIAL ACTIVITY STATEMENT – Month Ending 30 November 2008**

**THE NATURE OF COUNCIL'S ROLE IN THIS MATTER: Executive Function:** Council setting strategic direction and overseeing the operational functions of the City.

**File Number or Name of Ward** : FIN 040 (All Wards)  
**Summary of Key Points** : Detailed Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 30 November 2008.  
**Reporting Officer(s)** : Senior Finance Officer (P Wignall)  
**Disclosure of Interest** : Nil  
**Previous Reference** : N/A  
**Bulletin Attachment(s)** : Nil

**BACKGROUND**

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

**DISCUSSION**

4. The Statement of Financial Activity for the period ending 30th November 2008 has been prepared and is listed below.
5. In addition to the statutory requirement to provide the elected group with a Statement of Financial Performance, the City provides the Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**STATEMENT OF FINANCIAL ACTIVITY – AS AT 30th NOVEMBER 2008**

6. See appendix 1 to report item 12.1.2

**CITY OF ALBANY - BALANCE SHEET**

7. See appendix 2 to report item 12.1.2

**INCOME STATEMENT FOR PERIOD ENDED 30th NOVEMBER 2008**

8. See appendix 3 to report item 12.1.2

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.2 continued.

**INVESTMENT SUMMARY & COMMENT**

9. The Floating Rate Note (FRN) and Collateralised Debt Obligation (CDO) valuations included in Appendix 4 are the latest available, being the capital value estimate from the City's investment advisors (Grove Research and Advisory) plus accrued interest. The market continues to be weak with very few transactions to provide reliable value estimates. The investment estimates indicate a \$54,000 improvement over the previous estimates which were provided in August by Lehman's. Loss mitigation efforts are continuing through the City's solicitors in Sydney, a direct approach to the Lehman's receiver by other associated Councils, and contact with the Trustee of three funds in London. A termination of the three London funds is expected to result in a better than carrying value result in early 2009, ie it may result in a return of 70% of the investment.
10. Interest rates on the City's significant holdings in Australian fixed term deposits are falling quickly, in line with Federal Reserve determinations and future expectations. In addition to the reductions in interest rates, the federal government has introduced a guarantee on all Australian bank deposits up to \$ 1 million. To extend the guarantee to deposits above \$1 million in any one institution, there will be a government fee of between 0.7% and 1.5% of funds invested effective 1st December 2008. It is anticipated that net investment earnings for the 2008/09 financial year will therefore be significantly reduced.
11. See appendix 4 to report item 12.1.2.

**PUBLIC CONSULTATION / ENGAGEMENT**

12. Nil

**GOVERNMENT CONSULTATION**

13. Nil

**STATUTORY IMPLICATIONS**

14. 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.*

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.2 continued.

- II. *Each statement of financial activity is to be accompanied by documents containing –*
  - a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
  - b) *an explanation of each of the material variances referred to in sub regulation (1)(d);*
  - c) *such other supporting information as is considered relevant by the local government.*
- III. *The information in a statement of financial activity may be shown –*
  - a) *according to nature and type classification;*
  - b) *by program; or*
  - c) *by business unit*
- IV. *A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –*
  - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
  - (b) *recorded in the minutes of the meeting at which it is presented.*

**FINANCIAL IMPLICATIONS**

15. Year to date expenditure has been incurred in accordance with the 2008/09 budget parameters with variations in excess of 10% detailed below. A quarterly review was carried out in September 2008, and current budgets have been adjusted in accordance with approved amendments.

<b>Section of Financial Activity Statement</b>	<b>Reason for Variation</b>	<b>Variation Amount</b>
<b>Operating Revenue</b> No material variances		
<b>Operating Expenditure</b>	Utility Cost - ALAC power charges \$63,000 over budget. Under review by power consultant and decision pending on alternative supplier.	\$85,252 (increase)
<b>Capital Revenue</b> Capital Contributions	Works contributions for future years – offset by transfers to reserves	\$169,329 (increase)
<b>Capital Expenditure</b> No material variances		

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

**Community Vision:**

*Nil*

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.2 continued.

**Priority Goals and Objectives:**

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

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

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

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

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

19. Nil

**SUMMARY CONCLUSION**

20. Nil

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**ITEM 12.1.2 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: WALKER**

**SECONDED COUNCILLOR: MATLA**

**THAT Council RECEIVES the Financial Activity Statement for the period ending 30th November 2008.**

**MOTION CARRIED 10 – 0**

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## CORPORATE &amp; COMMUNITY SERVICES REPORTS

## APPENDIX 1 STATEMENT OF FINANCIAL ACTIVITY – as at 30 NOVEMBER 2008

Original Budget 08/09	Current Budget 08/09		Actual Year to Date 30-Nov-08	Current Budget Year to Date 30-Nov-08	Current Budget vs Actual Variance
<b>REVENUE</b>					
3,597,831	3,640,537	Operating Grants, Subsidies and Cont	1,732,628	1,765,553	(32,925)
7,095,514	7,167,550	Fees and Charges	3,064,840	2,814,655	250,185
2,649,000	2,649,000	Service Charges	2,687,456	2,649,000	38,456
608,000	677,416	Interest Earnings	334,475	307,416	27,059
324,500	343,525	Other Revenue	245,403	241,791	3,612
<b>14,274,845</b>	<b>14,478,028</b>		<b>8,064,802</b>	<b>7,778,415</b>	<b>286,387</b>
<b>EXPENDITURE</b>					
13,853,782	13,811,360	Employee Costs	5,679,063	5,762,002	(82,939)
12,263,994	12,150,126	Materials and Contracts	4,041,697	4,061,753	(20,056)
755,110	1,110,640	Utility Charges	475,523	390,271	85,252
1,332,219	1,332,216	Interest Expenses	118,499	130,603	(12,104)
483,839	495,309	Insurance Expenses	444,931	480,309	(35,378)
(321,579)	(279,929)	Other Expenditure	44,731	47,803	(3,072)
10,653,000	10,726,639	Depreciation	4,451,193	4,461,656	(10,463)
<b>39,020,365</b>	<b>39,346,361</b>		<b>15,255,637</b>	<b>15,334,397</b>	<b>(78,760)</b>
<b>Adjustment for Non-cash Revenue and Expenditure:</b>					
<b>(10,653,000)</b>	<b>(10,726,639)</b>	Depreciation	<b>(4,451,193)</b>	<b>(4,461,656)</b>	<b>10,463</b>
<b>CAPITAL REVENUE</b>					
9,527,112	9,355,248	Non-Operating Grants, Subsidies and Cont	1,595,960	1,426,631	169,329
6,285,116	2,235,116	Proceeds from asset disposals	285,119	276,000	9,119
5,100,000	5,100,000	Proceeds from New Loans	0	0	0
46,230	46,230	Self-Supporting Loan Principal Revenue	22,547	23,115	(568)
7,459,666	8,925,571	Transfers from Reserves (Restricted Assets)	6,275,571	6,275,571	0
<b>28,418,124</b>	<b>25,662,165</b>		<b>8,179,197</b>	<b>8,001,317</b>	<b>177,880</b>
<b>CAPITAL EXPENDITURE</b>					
26,586,266	26,625,359	Purchase Plant, Equipment and Infrastructure	3,377,782	3,361,324	16,458
2,523,215	2,523,215	Repayment of Loans	170,612	173,928	(3,316)
2,146,413	1,547,913	Transfers to Reserves (Restricted Assets)	1,655,700	1,547,913	107,787
<b>31,255,894</b>	<b>30,696,487</b>		<b>5,204,094</b>	<b>5,083,165</b>	<b>120,929</b>
2,200,000	0	Estimated Surplus B/fwd			
		DEDUCT: 0708 Interest Accrual	<b>(45,369)</b>		
		ADD Net Current Assets July 1 B/fwd	<b>(1,815,676)</b>	<b>n/a</b>	<b>n/a</b>
		LESS Net Current Assets Year to Date	<b>17,601,034</b>	<b>n/a</b>	<b>n/a</b>
<b>19,130,290</b>	<b>19,180,290</b>	Amount Raised from Rates	<b>(19,226,617)</b>	<b>(19,072,375)</b>	<b>(154,242)</b>

## CORPORATE &amp; COMMUNITY SERVICES REPORTS

## APPENDIX 2

## BALANCE SHEET AS AT 30 NOVEMBER 2008

	<b>Actual 30-Nov-08</b>	<b>Budget 30-Jun-09</b>	<b>Actual 30-Jun-08</b>
<b>CURRENT ASSETS</b>			
Cash - Municipal	13,817,889	1,853,283	574,704
Restricted cash (Trust)	1,876,722	1,778,000	1,824,396
Reserve Funds - Financial Assets (at market)	4,033,738	2,700,000	4,246,363
Reserve Funds - Other	3,209,807	951,095	6,904,276
Receivables & Other	6,914,152	1,753,371	1,865,213
Investment Land	46,400	160,000	46,400
Stock on hand	837,597	720,000	799,624
	<b>30,736,304</b>	<b>9,915,749</b>	<b>16,260,976</b>
<b>CURRENT LIABILITIES</b>			
Borrowings	852,603	1,263,000	1,023,215
Creditors prov - Annual leave & LSL	1,843,210	2,230,000	1,692,860
Trust Liabilities	1,830,450	1,748,000	1,778,124
Creditors prov & accruals	2,156,684	2,877,047	3,362,517
	<b>6,682,946</b>	<b>8,118,047</b>	<b>7,856,716</b>
<b>NET CURRENT ASSETS</b>	<b>24,053,357</b>	<b>1,797,702</b>	<b>8,404,260</b>
<b>NON CURRENT ASSETS</b>			
Receivables	152,865	106,549	152,865
Pensioners Deferred Rates	265,945	263,870	265,945
Investment Land	2,150,000	2,005,000	2,150,000
Property, Plant & Equip	65,097,438	263,020,245	63,312,024
Infrastructure Assets	179,903,594		183,067,893
Local Govt House Shares	19,501	19,501	19,501
	<b>247,589,343</b>	<b>265,415,165</b>	<b>248,968,228</b>
<b>NON CURRENT LIABILITIES</b>			
Borrowings	23,384,572	25,721,573	23,384,572
Creditors & Provisions	208,850	150,000	217,433
	<b>23,593,422</b>	<b>25,871,573</b>	<b>23,602,006</b>
<b>NET ASSETS</b>	<b>248,049,278</b>	<b>241,341,294</b>	<b>233,770,483</b>
<b>EQUITY</b>			
Accumulated Surplus	221,212,552	218,415,565	202,313,885
Reserves	8,062,092	4,151,095	12,681,963
Asset revaluation Reserve	18,774,634	18,774,634	18,774,634
	<b>248,049,278</b>	<b>241,341,294</b>	<b>233,770,483</b>

## CORPORATE &amp; COMMUNITY SERVICES REPORTS

## APPENDIX 3

## INCOME STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2008

Nature / Type	YTD Actual 2008/09	Budget-Total 2008/09	Actual 2007/2008
<b>INCOME</b>			
Rates	19,226,617	19,130,290	17,915,530
Grants & Subsidies	1,578,556	3,278,000	3,071,233
Contributions. Reimb & Donations	154,072	319,831	452,799
Fees & Charges	3,064,840	7,095,514	5,100,832
Service Charges	2,687,456	2,649,000	2,517,352
Interest Earned	334,475	608,000	739,330
Other Revenue / Income	245,403	324,500	920,121
	<b>27,291,420</b>	<b>33,405,135</b>	<b>30,717,198</b>
<b>EXPENDITURE</b>			
Employee Costs	5,679,063	13,853,782	12,212,590
Utilities	475,523	755,110	748,982
Interest Expenses	118,499	1,332,219	1,169,598
Depreciation on non current assets	4,451,193	10,653,000	9,672,516
Contracts & materials	4,041,697	12,263,994	9,681,306
Insurance expenses	444,931	483,839	443,417
Other Expenses	44,731	(321,579)	487,688
	<b>15,255,637</b>	<b>39,020,365</b>	<b>34,416,097</b>
<b>Change in net assets from operations</b>	<b>12,035,783</b>	<b>(5,615,230)</b>	<b>(3,698,900)</b>
Grants and Subsidies - non-operating	1,484,537	4,520,812	4,262,556
Contributions Reimbursements and Donations - non-operating	111,423	5,006,300	10,734,755
Profit/Loss on Asset Disposals	(23,934)	4,291,116	804,688
Fair value - Investments adjustment	670,986		(1,531,324)
	<b>14,278,795</b>	<b>8,202,998</b>	<b>10,571,775</b>

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APPENDIX 4

Portfolio Valuation - Market Value

Security	Original Credit Rating	Current Credit Rating	Maturity Date	Volume Held	Summary of Invested Funds					Nov 08			Latest Monthly Variation
					Security Cost (incl accrued Int)	Current Interest %	Market Value	Market Value	Market Value	Market Value	Market Value	Market Value	
							Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	
<b>(Annual Accounts)</b>													
<b>MUNICIPAL ACCOUNT</b>													
Bendigo	A2		12/11/2008		2,000,000	7.62%			2,000,000	2,000,000	2,000,000		
Bendigo	A2		25/11/2008		1,000,000	7.75%			1,000,000	1,000,000	1,000,000		
Bendigo	A2		18/12/2008		3,000,000	7.92%				3,000,000	3,000,000	3,000,000	
Bankwest	A1		25/11/2008		2,000,000	7.75%			2,000,000		2,000,000	2,000,000	3,000,000
Bankwest	A1		18/12/2008		3,000,000	7.80%				3,000,000	3,000,000	3,000,000	3,000,000
CBA	A1		25/11/2008		1,500,000	7.15%			1,500,000	1,500,000	1,500,000		
Bendigo	A2		13/02/2009		2,037,578	6.90%							2,037,578
Bankwest	A1		29/12/2008		2,039,219	5.30%							2,039,219
CBA	A1		29/12/2008		1,000,000	4.58%							1,000,000
					<b>17,576,797</b>				<b>6,500,000</b>	<b>12,500,000</b>	<b>12,500,000</b>	<b>11,076,797</b>	n/a
<b>RESERVES ACCOUNT</b>													
<b>BANK - TERM DEPOSITS</b>													
Bendigo bank - Term Deposit	A2		17/11/2008		1,078,731	8.12%	1,118,642	1,118,642	1,118,642	1,118,642	1,118,642		
Bankwest	A1		7/11/2008		1,035,300	6.90%					1,035,300		
Bendigo bank - Term Deposit	A2		16/02/2009		1,163,934	6.25%							1,163,934
Bankwest	A1		5/02/2009		1,041,172	6.40%							1,041,172
							<b>1,118,642</b>	<b>1,118,642</b>	<b>1,118,642</b>	<b>1,118,642</b>	<b>2,153,942</b>	<b>2,205,106</b>	n/a
<b>COMMERCIAL SECURITIES - FRNs</b>													
Suncorp Metway FRN	A		22/06/2018	500,000	503,090	7.66%	484,665	487,230	491,145	Not Avail	Not Avail	498,890	(7,744)
Suncorp Metway Sub Debt	A		22/06/2018	800,000	802,272	8.17%	761,733	767,205	777,556	Not Avail	Not Avail	784,220	(6,664)
St George Bank Sub Debt	A+		26/07/2016	500,000	506,660	8.06%	484,208	478,784	478,704	Not Avail	Not Avail	496,014	(17,310)
Macquarrie Bank Sub Debt	A		15/09/2014	500,000	503,325	8.14%	454,057	442,266	444,623	Not Avail	Not Avail	444,824	(201)
ANZ Principal Protected Yield Curv.	AA	Paid in full	17/07/2017	200,000	200,000	8.25%	175,725	170,833	176,434	Repaid in full Oct 08	Retrieved		
					<b>2,515,347</b>		<b>2,360,388</b>	<b>2,346,318</b>	<b>2,368,462</b>			<b>2,223,947</b>	<b>(31,919)</b>
<b>COMMERCIAL SECURITIES - CDOs</b>													
Saphir (Endeavour) AAA	AAA	Not avail	4/08/2011	400,000	413,160	9.10%	357,505	354,821	354,073	Not Avail	Not Avail	356,597	(2,524)
Magnolia (Flinders AA)	AA	Not avail	20/03/2012	170,000	171,994	9.32%	129,634	134,380	130,625	Not Avail	Not Avail	133,536	(2,911)
Zircon (Merimbula AA)	AA	C	20/06/2013	500,000	502,450	8.87%	212,965	202,732	155,998	Not Avail	Not Avail	164,134	(8,135)
Zircon (Coolangatta AA)	AA-	C	20/09/2014	1,000,000	1,002,060	9.12%	368,999	420,744	336,990	Not Avail	Not Avail	324,321	12,670
Start (Blue Gum AA-)	AA-	CCC+ Neg	22/06/2013	275,000	276,708	8.77%	151,847	153,565	144,339	Not Avail	Not Avail	148,758	(4,420)
Corsair (Kakadu AA)	B+	B Neg Fitch	20/03/2014	275,000	273,710	8.37%	128,952	129,555	119,900	Not Avail	Not Avail	124,116	(4,217)
Helium (C=Scarborough AA)	BBB-	CCC+	23/06/2014	600,000	602,244	8.77%	335,612	354,189	337,847	Not Avail	Not Avail	347,489	(9,642)
Beryl (AAAGlobal Bank Note)	AAA	CCC- Neg	20/09/2014	200,000	200,376	8.42%	163,561	163,432	159,482	Not Avail	Not Avail	162,567	(3,086)
					<b>3,442,702</b>		<b>1,849,075</b>	<b>1,913,418</b>	<b>1,739,254</b>			<b>1,761,519</b>	<b>(22,265)</b>
<b>SUB PRIME MORTGAGES</b>													
SPRC (Federation AAA)	CCC	Paid in full	10/02/2047	500,000	505,230	8.32%	36,900	32,133	23,279	Repaid in full Nov 08	Retrieved		
					<b>505,230</b>		<b>36,900</b>	<b>32,133</b>	<b>23,279</b>				
<b>PORTFOLIO TOTAL</b>							<b>5,365,005</b>		<b>11,749,837</b>	<b>Not Avail</b>	<b>Not Avail</b>	<b>17,267,369</b>	<b>(54,184)</b>

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.2 – ADMINISTRATION**

Nil

**12.3 – LIBRARY SERVICES**

Nil

**12.4 – DAY CARE CENTRE**

Nil

**12.5 – TOWN HALL**

Nil

**12.6 – RECREATION SERVICES**

Nil

**12.7 – VISITORS CENTRE**

Nil

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.8 – CORPORATE & COMMUNITY SERVICES COMMITTEE**

**ITEM NUMBER: 12.8.1**

**ITEM TITLE: ALBANY TOWN HALL THEATRE ADVISORY COMMITTEE MINUTES – 12<sup>th</sup> November 2008**

**File Number or Name of Ward** : SER 047 (All Wards)  
**Summary of Key Points** : Receive the minutes of the Albany Town Hall Theatre Advisory Committee.  
**Reporting Officer(s)** : Executive Director of Community & Corporate Services (W P Madigan)  
**Disclosure of Interest** : Nil  
**Bulletin Attachment(s)** : • Committee minutes dated 12<sup>th</sup> November 2008

---

**COUNCIL'S ROLE: EXECUTIVE FUNCTION**

**ITEM 12.8.1 - COMMITTEE RECOMMENDATION 1**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR:** PRICE  
**SECONDED COUNCILLOR:** MATLA

**THAT the unconfirmed minutes of the Albany Town Hall Theatre Advisory Committee held on Wednesday 12th November 2008 be RECEIVED (copy of minutes are in the Elected Members Report/Information Bulletin).**

**MOTION CARRIED 10 – 0**

---

**CORPORATE & COMMUNITY SERVICES REPORTS**

**ITEM NUMBER: 12.8.2**

**ITEM TITLE: Community and Economic Development Strategy and Policy Committee Meeting Minutes – 25 November 2008**

**File Number or Name of Ward** : MAN 233 (All Wards)  
**Summary of Key Points** : Committee Items for Council Consideration.  
**Reporting Officer(s)** : Executive Director Corporate and Community Services (WP Madigan)  
**Disclosure of Interest** : Nil  
**Bulletin Attachment(s)** :  
• Motor Sport Complex Feasibility Study Project Brief  
• Item 12.2.4 OCM 18/01/2005 Extended Trading Hours within the City of Albany

*Councillor Paver left the Chambers at 9.25pm.*

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**COUNCIL'S ROLE: EXECUTIVE FUNCTION**

**ITEM 12.8.2 - COMMITTEE RECOMMENDATION 1**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: MATLA**  
**SECONDED COUNCILLOR: PRICE**

**THAT the unconfirmed minutes of the Community and Economic Development Strategy and Policy Committee held on Tuesday 25 November 2008 be RECEIVED.**

**MOTION CARRIED 9 – 0**

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*Councillor Paver returned to the Chambers at 9.26pm*

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**COUNCIL'S ROLE: EXECUTIVE FUNCTION**

**ITEM 12.8.2 - COMMITTEE RECOMMENDATION 2**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: PRICE**  
**SECONDED COUNCILLOR: WISEMAN**

**Item 5.1 – Community Safety and Crime Prevention**

**THAT Council RESOLVE to enter into a formal Local Community Safety and Crime Prevention Agreement.**

**MOTION CARRIED 10 – 0**

---

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.8.2 continued

*Councillor Paver declared an interest in this item and left the Chambers at 9.30pm*

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**COUNCIL'S ROLE: EXECUTIVE FUNCTION**

**ITEM 12.8.2 - COMMITTEE RECOMMENDATION 3  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: PRICE  
SECONDED COUNCILLOR: MATLA**

**Item 5.2 – Competitive Neutrality Review – Gym and Group Fitness Operations of the Albany Leisure & Aquatic Centre (October 2008)**

**THAT the report be RECEIVED.**

**MOTION CARRIED 5 – 4**

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**COUNCIL'S ROLE: EXECUTIVE FUNCTION**

**ITEM 12.8.2 - COMMITTEE RECOMMENDATION 4  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: PRICE  
SECONDED COUNCILLOR: MATLA**

**Item 5.2 – Competitive Neutrality Review – Gym and Group Fitness Operations of the Albany Leisure & Aquatic Centre (October 2008)**

**THAT Council SEEK legal and insurance advice on the possible ramifications of operating an unsupervised gymnasium.**

**MOTION CARRIED 8 – 1**

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**COUNCIL'S ROLE: EXECUTIVE FUNCTION**

**ITEM 12.8.2 - COMMITTEE RECOMMENDATION 5  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED COUNCILLOR:  
SECONDED COUNCILLOR:**

**Item 5.2 – Competitive Neutrality Review – Gym and Group Fitness Operations of the Albany Leisure & Aquatic Centre (October 2008)**

**THAT the current existing gymnasium equipment BE MOVED into the 'general area' to make a more expansive gymnasium and the previous motion resolved at the OCM 16/01/2007 (Item No: 16.1) in relation to the general area,**

**"That the operations of the general purpose area be undertaken as follows:**

- ii) Seniors / Wellness / rehabilitation service section programs;**

**CORPORATE & COMMUNITY SERVICES REPORTS**

ii) Workshops / meeting space for sporting and community group meetings, coaching / accreditation training sessions, general community space and allied health service delivery.”  
Be RESCINDED.

MOTION CARRIED/LOST  
ABSOLUTE MAJORITY

---

**ALTERNATE MOTION BY COUNCILLOR WALKER**

**MOVED COUNCILLOR: WALKER**  
**SECONDED COUNCILLOR: WISEMAN**

**Item 5.2 – Competitive Neutrality Review – Gym and Group Fitness Operations of the Albany Leisure & Aquatic Centre (October 2008)**

**THAT the current existing gymnasium equipment NOT BE MOVED into the ‘general area’, and that the previous motion resolved at the OCM 16/01/2007 (Item No: 16.1) in relation to the general area,**

**“That the operations of the general purpose area be undertaken as follows:**

- ii) Seniors / Wellness / rehabilitation service section programs;**
- ii) Workshops / meeting space for sporting and community group meetings, coaching / accreditation training sessions, general community space and allied health service delivery.”**

Be RETAINED.

**MOTION CARRIED 5 - 4**

---

**RECORD OF VOTING:**

For the Motion: Councillors Buegge, Kidman, Walker, Wiseman and Wolfe  
Against the Motion: Councillor Bostock, Matla, Price and Stanton

*Councillor Paver returned to the Chambers at 9.54pm.*

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**COUNCIL’S ROLE: EXECUTIVE FUNCTION**

**ITEM 12.8.2 - COMMITTEE RECOMMENDATION 6**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

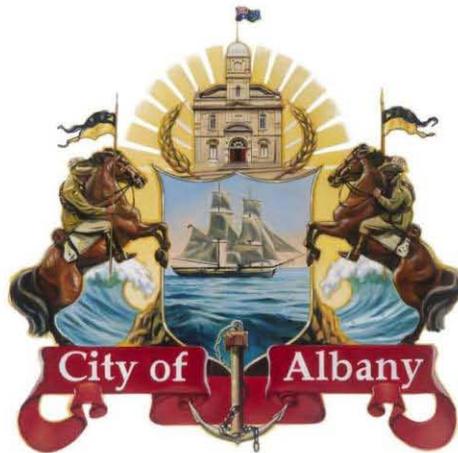
**MOVED COUNCILLOR: PAVER**  
**SECONDED COUNCILLOR: WISEMAN**

**Item 5.3 – Motorsport Facility Feasibility – Scope and Progress**

**THAT Council ADOPT the concept of a co-located Motorsport facility in the current Go-Kart lease area.**

**MOTION CARRIED 10 – 0**

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# **MINUTES**

## **COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND POLICY COMMITTEE**

**Held on  
Tuesday, 25 November 2008  
6.00pm**

**Margaret Coates Boardroom**

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**City of Albany**

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Signed \_\_\_\_\_  
*Peter Madigan*  
Acting Chief Executive Officer

Date: 28 November 2008

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**1.0 DECLARATION OF OPENING**

Chairperson, Councillor John Walker declared the meeting open at 6.00pm.

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

Attendances:

Councillors

J Walker (Chairperson)

D Wolfe

D Price

G Kidman

R Paver

D Wiseman

R Buegge

J Matla

J Bostock

E Stanton (from 6.02pm)

P Madigan

M Weller

D Schober

T Martin

Observers:

Acting Chief Executive Officer

Manager Community Development

Manager Albany Leisure & Aquatic Centre

Recreational Planning Officer

Apologies/Leave of Absence:

Mayor

MJ Evans, JP

**3.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR PRICE**

**THAT the minutes of the Community and Economic Development Strategy and Policy Committee meeting of 17 September 2008 were a true and accurate record of proceedings.**

**VOTE 6-0**

Councillor Stanton attended the meeting at 6.02pm.

**4.0 DISCLOSURE OF FINANCIAL INTEREST**

Nil

**5.0 ITEMS FOR DISCUSSION**

**5.1 Community Safety and Crime Prevention**

Through the August OCM, Council provided 'in principle' support to the preparation of a Local Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia and invited the Office of Crime Prevention to a future meeting of the Community and Economic Development Strategy and Policy Committee to discuss a mutually acceptable framework for the Agreement and a subsequent action plan.

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Michael Coe, Executive Manager Designing Out Crime Unit, Office of Crime Prevention has been invited to attend the meeting and will provide input as to the processes needed to develop the Local Community Safety and Crime Prevention Agreement with the State Government.

In addition, he will present details of a free two day training workshop on designing out crime, which would be conducted in Albany.

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR PRICE**

**THAT Council resolve to enter into a formal Local Community Safety and Crime Prevention Agreement.**

**VOTE 6-0**

**5.2 Competitive Neutrality Review – Gym and Group Fitness Operations of the Albany Leisure & Aquatic Centre (October 2008)**

Frederick Marcoux, Managing Partner, FPM Consulting has completed a competitive neutrality review of the 2008/09 budget for the gym and group fitness operation of the Albany leisure and Aquatic Centre.

The report confirms that in providing the gymnasium, the City is not conducting a 'significant business activity' and therefore is not required to apply competitive neutrality principles.

Nevertheless, on a without prejudice basis, a review was undertaken and competitive neutrality principles applied to the provision of the gymnasium. This review also confirmed that the City is not undertaking a significant business activity, and recommended that the gymnasium related fees and charges be maintained at this current level.

The review also found that the restrictions imposed on the gymnasium operations limit its ability to earn a reasonable rate of return, viz

"That the operations of the gymnasium be undertaken as follows:

- i) Like manner to existing gymnasium facility
- ii) Same number and functionality of exercise stations
- iii) No specific memberships to gymnasium allowed – access only by general membership of ALAC for all facilities or casual usage fee.

That the operations of the general purpose area be undertaken as follows:

- i) Seniors/Wellness/rehabilitation service section programs;
- ii) Workshops/meeting space for sporting and community group meetings, coaching/accreditation training sessions, general community space and allied health service delivery."

This decision has resulted in no direct supervision in the gymnasium area, or specialist programs conducted.

It has also limited the amount of equipment available to patrons.

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The recommendations from the review are as follows:

- Competitive neutrality is not required to be implemented for the GGFA, as the budget of the operation for 2008/09 shows that operating income falls below the threshold of \$200,000. It is however recommended that actual GGFA results be reviewed each year to ensure the \$200,000 threshold is not reached;
- That GGFA related fees and charges be maintained at their current level but reviewed annually in the context of compliance with Competitive Neutrality requirements, and if and when applicable; and
- That the community is kept informed of the operations of GGFA, as well as future plans, and that consultation is held in a forum to be determined by the COA Council.

Finally, it may also be necessary to revisit the use of the 'general purposes area', as to date there have been no bookings for its use, and the area has remained predominantly vacant.

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR KIDMAN**

**THAT the report be received.**

**VOTE 6-0**

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR WOLFE**

**THAT Council seek legal and insurance advice on the possible ramifications of operating an unsupervised gymnasium.**

**VOTE 6-0**

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR PAVER**

**THAT the current existing gymnasium equipment be moved into the 'general area' to make a more expansive gymnasium and the previous motion in relation to the general area,**

**"That the operations of the general purpose area be undertaken as follows:**

- i) Seniors / Wellness / rehabilitation service section programs;**
- ii) Workshops / meeting space for sporting and community group meetings, coaching / accreditation training sessions, general community space and allied health service delivery."**

**be rescinded.**

**VOTE 4-2**

**5.3 Motorsport Facility Feasibility – Scope and Progress**

Following determination at the August 2008 council meeting (ratification of the minutes of the July committee meeting) work was commenced on a feasibility study for a co-located motorsport and driver education and training facility.

Attached to this agenda is a copy of the project scope. A brief will be given in relation to the progress achieved to date, including tabling of a draft facility concept plan and parameters.

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COMMITTEE MEETING MINUTES – 25/11/2008  
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**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR PRICE**

**THAT Council adopt the concept of a co-located Motorsport facility in the current Go-Kart lease area.**

**VOTE 6-0**

Councillor Price commended the staff on the level of planning and the quality of the report on this item.

**5.4 Recreation Masterplan – Scope and Process**

Following adoption of the Recreation Planning Strategy at the October 2008 council meeting (ratification of the minutes of the September committee meeting) work was commenced on a Recreation Master-plan. A copy of the project scope document will be tabled at the meeting and the process and timeline for implementation discussed.

The Manager of Community Development tabled copies of the Recreation Master Plan and spoke to the project scope document and the proposed timeline for the Recreation Master Plan.

**5.5 Demographic Study Final Report**

This item was held over.

**5.6 Business Improvement Districts (BIDS) Policy**

The Manager Economic Development will update the Committee on the proposal by the Central Albany Business Owners Alliance to establish a Business Improvement District for Albany's CBD. The need for a Council Policy to provide a framework for the successful development and management of Business Improvement Districts within the Albany municipality will also be discussed. Such a policy will provide a reference for Council when considering requests to establish Business Improvement Districts and would be prepared to ensure an equitable approach to the establishment and operation of BIDS.

This item was held over.

**5.7 Extended Trading Hours**

Councillor R Buegge is seeking to have the issue of extended Retail Trading Hours discussed to assess its merits. Attached is a copy of the Council Item No 12.2.1 (OCM 19/08/08).

This item was held over.

**6.0 TIME AND DATE OF NEXT MEETING**

Next meeting is scheduled for Tuesday, 27<sup>th</sup> January 2009 at 6.00pm.

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COMMITTEE MEETING MINUTES – 25/11/2008  
\*\* REFER DISCLAIMER \*\*

- 7.0 CLOSURE OF MEETING**  
The meeting closed at 8.10pm

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# **WORKS & SERVICES Reports**

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**WORKS & SERVICES REPORTS**

**13.0 REPORTS – WORKS & SERVICES**

**13.1 - ASSET MANAGEMENT**

Nil

**13.2 – WASTE MANAGEMENT**

Nil

**13.3 – CITY SERVICES – AIRPORT MANAGEMENT**

Nil

**13.4 – CITY SERVICES – CONTRACT MANAGEMENT**

Nil

**13.5 – CITY SERVICES – PROPERTY MANAGEMENT**

Nil

**13.6 – CITY WORKS – CAPITAL WORKS**

Nil

**WORKS & SERVICES REPORTS**

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

**ITEM NUMBER:** 13.7.1

**ITEM TITLE:** Proposal to excise portion of lots 1899, 2451 and reserve 19673 for The Pass road reserve.

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

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

<b>File Number or Name of Ward</b>	: SER 086 (West Ward)
<b>Summary of Key Points</b>	: Proposal to excise portion of lots 1899, 2451 and reserve 19673 for The Pass road reserve.
<b>Land Description</b>	: Portion lots 1899, 2451 and Reserve 19673
<b>Proponent</b>	: Department for Planning and Infrastructure
<b>Owner</b>	: R & A Carter and Crown Land
<b>Reporting Officer(s)</b>	: Executive Support Officer Grant Funding and Finance ( S Pepper)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Bulletin Attachment(s)</b>	: Nil

**Maps and Diagrams:**

Following this report

**BACKGROUND**

1. Correspondence received from the Department for Planning and Infrastructure has requested Council resolve the matter of a road carriageway constructed on private property and crown land, known as The Pass Road (formally Healy Road). The road is to the west of Redmond, near the Hay River.

**DISCUSSION**

2. The Department for Planning and Infrastructure has advised Council that an historical anomaly exists regarding a portion of The Pass Road, which dates back to the 1960s.
3. The road carriageway in question was constructed in the early 1960s and ran through private property in both the Shires of Albany and Plantagenet. The matter has been discussed, via intermittent correspondence throughout the years, between both councils and the then Department for Lands and Survey, but nothing has been resolved.
4. The Department for Planning and Infrastructure (formally Department for Lands and Survey), has reviewed its outstanding files, and now seeks both Councils to resolve the land proposal.

**WORKS & SERVICES REPORTS**

Item 13.7.1 continued.

5. A Council resolution is sought to create a road as shown on Diagram 75173 from lot 1899 and Class “A” reserve 19673, and on OP8579 for a road truncation on lot 2451. Indemnification against all claims and costs to create the road is also required by the Department.
6. The Department for Planning and Infrastructure also sought Council opinion on including the road adjoining lot 2452 into Reserve 19673. This request is not supported as the road reserve provides access to this lot.
7. Following discussions with the landowners, all parties have agreed to a compensation payout to enable the land to be excised from their titles and dedicated as a public road. An independent sworn valuation has been obtained and presented to the affected landowners.

**PUBLIC CONSULTATION / ENGAGEMENT**

8. The landowners of lots 1899 and 2451, Mr and Mrs Carter have been involved in the negotiations to resolve the excision of the required land.

**GOVERNMENT CONSULTATION**

9. The Department for Planning and Infrastructure have been liaising with Council, the Shire of Plantagenet and the Department of Environment and Conservation, to identify the various issues relating to this matter and how best to reach a resolution.

**STATUTORY IMPLICATIONS**

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

*Cancellation, etc of reserves generally.*

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

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

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

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

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

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

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

*or*

**WORKS & SERVICES REPORTS**

Item 13.7.1 continued.

(c) *land comprises a private road of which the public has had uninterrupted use for a period not less than 10 years,*

*and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*

**FINANCIAL IMPLICATIONS**

12. An independent sworn valuation providing a compensation payment of \$19,300 was obtained. In accordance with the requirements of Council's delegated authority (amount under \$50,000, funds found from within budget, caveat registered on title), the Acting Director of Works and Services finalised the negotiations.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

***“Community Vision:***

*Nil.*

***Priority Goals and Objectives:***

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

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

***City of Albany Mission Statement:***

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

**POLICY IMPLICATIONS**

14. Not applicable.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

15. Council has the following options in relation to the proposal:

- a.
  - 1) seek approval for the excision of portion of Reserve 19673, for road reserve purposes as detailed on diagram 75173;
  - 2) agree to the acquisition of portion of lot 1899 as shown on diagram 75173, and portion of lot 2451 as detailed on drawing number OP8579; and
  - 3) seek approval to dedicate the resultant land as road reserve; or
- b) leave the road carriageway matter in its current state.

**WORKS & SERVICES REPORTS**

Item 13.7.1 continued.

16. Should Council choose to do nothing, there is a possibility of public liability issues arising, should an accident occur on the reserve, rather than a dedicated road reserve.

**SUMMARY CONCLUSION**

17. It is recommended Council seek approval for the excision of portion of Reserve 19673, and agree to the acquisition of portion of lot 1899 and portion of lot 2451, and subsequently seek approval to dedicate the resultant land as road reserve.

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**ITEM 13.7.1 - OFFICER RECOMMENDATION  
VOTING REQUIREMENT – SIMPLE MAJORITY**

**MOVED COUNCILLOR: STANTON  
SECONDED COUNCILLOR: PAVER**

**THAT COUNCIL:**

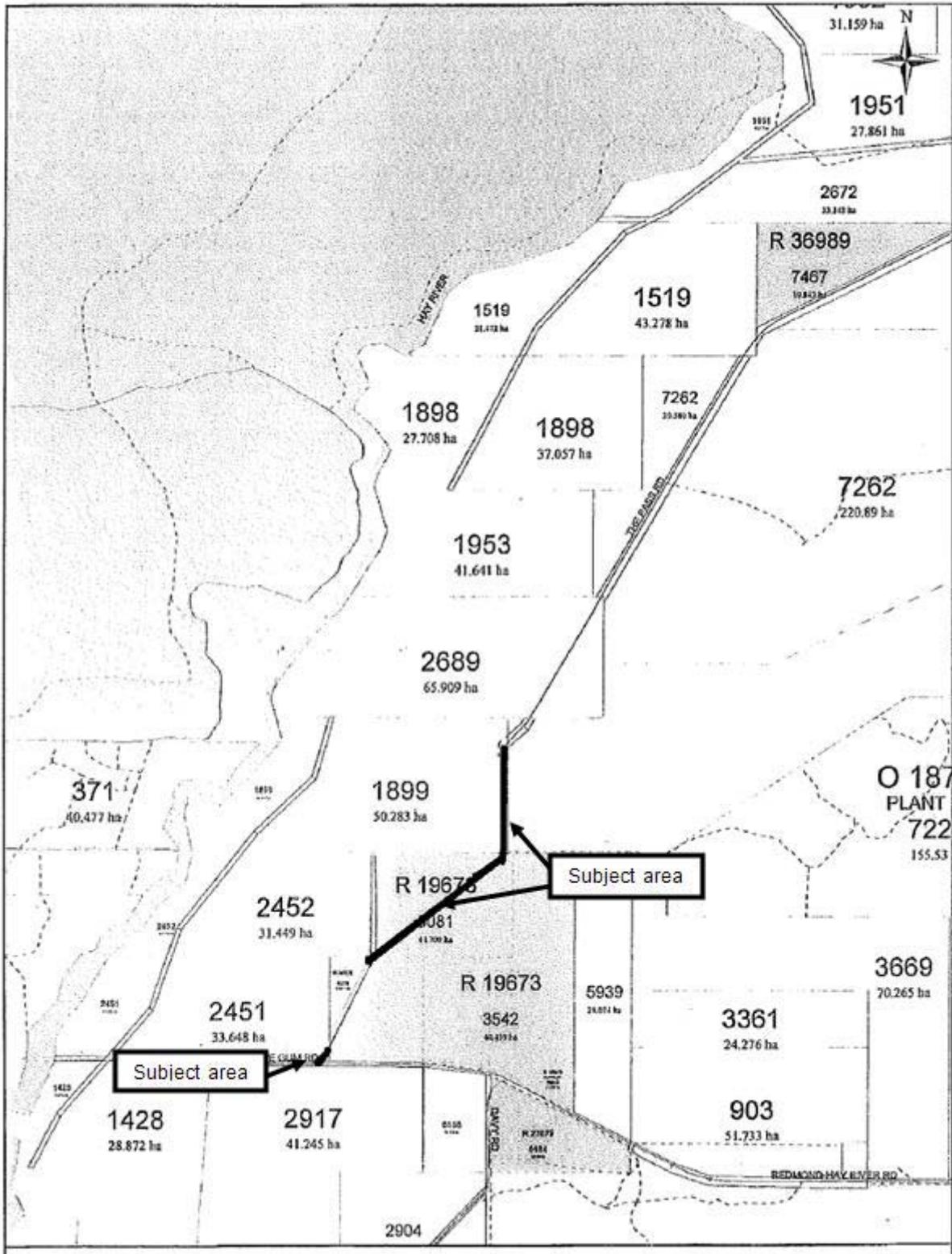
- a. **SEEK approval to excise a portion of Reserve 19673, as per Diagram number 75173, from the Department of Planning and Infrastructure for road reserve purposes, in accordance with section 51 of the Land Administration Act; and**
- b. **SEEK approval to dedicate the portion as road reserve, in accordance with section 56 of the Land administration Act; and**
- c. **SEEK approval for the excision of portion of lot 1899 as per Diagram number 75173, and the excision of portion of lot 2451, as per drawing number OP8579, from the Department of Planning and Infrastructure for road reserve purposes, in accordance with section 56 of the Land Administration Act; and**
- d. **Indemnify the Department for Planning and Infrastructure against all claims and costs related to the creation of the road.**

**MOTION CARRIED 10 – 0**

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WORKS & SERVICES REPORTS

Item 13.7.1 continued.







**WORKS & SERVICES REPORTS**

**13.8 – WORKS & SERVICES COMMITTEES**

**ITEM NUMBER: 13.8.1**

**ITEM TITLE: Asset Management & City Services Strategy and Policy Committee Meeting  
Minutes – 2<sup>nd</sup> October 2008**

**File Number or Name of Ward** : MAN 236 (All Wards)  
**Summary of Key Points** : Committee Items for Council Consideration.  
**Reporting Officer(s)** : Acting Executive Director Works & Services (P  
Brown)  
**Disclosure of Interest** : Nil  
**Bulletin Attachment(s)** : Nil

**COUNCIL'S ROLE: EXECUTIVE FUNCTION**

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**ITEM 13.8.1 - COMMITTEE RECOMMENDATION**

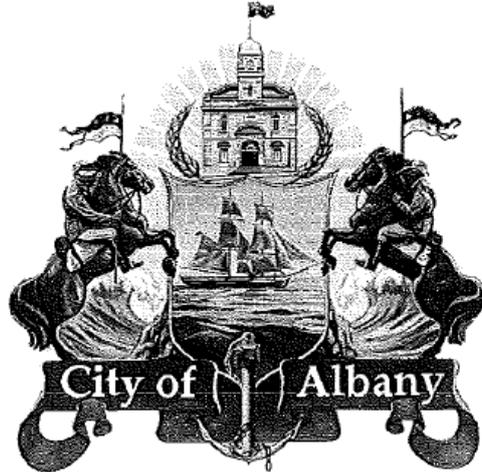
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: STANTON**  
**SECONDED COUNCILLOR: MATLA**

**THAT the UNCONFIRMED minutes of the Asset Management & City Services Strategy and Policy Committee held on Thursday 6<sup>th</sup> November 2008 be RECEIVED (copy of minutes follows this report).**

**MOTION CARRIED 10 – 0**

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# **MINUTES**

## **ASSET MANAGEMENT AND CITY SERVICES STRATEGY AND POLICY COMMITTEE MAN236/AM806813**

**Held on  
Thursday 6<sup>th</sup> November 2008  
5.30pm**

**Margaret Coates Board Room**

**WORKS & SERVICES REPORTS**

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<b>4.0</b>	<b>Disclosure of Interest</b>	<b>1</b>
<b>5.0</b>	<b>Items for Discussion</b>	<b>1</b>
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**WORKS & SERVICES REPORTS**

COMMITTEE MEETING MINUTES – 06/11/2008

\*\* REFER DISCLAIMER \*\*

**1.0 DECLARATION OF OPENING**

The Chairperson Councillor Des Wolfe declared the meeting open at 5.37pm.

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

Attendances:

Chairperson

D. Wolfe

Councillors

K. Stanton

G. Kidman

J. Walker

J. Bostock

R. Buegge

Observer

J. Matla

Acting Executive Director of Works & Services

P. Brown

Manager City Works

M. Richardson

PA to EDWS (minutes)

F. Buswell

Apologies/Leave of Absence:

Mayor

M.J. Evans

Councillors

D Wiseman

Manager City Services

I. Neil

**3.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

**MOVED: COUNCILLOR STANTON  
SECONDED: COUNCILLOR BOSTOCK**

**THAT the Minutes of the Asset Management and City Services Strategy and Policy Committee Meeting of 2<sup>ND</sup> October 2008 as previously distributed be confirmed as a true and accurate record of proceedings.**

**MOTION CARRIED 6-0**

**4.0 DISCLOSURE OF INTEREST**

Nil.

**5.0 ITEMS FOR DISCUSSION**

**5.1 Strategic Waste Management Plan Update**

The Acting Executive Director of Works & Services Peter Brown requested that this item be deferred to the next meeting in December.

**WORKS & SERVICES REPORTS**

COMMITTEE MEETING MINUTES – 06/11/2008

\*\* REFER DISCLAIMER \*\*

**5.2 Pathway Strategy Update Including Financial Modelling**

The Acting Executive Director of Works & Services Peter Brown presented the draft Asset Management Plan – Pathways and advised that the Plan was completed including the financial modelling and was in the context of the Western Australian Asset Management Improvement (WAAMI) Plan. The financial plan would provide the total maintenance and capital renewal costs over a 15 year period.

Councillor Stanton asked if anyone from the bike groups had been involved and Peter explained that once the Strategy had been adopted by Council all the key stakeholders would be contacted and the Strategy would be advertised for feedback from the community.

Chair Councillor Des Wolfe advised the Committee that given the amount of detail involved in the Plan it would be advisable for the item to be laid on the table for one month and brought back to the next meeting to discuss further. He also suggested that if any committee member had any questions to direct them to Peter Brown in readiness for the next meeting.

**MOVED: COUNCILLOR WOLFE  
SECONDED: COUNCILLOR BUEGGE**

**THAT the Asset Management Plan - Pathways be laid on the table for one month and be brought back to the December Asset Management Committee meeting.**

**MOTION CARRIED 6-0**

Councillor John Walker advised the Committee that the City of Albany had won an award for pathways from Top Trails WA, for the path connecting Ellen Cove to Albany Port as one of Western Australia's Top Trails. He also stated that installing a barrier at the end of the Bald Head trail advising walkers to "do not pass this point" would also put the City in with a chance of winning another award next year. This information would be passed to the Department of Conservation for implementation.

**MOVED: COUNCILLOR WALKER  
SECONDED: COUNCILLOR BUEGGE**

**THAT the City of Albany aim for another award next year for Top Trails WA.**

**MOTION CARRIED 6-0**

**5.3 Airport Business Plan for Cafe**

The Acting Executive Director Peter Brown advised that the City had received a tender for the supply of new vending machines at the Airport. The tender was from an interstate company to provide 3 machines in total supplying snacks and drinks, the emphasis would be on healthier food. The agreement would be for 2 years at a cost of \$1,000 and there would be penalties involved if the agreement was terminated before the expiry of the 2 year contract. The vending machines would be serviced and stocked from a local supplier. Councillor Walker asked if other parties were still interested in running a café at the airport, but was advised that was no longer an option at this stage.

Chair Councillor Des Wolfe duly noted the information.

**WORKS & SERVICES REPORTS**

COMMITTEE MEETING MINUTES – 06/11/2008

\*\* REFER DISCLAIMER \*\*

**5.4 Improvement Strategy**

The Acting Executive Director Works & Services Peter Brown advised that the second WAAMI workshop had recently taken place and he thanked Councillor Stanton for her attendance at the workshop.

The Improvement Strategy gave clear direction of where the City assets are at and where they will be in 2 years time and how to improve on them within the time frame.

The Strategy was only draft at this stage and would tie into the strategic focus. A working group had been formed with members from different areas i.e. finance, customer service, operations, assets and the leisure centre.

Questions were asked as to when the framework would be in place and they were informed that by mid 2010 all assets and costs including scheduling of repairs would be completed including the Albany Entertainment Centre. Councillor Bostock advised that it is 5 times the capital costs for the lifetime maintenance of an asset. Councillor Walker advised that royalties for regions were available and Council needed to access this funding. Councillor Buegge asked if the City of Albany were on a par with other Councils and was advised that Albany was better off than other Councils and were taking the lead.

**5.5 Kidsafe WA – Playground safety**

The Chair Councillor Des Wolfe welcomed Tracy Blaszkow to the meeting as the Co-ordinator for Kidsafe WA – Playground Safety. Tracy presented an overview to the committee on what playground equipment is available to the City, she advised that educational training is available for community groups and Councils to provide playgrounds that were stimulating to children and engaged them in activities that were the four types of play, namely;

1. Active
2. Passive
3. Creative
4. Social

Questions were asked regarding vandals and the problems posed by having too much landscaping around parks and whilst they presented a more appealing park they also provided cover for unsavoury behaviour. Tracy advised that by bringing local children into adopting a park and helping with the design they were more likely to use the facilities and report vandalism. Manager of City Works Mike Richardson reported that landscaping could be designed to reduce this problem he also advised that 3 council staff were accredited in playground equipment.

Chair Councillor Des Wolfe thanked Tracy for her attendance and the presentation was very well received by the Committee.

**WORKS & SERVICES REPORTS**

COMMITTEE MEETING MINUTES – 06/11/2008

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**6.0 AGENDA ITEMS FOR NEXT MEETING**

- 6.1 Strategic Waste Management Plan.
- 6.2 Asset Management Improvement Strategy.
- 6.3 Pathways feedback from Councillors.

**7.0 TIME AND DATE OF NEXT MEETING**

The next meeting of the Committee is scheduled for **5.30pm Thursday 4<sup>th</sup> December 2008** in the **Margaret Coates Boardroom**.

**8.0 CLOSURE OF MEETING**

The meeting closed at 6.50pm.

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**GENERAL MANAGEMENT  
SERVICES  
Reports**

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**GENERAL MANAGEMENT SERVICES REPORTS**

**14.1 STRATEGIC DEVELOPMENT**

Nil

**14.2 ORGANISATIONAL DEVELOPMENT**

Nil

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.3 ECONOMIC DEVELOPMENT**

**ITEM NUMBER: 14.3.1**

**ITEM TITLE: Albany Tourism Marketing Advisory Committee (ATMAC) Meeting Minutes**

**File Number or Name of Ward** : STR208 (All Wards)  
**Summary of Key Points** : Committee Items for Council Consideration.  
**Reporting Officer(s)** : Manager Economic Development (J.Berry)  
**Disclosure of Interest** : Nil  
**Bulletin Attachment(s)** : Albany Tourism Marketing Advisory Committee (ATMAC) Meeting minutes held on Wednesday 5 November 2008

**COUNCIL'S ROLE: EXECUTIVE FUNCTION**

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**COMMITTEE RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: WALKER**

**SECONDED COUNCILLOR: MATLA**

**THAT the unconfirmed minutes of the Albany Tourism Marketing Advisory Committee held on Wednesday 5 November 2008 be RECEIVED (copy of minutes are in the Information Bulletin).**

**MOTION CARRIED 10 – 0**

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**GENERAL MANAGEMENT SERVICES REPORTS**

**ITEM NUMBER: 14.3.2**

**ITEM TITLE: Australian Government's Regional and Local Community Infrastructure Program (RLIP) – Expenditure of Grant Allocation**

**THE NATURE OF COUNCIL'S ROLE IN THIS MATTER: Executive Function.** Council setting strategic direction and overseeing the operational functions of the City.

<b>File Number or Name of Ward</b>	:	STR004 – All Wards
<b>Summary of Key Issues</b>	:	Council to determine projects to expend \$626,000 grant allocation to the City of Albany under the Australian Government's \$250m Regional and Local Infrastructure Program ( <i>Council submission required by 30 January 2009</i> )
<b>Land Description</b>	:	N/A
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Economic Development (J.Berry)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	N/A
<b>Bulletin Attachment Reference</b>	:	Guidelines - \$250m Regional and Local Infrastructure Program 2008/09

**Maps and Diagrams:**

1. Maps and diagrams of projects recommended for allocation of Australian Government funds will be distributed separately to this report.

**BACKGROUND**

2. On 18 November 2008, the Prime Minister, the Hon Kevin Rudd MP, announced at the Australian Council of Local Government inaugural meeting that the Australian Government will contribute \$300 million to local councils and shires and their communities in 2008-09 to stimulate growth and economic activity across Australia.
3. The funding will be available for new construction and major renovations or refurbishment of assets, ranging from access facilities such as walkways and boat ramps; through to social and cultural spaces; facilities for recreation, tourism, children, youth and seniors; and environmental initiatives.
4. The Regional and Local Community Infrastructure Program (RLCIP) will have two components.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.2 continued.

5. The first component will provide funding of \$250 million in 2008-09 which will be distributed to all local councils and shires on the basis of a methodology which includes relative need, population and growth. The City of Albany has been allocated \$626,000 under the program. These funds are available for additional and ready-to-proceed community infrastructure projects, and for additional stages of projects that are currently underway. Each Council is required to enter into an agreement with the Commonwealth by 30 January 2009 to receive the payment. Funding must be expended by 30 September 2009.
6. The second component is known as the Regional and Local Community Infrastructure Program - Strategic Projects (RLCIP - Strategic Projects). The Australian Government is making up to \$50 million available in 2008-09 to local governments on a nationally competitive basis. Under the RLCIP - Strategic Projects funding will be available for large strategic projects seeking a minimum Commonwealth contribution of \$2 million. Larger projects and projects which include partnership funding will be given preference. Projects will be assessed by the Department of Infrastructure, Transport, Regional Development and Local Government on a tight timetable. All councils and groups of councils are eligible to apply for funds under RLCIP - Strategic Projects. Councils may also apply on behalf of not-for-profit organisations. Eligible projects must be 'ready-to-proceed' (the project must be ready to commence construction within six months of signing a Funding Agreement [contract]), or may be additional stages to projects that are currently underway. Completed applications must be received by the Department by 4pm (Australian Eastern Daylight Saving Time) on 23 December 2008.
7. This report recommends a mix of projects for expenditure of \$626,000 allocated to the City of Albany under the first component.
8. A separate Council Item has been prepared for Council to consider projects eligible for funding under the second component of the Program.

**DISCUSSION**

9. The City of Albany has several projects that have been the subject of concept planning, however are currently unfunded. The following projects have been short-listed by staff as eligible for funding under the program and would be highly likely to meet the program criteria including being 'ready to commence' and being able to be completed by 30 September 2009.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.2 continued.

Rating	Eligible Project	Description	Comment
1	Anzac Peace Park Pier of Remembrance and associated interpretation	The Pier of Remembrance and associated Interpretative elements are an integral part of the Anzac Peace Park, however are currently unfunded. The Pier is a marine based structure proposed for the western end of the project. It will have interpretation about the troops and ships that left from Albany in 1914 along with subtle lighting as a sign of respect and reflection on the many lives lost to give us the freedom we enjoy today.	<p>Concept and preliminary design drawings are complete and a full costing re-evaluation is underway. There are limited alternative programs to seek assistance for the Pier since other parts of the project have already received support from Lotterywest and the State Government. The project is strategically important as part of 2014 centenary commemoration. <i>(see concept following this Item)</i></p> <p><u>Recommendation</u></p> <p>A \$500,000 allocation toward the Pier of Remembrance is recommended to enable completion of the Anzac Peace Park in accordance with the project concept adopted by Council.</p>
2	Mt Clarence Car Park and Anzac Interpretation	The lower car park of Mt Clarence is in need of refurbishment and renewal particularly approaching 2014/2015 being the Centenary of the departure of troops from Albany. A military heritage interpretation concept has been completed which will enhance visitor appeal to the area however the works are unfunded.	<p>The area is the subject of a completed concept design prepared by the City of Albany. It includes reconstruction of the car-park and construction of interpretative elements at the foot of the stairway to the Desert Mounted Corps. <i>(see concept following this page)</i></p> <p><u>Recommendation</u></p> <p>A \$100,000 allocation is recommended as a priority to enable staging of works toward 2014</p>

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.2 continued.

3	Mount Clarence All Terrain Cycling Area	Develop a mountain bike trail on Mt Clarence. A concept plan for a Council built and managed trail has been prepared and negotiations with Lotterywest underway. The trail will encourage mountain bikers away from sensitive areas of the Mounts to a specially designed facility for use in recreation and competitions.	<p>The estimated cost is \$125,000 and is proposed to funded by:-</p> <table data-bbox="1043 434 1437 703"> <tr> <td>Lotterywest</td> <td>\$60,000</td> </tr> <tr> <td>City of Albany (08/09)</td> <td>\$25,000</td> </tr> <tr> <td>RLCIP</td> <td>\$26,000</td> </tr> <tr> <td>Volunteer Labour</td> <td>\$14,000</td> </tr> </table> <p><u>Recommendation</u></p> <p>A \$26,000 allocation is recommended to leverage Lotterywest funds and commence the project.</p>	Lotterywest	\$60,000	City of Albany (08/09)	\$25,000	RLCIP	\$26,000	Volunteer Labour	\$14,000
Lotterywest	\$60,000										
City of Albany (08/09)	\$25,000										
RLCIP	\$26,000										
Volunteer Labour	\$14,000										

Other projects that these funds could be allocated to are listed below in the section 'Alternate Options'.

**PUBLIC CONSULTATION / ENGAGEMENT**

10. All of the projects recommended for funding allocations have been the subject of detailed public consultation processes including:
  - Pier of Remembrance – Anzac Peace Park Concept Plan
  - Mt Clarence Car Park and Anzac Interpretation – Mounts Management Plan
11. Public consultation has not been conducted for the Mount Clarence All Terrain Cycling Area – Mounts Management Plan.

**GOVERNMENT CONSULTATION**

12. No Government consultation is required regarding this matter.

**STATUTORY IMPLICATIONS**

13. There are no statutory implications relating to this matter.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.2 continued.

**FINANCIAL IMPLICATIONS**

14. Should Council support the staff recommendation, \$626,000 would be allocated as unbudgeted revenue into the 08/09 budget. There would be no further implications for the 08/09 budget.

Anzac Peace Park	\$500,000
Mt Clarence Upgrade	\$100,000
Mount Clarence All Terrain Cycling Area	\$26,000

Maintenance of the Anzac Park is accounted for in the Fifteen Year Financial Sustainability Plan (FYFSP). Maintenance of the Mt Clarence facilities will be budgeted in the Asset Master plan and then built onto the FYFSP.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

Community Vision:

Nil

Priority Goals and Objectives:

*Goal 2 - Economic Development ... Albany will be Western Australia's first choice for regional investment offering a wide range of development, employment and learning opportunities within a robust economy.*

*Objective 2.4 Our unique cultural heritage attractions deliver world class tourism experiences.*

*Goal 1 - Lifestyle & Environment ... Albany will be Western Australia's regional City of first choice offering a diverse range of healthy and active lifestyle opportunities, with energy efficient housing and development that respects our environment.*

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

City of Albany Mission Statement:

*At the City of Albany we are ethical and operate within our strategic and policy framework*

**POLICY IMPLICATIONS**

16. There are no policy implications relating to this matter.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.2 continued.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

17. Staff have reviewed other projects that would likely to be assessed as eligible under the Program:

<b>Eligible Project</b>	<b>Description</b>	<b>Comment</b>
Interim Motor-cross Facility	An interim facility to provide the Albany Motor-cross Club to continue operations while a full feasibility study for a new venue is being conducted has been suggested by MotorcrossWA. A site near the airport has been recommended	No approvals or consultation have yet been achieved for this proposal. A noise contouring model is necessary for the environmental approvals to be considered. The proposal may be contentious and unattractive to the Australian Government under the stimulus package if statutory approvals and community consultation result in the project not being completed by September 2009.
Toilet Facilities at Lake Weelara (Duck Lake) and McKail Lake	Build ablution facilities for either Lake Weelara (Duck Lake) or McKail Lake	Likely cost approximately \$100,000 for each facility
Emu Point Foreshore (Cunningham Street)	Extend cycleway and redesign area where buildings have been removed	Likely cost approximately \$150,000
Emu Point Marina	Move toilet block and improve access facilities	Likely cost approximately \$200,000
Town Square - Stage 1	Redevelopment of the town square	This matter is the subject of a planning study by Patric Devilliers. A concept plan has not yet been finalised which may create delays in completing works by September 2009. No costing work has been completed.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.2 continued.

<p>Amity Heritage Precinct</p>	<p>A master plan has been developed for improving the precinct around the Brig Amity, WA Museum and Old Gaol and has been adopted by Council as a guide to improvements as funds become available</p>	<p>Improvements identified in the master plan included public toilets, amenities such as picnic settings, bins, lighting, bike rails, bollards, fencing. Hard Landscaping (eg Forecourts to the Gaol, Eclipse and Old Police buildings, footpaths, new paved car park for the Gaol, Closure of the western entry road and construction of car parks. At least \$500,000 would be required for these works.</p> <p>It is recommended negotiations with the new State Government commence in the form of an MOU to progress this project and seek support from the new Royalties for Regions program.</p>
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**SUMMARY CONCLUSION**

18. Australian Government grant funding of \$626,000 from Component 1 of the Regional and Local Community Infrastructure Program (RLCIP) is available for eligible capital works projects. Staff recommend that the funds be allocated as follows:

<p>Anzac Peace Park Pier of Remembrance</p>	<p>\$500,000</p>
<p>Mt Clarence Car-park and Interpretation Upgrade</p>	<p>\$100,000</p>
<p>Mount Clarence All Terrain Cycling Area</p>	<p>\$26,000</p>

**ITEM NUMBER – 14.3.2 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

ADVISE the Department of Infrastructure, Transport, Regional Development and Local Government that the \$626,000 allocation from Component 1 of the Australian Government’s Regional and Local Community Infrastructure Program is to be expended on the following projects:

- a. Anzac Peace Park Pier of Remembrance \$500,000
- b. Mt Clarence Car-park and Interpretation Upgrade \$100,000
- c. Mount Clarence All Terrain Cycling Area \$26,000

*Maps and diagrams of projects recommended for funding under component 1 of the Australian Government’s Regional and Local Community Infrastructure Program follow this report.*

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.2 continued

**ALTERNATE MOTION BY COUNCILLOR BUEGGE**

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**ITEM NUMBER: 14.3.2**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: BUEGGE**

**SECONDED COUNCILLOR: WISEMAN**

**THAT COUNCIL:**

- (a) **Lay this matter on the table;**
- (b) **Convene a briefing on Thursday 18 December 2008 with relevant staff to consider projects that are eligible for funding under the Regional and Local Community Infrastructure Program, and;**
- (c) **Convene a Special Council Meeting at 7.00pm on 23 December 2008 to decide on projects to be funded.**

**MOTION LOST 4 – 6**

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**Councillors Reason:**

- (a) There was no engagement by staff, to the Council on this matter. A meeting should have taken place, briefing Council on the program and eligible projects. There are other numerous projects that, albeit dull, small or unremarkable, are just as worthy contenders to this funding that could enhance the cultural and recreational value of our City for it's people.
- (b) With over five years before the Centenary of the ANZAC, future opportunities will arise for funding of the listed ANZAC projects.
- (c) The likelihood of the Pier of Remembrance being completed by September 2009 is remote.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.2 continued

**ALTERNATE MOTION BY COUNCILLOR PRICE**

**ITEM TITLE: Australian Government's Regional and Local Community Infrastructure Program (RLIP) – Expenditure of Grant Allocation**

**DATE & TIME RECEIVED: 11 DEC 08 AT 11.30AM**

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**ITEM NUMBER: 14.3.2**

**ALTERNATE MOTION BY COUNCILLOR PRICE**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: PRICE**

**SECONDED COUNCILLOR: WISEMAN**

**THAT COUNCIL:**

**ADVISE the Department of Infrastructure, Transport, Regional Development and Local Government that the \$626,000 allocation from Component 1 of the Australian Government's Regional and Local Community Infrastructure Program is to be expended on the following projects:**

- |   |           |
|---|-----------|
| a) Anzac Peace Park Pier of Remembrance             | \$400,000 |
| b) Albany Surf Life Saving Club Extension (Stage 1) | \$100,000 |
| c) Mt Clarence Memorial Place Upgrade               | \$100,000 |
| d) Mount Clarence All Terrain Cycling Area          | \$26,000  |

**MOTION LOST 4 – 6**

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**Councillors Reason:**

The Albany Surf Life Saving Club has written to the City of Albany seeking a contribution of an additional \$100,000, sourced from the Australian Government's Regional and Local Community Infrastructure Program to enable completion of Stage One of its \$1.3m extension. Stage One will include a new club office, first aid room and storage facility. Future stages of the project will commence subject to achieving additional financial resources in the order of \$500,000.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.2 continued

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**ITEM NUMBER – 14.3.2 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: WALKER**

**SECONDED COUNCILLOR: STANTON**

**THAT Council:**

**ADVISE the Department of Infrastructure, Transport, Regional Development and Local Government that the \$626,000 allocation from Component 1 of the Australian Government’s Regional and Local Community Infrastructure Program is to be expended on the following projects:**

<b>d. Anzac Peace Park Pier of Remembrance</b>	<b>\$500,000</b>
<b>e. Mt Clarence Car-park and Interpretation Upgrade</b>	<b>\$100,000</b>
<b>f. Mount Clarence All Terrain Cycling Area</b>	<b>\$26,000</b>

**MOTION CARRIED 6 – 4**

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**OFFICERS REPORT**

Author: Manager Economic Development (J.Berry)

**STATUTORY IMPLICATIONS**

No Change

**POLICY IMPLICATIONS:**

No Change

**FINANCIAL IMPLICATIONS:**

If adopted, the alternative motion will result in a reduction of \$100,000 of funding available for the Anzac Peace Park Pier of Remembrance. These funds would be to the Albany Surf Lifesaving Club for Stage One of its extension plans.

A formal assessment of the estimated total cost of the Pier of Remembrance is currently being undertaken by the Executive Director Works and Services and will be reported at the December Council meeting. If there is a shortfall in funding for the Pier of Remembrance as a result of this motion being adopted, then the project will not be able to proceed as outlined in the concept plan or may need to be reduced in scope.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

No Change.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.2 continued

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

No Change

**COMMENT:**

Should Council adopt the alternate motion a funding agreement with the Australian Government would be prepared that would include the Surf Club extension project. The City of Albany will be ultimately responsible for the performance of the Funding Agreement. Therefore Council will need to ensure the extension of Stage One of the Albany Surf Lifesaving Club is completed in accordance with funding contractual conditions and will need to work with the ASLC Inc to ensure key project milestones are achieved.

The assessment methodology used to recommend projects to Council was based on projects meeting the following conditions

- (a) Alignment with Corporate Strategy - Senior staff reviewed projects that were the subject of concept plans/strategies already adopted by Council but were fully or partially unfunded. The projects recommended arose out of the Anzac Peace Park Concept Plan (Pier of Remembrance) and the Mounts Management Plan (Memorial Place on Mount Clarence and proposed Mountain Bike Track)
- (b) Likelihood of Alternative Funding - The recommended projects were deemed to be unlikely to achieve funding from alternative sources as Programs had already been applied to and were unsuccessful. This was particularly the case for the Anzac Peace Park Pier of Remembrance that had been declined by the Federal Department of Veterans Affairs, with all other sources already exhausted.
- (c) Program Criteria – The guidelines state that projects must be 'ready to commence' and capable of being completed by 30 September 2009. Staff deem the projects recommended to Council as likely to be able to meet these criteria.

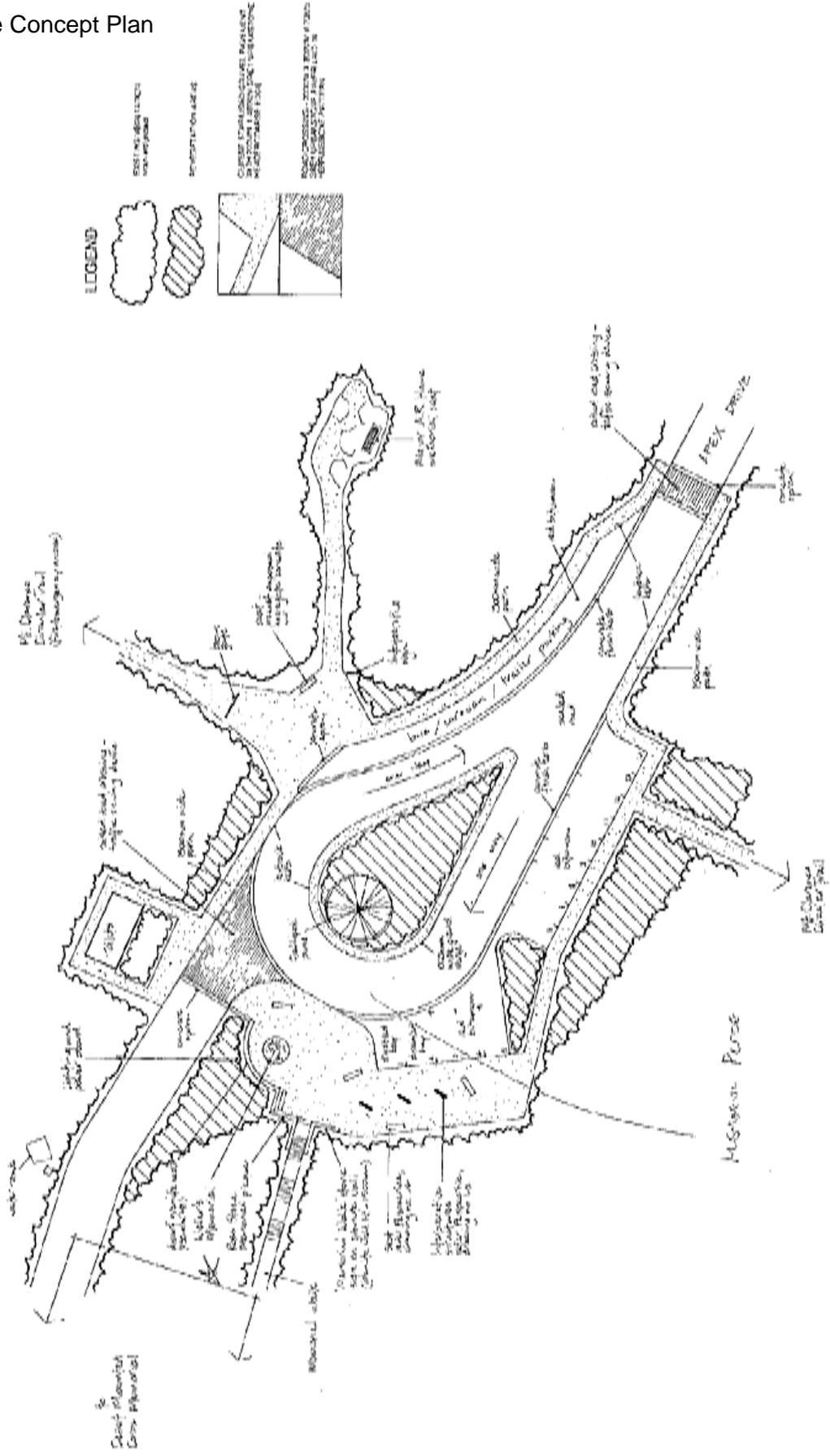




GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.2 continued.

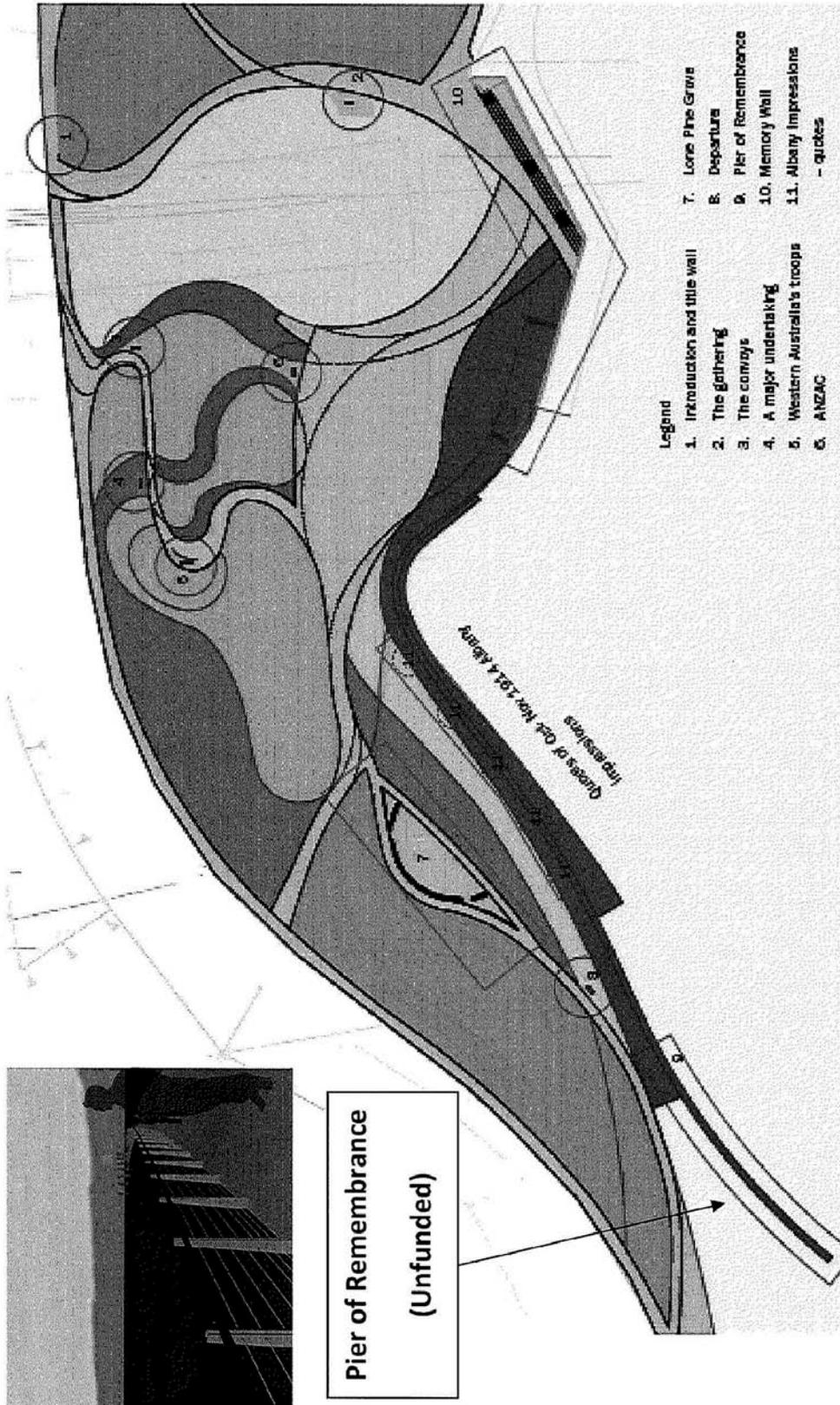
Memorial Place Concept Plan



GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.2 continued.

ANZAC Peace Park



**GENERAL MANAGEMENT SERVICES REPORTS**

**ITEM NUMBER: 14.3.3**

**ITEM TITLE: Australian Government’s Regional and Local Community Infrastructure Program (RLIP) – Application for Strategic Projects Funding**

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER: Executive Function.** Council setting strategic direction and overseeing the operational functions of the City.

<b>File Number or Name of Ward</b>	:	STR004/All Wards
<b>Summary of Key Issues</b>	:	Council to Consider making application to the Australian Government’s \$50m Regional and Local Infrastructure Program ( <i>Strategic Projects</i> ) for \$3 million for Stage II of the Albany Leisure and Aquatic Centre redevelopment [ <i>Council Submission required by 23 December 2008.</i> ]
<b>Land Description</b>	:	N/A
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Community Development (M. Weller) Executive Director for Corporate and Community Services (P. Madigan) Manager Economic Development (J. Berry)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	N/A
<b>Bulletin Attachment Reference</b>	:	Guidelines - \$50m Regional and Local Infrastructure Program ( <i>Strategic Projects</i> ) 2008/09

**Maps and Diagrams:**

1. A concept map of the ALAC stage II project is currently being prepared. This will be distributed to council prior to consideration of this item.

**BACKGROUND**

2. On 18 November 2008, the Prime Minister, the Hon Kevin Rudd MP, announced that the Australian Government will contribute \$300 million to local councils and shires and their communities in 2008-09 to stimulate growth and economic activity across Australia.
3. The funding will be available for new construction and major renovations or refurbishment of assets, ranging from access facilities such as walkways and boat ramps; through to social and cultural spaces; facilities for recreation, tourism, children, youth and seniors; and environmental initiatives.
4. The Regional and Local Community Infrastructure Program (RLCIP) will have two components.
5. This item relates to the second component (RLCIP - Strategic Projects) which makes available up to \$50 million in 2008-09 to local government on a nationally competitive basis.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.3 continued.

6. Funding will be available for large strategic projects seeking a minimum Commonwealth contribution of \$2 million. Larger projects and projects which include partnership funding will be given preference.
7. Projects will be assessed by the Department of Infrastructure, Transport, Regional Development and Local Government on a tight timetable. All councils and groups of councils are eligible to apply for funds under RLCIP - Strategic Projects. Councils may also apply on behalf of not-for-profit organisations.
8. Eligible projects must be 'ready-to-proceed' (the project must be ready to commence construction within six months of signing a Funding Agreement [contract]), or may be additional stages to projects that are currently underway.
9. Completed applications must be received by the Department by 4pm (Australian Eastern Daylight Saving Time) on 23 December 2008.
10. This item discusses the potential for submission of funding towards the completion of the Albany Leisure and Aquatic Centre (Stage II) project.

**DISCUSSION**

11. The proposal to consider the ALAC stage II project is based on community need, the belief that this project could realistically be commenced within the allowed timeline and that council had allocated this the highest priority out of recreation projects within the previous 5 year financial plan.
12. A number of other potential city projects were ruled out of consideration as a result of the month timeline between announcement of funding and the deadline for submissions, the criteria detailed above and the quantity of planning work required to submit an application by the deadline.

**PUBLIC CONSULTATION / ENGAGEMENT**

13. The components contained within the Albany Leisure and Aquatic Centre (ALAC) stage II project were proposed in the 'feasibility study for indoor recreation and aquatic facilities' adopted by council in June 2003.
14. This study and the subsequent concept planning and design of the ALAC involved significant public consultation in the form of community workshops and written submissions.
15. In October 2008 council adopted the 'Recreation Planning Strategy'. The need for ALAC stage II was highlighted by sporting groups during the consultation for this document.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.3 continued.

16. The timeline for preparation and submission of this item and subsequent funding submission has not allowed for further community consultation in relation to the community's perceived priority of the ALAC stage II (compared to other potential major projects).

**GOVERNMENT CONSULTATION**

17. During preparation of this item government consultation occurred in relation to the Albany Waterfront and Albany Leisure and Aquatic Centre Stage II respectively.
18. Verbal advice was received from the Australian Government's Department of Infrastructure, Transport, Regional Development and Local Government that a contribution to the Albany Entertainment Centre will not be eligible as the project has commenced, however ALAC Stage II is 'additional' to works already undertaken and would be eligible.
19. Written confirmation of this advice has been requested.
20. The City has written to the Premier seeking the time line for release of a pre-election commitment of \$8m committed toward a redevelopment of sporting facilities in Centennial Park.

**STATUTORY IMPLICATIONS**

21. There are no statutory implications relating to this matter.

**FINANCIAL IMPLICATIONS**

22. Preliminary estimates have been undertaken for the full scope of stage II of ALAC as being \$9-10 Million. This was based on work to the facility to allow it to meet demand for 5-10 years and includes a timber sprung floor 4 court stadium (over existing outdoor netball courts), retractable seating for a centre court, additional storage space, change rooms/ toilets, office/ clubroom space for user groups, additional outdoor netball/ multisport courts an outdoor BBQ/ social area, stage II adventure equipment to existing stadium and stage II car parking through road to Sanford Road.
23. Given that the achievement of capital funding for the above may not be realistic based on councils likely commitments in the next five years, a reduced scope including a timber sprung 4 court stadium only, is estimated to bring the project to \$8 Million.
24. Current estimates are preliminary in nature and due to time constraints were not able to be undertaken by an architect and/or quantity surveyor.
25. Quotations have been sought and local Architectural firm Howard Heaver & Associates were engaged on the 1<sup>st</sup> December 2008 to prepare a preliminary concept design and costing, it is intended that this will be brought before council prior to the December 2008 ordinary council meeting. In the event that the new estimates differ from those of this item an amended staff recommendation will be submitted.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.3 continued.

26. The recreation masterplan (which is currently being prepared for consideration as part of councils five year financial plan) aims to deliver a prioritised list of major Albany recreation projects, with capital scope estimated, for determination on future implementation.
27. The decision to submit an application for the ALAC stage II would require a determination from council to prioritise funding for this project prior to consideration and adoption of the recreation masterplan and councils five year financial plan, this will reduce the funding available for other City projects in councils five year plan.
28. It is proposed that the following funding break-up is initiated for ALAC stage II (base option)

<b>Contributor</b>	<b>Funding</b>
WA State Government	\$3 Million
Federal Government (RLCIP application)	\$3 Million
City of Albany	\$2 Million
<b>Total</b>	<b>\$8 Million</b>

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

Community Vision:

*Nil*

Priority Goals and Objectives:

*Goal 2 - Economic Development ... Albany will be Western Australia's first choice for regional investment offering a wide range of development, employment and learning opportunities within a robust economy.*

*Goal 1 - Lifestyle & Environment ... Albany will be Western Australia's regional City of first choice offering a diverse range of healthy and active lifestyle opportunities, with energy efficient housing and development that respects our environment.*

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

*Objective 1.4 - Our cultural and artistic communities are valued, celebrated and supported*

City of Albany Mission Statement:

*At the City of Albany we are ethical and operate within our strategic and policy framework*

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.3 continued.

**POLICY IMPLICATIONS**

30. There are no policy implications relating to this matter.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

31. Given that selection of the Albany Leisure and Aquatic Centre project requires its prioritisation prior to consideration of other major capital items within the 5-year financial plan (to be completed march 2009) – council could choose not to submit any application.
32. This would allow full consideration and prioritisation of all 5-year financial plan projects however would result in council and forgoing any potential funding under the current round of the RLCIP program.
33. The Federal government have stated that further funding offered under the RLCIP will be subject to the May 2009 budget. As a result there may be opportunity for future application.
34. Council could also determine that application for another major recreation/ other City project is prioritised. In this instance it would be recommended that staff are contacted with as much notice prior to the 16<sup>th</sup> December meeting to allow preparation of advice in relation to eligibility and compliance of proposed alternate projects.

**SUMMARY CONCLUSION**

35. A \$50m competitive grants program with very tight deadlines is available under the Regional and Local Community Infrastructure Program (RLCIP) for projects seeking at least \$2m assistance from the Commonwealth.
36. It is recommended council prioritise the ALAC stage II project, seek an amount of \$3 million from the RLCIP program (subject to allocation of \$3 million from the State Government) and allocate \$2 million in City funding towards the project.
37. Further City capital projects and the ability to leverage further external funds, will be considered as part of councils 5- year financial plan process to be completed by April 2009.

*Councillor Matla left the chamber at 10.35pm and returned at 10.37pm*

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.3 continued.

Councillor Matla left the Chambers at 10.36pm

Councillor Paver left the Chambers at 10.37pm

Councillor Matla returned to the Chambers at 10.39pm.

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**ITEM NUMBER – 14.3.3 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: BUEGGE**

**SECONDED COUNCILLOR: STANTON**

**THAT Council:**

- i) **SEEK funding of \$3 Million from the RLCIP strategic projects program toward Stage II of the Albany Leisure and Aquatic Centre upgrade, subject to written confirmation that the WA Government will re-allocate \$3 Million of the Liberal Party's \$8 Million pre-election commitment to Centennial Park Facilities to support the funding application.**
- ii) **ALLOCATE within the City's 5 year financial plan \$2 Million of Council capital funds for expenditure in July 2010, toward completion of the ALAC stage II project.**

**MOTION CARRIED 9 – 0**

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**GENERAL MANAGEMENT SERVICES REPORTS**

**14.4 CORPORATE GOVERNANCE**

**ITEM NUMBER:** 14.4.1

**ITEM TITLE:** APPOINTMENT OF MEMBERS TO VACANT COMMITTEES

**THE NATURE OF COUNCIL'S ROLE IN THIS MATTER:** **Executive Function.** Council setting strategic direction and overseeing the operational functions of the City.

**File Number or Name of Ward** : MAN 200 (All Wards),  
**Summary of Key Issues** : Ascertain whether the vacancies resulting from the resignation of Councillors Chris Morris and Nicolette Williams can be filled after the extraordinary election.  
**Reporting Officer(s)** : Corporate Governance Coordinator (S Jamieson)  
**Disclosure of Interest** : Nil  
**Previous Reference** : SCM 6/11/07, OCM 15/01/08, OCM 19/02/08

**Bulletin Attachment Reference** : Nil

**BACKGROUND**

1. As a result of the resignations of Councillors Morris and Williams there is currently vacancies on the following internal and external committees:
  - a. Airport Emergency Committee (2 Councillors);
  - b. Airport Users Group Advisory Committee (1 Councillor);
  - c. Albany Entertainment Centre Interior Design Advisory Committee (5 Councillors);
  - d. ANZAC Centenary Commemorations Guide Committee (5 Councillors)
  - e. Streetscape Advisory Committee ( 5 Councillors);
  - f. Tourism Marketing Advisory Committee ( 3 Councillors);
  - g. Town hall Theatre Advisory Committee; and
  - h. Youth Advisory Committee (1 Councillor) – External Committee.
  
2. From the above list the following committees have no representatives:
  - a. Airport Users Group Advisory Committee (1 Councillor);
  - b. Youth Advisory Committee (1 Councillor).

**DISCUSSION**

3. It is recommended that no representatives be appointed to committees that have representatives till after the 28<sup>th</sup> February 2008 extraordinary election to allow newly appointed elected members the opportunity to vie for positions.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.4.1 continued.

4. The following details the Terms of Reference and meeting times for each committee that now has a vacancy:
  - a. **Airport Emergency Committee (2 Councillors).**
    - i. **Terms of Reference:** To review the Albany Airport's emergency procedures and analyse the annual emergency exercise.
    - ii. **Meeting dates, times and venue:** To coincide with annual Emergency exercises or as otherwise determined.
    - iii. **Remarks:** Annual emergency exercise is now run as a desktop activity.
  - b. **Airport Users Group Advisory Committee (1 Councillor)**
    - i. **Terms of Reference:** Provide advice to Council on the strategic development of the airport to meet the future needs of the region.
    - ii. **Meeting dates, times and venue:** This committee meets as a group quarterly at the City's office at 10.30am.
    - iii. **Remarks:** As a result of Councillor Morris's resignation, this committee does not have an elected member. Next scheduled meeting is due to be held in February 09; However, this could be delayed to March 09.
  - c. **Albany Entertainment Centre Interior Design Advisory Committee (5 Councillors)**
    - i. **Terms of Reference:** Committee of Elected members be established to provide input into of the interior fit-out (including colours and styles of seating, wall finishes, carpeting etc , but excluding public art (being considered by an established Panel including Mayor Evans) . The Department of Housing and Works, architects Cox Howlett Bailey Woodland and a staff member will assist the proposed Committee.
    - ii. **Meeting dates, times and venue:** On an as required basis. Next meeting not scheduled till March 2009.
  - d. **ANZAC Centenary Commemorations Guide Committee (5 Councillors)**
    - i. **Terms of Reference:** OCM 15/07/08 Item 14.3.2: i) establish a Committee to guide the City's ANZAC Centenary commemorations with the terms of reference being to: establish a framework to guide Council's role in the 2014/15 commemorations; prepare a draft business plan outlining a program of activities for 2014/15; and recommend a process to engage other stakeholders that may have an interest in commemorating the Centenary.
    - ii. **Meeting dates, times and venue:** First meeting is scheduled to be conducted March 09.
  - e. **Streetscape Advisory Committee ( 5 Councillors)**
    - i. **Terms of Reference:** Overseeing the development of a Streetscape Strategy within Albany.
    - ii. **Meeting dates, times and venue:** On an as required basis. Normally meet on the Thursday after a Council meeting. Next scheduled meeting to be conducted January 09.
  - f. **Albany Tourism Marketing Advisory Committee ( 3 Councillors)**
    - i. **Terms of Reference:** To facilitate the preparation of a tourism marketing plan.
    - ii. **Meeting dates, times and venue:** Bi-monthly, or as necessary at the City of Albany Offices. Next scheduled meeting to be conducted February 09.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.4.1 continued.

- g. **Town Hall Theatre Advisory Committee (2 Councillors)**
  - i. **Terms of Reference:** Responsible for advising on the future direction of the Town Hall Theatre.
  - ii. **Meeting dates, times and venue:** Bi-monthly. 1st Wednesday of the month at 10am. Held in the months of: Feb, Apr, Jun, Aug, Oct & Dec. Next scheduled meeting to be conducted February 09.
- h. **Youth Advisory Committee (1 Councillor)**
  - i. **Terms of Reference:** To act as a consultative forum for Council, Youth Organisations and State/Federal Government in relation to youth issues. Plan and initiate youth programs and events
  - ii. **Meeting dates, times and venue:** Fortnightly on a Wednesday, 5pm – 6pm at the PCYC or City of Albany Offices.
  - iii. **Remarks:** Next scheduled meeting to be conducted January 09. As a result of Councillor Williams’s resignation this committee does not have an elected member representative.

**PUBLIC CONSULTATION / ENGAGEMENT**

5. Not applicable.

**GOVERNMENT CONSULTATION**

6. Not applicable.

**STATUTORY IMPLICATIONS**

7. The Local Government Act 1995 states that the voting requirement for appointment of committee is Absolute Majority.

*“5.10. Appointment of committee members*

*(1) A committee is to have as its members —*

*(a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*

*(b) persons who are appointed to be members of the committee under subsection (4) or (5).*

*\* Absolute majority required.”*

**FINANCIAL IMPLICATIONS**

8. Nil

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.4.1 continued.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

***Community Vision:***

*Nil*

***Priority Goals and Objectives:***

*Goal 2: Economic Development ... Albany will be Western Australia's first choice for regional investment offering a wide range of development, employment and learning opportunities within a robust economy.*

***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**

10. There are no policy implications.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

11. **Option One.** Fill all the vacancies as detailed in the report.
12. **Option Two.** Fill only the vacancies that exist on the committees that have now have no elected member representatives and fill the remaining vacancies after the extraordinary election to be held on the 28<sup>th</sup> February 2008.
13. **Option Three.** That Council not appoint any Councillors to fill the vacancies till after the Extraordinary Election scheduled to be conducted on the 28<sup>th</sup> February 2009.

**SUMMARY CONCLUSION**

14. Option Three is the recommended option as this will provide the opportunity for the newly elected members to vie for the vacant positions on these committees.

*Councillor Paver returned to the Chambers at 9.40pm.*

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**ITEM NUMBER – 14.3.1 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: PRICE**

**SECONDED COUNCILLOR: BUEGGE**

**THAT Council NOT APPOINT any Councillors to fill the vacancies till after the Extraordinary Election scheduled to be conducted on the 28<sup>th</sup> February 2009.**

**MOTION CARRIED 10 – 0**

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**GENERAL MANAGEMENT SERVICES REPORTS**

**14.5 GENERAL MANAGEMENT SERVICES COMMITTEES**

Nil

## **15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN**

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### **VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: PRICE**

**SECONDED COUNCILLOR: MATLA**

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

**MOTION CARRIED 10 – 0**

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## **16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

### **17.0 MAYORS REPORT**

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#### **Fellow Councillors:**

It is once again my pleasure to present this month's report on behalf of Mayor Milton Evans, the final meeting for 2008.

I take this opportunity to thank Councillors and Staff of the City of Albany for the contribution they have made to a very successful year for the community. It has been a positive and rewarding year for Council with many major projects underway, or well into the planning processes, and early indications are that 2009 will be another exciting year for the City.

Today CEO - Paul Richards and Manager Economic Development - Jon Berry, attended the official launch of 'Royalties to Regions' in Perth with The Hon Brendon Grylls MLA and the Premier of Western Australia, The Hon Colin Barnett MLA. Unfortunately I was unable to attend the launch due to Skywest cancelling the afternoon flight from Perth today, which would have prevented me from being back in time for this meeting. This is a matter I intend to take up separately with Skywest.

I have, however, received feedback from today's launch and I am delighted to announce that the City of Albany was allocated \$1.568M under the Country Local Government Fund allocation for 2008/09, from the Royalties for Regions program.

Guidelines for claiming the payments will be available early in 2009 and staff will be working with Councillors to determine a methodology to allocate funding to eligible projects.

The City of Albany will continue to advocate and lobby the State Government for improved Health Services, including the Hospital upgrade, and improved sports infrastructure.

It is important that we advocate strongly to both the State and Federal government to support the future prosperity of Albany.

Item 17.0 continued

On the 24<sup>th</sup> November, myself, Councillors and Senior Staff met with Opposition Leader Eric Ripper and Shadow Ministers who are also keen to work with Council to assist in lobbying the State Government for funding and completion of major Albany projects.

Over the last few weeks it has been my pleasure to attend student Graduation Ceremonies at our local schools. I have greatly enjoyed sharing the achievements of all students across this wonderful City of ours and in particular it was a great honour to formally recognise students who have demonstrated outstanding leadership or citizenship with a Mayoral Award.

Some of the other significant events that occurred over the past month which either I or Councillors officiated at were the:

- Be Active Games for Seniors in Care
- The inaugural Memorial Service for HMAS Sydney
- Thank a Volunteer Day with Kevin Sheedy; and
- The City of Albany Christmas Pageant

Once again, I would like to acknowledge those Councillors who have represented the Mayor, and Council, at most of the events to which we were invited.

I take this opportunity to wish all Councillors and Staff of the City of Albany, and the community of Albany a very safe and happy Christmas and a prosperous and exciting New Year.

Thank you.

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**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR: PRICE**

**SECONDED COUNCILLOR: WALKER**

**THAT the Mayor's Report dated 16<sup>th</sup> December 2008 be received.**

**MOTION CARRIED 10 - 0**

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

**ITEM NUMBER:** 18.1  
**ITEM TITLE:** Assessment of Flood Damage from Storms on 20-21 and 26 November 2008

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

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

<b>File Number or Name of Ward</b>	:	COM088; SER076 (All Wards)
<b>Summary of Key Points</b>	:	Approve expenditure for immediate works required from storm damage, and the reallocation of funds from nominated road projects to help offset the costs of the disaster management issues caused by 20-21 & 26 November 2008 flood events.
<b>Land Description</b>	:	Various
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	Various
<b>Reporting Officer(s)</b>	:	Executive Support Officer Grant Funding and Finance (S Pepper)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Bulletin Attachment(s)</b>	:	Nil

**Maps and Diagrams:**

N/A

**BACKGROUND**

1. During the early hours of Friday morning 21<sup>st</sup> November 2008 and at midday 26<sup>th</sup> November 2008, the City experienced significant rainfall events that flooded up to twenty five (25) homes and business and caused extensive property and civil infrastructure damage.
2. With over three hundred and fifty (350) reports received, the City Works crew have worked to establish the full extent of the damage and to prioritise our response. City Assets engineers have also recorded data to establish where design remediation is required and to scope future improvements to the drainage system.

**DISCUSSION**

3. The flood events will have a long term impact on the City’s resources as staff seek to respond to the urgent matters and identify the full extent of future works.

Item 18.1 continued

4. There are some flooding concerns affecting private property, that will require careful assessment of current drainage and floodplain issues, against the “one-in-one hundred’ flood occurrences, to provide the best method of resolving any further potential flooding. These works will be managed by assessing the larger picture of potential flood areas, and what road and drainage options are available to improve flood management.
5. The Acting Mayor has been briefed on the level of damage caused by the November 2008 storms, and the ramifications of the additional works. In accordance with the Local Government Act, the Mayor’s prior approval has been sought, to authorise expenditure for the storm emergency.
6. The FESA Natural Disaster Relief Assistance program requires a council to provide to Main Roads, estimates on the level of damage to local roads, to appraise whether the financial threshold for disaster relief funding is triggered (\$240,000). The City’s current figures for local road damage indicate an amount of \$820,000, but it should be noted, this is only an estimate, based on reported flood damage.
7. Main Roads requested information on the damage to local roads which included estimate to re-instate, names of roads impacted and the event that caused the damage – the following data was supplied –

• Admiral St -	\$60,400
• Spencer St -	\$9,505
• Suffolk St -	\$51,006
• Simms St -	\$12,708
• Mindijup Rd -	\$82,000
• Churchlane -	\$17,745
• Brunswick Rd -	\$98,000
• Betty’s Beach/Norman Beach/East Bay Rds -	\$138,062
• Boulton Lane -	\$90,000
Works to date -	\$128,753
Minor works -	\$132,000

**Total** **\$820,179**

8. The Acting Director of Works has sought a review of Council approved works projects, to indentify those that could be deferred, to allow for the immediate flood and drainage works to be attended to. The intention would be to defer selected projects to 2009/10 financial year, which would allow those moneys totalling \$333,000 to be re-directed to flood identified drainage issues, and allow staff to focus on the emergency works needs.

Item 18.1 continued

9. The jobs identified include –

- Range Court Road - works include asphalt overlay, partial reconstruction, new kerb; budget \$155,000;
- John Street – reconstruction section of road; budget \$103,000; and
- Newbey Street – partial reconstruction, asphalt overlay and new kerb each side; budget \$75,000

10. A further two projects have been identified that will be contracted out, to alleviate pressure on the Works team. Although contractors will be used for these projects, some additional costs will be incurred, as the works would still require Council supervision. The jobs are –

- Millbrook Rd – reconstruction of various sections – budget - \$314,000; and
- Down Rd Intersection – slip lanes to be installed - budget - \$300,000.

11. While the Capital Works projects identified are prioritised through the fifteen year program, the deferral of the nominated jobs to next year, will allow the current emergency works to be completed as they are seen as vital to the needs of the community.

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

12. The City has liaised with affected property owners and businesses, endeavouring to collate the various types of damage and prioritise the nature of the works, to assess the best methods of addressing the flood issues. People with concerns about damage to private property have been referred to their insurance companies, while matters relating to public property (eg: roads, paths, etc) have been assessed by Council staff.

#### **GOVERNMENT CONSULTATION**

13. Initially, Council liaised with the various emergency services, but has also been consulting with Main Roads and Fire Emergency Services Authority of WA (FESA), regarding the Natural Disaster Relief Assistance program.

14. The State and Australian governments provide a range of relief measures to assist communities severely affected by bushfire, earthquake, storm, etc through the Natural Disaster relief Assistance program. Once a proclamation for an area has been declared under the WA Disaster program, assistance can be provided up to 75% of the costs of restoration of local roads, and grants of up to 75% of the costs of approved restoration or replacement works for public assets.

Item 18.1 continued

## **STATUTORY IMPLICATIONS**

15. Under the Local Government Act 1995, section 6.8 –

- “(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure -
- a) is incurred in a financial year before the adoption of the annual budget by the local government;
  - b) is authorised in advance by a resolution\*; or
  - c) is authorised in advance by the mayor in an emergency.

\*Absolute majority required.

(1a) In subsection (1) –

“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

(2) Where expenditure has been incurred by a local government –

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to (1)(c), it is to be reported to the next ordinary meeting of the council.”

## **FINANCIAL IMPLICATIONS**

16. The full cost of the flood damage caused by the November 2008 storms will not be known for some time, as reports of damage are still filtering in, and staff have not yet completed an assessment of each type of remediation works required.
17. It is recommended, that as the projected cleanup will take up to a further two to three months, to offset these delays, the additional costs and works, selected Capital Works projects be deferred until next year.
18. Emergency cleanup works already total \$128,753, and estimates for the known major road/drainage repair works total \$559,426, with further costs expected, as other reported incidents come to light. It is anticipated, that as more accurate costs become available, a further report would be submitted to Council.
19. With the expected proclamation of the disaster area from FESA, it is expected Council will be able to submit claims of up to 75% re-imbusement for works completed. Until the disaster area declaration, it is proposed to source the emergency works costs from the Roads Masterplan Reserve.

Item 18.1 continued

## **STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

*“Community Vision:*

*Nil.*

*Priority Goals and Objectives:*

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

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

*City of Albany Mission Statement:*

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

## **POLICY IMPLICATIONS**

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

## **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

22. If the City did not wish to defer the nominated Capital Works projects, the Council would be forced to seek outside contractors to complete the works, but would still incur additional costs, as the works would require Council supervision. It should be noted, the Works teams would not be able to complete the 2008/09 Council approved projects, as well as the extra works related to the storm/flood damage.

## **SUMMARY CONCLUSION**

23. The November 2008 storms have caused a major impact on the provision of services supplied by the Works and Services team, which will have a flow-on effect throughout the approved Council budgeted projects under this teams' responsibility.
24. The immediate works associated with the disaster are being prioritised and attended to, as quickly as possible, with the larger, more complex tasks being scrutinised, to maximise the restoration works required.

Item 18.1 continued

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**ITEM 13.1 - OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT – ABSOLUTE MAJORITY**

**MOVED COUNCILLOR: PRICE**  
**SECONDED COUNCILLOR: STANTON**

**THAT Council:**

- i) **APPROVE** expenditure of \$128,753 for the immediate emergency works from the Roads Masterplan Reserve; and
- ii) **APPROVE** the reallocation of funds totalling \$333,000 from Range Court Road, Newbey St and John St road projects to help offset the costs of the disaster management issues caused by the 20<sup>th</sup>, 21<sup>st</sup> & 26<sup>th</sup> November 2008 storms.

**MOTION CARRIED 10 – 0**  
**ABSOLUTE MAJORITY**

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**19.0 CLOSED DOORS**

Nil

**20.0 NEXT ORDINARY MEETING DATE**

Tuesday 20<sup>th</sup> January 2009, 7.00pm

**21.0 CLOSURE OF MEETING**

There being no further business the Deputy Mayor declared the meeting closed at 10.50pm.

Confirmed as a true and accurate record of proceedings.

---

Milton John Evans, JP  
**MAYOR**

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

<b>Meeting Date</b>	<b>Report Item no.</b>	<b>Title/Action</b>	<b>Status</b>
21/10/08	11.1.3	Development Application – Group Dwelling Lot 3 Queen Street, Little Grove. Requested to be presented at 18/11/08 OCM.	Removed from Agenda. Will not be considered till the Little Grove Structure plan has been adopted by Council and endorsed by the WAPC.
21/10/08	11.3.1	Scheme Amendment Request – Lots 44, 19 and Pt. 800 Lower Denmark Road, Cuthbert	Detailed at report item 11.3.1.

## WRITTEN NOTICE OF DISCLOSURE

Name	Item Number	Nature of Interest
Councillor Wiseman	11.1.1	Financial. Councillor owns competing business for tourist accommodation. Councillor left the Chamber.
Councillor Paver	11.1.1	Impartiality. Councillor supplies gratuitous tourist information service to proponent. Councillor remained in the Chamber for the debate and vote.
Councillor Kidman	11.1.3	Financial. Councillor has a tenant who is a block manufacturer. Councillor left the Chamber.
Councillor Wiseman	11.3.3	Proximity. Councillor owns property close to the subject site. Councillor left the Chamber.
Councillor Price	11.3.3	Proximity. Councillor owns property at 70 Spencer St., Albany. View from Councillors property may be affected by the development. Councillor left the Chamber.
Councillor Wiseman	11.6.1	Proximity. Councillor owns property detailed in Committee Meeting Minutes. Councillor left the Chamber.
Councillor Paver	12.8.2 Committee Recommendation 1	Financial. Councillor supplies marketing services to ALAC. Councillor left the Chamber.
Councillor Paver	12.8.2 Committee Recommendation 3	Financial. Councillor supplies marketing services to ALAC. Councillor left the Chamber.
Councillor Paver	12.8.2 Committee Recommendation 4	Financial. Councillor supplies marketing services to ALAC. Councillor left the Chamber.
Councillor Paver	12.8.2 Committee Recommendation 5	Financial. Councillor supplies marketing services to ALAC. Councillor left the Chamber.
Councillor Paver	14.3.1	Impartiality. Councillor supplies marketing services to city of Albany. Councillor remained in the Chamber for the vote.
Councillor Paver	14.3.3	Financial. Councillor supplies marketing services to ALAC. Councillor left the Chamber.

**INTEREST DISCLOSED DURING THE COURSE OF THE MEETING**

Name	Item Number	Nature of Interest
Nil		

**INTEREST DISCLOSED BY OFFICERS**

Name	Item Number	Nature of Interest
CEO Richards	11.1.4	Proximity. CEO rents property which is in close proximity to the proponents. CEO remained in the Chamber.

Agenda Item 12.1 refers

**SUMMARY OF ACCOUNTS  
CERTIFICATE**

**Municipal Fund**

Municipal Fund			
	Cheques	Totalling	\$116,624.97
	Electronic Fund transfer	Totalling	\$2,406,579.72
	Credit Cards	Totalling	\$13,839.52
	Payroll	Totalling	<u>\$771,691.88</u>
		<b>Total</b>	<b>\$3,308,736.09</b>

**CHIEF EXECUTIVE OFFICER**

This schedule of accounts to be passed for payment totalling **\$3,308,736.09** which was submitted to each member of the Council, dated 30<sup>th</sup> November 2008, has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.



**Paul Richards**  
Chief Executive Officer

**MAYOR**

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling **\$3,308,736.09**, dated 30 November 2008, was submitted to the Council, and that the amounts are recommended to the Council for payment.



**Des Wolfe**  
Deputy Mayor

Thank you Mister Deputy Mayor / Councillors

Neil Smithson of Smithson Planning, 364 Middleton Loop, Albany

*Item 14.3.2 – Australian Government's Regional and Local Community Infrastructure Program (RLIP)*

I would like to congratulate Council on its submission, and note the two alternative Councillor motions proposed for consideration this evening. No matter which motion garners support this evening or if there is a further Special Council meeting scheduled for 23 December 2008, the point I would like to make is that Council should welcome the Commonwealth's initiative, but push for wider funding by the Federal government.

In our opinion, Anzac is the number one cultural heritage event in Australia, and both the City of Albany and the State government have recognised that through the grant of icon heritage status.

I believe the Council should be lobbying the Hon. Wilson Tuckey MHR - Federal Member for O'Connor and the Western Australian Senators from all parties (Liberal, Labor & Greens) for appropriate recognition and matching funding from the Commonwealth.

The State Government of Western Australia has committed / will spend in excess of \$50 million on the Albany Waterfront Project incorporating the Anzac Peace Park, and in any other funding process, that initiative would normally be the subject of matching funding by the Commonwealth.

Mister Deputy Mayor / Councillors, \$50 million would go along way to upgrading the Albany Airport to international status, the Albany Railway & Bus Station, and the construction of an International Cruise Ship terminal as part of our port facilities. I note the draft projects that are proposed for RLIP funding application and support that proposition, but I believe the Council is still 'thinking too small'.

The Mt. Clarence dawn service 2014 will / should be catering for 10,000 participants and the waterfront peace park should be looking at 100,000 – 150,000 people in attendance. There were 20,000 Australians who embarked on that 1<sup>st</sup> Australian and New Zealand Expeditionary Force fleet. At the end of World War I, more than 330,000 Australians had each elected to make the highest contribution to their country and world peace. That initial commitment in 1914 now translates to more than 4 million Australians in 2008 as a legacy to honour our military forces.

I believe the City of Albany needs to come to grips with this situation soon. Mayor Milton Evans is on public record as wanting to know the intentions of the Premier and Prime Minister toward Albany Anzac, and I think both those gentlemen (and their opposition counterparts) would also like to know the intentions of the people of Albany and the Great Southern.

Thank you for your time this evening, and I bid you a merry Christmas and a happy safe new year.

Yours faithfully  
SMITHSON PLANNING

*Neil R. Smithson*

**Item 14.3.2 – Expenditure of Grant Allocation**

Good evening Mr. Acting Mayor and Councillors, my name is Peter Aspinall and I live at 37 Osprey Heights, Lower Kalgan.

I wish to speak to Item 14.3.2, Expenditure of Grant Allocation. More specifically I wish to comment on the first two rated projects that have been shortlisted by Council staff, namely the Pier of Remembrance and the Mt. Clarence car park and ANZAC Interpretation. I speak from the position of an interested ratepayer but moreso from my position as Acting President of the Albany RSL Sub-branch.

I am surc that I would be expected, as a representative of the RSL, to commend both projects on the basis of loyalty to the ANZAC tradition, deep respect for the continuing memory of the nation's fallen in all its conflicts and the advancement of Albany's strong connection to that ANZAC legend as the last landfall of the two fleets transporting the troops. And of course I do.

However, I wish to more strongly commend these projects on the basis of them being, at present, unfunded projects. The following comment is directed primarily at the Pier of Remembrance but is applicable to the Mt. Clarence project. In the Draft Interpretation Strategy Report of June 2008, page 60, the Pier of Remembrance is described as quote "another key symbolic and interpretive focal point within the park – and also beyond" unquote, and for what the Pier will offer, quote "for many tourists, this will be a powerful and vivid experience..." unquote. Unfortunately this key focal point is contained within a subsequent stage of development of the park and is currently unfunded.

It is my experience with many other government/council projects, here in Australia and overseas, and within trans and multinational corporations that I have been associated with, subsequent project stages, particularly when not budgeted, rarely proceed in a timely and/or substantially unmodified manner, if at all!

I would suggest that if this opportunity is not taken to now complete the Pier of Remembrance, as well as improve the situation on Mt. Clarence, the chances of acquiring the necessary funding prior to the 2015 ANZAC Centenary is fraught, and post 2015 probably forlorn!

The complete ANZAC Peace Park is a most significant component of Albany's foreshore development and a critical element in the promotion of one of Albany's major tourism offerings – its direct connection to the nation's ANZAC tradition. The approved Peace Park deserves to be completed as it was designed.

I strongly commend these two projects as recommended by the Council staff.

Thank you for your attention.

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4 August 2008

Doc No: Let01-GWaugh\_1 Aug 08

Mr Graeme Waugh  
 76 Bayview Drive  
 Albany, 6330

Dear Mr Graeme Waugh

**RE: Acoustic Noise Assessment of the Vegetable Farm wind turbine at 76 Bayview Drive, Albany 6330**

**Background**

SVT was commissioned by Mr Graeme Waugh to evaluate the noise emissions from a 3kW Wind turbine on 18 m tower that is to be used on his farm to generate electricity for his vegetable cooling house.

**Requirements**

According to the Environmental Protection (Noise) Regulations 1997 the assigned LA 10 noise level at the closest neighbour must be 35 dB(A) at night<sup>1</sup>. See table 1 for a list of all relevant assigned levels (no influencing factor is applicable).

*Table 1 Assigned noise levels for noise sensitive premises.*

Location	Time (h)	Assigned noise level (dB(A))		
		Day	Night	Evening
Locations within 15m of a building directly associated with a noise sensitive use.	0700 to 1900 hours Monday to Saturday	45	55	65
	0900 to 1900 hours Sundays and public holidays	40	50	65
	1900 to 2200 hours all days	40	50	55
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35	45	55
Locations further than 15m from a building directly associated with a noise sensitive use.	All hours	60	75	80

For wind turbines where wind speeds are greater than 3m/s the EPA guidance note 8<sup>2</sup> recommends that the South Australian guidelines for environmental noise associated with wind farms be used. These guidelines recommend a sliding scale for LA10 values as

<sup>1</sup> LA 1 and LA max are for short term noise and are therefore irrelevant.

<sup>2</sup> Guidance for the Assessment of Environmental Factors, Environmental Noise; note No. 8 May 2007.



given in table 2. It is recommended that these values be used for speeds greater than 3 m/s.

Table 2 Guidelines for wind speeds greater than 3 m/s.

Wind Speed (m/s)	≤5	6	7	8	9	≥10
Predicted Noise Level (LAeq)	35	37	38	40	41	43

The local council has stipulated that the noise levels at the closest resident shall be as follows:

“The proponent shall provide an acoustic report from an authorised acoustic engineer that verifies the proposed siting and operation of the turbine will not generate unacceptable noise impacts (ie not above 5dB(A) above the background sound level or 35dB(A) using the 10 minutes LAeq whichever is greater) at the nearest noise sensitive premise prior to the erection and commissioning of the wind turbine”

**Background Noise**

SVT has not been commissioned to evaluate the background noise levels in the area. It must, however, be noted that there are many trees in the area. This has the effect of raising the local ambient noise conditions above the 35 dB(A) limit as wind passes through the trees. This is recognised by the EPA who states in their guidance documentation<sup>3</sup> that “at wind speeds greater than 3 to 4m/s the wind itself is likely to elevate background noise levels from local vegetation, thus dominating the noise emission”.

**Evaluation**

The noise level was evaluated at a distance of 100 m from the wind turbine. This is the distance of the closest resident to the turbine. The following parameters were used in the evaluation:

SWL (Sound Power Level) of the turbine	86.5 dB(A) <sup>4</sup>
Absorption	0.5 dB/100m
Height	18 m
Distance to closest neighbour	100m

<sup>3</sup> Guidance for the Assessment of Environmental Factors, Environmental Noise, note No. 8 May 2007.

<sup>4</sup> Based on manufactures specification



It must also be noted that the supplier's information on which the sound power level of the turbine was calculated was based on wind speeds of 6.3 to 7.3 m/s. The levels in the regulation are based on wind speeds of 3m/s. It is expected that at 3 m/s the wind turbine noise will be less. Without the relevant data available for 3 m/s levels an assessment could not be made for this wind speed and therefore the 6.3 to 7.3 m/s wind was taken.

The evaluated sound power level for the closest neighbour was calculated to be 37.9 dB(A). This is 2.9 dB above the 35 dB(A) limit. The 37.9 dB(A) value is, however, within the guidelines recommended by the EPA.

As the background noise was not evaluated the predicted noise level can not be evaluated against the background noise.

Yours sincerely

Granger Bennett

COMPARISON GRAPHS

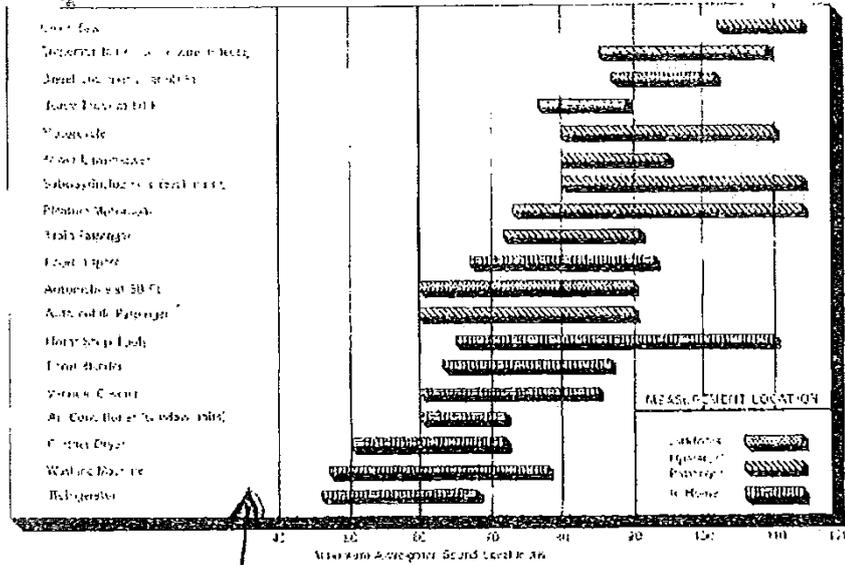


FIGURE 1. TYPICAL RANGE OF COMMON SOUNDS

PROJECTED NOISE LEVEL AT NEAREST NEIGHBOUR  
FOR WIND SPEED OF 25 KM/HOUR (7 m/sec.)

**Graeme&Antonia Waugh**

From: Graeme&Antonia Waugh [g.and.a.waugh@westnet.com.au]  
 Sent: Wednesday, 29 October 2008 8:40 AM  
 To: 'Scott Reitsema'

Scott,  
 Please note that inside an unused broadcast studio with soundproofing has a typical background noise level of 20dbA. That would not constitute a typical background noise level for outdoors at Little Grove and I therefore question the validity and credibility of your previous claims as to what the typical background noise is for an area such as Little Grove just as I question the validity and credibility of your other assumptions?

Yours sincerely,  
 Graeme Waugh.

Sound Levels and Human Response		
Common sounds	Noise Level [dB]	Effect
Rocket launching pad (no ear protection)	180	Irreversible hearing loss
Carrier deck jet operation Air raid siren	140	Painfully loud
Thunderclap	130	
Jet takeoff (200 ft) Auto horn (3 ft)	120	Maximum vocal effort
Pile driver Rock concert	110	Extremely loud
Garbage truck Firecrackers	100	Very loud
Heavy truck (50 ft) City traffic	90	Very annoying Hearing damage (8 Hrs)
Alarm clock (2 ft) Hair dryer	80	Annoying
Noisy restaurant Freeway traffic Business office	70	Telephone use difficult
Air conditioning unit Conversational speech	60	Intrusive
Light auto traffic (100 ft)	50	Quiet
Living room Bedroom Quiet office	40	
Library Soft whisper (15 ft)	30	Very quiet
Broadcasting studio	20	
	10	Just audible
	0	Hearing begins

16/12/2008

*Handwritten initials/signature*

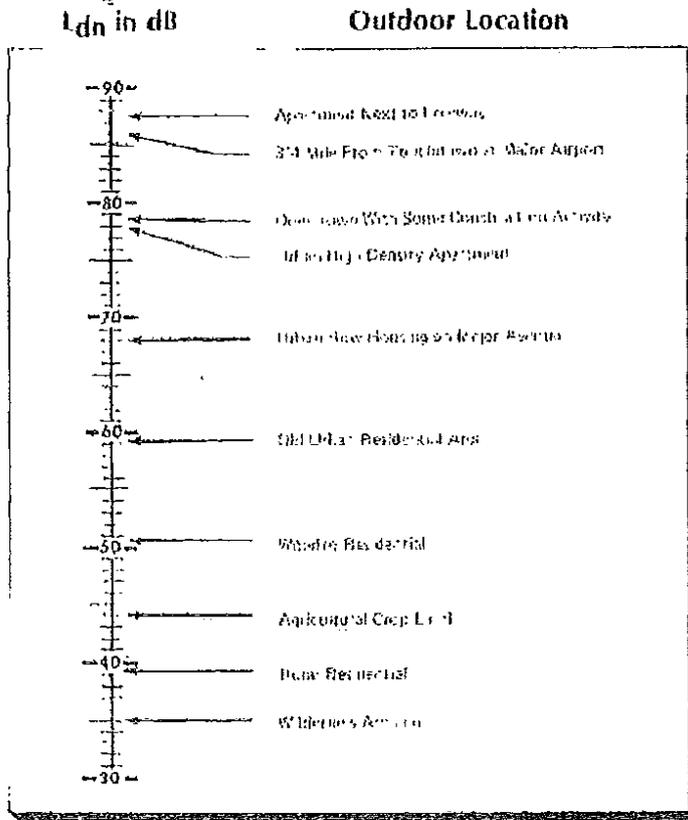


FIGURE 4. EXAMPLES OF OUTDOOR DAY-NIGHT AVERAGE SOUND LEVELS IN dB MEASURED AT VARIOUS LOCATIONS

Scott,  
I don't see any 10-30db background noise levels indicated in the above.

Regards,  
Graeme Waugh.



**WESTWIND**

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 ph +61 8 9398 6265 fax +61 8 9497 1335  
 email: venwest@inet.net.au



**Noise Assessment  
 3kW Wind turbine on 18m Tower.**

DATE: 15<sup>th</sup> October, 2002.

LOCATION: Murdoch University Energy Research Institute, Perth, Western Australia.

BY: SVT Noise and Vibration Consultants.

EQUIPMENT: Bruel & Kjaer Sound Level Meter, Model #2260

Bruel & Kjaer Sound Calibrator, Model #4231

**SITE NOISE MEASUREMENTS**

Sound pressure level measurements were performed at the locations described. A schematic of the measurement locations is presented in Figure 1. Table 1 presents a summary of the measured noise levels.

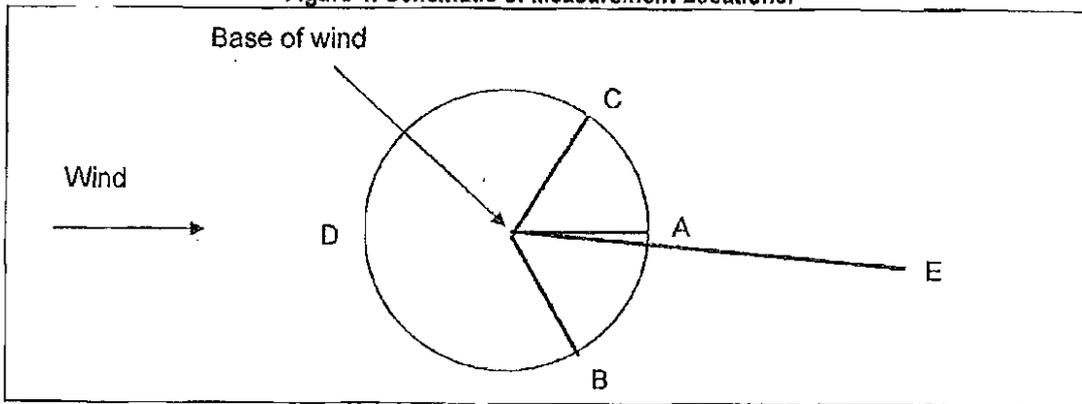
Measurement Record	Measurement Position	Sound Pressure Level dB(A)
03	A - 30m from base of turbine (directly downwind)	49
02	B - 30m from base of turbine (@ 60° downwind)	48
04	C - 30m from base of turbine (@60° downwind)	48
01	D - 30m from base of turbine (upwind)	46
05	E - 60m from base of turbine (downwind)	47
06	Background noise level for 30m circle	47
07	Background noise level at 60m	47

Table 1. Summary of Sound Pressure Level Measurements.

**Notes:**

- > Average wind speed varied from 6.3-7.3 m/s throughout noise tests.
- > Wind turbine was barely audible at the 30m arc and not audible at 60m.
- > Wind speed was taken at hub height 18m.

Figure 1: Schematic of Measurement Locations.



OCM 16 December 2008

Item 11.1.2 Development Application Residential Buildings, Stead Road.

Councillors I am concerned at the legal <sup>ity</sup> standing of an approval of this application as it stands. It is in breach of TPS 1A and The Residential Design Codes.

Clause 4.10 cannot be used to waive the car parking shortfall. This allows for some discretion "EXCEPT for development in respect of which the Residential Design Codes apply."

Firstly, I would like to bring Councillors attention to clause 4.12 TPS 1A

"Unless otherwise provided for in the scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those codes."

If we look at Section 7.12 of the Residential Codes it deals with special provision for aged or dependant persons group dwellings, including the requirement for specific information to ensure compliance with the principles of the States Adaptable Housing Policy.

Section 7.2 lists performance criteria and acceptable development standards for group dwellings in a "Mixed Use Zone"

Both these sections and elsewhere within the R Code document, there are specific requirement that apply to this application.

Car parking for an aged or dependant persons, Group Dwelling is detailed, 1 space per bed, plus, 1 space per 4 beds designated for visitors, resulting in a greater shortfall than described in our agenda report. As previously stated this shortfall cannot be waived in this case.

Secondly we have a requirement under TPS 1A with regard to this specific site, designated as it is, Special Site 37. This determines that no subdivision or development is to take place without a detailed plan, since the plan that has been approved, is acknowledged to be obsolete and cannot be used as a guide, it would appear that to keep within the legal requirement of TPS1A we have to rescind this plan and approve a working document before proceeding.

Councillors the concept of residential accommodation for dependant persons close to the CBD is excellent, but our carefully prepared scheme and Design Code Policy is there to ensure quality development that provides a good environment in which to live and work. This is particularly important in a mixed use development and in one concerned with specialized accommodation. This isolated application is very restricted in space and dependent on future development to the North of the site could be overshadowed and create a cold dark environment. It is factors such as this that makes the complete development plan so important.

In conclusion, I reiterate that the current application cannot be legally approved, the matter should be deferred until such times as the concerns I have raised can be properly addressed.

Councillor Jill Bostock.



A registered region of



Netball Associations

Albany

Denmark

Katanning

Kojonup

Narrogin & Districts

Ongerup



14<sup>th</sup> December 2008

Robert Buegge  
Albany City Council  
North Road  
Albany WA 6330

Dear Mr Buegge,

**Re:- Lack of Courts at the Albany Leisure and Aquatic Centre**

I would like to bring to your attention the problems being faced not only by the Albany Netball Association, but by all athletes requiring courts to play their chosen sport. I am writing this from netballs point of view but I am confident that I speak for all other sports as they are experiencing the same problems.

During the last ten years that I have been involved in sport within the Albany community, I am disappointed and aggrieved by the perceived historical lack of resources, support and recognition afforded netball in Albany. Each year the entrance fees to gain access to courts continue to increase, however there is little to nothing being reinvested back into improving the standard of the current court surfaces let alone expanding the number of courts. It appears that those sports using courts are continually propping up the cost of maintaining the pool.

I would like to point out that approximately 25 years ago the Albany Netball Association donated \$40,000 to the Albany City Council towards the construction of the existing indoor courts and further, built and paid for the existing four (4) outside bitumen courts. In that period of time, little money has been spent on the maintenance of the outdoor courts with the exception of the construction of fencing erected around the perimeter to ensure payment of entry fees.

I was very disappointed to learn that the only sport that benefited from the upgrade of the Leisure Centre was the sport that does and will always operate in deficit. The other major sports – Netball, Basketball, Indoor Volleyball, Indoor Soccer, Badminton and Fencing – require little to no expense to Council but have been overlooked once again.

We now find ourselves in 4 unfortunate positions:-

- 1) One sport (basketball) has grown so large that not only do they have to play games most nights of the week they are now forced to play on Saturdays. This has caused major problems for those Saturday sports, namely Little Athletics and cricket, where they have seen a dramatic decline in numbers. As a vast number of athletes like to participate in a number of sports, this is no longer an option. As a City we should be encouraging our youth to be involved with as many sports as possible and providing enough adequate facilities for them to compete.
- 2) Due to the lack of indoor courts, training for both netball and basketball now overlap each others regular season thereby compromising each sport.
- 3) For the past few years netball has been forced to find alternative courts to train on during the week as we do not

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have enough courts at the Leisure Centre. As each netball club has been forced to limit their teams training times to just over 1 hour it is foreseeable that in the very near future we will be unable to register any new teams, let alone clubs. Finding alternative courts to train on has proved to be a difficult task. Albany has only 1 other public court available, at the PCYC, however this is also experiencing great pressure from all sports. The other courts which are harder to access are from the schools, and all are outdoor facilities. The problem with using all outdoor courts in Albany is the lighting, we don't have any. As our sport is predominately a winter sport, I am sure you can appreciate the problem faced with a lack of lighting.

4) As a result, all sporting activities including Netball, Basketball, Indoor Volleyball, Indoor Soccer, Badminton, Fencing and others are now competing heavily against each other for court time. I do not believe it is now possible to introduce any new sport to the Leisure Centre as the facilities the venue offers are insufficient to cope with the sports that are currently using them.

I would also like to bring to your attention that the Great Southern Netball Region also organise and have hosted in the past in Albany, various annual events namely the Bendigo Bank Primary and Bendigo Bank High School Cups. Every school in the Great Southern are invited to participate in divisions ranging from girls teams to mixed teams. We have schools participating from as far away as Borden, Narrogin and Jerramungup to Kojonup, Gnowangerup and Katanning. We also have a Perth school – Sir Governor Stirling – sending teams to compete in the Bendigo Bank High School Cup each year and although we would like to invite additional schools from the metropolitan area to nominate, again the lack of courts inhibit the growth of this event. Each year we are asked if it is possible for all schools to nominate more than one team per division and each year the answer is the same. Unfortunately due to the lack of courts this is not possible. The Great Southern Netball Region has even gone to the extent of purchasing our own netball posts and requesting that the Leisure Centre paint out the courts on the grassed area at the rear of the Leisure Centre to accommodate the number of teams that can participate.

This year the Bendigo High School Cup was forced to find an alternative venue (Katanning Leisure Centre) due to the extended time for the completion of the Leisure Centres new pool. The decision to use the Katanning Leisure Centre was mainly due to availability of their extra indoor courts. Due to the huge success of the new venue, we were able to attract even more schools which meant an increase in team numbers. Due to the success of the event at this new venue it has been decided to hold the Bendigo Bank High School Cup in Katanning every second year. We are now looking at a making similar decision for the Primary School Cup in the near future.

Without an increase in court numbers, the revenue back into the City of Albany from Netball will continue to fall as these events will be held in venues more user friendly.

I would also like to bring to your attention some statistics that can be obtained from the Development Commission in relation to the population growth within the Albany community.

In 1987 the population was 23,834    number of courts - 4 indoor, 4 outdoor

In 1997 the population was 28,836    number of courts - 4 indoor, 4 outdoor

In 2007 the population was 33,851    number of courts - 4 indoor, 4 outdoor

From these statistics it can be estimated that if the current trend continues, by the year 2017 our population could reach over 43,800. Our current average annual population growth rate is 1.6 per cent however our current annual court growth is 0 and has been for the past 25 years. This is a trend that needs to change to help keep our community healthy and our youth occupied.

To enable netball to meet current community needs, projected future growth and sporting development we need a total of six (6) bitumen courts as well as eight (8) indoor courts. While the conversion of the four (4) existing outdoor courts to indoor courts may be the Councils' preferred choice, this option will not resolve netballs need for additional courts to meet its current needs and future growth.

Should you wish to discuss this matter further please do not hesitate to contact me by the above mentioned details. I look forward to your continuing support and anticipate your positive response to this matter.

Yours Sincerely

Dianne Howard  
Regional Administrator  
Great Southern Netball Region

Robert,  
The Albany Senior High School Physical Education support the development of further indoor courts at ALAC.

Yours sincerely  
Neil Ritchie  
Head of Physical education  
Albany Senior High School

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Robert,  
At Mount Barker Community College, we rarely use the ALAC indoor facilities. However our school does participate in the annual Netball Sharp Shooters Cup and an extra 4 courts would be a great addition for this competition.  
regards,  
Neil Warburton

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To whom it may concern,  
I Annie Genovese would strongly agree that Albany is well overdue to expand its Courts, enabling the wide growth of all sports in our area. I have a family of four including myself and spend many hours at the leisure centre watching games, many are in very wet and windy conditions. I think it only fair that we upgrade our facilities to keep our youth active and healthy. My son almost was unable to play basketball this year, due to no courts being available as there was an overwhelming amount of new entrants joining. This was very upsetting. Fortunately he has been able to play and has started off very enthusiastic, it would be a shame to see others not given the opportunity due to lack of courts. Thank you for your attention in this matter,  
Annie Genovese  
8 Sea View  
Albany WA 6330

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Dear Robert  
Thank you for inviting me with an opportunity to respond to the ALAC Stage 2 survey on behalf of Yakamia Primary School.

Yakamia PS is currently not using the ALAC for netball and basketball. Many of our students however are involved in out of school sport and I know there is a need for more courts to cater for the growing numbers of children playing basketball and netball at ALAC.

Regards  
Richard Bushell  
Principal  
Yakamia Primary School

**FROM CHRISTINE TOZER:**

- **ANA DEVELOPMENT COACH**
- **ANA UMPIRE**
- **ROYALS SAINTS COACH/UMPIRE**

**DATE: 16<sup>TH</sup> DECEMBER 2008**

As an accredited netball coach, my passion and dedication to the development of netball in Albany for the future generations is unwavering.

Growth in sub-junior netball development over the past six years has escalated to the point of needing at least two more covered courts from 8.30am to 10.30am every Saturday morning from April to September.

Season 2008 saw us coaching up to 90 seven, eight and nine year olds from 8.30 am to 10.30am. This is a culmination of several years of quality coaching and mentoring with primary school aged children who travel from as far away as Cranbrook, Frankland and Bremer Bay to attend. I also mentor young umpires from our club and the association from 10.30 am to 1.30pm. I also coach junior teams from 1.30pm to 4.30pm every Saturday.

Some Saturdays I was exposed to very low temperatures (8-9°C) and hail, sleet and rain whilst umpiring and coaching. Outdoor facilities for our sport are appalling at ALAC. We have no permanent seating on any of the available outdoor courts, no weather protection, no benches for game officials (scorers and timers) and no where to attend to injured players if the need arises. If our players get injured, we have to try and administer first aid on rough bitumen and wet, soggy grass.

I live out of town and I have two daughters who participate each and every Saturday; the travel expenses, fees, uniforms, entry fees, refreshment costs (by supporting the café at ALAC) for one season for MY family are approx. \$500 plus/annum.

I am appalled by the lack of support and dedication to enhance the pleasure of our sport by ALAC management and City of Albany funding. Will my eight year old daughter still be coaching her kids in the hail in 20 years time?

I appreciate the opportunity that you have provided to me to express my concerns about netball at the ALAC.

Yours Sincerely,  
Christine Tozer  
98411567  
Email: [Christine.tozer@det.wa.edu.au](mailto:Christine.tozer@det.wa.edu.au)

**Robert**

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**From:** "Anne Parsons" <serendipity@bbsat.com.au>  
**To:** <buegge1@bigpond.com>  
**Cc:** "Dianne Howard" <dianne.howard@sportshouse.net.au>  
**Sent:** Tuesday, December 16, 2008 9:28 AM  
**Subject:** ALAC Stage 2 - Letter of Support

Dear Mr Buegge,

It is certainly refreshing to have a Councillor interested in working toward improving the facilities at the Albany Leisure and Aquatic Centre used by the Albany Netball Association and other sports.

For many years we have requested a number of improvements eg: shelter on the outside courts, an external tap and seating, not to mention resurfacing and lights, only to have received numerous unfilled promises.

Netball and Basketball jointly have contributed thousands of dollars into this facility with many users feeling cynical towards council when they see the amount of money spent on the pool and nothing coming in their direction. Netball in particular cannot grow due to the lack of space and limited available training time.

Being a winter sport the outdoor courts are unsafe and unusable during this time. The indoor poles are illegal by Netball WA standards and render the Albany Netball Association unable to hold any State Level competitions.

On the original leisure centre plan we were to have a total of twelve courts (8) covered and lit and (4) outside bitumen courts. That was more than 20 years ago when I was serving as a committee member with the Albany Netball Association. I consider netball in particular have been badly let down in the past by council but I would fully support any Councillor trying to improve the current situation for the young netballers of Albany and commend the Great Southern Netball Committee for their efforts and wish everyone every success in their endeavour.

Yours sincerely,

Beryl Determes  
Life Member of Narrikup Netball Club,  
Albany Netball Association and Netball WA

Per favour of -

Anne Parsons  
Smarter than Smoking Development Officer  
Great Southern Netball Region  
Ph (08) 9851 7278 Fax (08) 9851 7271  
Mob 0429 904 652

12/16/2008

Dear Councillor Buegge

**Re: Indoor Courts at the Albany Leisure & Aquatic Centre**

My daughter plays both basketball and netball so there is barely a week when we are not utilising the courts at ALAC. The problem is there are just not enough courts to utilise. For a city with the population of ours it is just ridiculous that we have only four indoor courts for the whole of Albany. It is in fact a total embarrassment when much smaller towns such as Katanning not only have more indoor courts but they are lovely ones at that. You can imagine how we feel when other sporting associations are invited to our city to participate in carnivals and this is what we offer them.

I am also the Secretary of the Narrikup Netball Club and recently had to book the courts for training for next year. Unfortunately due to lack of court space we could not fit in all of the trainings we required so therefore we will have to cut some training sessions short and share courts with other teams. For many teams they have no choice but to train outside in winter as this is their only option and this is just not acceptable.

Each year before the netball season begins some clubs hold trials so as to grade their teams. Narrikup does this each year in February but due to the fact that indoor soccer will be playing our trials will now be held up at the outside courts at ASHS. We have also had to book PCYC so we can run a coaching clinic as there were no courts available at ALAC. Even booking early is no guarantee to securing court space. Our coaching clinic is to be held in March 2009 and even though I submitted the booking request form in October 2008 we still missed out.

For a short while I was Secretary of the Albany Netball Association and as of July 2008 we had 612 members. This equates to quite a large sum of money in entry fees over a season. So where does our money go? At a guess I would say the swimming pool. It is now about time that some of our money went back into the courts don't you think?

This has gone on long enough and Albany is well and truly overdue for additional indoor courts and a total revamp of this area. I urge council to seriously consider this matter.

Regards

Sue Cousins  
Secretary  
Narrikup Netball Club  
62B Drew Street  
ALBANY WA 6330  
Tel: 98417406 M: 0419918414  
sue.cousins@bigpond.com

11 December 2008

Dear Sporting Co-ordinator,

We, (CofA) currently have opportunity to apply for funding from the Federal Government (including other Govt. bodies) to complete the Stage 2 of the ALAC. This would mean the completion of eight indoor courts at ALAC with correct lighting, acoustics and flooring. Could I survey your thoughts on the current development of your sporting group; what effect current facilities are having; and what difference eight indoor courts would make.

Sincerely,  
Robert Buegge  
Councillor C of A.

Survey:

How are the current facilities at Albany Leisure and Aquatic Centre, provided by the City of Albany for indoor sports effecting the development of your sporting group? ( i.e. basketball, netball)

Great Southern Grammar do not have a gymnasium. Subsequently we rely on ALAC for training facilities, especially for netball and basketball but also for swimming, hockey and badminton.

Often we are unable to get adequate training time at the indoor courts due to them being fully booked for games. We would see the creation of extra courts as a huge advantage. We currently have two outdoor plexipave basketball/netball courts at school. These courts cannot be used when it is raining and training is often cancelled due to the Albany climate. The extra court space would give our students the opportunity to use better facilities and have the advantage of training on a more regular basis. This would keep them more active and they would reap the physical, social and mental benefits that comes through participation in sport.

Yours Sincerely

Adam Scott  
Director of Sport  
Great Southern Grammar